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SOUTHEAST ALASKA FEDERAL SUBSISTENCE  
REGIONAL ADVISORY COUNCIL MEETING

PUBLIC MEETING

VOLUME I

Petersburg ANB Hall  
Petersburg, Alaska  
October 4, 2016  
9:00 a.m.

COUNCIL MEMBERS PRESENT:

- Michael Bangs, Chair
  - Michael Douville
  - Donald Hernandez
  - Albert Howard
  - Kenneth Jackson
  - Cathy Needham
  - Patricia Phillips
  - Steve Reifenstuhl
  - Robert Schroeder
  - Raymond Sensmeier
  - Frank Wright
  - John Yeager
- Regional Council Coordinator, Robert Larson

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P R O C E E D I N G S

(Petersburg, Alaska - 10/4/2016)

(On record)

CHAIRMAN BANGS: I'd like to call the meeting to order. Welcome everyone to Petersburg. I'd like to start off by having Mr. Jackson give us an open prayer for the meeting. Please stand.

MR. JACKSON: Thank you, Mike.

(Invocation)

CHAIRMAN BANGS: Thank you, Ken. Mr. Kitka, could we do a roll call, please.

MR. KITKA: Okay. Steve Reifenstuhl.

MR. REIFENSTUHL: Here.

MR. KITKA: Frank Wright, Jr.

MR. WRIGHT: Here.

MR. KITKA: Patricia Phillips.

MS. PHILLIPS: Here.

MR. KITKA: Michael Douville.

MR. DOUVILLE: Here.

MR. KITKA: Harvey Kitka is here.  
Robert Schroeder.

MR. SCHROEDER: Here.

MR. KITKA: Albert Howard.

MR. HOWARD: Here.

MR. KITKA: Donald Hernandez.

MR. HERNANDEZ: Here.

MR. KITKA: Kenneth Jackson.

MR. JACKSON: Here.

3 MR. SENSMEIER: Here.  
4  
5 MR. KITKA: John Yeager.  
6  
7 MR. YEAGER: Here.  
8  
9 MR. KITKA: Michael Bangs.  
10  
11 CHAIRMAN BANGS: Here.  
12  
13 MR. KITKA: Cathy Needham.  
14  
15 MS. NEEDHAM: Here.  
16  
17 MR. KITKA: Mr. Chair, we've got a  
18 quorum.  
19  
20 CHAIRMAN BANGS: Thank you, Mr. Kitka.  
21 First off I'd like to go around with the Council and  
22 start with Mr. Yeager and introduce yourself and tell  
23 them a little bit about yourself.  
24  
25 MR. YEAGER: Thank you, Mr. Chair. My  
26 name is John Yeager from Wrangell. I'm a commercial  
27 fisherman, sport fishing guide and a subsistence  
28 harvester.  
29  
30 MS. NEEDHAM: Good morning. My name is  
31 Cathy Needham. I live in Juneau, Alaska. I work for  
32 an environmental consulting firm there.  
33  
34 MR. SCHROEDER: Bob Schroeder. I live  
35 in Juneau. I've got a long career working on  
36 subsistence issues in Southeast Alaska and  
37 participating in Council processes.  
38  
39 MR. HOWARD: Thank you, Mr. Chair. My  
40 name is Albert Howard. I own a hand troll permit, a  
41 sport fishing guide and subsistence user.  
42  
43 Thank you, Mr. Chair.  
44  
45 MR. JACKSON: Mr. Chairman. My name is  
46 Ken Jackson from Kake. Retired, former logger,  
47 fisherman. Still do IFQs and representative of the  
48 people of Kake and the region.  
49  
50 Thank you.

1 MR. KITKA: Thank you, Mr. Chair.  
2 Harvey Kitka from Sitka, Alaska. I'm a retired  
3 commercial fisherman, electrician. I'm actually  
4 retired from the tribe now. Basically don't do a whole  
5 lot anymore.

6  
7 CHAIRMAN BANGS: My name is Michael  
8 Bangs. I live here in Petersburg. I'm a commercial  
9 fisherman and recently I bought a small sawmill to help  
10 the people in the community get some of our local wood.

11  
12 Thank you.

13  
14 MS. PHILLIPS: Thank you. I'm Patricia  
15 Phillips from Pelican, Alaska. I'm the mayor of our  
16 little community and my husband and I have a commercial  
17 fishing enterprise. We have four adult sons who fish  
18 with my husband on our vessel. I hold IFQs for  
19 halibut. I also have a high tunnel project that's on  
20 year five, so I consider myself a gardener.

21  
22 Thank you.

23  
24 MR. SENSMEIER: Good morning. My name  
25 is Raymond Sensmeier. I'm from Yakutat, Alaska. I'm a  
26 council member of the Yakutat Tlingit Tribe and a hand  
27 troller.

28  
29 Thank you.

30  
31 MR. WRIGHT: Good morning. My name is  
32 Frank Wright from Hoonah. I'm a commercial fisherman,  
33 I do just about everything, and a subsistence user.  
34 I'm here and I can see across the bay from my front  
35 porch.

36  
37 MR. DOUVILLE: Hi. I'm Mike Douville.  
38 I live in Craig. I'm a full-time commercial fisherman.  
39 I also served for many years and still on the Craig  
40 city council. I also serve as a council person on the  
41 Craig Tribal Association. I still do a lot of hunting  
42 and sport fishing. Recently I was on the POWHA Board  
43 of Directors, which has now been taken over, we are  
44 happy to say, by SSRAA, so things are looking pretty  
45 good there.

46  
47 MR. REIFENSTUHL: Good morning. My  
48 name is Steve Reifentstuhl. I'm the general manager of  
49 Northern Southeast Regional Aquaculture in Sitka. I'm  
50 a 44-year resident and subsistence user. I gather all

1 my protein and many of my foods from subsistence  
2 gathering. I'm also on the North Pacific Research  
3 Board Advisory and the North Pacific Anadromous Fish  
4 Commission. Great to be back here in Petersburg.

5

6 Thank you very much.

7

8 MR. HERNANDEZ: My name is Don  
9 Hernandez. I live in Point Baker, which is on Prince  
10 of Wales Island. I'm a gillnetter and got some halibut  
11 IFQ hand troll permit and pretty dependent on  
12 subsistence hunting and fishing as well.

13

14 CHAIRMAN BANGS: Okay. Thank you.  
15 Could we please have the staff address the Council and  
16 the other people starting with Melinda. Introduce  
17 yourself, please.

18

19 MS. HERNANDEZ BURKE: Good morning,  
20 Council, Staff, guests. Thank you to Petersburg for  
21 allowing us to meet here. Melinda Hernandez Burke. I  
22 worked with this Council for a long time, but in my new  
23 capacity I'm the Tribal Relations Program manager. I'm  
24 happy to be here and strategize increased participation  
25 from the tribes.

26

27 Gunalcheesh.

28

29 MR. PELTOLA: Good morning all. Gene  
30 Peltola, Jr. I'm the Assistant Regional Director of  
31 the Office of Subsistence Management. A pleasure to be  
32 here. It's a beautiful day.

33

34 MR. WHITFORD: Good morning, Council,  
35 Council Members. My name is Tom Whitford. I'm the  
36 Regional Subsistence Program Leader for the Forest  
37 Service and I am a member of the Blackfeet Tribe out of  
38 Montana.

39

40 MR. SUMINSKI: Good morning everyone.  
41 My name is Terry Suminski. I live in Sitka and I  
42 manage the subsistence program for the Tongass National  
43 Forest.

44

45 MS. PERRY: Hi. This is DeAnna Perry.  
46 I'm the Subsistence Council Coordinator coming in  
47 behind Robert Larson. It will be a pleasure to serve  
48 the Council and welcome to all of the public that's  
49 with us today.

50

1 Thank you.

2

3 MS. HARDIN: Good morning, Members of  
4 the Council and everyone in the room. My name is  
5 Jennifer Hardin and I am currently the Acting Fisheries  
6 Division Chief for the Office of Subsistence Management  
7 and when I'm not serving in that capacity I am the  
8 Anthropology Division Chief for the Office of  
9 Subsistence Management. It's great to be here.

10

11 MS. DEBENHAM: Hello. I'm Rosalie  
12 Debenham. I work for the Bureau of Indian Affairs.  
13 I'm the fish and wildlife biologist for the Bureau of  
14 Indian Affairs, Alaska Region.

15

16 MR. VANALEN: Good morning. I'm Ben  
17 VanAlen. I'm a fisheries biologist in Juneau with the  
18 Forest Service.

19

20 MS. OEHLERS: Good morning, Council  
21 Members, everyone. My name is Susan Oehlers. I'm a  
22 wildlife biologist with the Forest Service in Yakutat.  
23 This is my second time to Petersburg. The first time  
24 was for a Council meeting as well, so I'm glad to be  
25 back.

26

27 Thank you.

28

29 MR. BAKOS: Good morning. My name is  
30 Toby Bakos. I'm the district wildlife biologist here  
31 for the Forest Service in Petersburg. I just started  
32 this position about two months ago and I'm glad to be  
33 here.

34

35 MS. PETRIVELLI: Good morning. I'm Pat  
36 Petrivelli, the Bureau of Indian Affairs subsistence  
37 anthropologist and I work out of Anchorage.

38

39 MR. STEWART: Mr. Chairman and Members  
40 of the Council. My name is Earl Stewart. I'm the  
41 Forest Supervisor for the Tongass National Forest.  
42 Good morning.

43

44 MR. FOWLER: Good morning, Mr. Chair  
45 and Council. My name is Patrick Fowler with Alaska  
46 Department of Fish and Game. I'm the Sport Fish Area  
47 Management biologist for the Petersburg/Wrangell area.

48

49 Thank you.

50

1                   CHAIRMAN BANGS: Thank you all. I'd  
2 like to recognize Mr. Barry Morrison from the PIA.  
3 Would you like to say something?

4  
5                   MR. MORRISON: As he said, welcome,  
6 Council. I am Barry Morrison, the tribal president for  
7 Petersburg Indian Association. It is wonderful to have  
8 you guys in our home and in our community here.  
9 Everything that you do for this region is much needed.  
10 You know, protecting our waters, protecting our  
11 wildlife, protecting our way of life. I can't thank  
12 you enough for your service to this community and all  
13 the communities in Southeast Alaska. I want to say for  
14 our tribe welcome to our community and welcome into our  
15 homes.

16  
17                   CHAIRMAN BANGS: Thank you, Barry.  
18  
19                   Earl.

20  
21                   MR. STEWART: Once again, Mr. Chairman,  
22 honored Members of the Council. My name is Earl  
23 Stewart. I'm the new Forest Supervisor for the Tongass  
24 National Forest. I've been in this role about a year  
25 and a half, so I continue to try to inquire, continue  
26 to learn and continue to develop as both a Forest  
27 Service representative and leader and I look for the  
28 advice and counsel that you can provide to us in  
29 addition to the service that you provide across  
30 Southeast Alaska.

31  
32                   I want to welcome you on behalf of the  
33 U.S. Forest Service and certainly the Federal  
34 government and honor you for your service to Southeast  
35 Alaska. The items of subsistence management to the  
36 public and to members of the rural communities is  
37 absolutely critical to their success and it fulfills a  
38 real critical component under ANILCA and it's something  
39 that you serve on behalf of a much broader audience.

40  
41                   That service is representative of all  
42 the communities in Southeast Alaska and then  
43 holistically and collectively a value to the State of  
44 Alaska and all the rural residents across the state.  
45 Your service may be to the Southeast Alaska Council,  
46 but your service and representation is to the entire  
47 state and something that we appreciate and we honor.

48  
49                   Effectively, the success of the program  
50 really is represented by your leadership and your

1 efforts. Your representation from various communities  
2 and various peoples and various aspects of Southeast  
3 Alaska and the state of Alaska under the authorities in  
4 ANILCA is of tremendous importance to each and every  
5 one of the rural residents. So thank you for your  
6 service.

7

8                   If I may have a few moments, I would  
9 like to discuss the Forest Plan Amendment, which is one  
10 of the topics that is in front of us. I can schedule  
11 it later if you choose, Mr. Chair, or I can offer it  
12 now.

13

14                   CHAIRMAN BANGS: I think it would be  
15 good to do it now if that's good for you.

16

17                   MR. STEWART: I'll be very brief. I  
18 just wanted to let Members of the Council know that we  
19 are continuing with the Forest Plan Amendment. It is a  
20 very focused Forest Plan Amendment having to do with  
21 renewable energy in Southeast Alaska on the Tongass and  
22 a transition from old growth harvesting to young growth  
23 harvesting.

24

25                   The Final Environmental Impact  
26 Statement and Draft Record of Decision came out at the  
27 end of June and it gave about a couple of months for  
28 people to respond. All of those responses have been  
29 received. In the process of getting those responses in  
30 the form of an objection under the 2012 Planning Rule.  
31 We ended up with 47 objections. Of those 47, 27  
32 roughly have standing, meaning they commented to the  
33 draft or to the documents in the process.

34

35                   So we are currently working through, at  
36 least I am, the informal process with each of the  
37 objectors independently to try to inquire and  
38 understand their objections and see if there are  
39 opportunities to resolve that. As we move forward in  
40 the next few weeks, next week we'll be meeting in  
41 Ketchikan on the 12th, 13th and 14th of October for the  
42 formal objection meetings where the reviewing official,  
43 the Regional Forester, who also serves on the Board,  
44 Beth Pendleton, will have an official hearing, if you  
45 will, for those objectors and interested parties who  
46 want to speak.

47

48                   Following the three days in Ketchikan,  
49 there will be three days in Juneau on the 17th, 18th  
50 and 19th for members of the public, objectors with



1 standing or interested parties to offer their thoughts  
2 and their ideas. The agenda for those meetings will be  
3 kind of topic-driven. For instance, renewable energy  
4 could be a topic or young growth transition could be a  
5 topic. Each of those items literally will be handled  
6 at one meeting or the other and allow members of the  
7 public to offer both their objections and their  
8 potential remedies.

9

10 We anticipate a large number of  
11 interested parties and certainly the 27 objectors or  
12 their representation at those meetings. The current  
13 plan right now is for the reviewing official to, within  
14 about 90 days, issue direction to me as the deciding  
15 official to issue the Final Record of Decision, which  
16 is projected later in the fall.

17

18 That's a really brief rundown, sir, but  
19 if I could answer any questions, I'd be glad to.

20

21 CHAIRMAN BANGS: Does the Council have  
22 any questions.

23

24 (No comments)

25

26 CHAIRMAN BANGS: Thank you very much.

27

28 MR. STEWART: Thank you, Mr. Chair.  
29 Thank you, honored guests.

30

31 CHAIRMAN BANGS: There's a few other  
32 people that I'd like to welcome. There's a gentleman  
33 sitting over here. Would you like to introduce  
34 yourself, sir.

35

36 MR. NATKONG: Gene Natkong from  
37 Hydaburg. Hydaburg IRA Council and I'm on a  
38 subsistence committee.

39

40 CHAIRMAN BANGS: Thank you and welcome.

41

42 MS. BOUCHER: Hi, everyone. My name is  
43 Heather Boucher. I'm a student through UAS under Jan  
44 Straley. I'm just happy to have the opportunity to  
45 come here and see how this process works and see  
46 everybody work together on things that are important to  
47 everyone in Alaska.

48

49 Thank you so much.

50

1 CHAIRMAN BANGS: Thank you, Heather.  
2 Now I'd like to welcome the people that are online on  
3 the phone. I'm not sure how the phone is set up  
4 exactly, if it's cell phone. Is there anybody that's  
5 online that can speak to us now if we have some sort of  
6 communication.

7  
8 (No comments)

9  
10 CHAIRMAN BANGS: I think we're going to  
11 have to use a cell phone to make that happen. I  
12 believe there is a few people online, so welcome and  
13 we'll try to work out something here.

14  
15 REPORTER: Is there anybody online?

16  
17 MR. CASIPIT: Yeah, my name is Cal  
18 Casipit.

19  
20 REPORTER: So Cal is online.

21  
22 MR. GALLEGOS: I'm online. My name  
23 Tony Gallegos. I'm from Ketchikan Indian Community.

24  
25 CHAIRMAN BANGS: We're having trouble  
26 hearing it. We're trying to work with a cell phone  
27 here.

28  
29 MR. WALLACE: Lee Wallace, Saxman  
30 tribal president.

31  
32 REPORTER: Lee.

33  
34 MS. WESSEL: Hi, this is Maria Wessel  
35 with Alaska Department of Fish and Game. I'm the  
36 Federal Subsistence Liaison.

37  
38 MR. LIND: Good morning, everyone. My  
39 name is Orville Lind. I'm with the Office of  
40 Subsistence Management, Native Liaison.

41  
42 MS. CELLARIUS: Good morning. This is  
43 Barbara Cellarius. I'm the Subsistence Coordinator for  
44 Wrangell-St. Elias National Park and Preserve.

45  
46 CHAIRMAN BANGS: Is there anyone else?

47  
48 (No comments)

49  
50 CHAIRMAN BANGS: Okay. Thank you and

1 welcome. We're hoping to get a better sound system so  
2 we can hear a little bit better, but hopefully you can  
3 hear us.

4

5 Okay. Mr. Larson.

6

7 MR. LARSON: Thank you, Mr. Chair. I  
8 would like to note that besides the entrance that we  
9 came in this morning there are two exits if we need to  
10 exit the building. They're on either side of this wall  
11 behind us. There's also two bathrooms, one through  
12 either of these doors on the side. We'll try to keep a  
13 coffee pot going over here. There's coffee available.

14

15 We have blue testifier forms if there's  
16 anybody in the audience that would like to testify,  
17 provide some comments to the Council, there's a blue  
18 form back there. We ask you to fill that out. There's  
19 also a sign-in sheet by the entrance. If you could  
20 please sign in once a day, we'll have a new form there  
21 every day. That helps us keep track of participations.

22

23 I would hope that people will  
24 participate in a short field trip at noon. We have  
25 some vehicles we can drive out to Blind Slough. We'll  
26 have the State wildlife biologist meet us out there and  
27 you can ask him questions about local conditions  
28 regarding deer, deer hunting, moose, moose hunting.  
29 We'll look at the waterfowl refuge. It's really quite  
30 nice.

31

32 There are 20 sack lunches that the  
33 school kids that are part of the science club put  
34 together for us as a fundraiser. Hopefully we can sell  
35 all 20 of those. There's no cost attached, but there  
36 is a suggested donation, so if we could donate  
37 appropriately and make it worth their while, it would  
38 be great. We'll have lunch at one of our recreation  
39 areas at the Blind Slough picnic grounds. It's going  
40 to be a lovely day for it, so I hope everybody can  
41 participate in that. We need to be back at 1:45 with  
42 the vehicles.

43

44 Then at 3:00 we'd like to have the  
45 public meeting time certain for the submerged lands  
46 issue. According to the Federal Register notice that  
47 talks about the Final Rule for that, they require each  
48 of the Regional Advisory Councils to have a public  
49 meeting on this issue. We'll do that time certain at  
50 3:00 o'clock if that's okay.

1 CHAIRMAN BANGS: Thank you, Mr. Larson.  
2 Now that we know who everybody is, we get into review  
3 and adoption of the agenda and any additions we might  
4 want to make to the agenda. I'll give you a minute or  
5 two to look it over and then I'll entertain a motion to  
6 adopt.

7  
8 Mr. Douville.

9  
10 MR. DOUVILLE: Thank you, Mr. Chair. I  
11 would like to add if I may an opportunity to comment on  
12 the wolf in Unit 2 quota. I don't know what else to add  
13 to that but there is some discussion that needs to be  
14 had.

15  
16 CHAIRMAN BANGS: Thank you, Mr.  
17 Douville. I just was informed that the ADF&G under 12  
18 Agency reports there will be discussion about wolves,  
19 so that might be appropriate to insert it there. So  
20 we'll expand on that conversation with ADF&G if that's  
21 okay with the Council.

22  
23 Mr. Larson.

24  
25 MR. LARSON: Mr. Chair. I'll expand  
26 just a little bit. I've been in communication with  
27 Ryan Scott, who is the Regional Director for Division  
28 of Wildlife and he is aware of this discussion that the  
29 Council wants to have and he'll have some written  
30 materials to talk about. However, he's not here today.  
31 He'll be here tomorrow and be prepared to talk about  
32 that under the Agency report for ADF&G.

33  
34 CHAIRMAN BANGS: Thank you, Robert.

35  
36 Mr. Hernandez.

37  
38 MR. HERNANDEZ: Yeah, a question along  
39 the same lines. With the U.S. Forest Service Agency  
40 reports will there be somebody here or maybe Mr.  
41 Stewart will still be here, we can maybe get into the  
42 Forest Plan in a little more detail at that time or is  
43 that something else they had in mind for that report?

44  
45 CHAIRMAN BANGS: Mr. Stewart.

46  
47 MR. STEWART: Mr. Chairman, I  
48 apologize. I don't know what the timing is for that.  
49 Can you advise the timing for those presentations.

50

1                   CHAIRMAN BANGS: It wouldn't be until  
2 tomorrow. I'm pretty sure we wouldn't get to the  
3 Agency reports until tomorrow.  
4  
5                   MR. STEWART: So, yes, sir, I will be  
6 here until mid afternoon tomorrow. Be glad to assist.  
7  
8                   Thank you.  
9  
10                  CHAIRMAN BANGS: We can make sure that  
11 we get to that maybe even out of order. Any other  
12 additions to the agenda.  
13  
14                  Mr. Kitka.  
15  
16                  MR. KITKA: Mr. Chair. I move we adopt  
17 the agenda as a guide.  
18  
19                  MR. YEAGER: Second.  
20  
21                  CHAIRMAN BANGS: It's been moved and  
22 seconded to adopt the agenda as a guide. All those in  
23 favor.  
24  
25                  IN UNISON: Aye.  
26  
27                  CHAIRMAN BANGS: Opposed.  
28  
29                  (No opposing votes)  
30  
31                  CHAIRMAN BANGS: Motion carries. Okay.  
32 Now we'll review and approve the previous meeting  
33 minutes. Look over those real quick and I'll entertain  
34 a motion to adopt the minutes from the last meeting we  
35 had.  
36  
37                  We have a person on the phone that  
38 wants to speak to some corrections of our minutes. Mr.  
39 Wallace.  
40  
41                  MR. WALLACE: I just want to make some  
42 correction what I believe the comments -- and they're  
43 paraphrased from what I understand. I want to state  
44 that I am concerned about -- what I want to change is  
45 -- what I stated is I am concerned about the changing  
46 members on the FSB. New members may not know the  
47 issues. That's a correction. You can see where it's  
48 wrong.  
49  
50                  Point in case, when I attended the FSB

1 workshop this summer, a gentleman from the U.S. Fish  
2 and Wildlife Service at the table taking the place of  
3 Geoff Haskett since he retired on the debate issue the  
4 specific question that the gentleman had, what has  
5 changed since 2007. I'm sitting there in the audience  
6 thinking, oh, my gosh, a lot of things have changed  
7 since 2007. To name a few, the Secretary of Interior  
8 states subsistence is broken, fix it. Two new  
9 subsistence harvesters added to the Board, regional  
10 Chairs sit at the FSB meeting and give input and  
11 deference is given to the Regional Advisory Councils,  
12 just to name a few. Those are some of the changes in  
13 2007. I'll end it there.

14

15 That's a minor correction.

16

17 Thank you.

18

19 CHAIRMAN BANGS: Thank you, Mr.  
20 Wallace. It's been entered into the record. Thank you  
21 for that.

22

23 Any other changes to the minutes from  
24 the Council.

25

26 (No comments)

27

28 CHAIRMAN BANGS: I'd entertain a motion  
29 to adopt. Mr. Reifentstahl.

30

31 MR. REIFENSTUHL: Motion to adopt the  
32 minutes.

33

34 MR. YEAGER: Second.

35

36 CHAIRMAN BANGS: It's been moved and  
37 seconded to adopt the minutes from our March meeting.  
38 All those in favor say aye.

39

40 IN UNISON: Aye.

41

42 CHAIRMAN BANGS: Opposed.

43

44 (No opposing votes)

45

46 CHAIRMAN BANGS: Motion carries. Okay.  
47 Now we're down to Council reports. We'll start with  
48 Mr. Hernandez.

49

50 MR. HERNANDEZ: Thank you, Mr.

1 Chairman. I guess we have to talk a little bit about  
2 this past season's fisheries here in the local region.  
3 Not as good as a lot of people might have hoped for. I  
4 think we had some fairly weak returns to our region. I  
5 think probably the one bright spot is that we did have  
6 good returns to the Stikine River, especially on the  
7 sockeye. The coho returns seemed to be generally weak.  
8 People that were fishing out in our district kind of  
9 felt that it seemed like the Stikine cohos might have  
10 been a stronger component of the fish that we did have.  
11 I guess we have to wait and see for the season to wrap  
12 up and get some idea if that turns out to be true.

13

14 I think that kind of underscores the  
15 importance of that Stikine River system to our region  
16 here. Of course there's a lot of concerns about the  
17 impending mining projects at the Stikine River  
18 drainage. So in a year like this where there were a  
19 lot of weak returns, it just really makes people aware  
20 of how important a major system like that can be and  
21 the need to make sure that it maintains its healthy  
22 runs.

23

24 On a more local issue for my community,  
25 I guess we continue to see an expansion in the non-  
26 guided sport fishing industry, which is essentially  
27 lodges getting into the business of unguided sport  
28 skiff rentals for sport fishing. It's a big impact in  
29 our local community. The consensus of opinion is that  
30 chartering is a fairly well regulated sport fishing  
31 industry and there's not a lot of objections to the  
32 charter industry, but this new industry seems to be  
33 growing sort of unchecked. There's really not much  
34 limitation on it. It can be a big impact in a local  
35 area.

36

37 We have lodges now in our community  
38 that outnumber the local population when they're filled  
39 up and they're filled up all summer long now. They  
40 really concentrate on bottom fish; halibut and  
41 rockfish. We're particularly concerned about the  
42 rockfish populations for a local area that a lot of  
43 people depend on for subsistence uses. I think we're  
44 fortunate that halibut seems to be abundant. There's a  
45 tremendous amount of halibut that gets taken however by  
46 this unguided industry and it could certainly have  
47 impacts in the future.

48

49 What people are talking about in our  
50 community now is some way to essentially get control of

1 the growth of this industry in local areas. We don't  
2 have any local government to regulate zoning laws or  
3 anything. Pretty much do whatever you want in places  
4 like that. It's sort of an opportunity for businesses  
5 to go out to some of these more remote communities and  
6 essentially do whatever they want as far as growth.

7

8                   As far as the regulation of the  
9 fisheries, as long as they're fishing under sport fish  
10 regulations, they don't have to comply with a lot of  
11 the new limits on the charter industry. We think we  
12 see some abuse of the regulations just because of the  
13 inherent loopholes in regulation. Things like you have  
14 a bag limit and a possession limit, but once your fish  
15 are essentially out of your possession, in other words  
16 processed, you can get another bag limit.

17

18                   I personally have sat there in my boat  
19 in the harbor at 7:00 in the morning waiting for a tide  
20 change and I see boats coming in that have been out  
21 fishing since daylight. They unload their catch, people  
22 were there on the dock fileting them, taking up to the  
23 freezers and then, of course, they go back out fishing  
24 again and they might come in again at lunch time and  
25 they might come in again at dinner time. Sometimes they  
26 go out after dinner. It's like how many possession  
27 limits are they bringing in in the course of a day and  
28 getting processed.

29

30                   Just a lot of slack in the  
31 regulations. I think at some point it has to be  
32 addressed. I know it's a Fish and Game, Board of Fish  
33 issue. Our community is talking about putting in  
34 proposals. We've also talked about local area  
35 management plans for the area. It's just an issue that  
36 maybe some of the other communities are seeing as well.  
37 If it needs to be addressed through the Board of Fish,  
38 I guess we kind of hope that, seeing as how it is in  
39 our subsistence realm, that maybe the Council would get  
40 involved as well as some support.

41

42                   That's the view from my area.

43

44                   MR. REIFENSTUHL: Mr. Chair. Is it  
45 appropriate to ask questions about that or wait until  
46 later? I have some comments on that, but I'm not sure  
47 what's appropriate or how you want to conduct that.

48

49                   CHAIRMAN BANGS: We're just conducting  
50 Council reports, so we can enter into discussion at a



1 later time.

2

3 MR. REIFENSTUHL: Okay. Fair enough.  
4 All right. Well, fishing-wise it was a very difficult  
5 season as I'm sure we're going to hear from many of the  
6 people at the Council here today. Looking at pink  
7 salmon region wide there were approximately 17 million  
8 caught but only 2 million from Petersburg north, so it  
9 was very, very difficult for the fleets that depend on  
10 pink salmon. A little better on the south end, but  
11 still half of what was forecast. Of course that  
12 stresses all the communities as well as people that  
13 depend on it.

14

15 In my years here, this is the warmest  
16 year I can remember and earliest spring. We haven't  
17 seen any signs of winter in the mountains yet. Maybe  
18 the highest mountain is 10,000 feet and we're getting a  
19 little snow, but normally we're seeing snow certainly  
20 15 years ago in August and we haven't seen any in  
21 September this year. So a very, very long  
22 spring/summer.

23

24 I guess there's a silver lining to  
25 that. Of course the best berry production almost that  
26 I've ever seen. Alpine blueberries I've never seen  
27 anything like it. We picked five gallons in the alpine  
28 in about an hour, so that was quite a crop and of  
29 course excellent salmonberries and blueberries,  
30 huckleberries down on the ocean side.

31

32 Locally in Sitka some of you may know  
33 the North Pacific Fisheries Management Council has gone  
34 to allowing pot fishing for black cod and longline and  
35 that's been a huge conservation concern unaccounted for  
36 mortality for many years was going on, so there was an  
37 underestimate or overestimate of the biomass because  
38 that mortality was not being accounted for. Going with  
39 pots does create some challenges for people that will  
40 have small boats and continue to longline, but overall,  
41 looking at the research, it was the right thing to do.

42

43 The deer population in the Sitka area  
44 seems to be tremendous. I've seen herds of -- don't  
45 typically see herds of deer, but in the alpine in  
46 August I've seen dozens of deer at one time. Pretty  
47 phenomenal. The goat population also is rebounding in  
48 the Sitka area. The wildlife biologist is talking  
49 about opening up some of the core area that has been  
50 closed down the last four years. So that's been very

1 good for local hunters.

2

3 I guess with that that's my summary.

4

5 Thank you.

6

7 CHAIRMAN BANGS: Thank you, Mr.

8 Reifenstuhl.

9

10 Mr. Douville.

11

12 MR. DOUVILLE: Thank you, Mr. Chairman.

13 Just brief. I agree with -- the humpy run was really  
14 poor, like only 6,000 went through the weir in Klawock  
15 compared to as high as 85,000 in the past couple years.

16

17 One of the things I think is the way  
18 the Department does their work has not kept up with the  
19 technology that is being used in the fishing fleet.  
20 Net fishermen and seiners in particular are much more  
21 efficient than they were years ago by far. A real  
22 sacrifice has to be made to rebuild the pink run.

23

24 The other concern is, I'll get to speak  
25 to it later, about how the wolf is being handled in  
26 Unit 2. It seems like we've done a complete turnaround  
27 in our raising wolf now instead of -- in any case, we  
28 don't want to go back to the '90s where we were having  
29 some real serious problems with the rural/nonrural  
30 trying to get their deer and we're going to go that way  
31 if we're not careful here because wolf has the ability  
32 to rebound fast and deer does not.

33

34 Other than that it was an okay fishing  
35 year. What made it better was the price was better,  
36 like twice as good as in past years, although I don't  
37 think the run strength on cohos was particularly high,  
38 but the POWHA hatchery was responsible for 12 percent  
39 of the coho take, which is off the chart. Those guys  
40 are pretty good at what they do.

41

42 That's all I have.

43

44 CHAIRMAN BANGS: Thank you, Mr.

45 Douville.

46

47 Mr. Wright.

48

49 MR. WRIGHT: Thank you, Mr. Chair. In  
50 Hoonah they finally got that dock built for tourist

1 ships and it has 20 percent increase in the people that  
2 come off the boats to go around Hoonah, so that's kind  
3 of a plus. Like I always said, I liked it because the  
4 young kids out of school can go work down there at a  
5 young age and that makes it good for them. A lot of  
6 the fish boats that's in Hoonah doesn't really give  
7 that much employment, so I really think it's a good  
8 thing for Hoonah for the economy.

9

10 In August we had tribal house in  
11 Glacier Bay was finally done. You know, I've been  
12 involved with that for 20-plus years. When you've got  
13 the Hoonah Indian Association, you've got a government-  
14 to-government relationship that worked together things  
15 can happen, positive things. U.S. Forest Service also  
16 helped us with getting a couple logs so that we could  
17 do a canoe. So government-to-government relationships  
18 worked out well.

19

20 This project started many, many years  
21 ago when a lot of elders were with us and they're not  
22 with us now and it was a dream of theirs to do this  
23 project. One time I was in Glacier Bay and we were  
24 with some person that was from one of the tribes down  
25 south and she asked, well, how are you going to  
26 generate money with this project. I told the person  
27 this is not about money. This is about the re-  
28 establishment of the Hoonah Tribe tribal members to be  
29 in Glacier Bay. It was very successful. We had about  
30 500 people at the dedication of the tribal house.

31

32 It all started many, many years ago  
33 when one of the Glacier Bay superintendents asked the  
34 Hoonah elders what do you want, what do you want. So  
35 our tribal elders told them what we wanted and this is  
36 what came out of it. You plant a seed and it grows.

37

38 Fishing was -- you know, I've been  
39 fishing a long time. I was fishing since I was 14  
40 years old and probably this is the worst season I've  
41 ever had as a seiner. I've been running a seine boat  
42 as a captain for many years. If it wasn't for all the  
43 other fisheries that I do, like I do longlining, I do  
44 crabbing, I probably wouldn't be seining right now  
45 because this year was pretty sad. I just had to help  
46 my crew members out and digging in my pocket and help  
47 them out a little bit.

48

49 Another thing is the observer program.  
50 I was just talking to a guy the other day. He said

1 this is my last hurrah. You know, one of the things I  
2 hate most is calling the observer program and wondering  
3 if I'm going to have an observer on board. I mean I  
4 just can't stand it. So finally I had to bite my  
5 tongue and bite my lip and say, okay, I better call  
6 them. When you hear a person getting out of the  
7 program just because he hates calling the observer  
8 program so they could -- and then he decides to quit.

9

10 Last spring we had an observer on board  
11 and I wondered what that person was doing. I just  
12 didn't understand what that person was doing. They  
13 weigh escaped fish, pull out a few black cod, measure  
14 them, take out whatever the little bone is for the ear  
15 and I don't see what that accomplishes. That's all  
16 they did. You know, many, many years ago when I was  
17 longlining we used to be able to guesstimate on all the  
18 bycatch that we had and I wonder what happened to all  
19 those numbers that was there and we did it voluntarily.

20

21 Another thing fishing on August 23rd  
22 when seining was just about done when I was escorting  
23 the canoes over to Glacier Bay in my boat, I saw jumps  
24 in Icy Straits. When I was going out fishing we never  
25 saw any jumps in the summer. That was August 23rd.  
26 Then on the 26th I went back over to Bartlett Cove and  
27 there were jumps and I called the Fish and Game and  
28 told them, hey, I'm seeing jumps out there and they  
29 said what were they, cohos. I said, no, they're  
30 humpies. They're feeders and everything that are  
31 swimming around. They said, oh, maybe they'll fill up  
32 our systems.

33

34 And then we had a big rain. Whatever  
35 salmon didn't make it up into the rivers I'm wondering  
36 if there was a big washout. I mean it was one day we  
37 had 3.8 inches of rain in one day and the rivers were  
38 just roaring. So I'm hoping this isn't something that  
39 the season the fish just got washed out.

40

41 Another thing about the charter system.  
42 I mean I think I know how to preserve fish. I think I  
43 know how to freeze it and vacuum pack it and put it  
44 into bags. You've got these charter companies that  
45 just have their clients taking hundreds and hundreds of  
46 pounds. One time I was in Juneau and I saw this one  
47 company had -- I was like, wow, look at all these boxes  
48 here and I said, wow, that's a lot of fish. Then I  
49 went outside and there was a whole van full of those  
50 boxes.

1                   I mean I fish and I fish about three  
2 times a week. If someone can tell me how to freeze a  
3 halibut that's going to last for many years, then tell  
4 me how it's done because mine freezer burns even though  
5 I vacuum-pack them. So there's something wrong with  
6 the system. They send people out on their skiffs and  
7 people out from Montana or wherever that have no idea  
8 what's going on. I just cringe when I see one of those  
9 skiffs coming toward me because they don't know what a  
10 seiner is doing. They don't see the seine out there.  
11 They're going to run over your seine.

12  
13                   Now bears. Day before yesterday one of  
14 our young men got mauled and then in Hoonah they put  
15 down a bear that was in a schoolyard and then a couple  
16 days later there was another bear, so they had a  
17 lockdown. The kids couldn't go outside because there  
18 was bears walking around outside by the school. And  
19 then in Juneau yesterday or day before yesterday there  
20 was another bear mauling. I think because of the poor  
21 fishing that came out some of these bears are pretty  
22 hungry. There's nothing in the rivers for them to eat.

23  
24                   So the sea lions are back. They had to  
25 whack one that was swimming around the harbor that was  
26 getting pretty aggressive. The sea otters in home  
27 shore I don't see as many as I used to. Another thing  
28 when we were longlining we went to the outer coast and  
29 anchored up and my crew went walking around in the  
30 woods and they came back and said, hey, there's a lot  
31 of sea otter skulls in the woods over there. So they  
32 might be eating themselves out, I hope.

33  
34                   Anyway, that's my report.

35  
36                   Thank you.

37  
38                   CHAIRMAN BANGS: Thank you, Frank.

39  
40                   Ray.

41  
42                   MR. SENSMEIER: I'm Ray from Yakutat.  
43 We had a really poor sockeye run this year and a lot of  
44 people were concerned about the winter money-wise and  
45 subsistence-wise. We were lucky that the coho showed  
46 up in pretty strong numbers and kind of saved the day.  
47 There's real concern.

48  
49                   This gentleman over here mentioned that  
50 everything seems to be earlier and we're experiencing

1 that as well. The fish are showing up a month early.  
2 The berries are getting riper faster at the same time  
3 the blueberries are and the blueberry harvest this  
4 year, as this gentleman said, was unbelievable. The  
5 blueberry bushes were high. You had to reach up to  
6 pick the blueberries and that's unusual because they  
7 don't usually grow that high. Yeah, we got a lot of  
8 blueberries. But things are changing. Everyone  
9 notices that. You know, this talk about climate change  
10 and I believe that's really happening.

11  
12                   Some of the other things I've heard  
13 mentioned here. The moose harvest it looks like it's  
14 going to be good. We have a one-week open season for  
15 local subsistence use, so that quota has been met every  
16 year that I know of.

17  
18                   This gentleman mentioned something  
19 about the boxes of fish that the sports fishermen are  
20 taking. I see lots of boxes going out on the airlines  
21 as well. In one particular instance there were sports  
22 fishermen, three of them, and they had 12 boxes. This  
23 is when you could take three pieces of luggage. They  
24 checked them in as luggage.

25  
26                   I asked one of them how many fish do  
27 you put in one box and he said about 70, and they do.  
28 They fillet them. That's a lot of fish. They were  
29 carrying it in and one sports fisherman said to the  
30 other, he said as soon as we hit Seattle we've got to  
31 get these fish down to the market. So they're actually  
32 making money off of coming and fishing. There's no  
33 monitoring.

34  
35                   And with the guides there's a large  
36 number of non-permit guides and, as he stated, they're  
37 going out early, coming in, going back out, coming back  
38 in. Especially for halibut. We used to go out to the  
39 rock pile, what we call the rock pile, to fish halibut.  
40 It's not too far up the entrance of Monti Bay. Over  
41 the years the sports fishermen went there and now there  
42 really are no halibut there to catch.

43  
44                   We have to go across the bay and that's  
45 pretty treacherous. I'm on the Wrangell-St. Elias Park  
46 and Preserve Board and they allowed planes to fly over  
47 and land there, which is unusual. Don't allow them in  
48 the Park. But it's because of the treacherous waters  
49 there. If a southeast comes up, it can be really --  
50 you might get stranded there for three weeks. Of

1 course your moose doesn't make it through that.

2

3                   Another reason, we were over there  
4 hunting and we came across seven moose and the only  
5 thing that was missing was the heads. They weren't  
6 even gutted or anything. That's an atrocity that's  
7 hard for us as people in Yakutat to comprehend that or  
8 try to understand it. I have no idea why they do such  
9 things. Preserve the head and hang it on their wall.  
10 I don't know how that makes them feel, but it's pretty  
11 bad.

12

13                   The sports fishermen on the Situk  
14 especially they're allowed six a day, but there's no  
15 one there to monitor them. That's why they acquire  
16 such numbers of fish as the people that I saw boarding  
17 the airplane with a huge amount of sockeye salmon.

18

19                   The other thing we're involved with on  
20 the tribal council is the designation of the Yakutat  
21 Forelands. As an outstanding water area it's a  
22 pristine area. The fish biologists and the scientists  
23 that I've talked with, and I've got letters of support  
24 from the Alaska Park and from the Forest Service that  
25 this area is untouched. There is a LUD II in there,  
26 but we'd like the whole thing designated as Tier III.

27

28                   I just wanted to mention we're really  
29 concerned with the mining that they've begun work on at  
30 the head of the Stikine River. This is the largest in  
31 the world. It can be seen from outer space. And the  
32 headwaters of the Taku and the headwaters of the Unuk  
33 and the headwaters of the Alsek, which flow into the  
34 Yakutat Forelands.

35

36                   I'm on the Tribal TransBoundary Mining  
37 Working Group and we're working with First Nations in  
38 Canada and there was a large international joint  
39 congress (World Conservation Congress) in Hawaii this  
40 year and there were leaders from 190 nations were  
41 there. Secretary of State John Kerry was there and  
42 President Obama as well and one of the issues that  
43 we're addressing is the mining issue because it's not  
44 only starting to happen here in Alaska, it's happening  
45 all over the world with little regard or none for how  
46 it affects the local people.

47

48 We were selected to attend the congress in Hawaii  
49 because they would prefer indigenous people work with  
50 other indigenous people because they know the land just

1 as they do in Africa and other countries. So we're  
2 hoping that something can be done to address this  
3 issue.

4

5           The Alsek is about 40 miles from  
6 Yakutat and it's a fishing river. The fish go up  
7 there. The IFQs go up into the Interior, so they  
8 depend on it as well as us. There never was a boundary  
9 there before, but we're working with them and so they  
10 got -- the FEW Foundation, the Audubon Society, they  
11 have deep pockets, so we hope to be traveling in other  
12 communities. In November we'll be traveling to Arizona  
13 to meet with the Apache as they're facing the same  
14 problems we are.

15

16           We would like to have the Forelands  
17 designated to three or five species of salmon that go  
18 in there. There's over 90 rivers, streams and  
19 tributaries. There are over 300 species of birds that  
20 fly thousands of miles and that's one of the sites that  
21 they stop and rest. There are a large number of birds  
22 that live there. Also the largest run of eulachon and  
23 seals and sea lions go there as well. I was hoping  
24 maybe this entity might help with that.

25

26           The other one is the designation of  
27 also the Forelands. Not going into the Forelands  
28 actually, but from the high water line to a few hundred  
29 yards inland designated as WHSRN, Western Hemisphere  
30 Shorebird Reserve Network, to protect the amount of  
31 birds, the birds that go in there. There are many  
32 sites in Alaska that have this designation and around  
33 the world.

34

35           There's no regulatory authority, but it  
36 would designate that as an area for the shorebirds,  
37 something that really concerns us because they not only  
38 stop in Yakutat, they go on to other parts in Alaska.  
39 There's quite a few organizations in Alaska that have  
40 designated this proposal. Delta, the Copper River  
41 Flats and a myriad of others. So that's what we're  
42 involved with now.

43

44           I'd also like if this entity could back  
45 that action that we'd like to take.

46

47           Thank you very much.

48

49           CHAIRMAN BANGS: Thank you, Ray.

50



1 Ms. Phillips.  
2  
3 MS. PHILLIPS: Thank you, Chairman  
4 Bangs. I'd like to follow up on an inquiry by Council  
5 Member Reifenstuhl. He asked about further discussion  
6 on the topic brought up by Mr. Hernandez on the non-  
7 guided fishermen.  
8  
9 Can we add that as an agenda item?  
10  
11 CHAIRMAN BANGS: I think that would be  
12 a very good idea, Ms. Phillips. We could put it under  
13 -- although we're using the agenda as a guideline, if  
14 we choose to add something to it, we'll do it in the  
15 form of a motion and we can add an additional item to  
16 the agenda. Would you give a formal motion and we  
17 could go that way. Does that sound good to the  
18 Council? If we want to add something, we could just  
19 vote on it.  
20  
21 Patty.  
22  
23 MS. PHILLIPS: Thank you, Mr. Chairman.  
24 I'd like to move to add an agenda item, non-guided  
25 sport fishing.  
26  
27 MR. REIFENSTUHL: Second.  
28  
29 CHAIRMAN BANGS: It's been moved and  
30 seconded to add unguided sport fishing to the agenda.  
31 Maybe we could put it under 10(k). So a motion has  
32 been made and it's been seconded.  
33  
34 MR. SENSMEIER: Mr. Chairman.  
35  
36 CHAIRMAN BANGS: Yes.  
37  
38 MR. SENSMEIER: I didn't realize that  
39 we could add items to the agenda. I'd like to make a  
40 motion to include Tier III.  
41  
42 MS. PHILLIPS: We already have a motion  
43 on the floor, but we have these as agenda items.  
44  
45 MR. SENSMEIER: Oh, I'm sorry.  
46  
47 CHAIRMAN BANGS: We're going to deal  
48 with this added item and Tier III is already on the  
49 agenda. We're going to have a discussion about it. So  
50 I'd entertain a call for the question.

1 MR. YEAGER: Question.

2

3 CHAIRMAN BANGS: The question has been  
4 called for. All those in favor of adding unguided  
5 sport fishing to our agenda under 10(k) say aye.

6

7 IN UNISON: Aye.

8

9 CHAIRMAN BANGS: Opposed.

10

11 (No opposing votes)

12

13 CHAIRMAN BANGS: Okay. Thank you. So  
14 that's taken care of, Patty. Do you have a report for  
15 us?

16

17 MS. PHILLIPS: So I'm Patricia Phillips  
18 from Pelican, Alaska. I actively subsistence harvested  
19 for sockeye and coho on West Yakobi. Though it's a  
20 personal use permit managed by the State for me and my  
21 community, it is a subsistence season. There's been  
22 concentrated effort at Hoktaheen and if you come in  
23 behind someone else who's already harvested, then your  
24 catch rate is going to be depleted. So we go to Surge  
25 Bay and Takhanes.

26

27 What happened at Hoktaheen is that some  
28 of the sockeye we caught had treble hooks in them and  
29 when you get treble hooks that's hung up on a salmon  
30 tangled up in your net, then you're putting big holes  
31 in your net in order to get the treble hook out. Also,  
32 if your gillnet reaches the bottom, then you often get  
33 treble hooks hung up in your net because they drag  
34 along the bottom and pick up those treble hooks. To me,  
35 that's pretty bothersome that they're out there with  
36 the leaded treble hooks, the sport fishing nonrural,  
37 and leaving treble hooks there.

38

39 We had good effort one day at  
40 Hoktaheen. The next day we went out we were behind a  
41 Federally qualified, I would call them even though it's  
42 a State-managed fishery, fisherman, so we went to Surge  
43 and it wasn't as good a catch rate there, so we went to  
44 Takhanes. In Takhanes we were behind somebody else who  
45 was there the day before, but it was still good  
46 fishing, but they got a lot of fish. You want to be  
47 able to say you got a lot of fish too, but we got some  
48 fish.

49

50 What happened is that the season on

1 your permit is from one date to another date and then  
2 it closes. I found out from a fisherman from Hoonah  
3 who went into Takhanes that they extended the season.  
4 I was like all right. Well, I didn't know that. I  
5 mean I only knew it because this other fisherman told  
6 me. So we ended up going back out, but it would be  
7 neat if that news release got out to those of us who  
8 live near those systems.

9

10                   The IPHC and the North Pacific Fishery  
11 Management Council make regulatory decisions that are  
12 socio and economically impacting the community I live  
13 in. ANILCA and all the management of land and fish and  
14 wildlife, those collectively impact the community that  
15 I live in and yet it's so chopped up in terms of  
16 regulatory -- you know, where do we speak to this and  
17 where do we speak to that. We come here with -- the  
18 whole thing affects us.

19

20                   So when we talk about bycatch in our  
21 annual letter, I just feel like it should be a part of  
22 a whole because we have nexus on some of this stuff. I  
23 mean ANILCA has nexus in terms of some of these fish  
24 species come on to Federal public lands, but it's all  
25 part of a bigger whole. I don't know if I'm making  
26 sense.

27

28                   What I want to say is that some of  
29 these things from the North Pacific Council and the  
30 International Pacific Halibut Commission are negatively  
31 -- significantly adversely affecting my community. I  
32 will discuss more of that under the new agenda item  
33 unguided sport fishing.

34

35                   Like Mr. Wright, what I see happening  
36 with deer is that we had those years of heavy winter  
37 kill of deer and then we had increasing populations of  
38 bear because they were feeding on deer. We had record  
39 numbers of deer, then we had that heavy winter kill and  
40 bear populations increased as a result, yet the harvest  
41 of bear has not increased with the increasing  
42 populations of bears.

43

44                   We're seeing sows with two cubs, three  
45 cubs. We're seeing sows with two-year-old, three-year-  
46 old, four-year-old cubs and we're seeing less salmon in  
47 the streams and less fish for these bears to fatten up  
48 on before wintertime comes. We've had five bear  
49 maulings on the ABC since August.

50

1                   It's just showing that we're having  
2 increasing amounts of bear. Even in my own community  
3 in the evening time, just as it's starting to get dark  
4 until about midnight, you can run into a bear on the  
5 boardwalk and it's kind of scary to tell you the truth.  
6

7                   I'd like to move on to -- Mr. Wright  
8 also talked about the dedication of the tribal house  
9 and as a community that lives near Hoonah, in the  
10 Hoonah Ranger District, and it just makes us proud to  
11 see the resurgence of cultural identity and we see that  
12 in our young people coming back home. They want to  
13 learn what we know. I mean there was a time where it  
14 wasn't taught or it was taught maybe in tight family  
15 units. Now they come back and they want to actually do  
16 it. Take me out, show me how to do it. While there  
17 may have been a sort of damping down of our cultural  
18 identity, it's starting to bloom and grow again.  
19

20                   That's my comment.  
21

22                   Thank you, Mr. Chair.  
23

24                   CHAIRMAN BANGS: Thank you, Patty.  
25

26                   Harvey.  
27

28                   MR. KITKA: Thank you, Mr. Chair.  
29 Harvey Kitka from Sitka, Alaska. Over the years I've  
30 talked an awful lot about some of the things that  
31 concern the Sitka people. Herring has always been an  
32 issue. It's still an ongoing issue not only to Sitka  
33 but pretty much all of Southeast, Canada and  
34 Washington. It's pretty much a big area where we're  
35 concerned about the herring and the population and  
36 things that has happened to it.  
37

38                   Herring is such a big part of the food  
39 chain for so many things. The salmon and the halibut  
40 are one of the reasons. Not only that, we started to  
41 hear talk of the hatchery program may be putting out  
42 too many salmon and causing problems within the food  
43 chain.  
44

45                   The sea otter seem to be missing an  
46 awful lot on this topic this time. It's still an  
47 ongoing issue. There's got to be something to help the  
48 people that really hunt the sea otter. We need a  
49 little more relaxing in some of the regulations and I  
50 don't know where that will come from. The Sea Mammal

1 has been working hard at it. It's a long process and I  
2 imagine any comments that would come from other  
3 agencies would probably help that.

4

5                   The ocean warming is causing some  
6 problems within probably Southeast where we haven't  
7 seen a whole lot of red tides and things. We seen  
8 areas where our clam beds and things are now being  
9 affected that we haven't really seen too much of, but  
10 it seemed like within our community some of our clam  
11 beds have been declared unsafe to harvest. Realizing  
12 we have no control over the weather and tides and  
13 things, but it's nice to have some idea of where these  
14 places are.

15

16                   I wanted to thank the topic of unguided  
17 sport fishing. I'm glad it's coming up as a subject.

18

19                   Thank you.

20

21                   CHAIRMAN BANGS: Thank you, Mr. Kitka.

22

23                   Mr. Jackson.

24

25                   MR. JACKSON: Yes, my name is Ken  
26 Jackson. I'm from Kake. I really want to thank the  
27 board for bringing up the things that you've talked  
28 about and I realize we're overlapping on our concerns.  
29 It's really important that everybody recognizes the  
30 unguided sport fishermen.

31

32                   Kake has about 580 residents.  
33 Employment is pretty low. Our biggest employer is the  
34 school. They probably employ about 35 people. That's  
35 including teachers. We had a water project that went  
36 on for a couple years. It's finishing now and employed  
37 about maybe 10 people. They built us a new ferry  
38 terminal building and still working on it, but they cut  
39 the ferries down, so it's kind of hard to justify  
40 sometimes the things we have to do.

41

42                   The price of fuel in Kake has a big  
43 effect on the fishermen and subsistence fishermen and  
44 hunters. One gallon of gas is \$4 and our heating oils  
45 are \$3.85 and will probably just get higher. We don't  
46 have a fish hatchery. I think that supposedly Steve  
47 and them will probably get hopefully within a couple  
48 years and that always employed about 10 to 12 people.

49

50                   The return of fish this year was kind

1 of dismal. For some reason across from Kake about five,  
2 six miles is a place called Southeast Cove. They did  
3 good there. I mean the boats kept loading up there.  
4 The dog salmon came back.

5

6 I think the hatchery has its good  
7 points. We do need more information. The old-timers  
8 say the flesh isn't as good as the old fish. When you  
9 cook it, the taste is different. We've got a lot of  
10 bears that are coming out. Climate change has had its  
11 effect on everybody and Kake especially the berries  
12 were good. I have a cousin that buys berries for some  
13 lady from Seattle and I think they took out like 10,000  
14 pounds at a little over \$3 a pound. It made some money  
15 for some of the people that went out early and stayed  
16 late and they come back with a couple hundred pounds.  
17 For the short time that the berries were out it was  
18 good.

19

20 We don't have, like I say, no cold  
21 storage, so those of us with IFQ has to try to fish it  
22 and bring it here or hire somebody to fish it. The  
23 tenders don't pick up halibut. They just pick up  
24 salmon. I think the salmon was fairly descent around  
25 Kake. King salmon I should say. The guy said the  
26 humpies and the seining itself was not really that  
27 good. It hard to keep a crew when you're not catching  
28 that much fish, so it does have a trickle-down effect.  
29 The crews go back home.

30

31 All across the board the Organized  
32 Village of Kake I was speaking to one of the board  
33 members, their funding got cut by one third and they  
34 were the ones helping people in need, buying fuel,  
35 food, electricity. An average household in Kake  
36 electricity probably runs 80 to 120 dollars a month,  
37 maybe more depending on what you use. So we're glad  
38 it's not real cold because you can sort of conserve on  
39 heat.

40

41 The older ones we worry about. There's  
42 been a lot of people leaving us because of cancer. We  
43 don't know why. I know Angoon and all the areas, maybe  
44 it's just all over the place, but this Fukushima stuff  
45 that came ashore on all the islands -- I have a friend  
46 that him and his wife went along below Kuiu Island and  
47 part of Prince of Wales, Baranof, Admiralty, and he  
48 said it's just thick on the beaches.

49

50 If we could find some funding somewhere

1 to maybe employ some of our people to go out and clean  
2 those. I don't know what you would do with it. You  
3 probably can't burn it, but there's buoys, seines. He  
4 said it just covers right up to the tree line. I don't  
5 know who owns that, if it's Federal or State, but birds  
6 get entangled and the deer are eating kelp from in  
7 between those things and it gets taken up into the  
8 woods too.

9

10                   The wolves have been thinned. We had  
11 some people come up from Prince of Wales and they're  
12 really good at what they do. We're getting more moose  
13 and deer on Kupreanof Island anyway, the island that we  
14 live on. The moose hunt is going well. It's open now.  
15 Some of the people had asked -- and I know that this  
16 has been discussed before. We talked about possibly  
17 doing a hunt for maybe handicapped/disabled people two  
18 weeks ahead of time. They asked if they do have one,  
19 maybe it might be better if it's two weeks after the  
20 moose season because most of the vegetation has fallen  
21 off and the moose are in the rut and the same way with  
22 the deer.

23

24                   The other thing is they're starting to  
25 hear elk bugling towards Rocky Pass and that was just a  
26 couple days ago. I assume if there's any Fish and Game  
27 we're allowed to take them without licenses or permits  
28 as far as I know. The clams, another staple that kept  
29 us going through the winter, now we're getting reports  
30 that PSP is prevalent on all the beaches below Kake and  
31 around Kake. It just makes it a little harder to get  
32 food.

33

34                   Halibut has helped and the king salmon,  
35 but crabbing, when they come in, when they open it up  
36 just in Hamilton Bay it's not very big, but from here  
37 to Petersburg Creek I guess there was 10 boats in there  
38 and you could almost walk across the bay on crab pots  
39 is how much they put in there. They were that close  
40 together. They stay three, four days and then there  
41 will be a couple boats that will stay for a couple  
42 weeks. That's where we normally get our crab and they  
43 just clean it up. If not them, the sea otters. I know  
44 none of our guys -- well, maybe there's one or two guys  
45 that have permits for crabbing, but you still have to  
46 run it to Petersburg.

47

48                   The electricity, I wish we could do  
49 something about it, but I understand the funding is  
50 going away. With the cuts as well as climate change I

1 think we're all in for a hard time. It's going to be  
2 tough doing things, but I notice a lot more people are  
3 growing gardens in Kake and getting vegetables and  
4 growing things we never grew before. They're  
5 supplementing their food with that.

6  
7           That's something a long time ago they  
8 used to do. Everybody used to plant gardens. I think  
9 they really do well. I know my cousin, she has two  
10 kids, she planted this -- I think it was about four by  
11 four, must have been about six feet high. Must have  
12 got 80 pounds of potatoes out of there. It's just  
13 something we may have to go back doing.

14  
15           The sea otters appear to be moving. I  
16 think they are going west and north. I see them  
17 showing up on Admiralty and by Point Gardner. We're  
18 just having to go different places to get seaweed.  
19 Sockeye wasn't that good at Gut Bay. I don't know a  
20 number. I think Terry might. Some of them tried Falls  
21 Lake.

22  
23           It's hard for us to subsist the way we  
24 used to. There's little falls there, it's not very  
25 high, about as high as the ceiling. A lot of guys used  
26 to go right in there and get their fish and go home.  
27 That's over 30 miles from Kake, but you've got to run  
28 by small boat and some of them will take three or four  
29 people, plus the seine and try and catch fish and go  
30 back. But we're only allowed 10 fish per day in Gut  
31 Bay and 20 annually, so you're taking a big risk  
32 staying there overnight and it's a long ways.

33  
34           I'm not against sport fishermen, but  
35 they can take six per day. They can have four people  
36 in their family and get that many fish processed and  
37 put in the freezer and catch some more, which is what  
38 they were doing because I have some friends that went  
39 over and did it. So there's no parity between the  
40 sports fishermen and subsistence fishermen. What I'd  
41 like to see is if we could cut them down and let them  
42 just take 20 like we have to for the year. I know we  
43 have to sell that to the State.

44  
45           We used to be able to use dipnets at  
46 Falls Lake. We can't do that anymore. They moved the  
47 markers 300 feet out, so it makes it kind of tough.  
48 You go over with a beach seine. You're not allowed to  
49 let your gillnet touch any bottom there. You have to  
50 tend it constantly and you can't tie another boat to



1 the other end to hold it, so that makes it different  
2 than Stikine. I know we spoke about this before.

3

4 I don't know how we can change those  
5 things. I think there are a lot of people here that  
6 know where we need to go. When I first came on this  
7 Council I was mad about things, you know. I've grown  
8 in the last three years. I've learned to listen to the  
9 people on this Council and the people in the audience.  
10 We're going to have to work together to get these  
11 things resolved. There will be no easy solutions. I  
12 understand that.

13

14 It's hard for us to keep talking about  
15 our culture when that part of it is gone. (In Tlingit)  
16 means our food and that's where we talk about our food  
17 and this is what we used to get, this is what we used  
18 to eat, but it's starting to go away. Our culture  
19 language is coming back. I'm thankful for that, but  
20 living the culture is completely different than hearing  
21 about it through tapes and everything. You don't get  
22 that closeness of laying on the ground or smelling the  
23 campfire.

24

25 The culture camps are good. I  
26 appreciate them and the people that donate that aren't  
27 -- this isn't just for Natives. This is for everybody.  
28 This is what I like about it. I've learned that we  
29 have to have a cohesive habitation with everybody, but  
30 there are some people that really take advantage of the  
31 system.

32

33 I have no qualms against sports  
34 fishermen trying to make a life, but there are some  
35 people around Kake that have this building that's all  
36 boarded up. They bring in five to six clients a week.  
37 They come into Kake. Somebody takes them out there and  
38 there's fishing. I know they have licenses probably,  
39 but they're fishing where we used to fish and they just  
40 push our people out because our people don't like  
41 confrontation.

42

43 That's one of the things. We're not as  
44 aggressive. I was coming back one day from Pillar Bay  
45 and this sports fishing boat come up alongside, then on  
46 back and nearly hit my engine. I was trying to figure  
47 out what he was trying to do, but they were trying to  
48 push us away from their fishing grounds, which was ours  
49 originally. It's right in front of Kake. But we don't  
50 want that type of fight. They were from Pybus Bay. It

1 looks like this may happen, we don't want it.

2

3                   But I hope everybody stays safe and  
4 gets the amount of fish they want, but that unguided  
5 fisherman that you're talking about is very, very  
6 important and we've been talking about it for years.  
7 There's a lot more I have to say, but I know other  
8 people have to give their reports.

9

10                   Thank you very much.

11

12                   CHAIRMAN BANGS: Thank you, Ken.

13

14                   MR. HOWARD: Thank you, Mr. Chair. My  
15 name is Albert Howard. I serve as the mayor in Angoon  
16 and I also was appointed by the tribal council to serve  
17 as president. Both responsibilities I take pretty  
18 seriously. Anyone that knows our community isn't --  
19 you know, at some point our elders say that's enough.  
20 It's (in Tlingit) in our language.

21

22                   Part of your responsibility is to  
23 consult and coordinate with the local tribes. There's  
24 unintended consequences for not doing so. Part of what  
25 I enjoy about coming to these is visiting with Harvey  
26 and Ken Jackson. Talk about how things used to be.

27

28                   This year our coho run was pretty much  
29 non-existent and I would like to have this on record  
30 and Ben can speak to this in part of his report. Our  
31 sockeye run has been the best this year it's ever been  
32 in years and let me explain why. The seiners were all  
33 in the south end of Southeast Alaska. I didn't see one  
34 in Chatham all summer.

35

36                   Now let that sink in for a minute  
37 because I'm saying this because for years we've said  
38 the seiners had a direct impact on our (in Tlingit).  
39 This year we have data to show that since they weren't  
40 here the sockeye were able to return. This is kind of  
41 history repeating itself so to speak. The seiners are  
42 becoming more efficient. To some point they'll be just  
43 as efficient as a fish trap. Anyone who knows the  
44 history of salmon seining, fish traps have almost  
45 decimated the salmon population back in the '60s. I  
46 wasn't even born yet, but that's part of traditional  
47 knowledge listening to our elders talk about what had  
48 happened.

49

50                   A commercial-driven industry tends to

1 have more say at the table than anyone else, the  
2 subsistence user. You're supposed to consult and  
3 coordinate with the local tribes on a government to  
4 government basis. I listened to the gentleman speak  
5 earlier are you coming to Angoon and see what your  
6 Forest Management Plan and its intent. Is it going to  
7 have an impact on Angoon? Are you coming to Angoon to  
8 see. The reason I ask that question, you mentioned  
9 Juneau and Ketchikan.

10

11                   Like Kake, Angoon has 80 percent  
12 unemployment. If there's an impact on our community  
13 members, the community members can't attend your  
14 meeting in Juneau because they can't afford it. Well,  
15 I can't buy gas, I can't go to this meeting because the  
16 gas is for hunting.

17

18                   Even at my age I've learned to look at  
19 nature and part of what I noticed last year was the  
20 temperature was in the high 30s and low 40s all winter.  
21 I remember my dad saying next year is going to be a  
22 good year for deer hunting because there's no snow  
23 loss. They're able to take care of themselves through  
24 the winter because the temperature is there and there  
25 isn't any snow.

26

27                   Another unintended consequence  
28 happening in our community are bear hunters. What's  
29 happening is the bear hunters are allowed to take deer  
30 also. These gentlemen basically have  
31 unlimited funds to burn up all the gas they want. They  
32 run around those 500 horses hanging off the back of  
33 their boats chasing deer around, basically competing  
34 with the community and tribal members for the same  
35 resource. So that's an unintended consequence.

36

37                   Fortunately we have language in the  
38 monument, language that states the monument will be  
39 managed between the tribe, the Forest Service, the city  
40 and the Native corporation. So when I'm sitting here  
41 listening to the conversation here, the Forest Service  
42 does the permits for freshwater fishing on Admiralty  
43 Island, so as the tribe we sat at the table and said  
44 since we have a say in what happens on the Island, we  
45 don't want anyone taking any cohos out of those  
46 streams. You can catch and release, but you can't take  
47 any home because there's plenty of salmon out here when  
48 you're saltwater fishing you can take those.

49

50                   I also work as a sport fishing guide,

1 so I have numbers to back up what I'm saying because  
2 the State regulates me so much that I have to log every  
3 day what I catch, where I caught it and who caught it.  
4 And my clients know this, but if I think they're taking  
5 home too much fish, I go fish somewhere else. That's  
6 my self-regulation. And I agree with the gentleman  
7 because I take one 50-pound box of salmon home, one 50-  
8 pound box of halibut home and that sustains me for the  
9 year. And sometimes I give some away if somebody needs  
10 it.

11  
12 But at some point how bad does our  
13 resource management have to get to where our salmon  
14 crashes, the bears come into the community and start  
15 chasing our kids because there's no salmon in the  
16 rivers. There's a lot of unintended consequences to  
17 decisions that are made based on economics versus  
18 common sense.

19  
20 I think the toughest thing I see is  
21 wanting my son to live in a community that has nothing  
22 to offer him because the commercial industry has taken  
23 it all away. I think at some point we're going to have  
24 to work together. We're going to be left with no  
25 choice.

26  
27 One of the conversations I had with  
28 Harvey yesterday is the size of our herring. Part of  
29 what I do in Chatham Strait -- I'm old school. You can  
30 try to sell me all the bells and whistles for the new  
31 tackle. Everything I catch my fish with is fresh  
32 herring. We didn't have that this year. Everything we  
33 saw we couldn't catch on a jig because it was too small  
34 to bite the jig. There was herring there, but they  
35 were tiny.

36  
37 Someone has to do something different  
38 because Southeast Alaska is heading for tough times.  
39 Not only because the State's revenue is running out,  
40 but our resource is disappearing in front of us.

41  
42 That brings me to the definition of  
43 insanity. Are we going to keep doing the same thing  
44 over and over and expect a different result? I think  
45 what we're going to end up with is nothing. We have  
46 sea otters coming into our community.

47  
48 Another thing we're addressing in  
49 Angoon is the fact that the mine is dumping water into  
50 the ocean. Nobody wants to talk about it. Everybody

1 wants to sweep it under the rug. Oh, it's fine. We're  
2 going by the State standard, which I believe are too  
3 low and were lowered because at the time they were  
4 lowered the mining companies couldn't afford to  
5 maintain that standard. This mining company is based  
6 in Hawk Inlet.

7  
8                   Any fisherman knows, and I've  
9 commercial fished on seining vessels, that Hawk Inlet  
10 is called the mixing bowl. Everything coming in  
11 through Icy Strait hits that shoreline and goes north  
12 and south, all the salmon. Forest Service has data to  
13 support that. Are we allowed to use it? No.

14  
15                   The reason I speak the way I do, our  
16 elders say if you're a leader, you have to have kids,  
17 otherwise you're speaking for yourself. I'm not  
18 speaking for myself. I'm speaking for our kids, the  
19 next generation. Not just mine, yours. What we've  
20 learned from the mine is we got data we've never seen  
21 before.

22  
23                   We got a response from the State and in  
24 the response it said, oh, by the way, don't eat more  
25 than four ounces of seal meat in one sitting in a  
26 week's time. We were sitting there thinking the seal  
27 that got sampled was given to 12 families in the  
28 community after they took the samples they wanted. I  
29 don't know anyone who has eaten 12 ounces in one  
30 sitting. That's the size of a deck of cards, the size  
31 of my phone maybe.

32  
33                   Also what was learned during that time  
34 was don't eat more than four ounces of salmon. Mr.  
35 Jackson talked about cancer. Mercury was found in the  
36 seal that was sampled. Cancer causing. The interesting  
37 part of that was the place that did the testing on the  
38 seal they were -- something is wrong with our machine.  
39 This is too high. This can't be. So they recalibrated  
40 the machine, did it again, same numbers. Maybe the  
41 machine is broken. Took the sample and sent it  
42 somewhere else. Same. It's the highest level of  
43 mercury found in a seal in the state of Alaska since  
44 they started testing for mercury. The seal was caught  
45 outside of the bay where the mine is.

46  
47                   You've got to keep in mind I've got a  
48 12th grade education and it's amazing that educated  
49 people can't figure out the fact that these seals go  
50 back there to have their pups and that this time of the

1 year they were back there. We were told we don't have  
2 proof that it's because of the mine that the seal had  
3 so much high levels of mercury in it. We can sit here  
4 and act like it doesn't affect us, but it does.

5  
6 Our salmon fry go back out the same way  
7 they come in and if they do, is the fact that they're  
8 spilling ore into the bay have an impact on those  
9 salmon fry when they go by there? Does it kill them  
10 off? We don't know. That isn't part of the sampling  
11 that's required by the State or DEC.

12  
13 There's hot spots they're leaving in  
14 the bay that were spilled. They had a conveyor belt.  
15 Never addressed the problem that once the belt came  
16 down and around the ore that was wet and stuck to it  
17 fell into the ocean.

18  
19 There's documented spills that happened  
20 in the '80s and again in the '90s. They're not  
21 concerned. They said it's better to leave it there  
22 than it is to actually remove it because you cause more  
23 contaminants. What they're also not telling you is the  
24 fact that every time that ship leaves loaded with ore  
25 there's prop wash. Every time. Which means it's  
26 contaminating more and more of the bay because it's  
27 spreading it out. Come in on a new ship, spreads it out  
28 some more. Keeps spreading it out with prop wash  
29 because it isn't very deep there. Once that ship comes  
30 down with all that ore in it, its prop is close to the  
31 bottom.

32  
33 This is a food supply that has  
34 sustained our community for generations. I understand  
35 more than I like to sometimes, but we had asked the  
36 State, the city, the tribe and the corporation to put  
37 in proposals asking for certain areas to be closed to  
38 crab. Well, those areas weren't closed and the crab  
39 disappeared out of there because it was a commercial-  
40 driven industry that came in and took all the crab out.  
41 I'm not sitting here saying that the commercial guys  
42 are the bad guys or the fact that the sport fishermen  
43 are the bad guys. This is all of our responsibility.

44  
45 To get the State to manage the resource  
46 according to their own laws that state that they should  
47 be managed for abundance, State laws also say that  
48 resources belong equally to everybody. Until we start  
49 doing things different, there's going to be a decline  
50 in all our resources. And there's going to be

1 unintended consequences for my community and the tribal  
2 members I serve.

3

4                   We started going with a community  
5 garden as well. Working on a hydro project, we have  
6 solar panels that are proving to be working.

7

8                   I'd like to see the sport fishing guide  
9 -- as commercial halibut fishermen, we had to show  
10 where we fished. You had to turn in your log books,  
11 this is where I fished. If you fished at Cape Ommaney  
12 for 10 years and that was your spot to fish in and you  
13 really enjoyed it there, your permit was for Cape  
14 Ommaney.

15

16                   For fishing guide halibut charter  
17 permits are wide open. I could buy a halibut charter  
18 permit that was from Sitka and fish it in Angoon. So  
19 when you have 30 boats charter fishing out of Sitka and  
20 all of a sudden they don't like it anymore, what are  
21 they going to do. They're going to move to Angoon and  
22 have a direct impact on the subsistence user, which is,  
23 according to Federal law, supposed to have priority.  
24 That's an unintended consequence of not restricting  
25 them to a certain area.

26

27                   And I agree. Part of working at the  
28 lodge you have people coming from Montana, Oregon,  
29 Washington and they're guides because they have a piece  
30 of paper that says they are a guide. There's three of  
31 us from our community that work and there's 12 guides  
32 total. We have a saying. There's fishermen and then  
33 there's captains. Captains use the radio, the  
34 fishermen know how to fish. We have the same problem.  
35 People coming and trying to push us out of a place I  
36 fished forever since I was a kid. It's amazing that  
37 adults will act this way. But you also have to have a  
38 mechanism in place to keep that from happening.

39

40                   I think we've got to look at the  
41 resource as a whole. Everything in nature has a  
42 purpose. We run out of herring, what's the rest of our  
43 fish going to eat.

44

45                   Thank you, Mr. Chair.

46

47                   CHAIRMAN BANGS: Thank you, Mr. Howard.

48

49                   Mr. Schroeder.

50

1                   MR. SCHROEDER: Thank you. It's kind  
2 of nice you don't have to say very much if you're on  
3 the tail because everybody said things. I do have a  
4 comment on the toxicity. You have the really specific  
5 things that Albert was talking about about the mine  
6 effluent from Hawk Inlet, but there is an issue that's  
7 kind of percolating around out there, which it kind of  
8 sounds a little wonky, like how do you set standards  
9 for pollution in fish.

10  
11                   You sort of glaze over if you kind of  
12 think about that because there's a science involved  
13 with measuring what is in the fish and then there's  
14 other epidemiology involved in saying well how much of  
15 that is acceptable. But then really key, which is kind  
16 of in our sphere of interest, is how much fish do  
17 people eat.

18  
19                   So the current State standard is really  
20 really low. So the current State standard has your  
21 fish consumption being about equal to two of those  
22 pieces of smoked fish that we were eating last night  
23 per day. That's what your consumption is figured at.  
24 So really it's very very low if you think of how much  
25 fish subsistence users eat.

26  
27                   Also if you think of how the fish that  
28 subsistence users eat very often comes from like one  
29 small spot, so it's not like they got one piece of fish  
30 here and say like if you went in and you were buying  
31 swordfish in a supermarket, one piece came from there  
32 and other piece two days later came from 1,000 miles  
33 away.

34  
35                   So that is an issue and the various  
36 folks were working on transboundary mines are hitting  
37 that one to push on the State to come up with a more  
38 reasonable fish consumption value. So sometime it may  
39 be good for us to weigh in on that. I don't think  
40 right now is the time, but sometime in the future.

41  
42                   I'll report on Juneau because that's  
43 where I live and I was thinking, gosh, this was a  
44 pretty lousy I was thinking about that while other  
45 people were talking. Juneau was a really important --  
46 Auke Bay was a really important herring fishery, but  
47 it's so long ago you just have to talk to an elder who  
48 might remember when it was really a good fishery and  
49 that's gone.

50



1                   For the last quite a few years king  
2 crab fishing and shrimp fishing for your own use has  
3 been closed up and any area that you can get to kind of  
4 easily from Juneau and there really isn't much sign  
5 that it's changing. I'm not going to point fingers.  
6 I'm just saying it's closed and something didn't go  
7 right.

8  
9                   I second or third the concerns about  
10 sea otters because they're coming our way in Juneau as  
11 well. So perhaps the whale watching can add sea otters  
12 in. If you're out rod and reel fishing this year, you  
13 often saw many more whale-chasing boats than you saw  
14 people who were catching fish. So that's a  
15 characteristic.

16  
17                   We did have some bright spots for  
18 fishing. Sweetheart Creek is where Juneau people go  
19 for sockeye if they make the run down there. That's  
20 produced quite a bit. It's an artificial run and fish  
21 are released there, so it will continue. There could  
22 be some threat from hydro development that takes place  
23 there, but that hasn't been flagged too much.

24  
25                   The other thing that I -- oh, let's  
26 see, I have to talk about how obviously Juneau has  
27 become a cruise boat town and for the things we do and  
28 are concerned with that means a lot more people on half  
29 day or full day charter fishing boats or flying out  
30 places to catch things in streams. So that's a major  
31 impact in this area.

32  
33                   The other thing I'd really second is  
34 quite a few people mentioned climate change. We're in  
35 a period of very rapid climate change. It may give you  
36 some bonus, like, wow, we have all these berries, this  
37 is a great year for berries in Juneau as well. So you  
38 think, hey, that's not too bad. Then maybe people  
39 didn't get as depressed as they usually do when the  
40 rain starts falling endlessly in mid-September.

41  
42                   But we're in a period of really rapid  
43 climate change and it's hard to say what happens and  
44 how it will affect the subsistence resources that we're  
45 concerned with. I think that's going to be -- dealing  
46 with the effects of climate change may be a big piece  
47 of what we're up to in coming years. To wit, are we  
48 going to have the same abundance of things. Doubtful.  
49 And are seasons appropriate if it's hotter earlier and  
50 stays warmer way later.

1                   That's what I've got.

2

3                   Thank you.

4

5                   CHAIRMAN BANGS: Thank you, Bob.

6

7                   Cathy.

8

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

10 Just a couple of topics this morning. The first is  
11 across the region Transboundary Mining has been a very  
12 highly discussed topic amongst a lot of different  
13 groups. There has been a couple of different  
14 opportunities where the State of Alaska and tribal  
15 groups have been interacting with Canada. I think that  
16 these discussions are becoming very productive and a  
17 lot of forward movement seems to be starting to come  
18 out of those.

19

20                   As you all know, the Central Council  
21 Tlingit and Haida has been doing some river monitoring.  
22 They've been funded to monitor the Stikine River, the  
23 Taku River and the Unuk River. That project has been  
24 running for just about a year now and they've collected  
25 10 samples on the Stikine, eight on the Taku. However  
26 the infrastructure on the Unuk really isn't there and  
27 getting access to it has been difficult and they're  
28 still looking for opportunities to partner on trying to  
29 get up there.

30

31                   They still have the funding to actually  
32 do that sampling if they can just figure out the  
33 mechanism for doing so. They have been funded to  
34 continue this project for another year. They're hoping  
35 to get at least three full years of data to consider  
36 having a baseline dataset that comes out of each of  
37 those river systems. So they're always continuing to  
38 look for support and if you have thoughts or mechanisms  
39 on how to do so, you can contact  
40 Jennifer Handlin.

41

42                   Because the Stikine River has 10  
43 samples and it's about to close out a full year's worth  
44 of data it might be a good opportunity for this Council  
45 to invite the Central Council of Tlingit and Haida to  
46 give a presentation on the data that's been collected.  
47 It's a suggestion to throw out there as a potential  
48 future agenda topic item to see how that's going.

49

50                   As you know, I have the pleasure of

1 working with the Hydaburg Cooperative Association on  
2 our fisheries projects down in Cordova Bay and they saw  
3 the worst sockeye returns in both Hetta and Eek this  
4 year with less than 1,300 fish returning into Hetta and  
5 less than 170 sockeye fish returning into Eek.  
6 Additionally the pink salmon runs into both of those  
7 systems were extremely low, about a fourth of what  
8 we've seen in the past few years.

9

10                   The Hetta system return this year was  
11 based on parental years where they had escapements of  
12 19,000 and 22,000 respectively for the year classes.  
13 So they expected a really good run this year just like  
14 they did last year. Last year they only got 7,000 fish  
15 back and they were on high parental runs. So moving  
16 forward we're looking at what could potentially be a  
17 problem with the actual fish returns in there because  
18 of that. Yes, there was high commercial harvest of  
19 sockeye.

20

21                   However, in thinking about climate  
22 change, there could be, in addition to harvest, some  
23 issues with stream temperatures. For the past three or  
24 four years we've been seeing fisheries monitoring  
25 project in June and that's when we start taking  
26 temperature data. Temperatures in the rivers have been  
27 19 to 21 degrees Celsius for when salmon would be  
28 starting to return to come in to spawn. We feel that a  
29 lot of the fish are holding offshore into deeper cooler  
30 waters and are not really interested in coming back in  
31 to spawn on the early side of things. It really takes  
32 a good rain in August to kind of cool the lake, which  
33 then cools the creek to make it more hospitable for  
34 fish to run in.

35

36                   The one thing we don't have information  
37 on is actually spring temperatures in the river when  
38 smolts would be coming out, so one question we're  
39 asking ourselves and looking at is whether or not the  
40 issue of production out of Hetta, when we should have  
41 had a really good year class, coupled with high harvest  
42 might be what's really affecting the low returns. Also  
43 in the spring they've had very low snow pack, so they  
44 don't have a lot of ways to cool those temperatures  
45 down in our area.

46

47                   Then finally I just want to note that I  
48 had the distinct pleasure of working with the community  
49 of Kasaan over the last year and a half in planning  
50 efforts for the rededication to the Whale House, which

1 is the only standing Haida longhouse in Alaska. They  
2 had their celebration at the beginning of September, so  
3 there was a lot of strong cultural reconnections this  
4 summer and large celebrations.

5  
6           You all saw or at least I saw in my  
7 email from our coordinator that the Federal program has  
8 that permit process in order to be able to take  
9 additional subsistence foods for these types of events  
10 and that allowed Kasaan to go -- their permit  
11 application was approved by the Federal program and  
12 they were allowed to go out and harvest additional deer  
13 and salmon and were able to feed at least 700-plus  
14 guests that came to Kasaan that day for that  
15 celebration, so I thought that was worth really  
16 mentioning as a positive thing that this program  
17 contributes to communities at that level.

18  
19           Thank you.

20  
21           CHAIRMAN BANGS: Thank you, Cathy.

22  
23           John.

24  
25           MR. YEAGER: Thank you, Mr. Chair.

26  
27           We're good in Wrangell.

28  
29           (Laughter)

30  
31           CHAIRMAN BANGS: Thank you, John.  
32 Okay. I just have a couple little things I'd like to  
33 mention for our immediate area. Most of the issues  
34 have been covered about the return of salmon and  
35 herring and whatnot. I would like to say that we're  
36 starting to see sea otters even in the Wrangell Narrows  
37 at the bottom. We're seeing them at the opening of  
38 Duncan Canal and we're seeing them at Frederick Sound.  
39 They're definitely moving our way. I'm sure they're  
40 moving towards Wrangell as well.

41  
42           Another issue that is really becoming a  
43 concern here in the harbor is sea lions. They're  
44 becoming aggressive, they're hauling out on all the  
45 marker buoys. We approached the Coast Guard to see if  
46 they could make the buoys to where they couldn't get up  
47 on them and they weren't entertaining that idea at all.  
48 But they're becoming aggressive in the harbor and we're  
49 worried about kids fishing down there, adults. There's  
50 been some charges by sea lions that are hauled out on

1 the airplane float. We finally put an electric fence  
2 up and they just found somewhere else to haul out. So  
3 that's becoming a real issue here.

4

5 We're seeing more and more brown bears  
6 on this island. They're becoming frequently seen  
7 around campgrounds, so everybody is kind of worried  
8 about that and I'm not sure if it's related to climate  
9 change or not, but there's definitely a population  
10 increase on the island.

11

12 I'm pretty optimistic about the duck  
13 season now that I've got a new duck call.

14

15 (Laughter)

16

17 CHAIRMAN BANGS: Okay. We're going to  
18 take our little trip here. We'll recess until after we  
19 get back. I think Robert might explain the process  
20 here of what we're going to do.

21

22 MR. LARSON: Thank you, Mr. Chair. We  
23 have three Forest Service vehicles and I have my own  
24 personal rig, so we have space, I think, for all the  
25 Council members. Other than that we'll just have to  
26 stack everybody up and see who wants to go and make  
27 sure they have a seat. There's 20 sack lunches. We  
28 hope everybody's kind and takes one of each. Is there  
29 a place for money over there? There's a bucket over  
30 there as a good place for money. The only time certain  
31 thing we have this afternoon is the public hearing on  
32 submerged lands at 3:00.

33

34 CHAIRMAN BANGS: Okay. We'll recess  
35 until when we get back. I think we'll probably  
36 coordinate our return trip.

37

38 MR. LARSON: Two o'clock.

39

40 CHAIRMAN BANGS: Two o'clock.

41

42 (Off record)

43

44 (On record)

45

46 CHAIRMAN BANGS: I'd like to call the  
47 meeting back to order. Thank you all for coming back  
48 from lunch. I hope you guys enjoyed the trip out the  
49 road as much as I did. It was really a nice day to be  
50 out there and a nice fire for us. So we're going to

1 start the meeting off here this afternoon with a  
2 regional subsistence fishery summary and review the  
3 special actions. Jeff Reeves just joined us from the  
4 airport. Hopefully he's ready.

5

6 MR. REEVES: Good afternoon, Mr.  
7 Chairman, Council. Jeff Reeves, U.S. Forest Service.  
8 Sorry for my delay. I just had a travel that came in  
9 today. A couple items that are agenda items that I was  
10 looking at, one was you have handouts in front of you.  
11 It's a single sheet of paper with a table that has four  
12 rows. This is a summary of special actions that have  
13 been completed during the year. Just list each one and  
14 a brief little description there.

15

16 The other item which you all have in  
17 front of you is a PowerPoint that I thought I was going  
18 to be doing later that has more detail into the Federal  
19 subsistence fishery. I'm not sure how you guys want to  
20 do that, but in there all the slides are fairly  
21 detailed and the color copies show it pretty clear. If  
22 you want to leave it at that, that's fine, and if you  
23 had any questions you could just drag me off to the  
24 side later. If you'd like to see it in a full  
25 presentation, I can certainly do that at a later time.

26

27 CHAIRMAN BANGS: Thank you, Jeff. Any  
28 questions or what's the will of the Council.

29

30 (No comments)

31

32 CHAIRMAN BANGS: I just have one quick  
33 question about the closure of eulachon. What ended up  
34 happening with that closure? Was there a lot returned  
35 after all with the helicopter? I'm just curious. I  
36 can't remember exactly.

37

38 MR. REEVES: Mr. Bangs. The closure  
39 was implemented pre-season just because in past years  
40 the returns seem to be like they're slowly growing, but  
41 just nothing in any real heavy abundance yet to  
42 institute a fishery on that. This closure occurred  
43 before our surveys occurred. We did have at least  
44 three aerial surveys where the presence of eulachon  
45 were seen in both the Eulachon River and the Unuk. The  
46 schools seemed scattered throughout the river and in  
47 different locations during each survey, so it still was  
48 no real heavy return. At this point it's promising  
49 that they're trying to re-establish themselves.

50

1 CHAIRMAN BANGS: Okay. Thank you.

2

3 John.

4

5 MR. YEAGER: Thank you, Mr. Chair. How  
6 many surveys were you able to do this year versus  
7 previous? You said three. Was that more than in past  
8 years and then how did those populations of eulachon  
9 compare to say the last couple years?

10

11 MR. REEVES: Mr. Chairman. Mr. Yeager.  
12 Three surveys has kind of typically been the norm. The  
13 practice is kind of when we can get them in due to  
14 weather, but I think a couple years ago we might have  
15 had four. The abundance we saw this year was probably  
16 lower than -- I think the peak that we saw was in 2012  
17 where we had at least one or two real large schools  
18 that were seen in certain areas. From my perspective  
19 of what I've seen over the past few years this year was  
20 down.

21

22 But, like I said, there's indication  
23 they're kind of spreading through the river, so it  
24 seems like maybe the run is kind of smaller shots and  
25 starting to be a little more proactive, which might be  
26 a good thing. But, like I said, it's just kind of  
27 we're at a point where seeing fish every year is a good  
28 thing that we're seeing, but we're still not at that  
29 point where every other hole is just black with them  
30 like we see in some of the pictures like in the Yakutat  
31 area.

32

33 CHAIRMAN BANGS: Thank you.

34

35 Mr. Douville.

36

37 MR. DOUVILLE: Thank you, Chairman.  
38 Did you see any eulachon outside those two river  
39 systems? Like in the past they'd been in kind of odd  
40 places.

41

42 MR. REEVES: Mr. Chairman. Mr.  
43 Douville. This year it seemed like was really  
44 different. We didn't note any outside of any other  
45 drainage other than the Unuk. There was some limited  
46 predator activity on the mouth of the Chickamin if I  
47 recall correctly and down at the Wilson Blossom, but we  
48 didn't see anything. The other indication that we did  
49 have was in Carroll Inlet again. There was a small  
50 spawning, but we never were able to see anything

1 happen, whether through predator activity or through  
2 the camera, that was at Carroll Inlet. When they did  
3 go in to recover the camera, there was indication of  
4 spawn, so a small population did show up at Carroll  
5 Inlet we know.

6

7 CHAIRMAN BANGS: Thank you.

8

9 Any other questions for Mr. Reeves.

10

11 (No comments)

12

13 CHAIRMAN BANGS: Thank you, Jeff. We  
14 have a Fisheries Resource Program project summary from  
15 Mr. Ben VanAlen.

16

17 MR. VANALEN: Thank you, Mr. Chair.  
18 Members of the Council. I did have a one-page two-sided  
19 handout. Does everybody have that. I think it would  
20 be advisable to everybody. What I'm doing here is  
21 reviewing very briefly the Fisheries Resource  
22 Monitoring Program projects that we've had. We've had  
23 16 years of funding projects and totaling upwards of  
24 \$19 million.

25

26 So on this handout I show you in black  
27 which projects were funded this year in 2016 and the  
28 system is in black. Also listed in gray lettering are  
29 the systems that we have had Fisheries Resource  
30 Monitoring Programs on in the past. These are all the  
31 systems that relate to sockeye salmon stock assessment,  
32 stock status and trends, escapement counting,  
33 escapement numeration, those kinds of projects.

34

35 As Jeff just mentioned, we have a  
36 current project on the Unuk River as well as projects  
37 in Yakutat eulachon. So those are the two non-sockeye  
38 projects that we've had. What I tried to do here is  
39 kind of give an indication for everybody of, one, a  
40 geographic representation of those projects, where  
41 we've had them throughout the region in the past and  
42 now. I did break the region basically into quadrants  
43 which relate in part to the actual fisheries that are  
44 conducted in those areas and what stocks of fish they  
45 harvested.

46

47 In this case, like the Northwest area  
48 there along the west coast, outer coast of Baranof and  
49 Chichagof Islands, the fisheries that occur there are  
50 primarily target fish that have returned to the west



1 coast of Baranof and Chichagof Islands. That all makes  
2 sense. Kind of the same thing in the southwest area.  
3 They definitely target fish that are bound for those  
4 waters as well as fish moving around north and south of  
5 Prince of Wales Island.

6  
7                   In the table at the bottom, hopefully  
8 everybody can read it. The more years we have, the  
9 more tiny these tables get. If you think that's bad,  
10 look at the table on the back side. Yo! Okay. So  
11 there's 16 years of data at least there for all the  
12 projects that we have. I'm not going to look at that  
13 page very hard, but it does have information which are  
14 actually the results from these studies that we've  
15 spent so much time and energy in deciding to fund and  
16 to do the project and summarize the results and reports  
17 as required each year.

18  
19                   I'm going to look back at the table on  
20 the side with the map on it, which just tallied up  
21 projects that we've had over a number of years, kind of  
22 a long-term monitoring program projects. Not all of  
23 these estimates were paid for by the project, but most  
24 years were. Anyway, it's just good to look at that, I  
25 guess. If you look at the right-most columns on those,  
26 kind of looking at what's the average escapement we've  
27 observed in these systems after we've estimated the  
28 escapements. There's generally a trend to declining  
29 escapements. So the average escapements tend to be  
30 declining over time from 2001 to present. So that's a  
31 little bit alarming.

32  
33                   One reason we do these projects is to  
34 get a feel of what's the trend. Are the escapements  
35 variable but steady, are they trending up, are they  
36 trending down. So I think we could say that the  
37 general trend is declining escapements for these  
38 projects that we've been looking at in these series of  
39 years.

40  
41                   In some places I could go at Klag and  
42 Neva and we see the escapements trending down. We also  
43 can look at subsistence harvest data. You see that  
44 kind of trending up in those two systems.

45  
46                   In the Kanalku, Kook, Sitkoh area what  
47 we have is clearly developing a pattern where the  
48 fisheries shadow I guess I'd say the commercial seine  
49 fisheries shadow is pretty evident. When there's  
50 strong fishing, more fishing time, there's fewer fish

1 that make it back to the escapements and vice versa.  
2 So that fisheries shadow as I call it is quite evident  
3 in those systems, particularly since 2010 or so when  
4 we've had these really strong odd year classes of pink  
5 salmon, which have a large fishing effort associated  
6 with them, so it's kind of a perfect test, if you will,  
7 where one can see what's the effect in in-shore returns  
8 by the large seine effort or not.

9

10                   It's hard to really get a handle on  
11 stocks and I haven't really looked at it that well, but  
12 I have a feeling of a fisheries shadow effect at Hetta  
13 and Eek if we had a long-term dataset there. Hatchery  
14 Creek is really hard to tell. I know there's effects  
15 of the fisheries, but that project didn't go this year.

16

17

18                   Anyway, that's just a rough assessment  
19 of what we have of those projects. The other thing  
20 we've gotten out of all these years of studies is we've  
21 definitely gotten better at counting fish and doing our  
22 projects. We've had the opportunity to design  
23 different kinds of weir, traps, perfect mark/recapture  
24 studies to validate the escapements that we're  
25 estimating and to use different methods like net weirs  
26 and video weirs.

27

28                   Some projects I'm doing we're actually  
29 remotely monitoring escapements into like Sitkoh Lake  
30 and Neva Lake with great success in what I call double  
31 redundant two weir, four camera setups. So anyway a  
32 lot of progress has been made on that and I guess I'd  
33 say advancing the science in fish counting.

34

35                   Most of these projects again the folks  
36 working at the projects are people that live in the  
37 local communities. So the projects that I worked with,  
38 like Neva's crew from Hoonah works the project. At  
39 Sitkoh and Kook is a crew from Angoon. At Kanalku a  
40 couple folks from Angoon are employed to work that  
41 project. The same thing out of Hydaburg, Hetta and Eek  
42 projects are run by folks that live in Hydaburg. Klag  
43 is run by folks from the Sitka Tribe of Alaska. In  
44 fact, the whole project is done by them.

45

46                   So this funding of the Fisheries  
47 Resource Monitoring Program Projects have really  
48 greatly benefitted both capacity and buy-in by members  
49 of the community that I think over time has been very  
50 helpful.

1 I would like to know if there's any  
2 questions on any of our projects. I have a short  
3 PowerPoint, but I'm not showing it. If there's any  
4 questions on the information I'm presenting I'd be glad  
5 to answer them.

6  
7 CHAIRMAN BANGS: Thank you. I had one  
8 quick question. Is there any data that responds to say  
9 the Hetta Project that shows a sharp decline and are  
10 those fish showing up by say scale samples or DNA  
11 showing up in the same take?

12  
13 MR. VANALEN: Yeah. Let me see.  
14 There's two ways for me to answer that. One is plain  
15 old looking at the map here. We know that these  
16 sockeye and basically all salmon head in a  
17 southeasterly direction out of the mighty Pacific into  
18 inshore waters. So whatever fisheries that they might  
19 be swimming through definitely harvest them.

20  
21 So without any genetic or scale pattern  
22 analysis or other stock ID tools before us, all we have  
23 to know is is there fishing occurring that is to some  
24 extent non-selective. Like a commercial purse seine  
25 fishery, they catch what's in the water.

26  
27 So anyway that's one way to answer  
28 absolutely they're being harvested and we might not be  
29 able to nail down exactly the extent of which fisheries  
30 are harvesting them, but I think it pretty fair to say  
31 if a fishery is occurring off the west coast of Prince  
32 of Wales, which the Noyes and Dall Island area  
33 fisheries very likely harvest salmon bound for the  
34 area, like Hetta. Definitely any fisheries occurring  
35 in the Sea Otter Sound area and whatnot.

36  
37 We also have years of adult tagging  
38 studies. In particular, most recently there were  
39 U.S./Canada tagging studies that were done in '82, '83,  
40 '84, '85 with lots of tagged fish. Pink salmon and  
41 sockeye salmon throughout the area there. The end  
42 result of millions of dollars and big, huge cooperative  
43 U.S./Canada tagging studies is two things.

44  
45 I don't want to be funny, but fish  
46 don't migrate over dry land and they go everywhere.  
47 The big arrows and small arrows is just as you would  
48 expect. In other words, let's say you're looking at  
49 Karta on the other side of Prince of Wales Island. How  
50 do fish get to Karta. You'll find in every year those

1 tagging studies that we had fish that went around the  
2 north side and around the south side of Prince of Wales  
3 Island to get to Karta. The bigger areas were usually  
4 to the south in those studies. Anyway, that's another  
5 one.

6

7                   Then we have years of scale pattern  
8 analysis, but the scale pattern analysis that actually  
9 ended just a couple years ago when the genetic stock ID  
10 took over, scale pattern analysis is not refined enough  
11 to tell whether it's a Hetta sockeye from a Klawock  
12 sockeye from a Sarkar sockeye. It's basically two  
13 Alaskan groups and that was the Alaska Island Coastal  
14 Group and McDonald Lake.

15

16                   McDonald Lake was one that had enough  
17 of a difference in scale pattern that it was brought  
18 out. Other than that it's U.S. or Canadian. Canadian  
19 being NAS or SCHEMA. The big difference is scales, of  
20 course. The Canadian fish are spawning on the other  
21 side of the coast range, more oligotrophic lakes.  
22 Their scale patterns are bigger compared to our little  
23 dinky slower-growing island populations.

24

25                   CHAIRMAN BANGS: Thank you, Ben.

26

27                   Cathy.

28

29                   MS. NEEDHAM: Thank you, Mr. Chair.  
30 Ben. Can you explain fisheries shadowing to me, the  
31 term, what that means.

32

33                   MR. VANALEN: Yeah, I just made that  
34 up.

35

36                   (Laughter)

37

38                   MR. VANALEN: No, actually it's a term  
39 that basically -- you can imagine like fish are coming  
40 in and then you have a fishery. It takes a bite out of  
41 the fish. So the fish are still coming in and they're  
42 going to the escapement, going to the bays and the  
43 streams, but that piece that's been removed by the  
44 fisheries, outside fisheries, is making it evident in  
45 lower return. It could be in time, like if you fish  
46 really hard early in a run and not so hard later, your  
47 escapement pattern might be not very many fish early  
48 and a lot more fish late. Does that make sense?

49

50                   MS. NEEDHAM: Uh-huh.

1                   MR. VANALEN: Or what typically happens  
2 is we fish harder during the main body of the run, more  
3 boat days and you take a bigger chunk out of the middle  
4 of the run.

5  
6                   MS. NEEDHAM: Follow up.

7  
8                   CHAIRMAN BANGS: Go ahead, Cathy.

9  
10                  MS. NEEDHAM: Thank you, Mr. Chair. So  
11 in 2013 it shows in your ranking system that's off to  
12 the side that includes all of the projects with the  
13 exception of Redoubt that 2013 was the worst of the  
14 lowest returns across the region -- or across these  
15 projects I guess I should say. So that was three  
16 seasons ago. Do we have any indication of what was  
17 really driving that? That might actually link up with  
18 what -- might be driving the fact that 2016 is the next  
19 lowest return.

20  
21                  MR. VANALEN: Well, in 2011 and then  
22 2013 were both very strong runs or what appeared to be  
23 strong runs of pink salmon and a lot of seine effort, a  
24 lot of fishing time, boat, days, area fished. That  
25 would be on one species of fish, but at the same time  
26 that increases the catch rate, the exploitation on all  
27 fish being caught and that could definitely have a  
28 shadowing effect.

29  
30                  Some of these I didn't put all the  
31 figures in, but Kook Lake, I think, is one of the best  
32 examples. It's very consistently evidenced when  
33 there's a lot of fishing, the escapement is lower.  
34 When there's not much fishing, the escapement is  
35 higher. The two great things about that is, one, that  
36 we can observe this, that we can kind of get a feel of  
37 what this relationship is between fishing on the  
38 outside and return to fish on the inside and have some  
39 feeling of maybe how to moderate that. We're learning  
40 here.

41  
42                  The other neat thing about it to me is  
43 that even in our low escapement years there's still  
44 enough fish in most of these systems to be able to  
45 rebuild -- not rebuild, but to return enough fish in  
46 subsequent years. So we're not seriously overfishing.  
47 We're down at low levels where there's evidence of real  
48 concern by folks in communities of not being able to  
49 meet their subsistence needs for sockeye. I think the  
50 pattern then is that if there's not enough fish inside

1 to meet needs for escapement, the needs for  
2 subsistence, then we need to work together to moderate  
3 effort outside.

4

5 CHAIRMAN BANGS: Thank you, Ben.

6

7 Don.

8

9 MR. HERNANDEZ: Just a quick  
10 observation and then I do have a question for Ben as  
11 well. I noticed this year with the poor hatchery  
12 returns places, particularly Hidden Falls, saw a lot  
13 more effort for seiners that normally would be fishing  
14 Hidden Falls were all going out to the west coast  
15 earlier than normal to try and get in on some sockeye  
16 fishing out there and early pink fishing. What happens  
17 with hatchery returns kind of effects the fishing  
18 patterns and it's all interrelated.

19

20 My question is we kind of specifically  
21 directed that there be DNA samples taken from Northern  
22 Chatham Straits and Kanalku particularly to track  
23 Kanalku. Are they still collecting DNA samples for  
24 Kanalku system and some of those other systems in  
25 Northern Chatham?

26

27 MR. VANALEN: I don't believe anybody  
28 did this last season. In fact, the projects I'm  
29 running at Neva, Kook and Sitkoh we collected  
30 apparently enough samples in past years that they  
31 hadn't requested any additional samples for their  
32 baseline and I don't believe there's additional, I  
33 might be wrong, work being done to add to that baseline  
34 right now mainly due to budget concerns or maybe just  
35 no direction to do that. I'm not positive. We haven't  
36 been doing any more.

37

38 MR. HERNANDEZ: But we do have some  
39 good baseline from previous years, correct?

40

41 MR. VANALEN: I think the report that  
42 we were provided last -- I think it was January on the  
43 results from the sampling that had been done was very  
44 informative and I think it wasn't really  
45 presented to us -- any table in there or any text in  
46 there wasn't presented in a manner that I would have  
47 thought it would have been presented and that would be  
48 of the Kanalku-bound sockeye that were caught. When  
49 were they caught.

50

1                   So if you take the numbers in their  
2 report, which is in the last two tables if I remember,  
3 the appendix tables, and you answer that question,  
4 you'll see that the Kanalku-bound sockeye or that group  
5 which included -- I can't remember. They had a couple  
6 Chatham large, Chatham small groups or whatever, but it  
7 didn't matter which group you take. Basically what we  
8 find is that there's a broad overlap between when those  
9 stocks migrate through an area that they sample, which  
10 was mostly the Augusta, Marsden Shore. I think those  
11 two samples were the only ones sampled.

12  
13                   Anyway, when they migrate through  
14 there, it was basically timed with -- broadly  
15 overlapped with when the commercial seine fishery is  
16 fishing, so the information is in that report that I  
17 think we all were questioning in the first place, was  
18 how much interaction is there between the commercial  
19 seine fishery and the sockeye that are returning to  
20 Chatham Strait and to all other areas so there's seven  
21 main stock groups they had and you could look at each  
22 one of those, but I think it's pretty conclusive from  
23 the genetics alone that there is a broad overlap in  
24 timing.

25  
26                   CHAIRMAN BANGS: Thank you, Ben.

27  
28                   Steve and then Patty.

29  
30                   MR. REIFENSTUHL: Well, I'm familiar  
31 with the report in question and there is an overlap,  
32 but also there's good segregation of the fishery with  
33 escapement to Kanalku in particular. So about 80  
34 percent of the sockeye are through the Chatham area and  
35 in the locale of Angoon and Mitchell Bay when most of  
36 the fisheries occur. There is some overlap. That's  
37 why there were sockeye that were genetically identified  
38 as Kanalku sockeye caught in the fishery.

39  
40                   But as Ben said earlier, and maybe he  
41 wasn't speaking about sockeye, but that the shadow  
42 effect is not overharvesting and, of course, the  
43 fisheries are managed for escapement, not for catch,  
44 and that's why I think he can make that statement is  
45 because the fisheries are managed to get the fish in  
46 the streams. I looked up the data here on the web  
47 about Kanalku and the second largest escapement to  
48 Kanalku in 2009, that's when there was a 38 million  
49 pink salmon harvest, so that's a year where there was a  
50 lot of fishing effort and there was a high escapement.

1  
2                   So it's not -- I think we need to be  
3 careful that correlation is not cause and effect.  
4  
5                   Thank you.  
6  
7                   CHAIRMAN BANGS: Thank you.  
8  
9                   Patty.  
10  
11                  MS. PHILLIPS: Thank you, Mr. Chairman.  
12 In terms of management of the fisheries, how is this  
13 data used and is it used in consultation with the State  
14 in prosecution of comm fish fisheries?  
15  
16                  MR. VANALEN: The actual use of this  
17 data I think -- let me see. There's great interest in  
18 the information that's collected especially if it's  
19 reliable. So that's I think a real important part of  
20 our program to make sure we're collecting reliable, in  
21 this case, estimates of escapement, estimates of  
22 subsistence harvest, those kinds of things.  
23  
24                  It's -- I don't know. I'd have to say  
25 something stupid like good things take time. This  
26 information is and will be used in the management of  
27 the fisheries. Maybe it isn't -- there haven't been  
28 any management changes to date, let's say in the  
29 Icy/Chatham Strait area, as a result of this  
30 information, except some things like I'd have to throw  
31 this out. Neva Lake, the first couple years of  
32 escapement estimating, we found the run was a lot  
33 bigger than we thought. We thought there was just a  
34 couple thousand fish in there and it was 5,000 and then  
35 11,000 fish in the escapement and the run just kept  
36 going. It goes to the end of August, end of September,  
37 October 15th I'm still counting sockeye in the lake.  
38  
39                  So kind of with these results there we  
40 went from a 10 fish harvest limit to a 40 fish limit  
41 and extension of the season to August 15th from July  
42 31st. So I'm just saying there's some immediate use of  
43 information. At the same time the information I've got  
44 from Neva Lake presenting to the State we're seeing  
45 declines in escapement directly related probably to  
46 increases in this subsistence fishery and as a result  
47 management used that information and reduced the  
48 harvest limit back down to 10 fish I think it is. I  
49 might be wrong. I think it might be 15 fish now that I  
50 think of it.



1                   So we're using information or  
2 information is being used to help manage the fishery,  
3 in this case subsistence personal use permit limits,  
4 but that's an example. In the big picture, I don't  
5 know, right from the very beginning our first estimate  
6 of escapement into Kanalku Lake were very small. 229  
7 one year, 2003 is 276. That was the year they decided  
8 to basically institute a voluntary closure on the  
9 subsistence fishing. So that, to me is a definite  
10 management action.

11  
12                   Anyway, I think all this information is  
13 and will be used over time. It's very good to have and  
14 I think it's actually  
15 priceless because in the end everything boils down to  
16 making sure you have enough fish to spawn. So in our  
17 world of subsistence priority it's enough fish to spawn  
18 and enough fish to meet people's subsistence needs. So  
19 that's the bottom line for us. And if we don't have  
20 this information, we won't have any positive influence  
21 on management decisions in the future.

22  
23                   CHAIRMAN BANGS: Thank you, Ben.

24  
25                   Mr. Douville.

26  
27                   MR. DOUVILLE: Thank you, Mr. Chairman.  
28 The outside net fishery is restricted by the treaty of  
29 Canada that allowed X amount of sockeyes during the  
30 month of July and most of the time they have a one-  
31 night hour opening a week. If they catch too many  
32 sockeye, they might not have an opening in the  
33 following week. I'm sure they kept some sockeye that  
34 are bound for those nearby seines, but I'm thinking  
35 more that, like you said, there was 20 to 21 degrees  
36 Celsius water, which is about 70 degrees, which my  
37 thought would be affecting those fish that are rearing  
38 that are going to be going back out that are having  
39 high mortality and it's really not what's happening on  
40 the west coast of that island but what's happening  
41 where they're growing up because of the high water  
42 temperatures or that affecting something else that  
43 affects the fish.

44  
45                   MR. VANALEN: Kind of a comment, but I  
46 guess I'll comment kind of related to it. It's  
47 important for us to keep in mind what factors limit  
48 production of salmon. Number one is the habitat. That  
49 fish need to spawn, rear and migrate in. So that's  
50 number one. We need to maintain and protect the

1 habitat. If you pave it over, it doesn't matter how  
2 many spawn, right? Anyway, I'm just keeping this  
3 priority down.

4

5                   The next thing is escapement. The next  
6 thing is making sure we've got quality and quantity in  
7 the escapement. Well, distributed escapements through  
8 all the little sub-spawning populations, the timing of  
9 early run fish, late run fish all in the same stream.  
10 That's critical. That's what maintains healthy runs.

11

12                   Thirdly, last on the list is natural  
13 variations climate ocean conditions. What do we have  
14 control over. It's the first two. We have a lot of  
15 control over what we do with ground-disturbing  
16 activities. We have a lot of control over how many  
17 fish we catch and return, how many escape to spawn. We  
18 have a lot of control over how we conduct that fishery  
19 to make sure we're getting good natural distribution of  
20 the spawners. So that's what we have control of.

21

22                   We don't have a lot of control short of  
23 riding a bike over what's happening in climate change,  
24 ocean recidification, all those kinds of things even  
25 though it is influencing. What we want to do is keep  
26 our escapements up at that level where they're highly  
27 variable and dependent on natural variations and ocean  
28 survival, but they average way higher than they would  
29 be at lower levels of escapement. So that's the big  
30 picture that we're working under.

31

32                   CHAIRMAN BANGS: Thank you, Ben.

33

34                   Mr. Howard.

35

36                   MR. HOWARD: Thank you, Mr. Chairman.  
37 I'm looking at the 2009 that was referred to from the  
38 gentleman from Sitka. I don't have a clue one about  
39 what's happening in Redoubt Bay. I guarantee you, and  
40 you can ask me anything about Kanalku/Sitkoh Bay and  
41 Kook Lake. There's many variables that affect those  
42 systems. There's a direct correlation in commercial  
43 fishing that does affect those systems. My log books  
44 will confirm that for you.

45

46                   When the commercial industries open the  
47 log books, then my salmon catch rate goes down.  
48 Common sense. I'm not a scientist, but I do realize  
49 that it does have an impact on what's happening in our  
50 community. It's my responsibility as a leader of the

1 community to understand what's happening to the system.

2

3

4 I heard the Chairman ask Mr. VanAlen a  
5 question about genetics and was their signs of  
6 commercial fishermen intercepting salmon and  
7 recognizing the fact that they did come from Kanalku  
8 through genetics and scale sampling. Well you have to  
9 realize there's another equation to that. Sure maybe a  
10 seiner caught one  
11 sockeye from Kanalku that you can prove through  
12 samples. Maybe, that sockeye came during a bad parent  
13 year where there wasn't any sockeye returning to the  
14 stream, which means there was only one sockeye passing  
15 that boat because there wasn't any sockeye there to  
16 begin with.

17

18 You can use that in court or any  
19 argument and say I only caught one of your (in  
20 Tlingit). Well, maybe that was the last one. So you  
21 have to look at all the data on every side because if  
22 you don't do that, we're not sitting at the table and  
23 doing our responsibility to the resource. I'm never  
24 going to argue for subsistence. Never going to argue  
25 for sport fish. Never going to argue for commercial  
26 even though I represent all of them by doing what I do.  
27 So I think it's important that we look at all sides of  
28 the story before we figure out what's best for the  
29 resource.

30

31 Thank you, Mr. Chair.

32

33 CHAIRMAN BANGS: Thank you, Mr. Howard.  
34 Remember this is a question time for Mr. VanAlen. Did  
35 you have a follow up? I'm sorry, Mike, I didn't catch  
36 that hand if you had a follow up on your question.

37

38 MR. DOUVILLE: (Shakes head negatively)

39

40 CHAIRMAN BANGS: Okay. Any other

41 questions.

42

43 Patty.

44

45 MS. PHILLIPS: Thank you, Mr. Chair.  
46 Since you discussed the declining trend in escapement,  
47 then how does that factor into future management  
48 discussion of fishery?

49

50 MR. VANALEN: I guess I'd have to say

1 that we need to be looking at ways to maybe moderate  
2 the harvest of the fish. Maybe it's across the board  
3 to maintain escapement levels. I think there's  
4 something hidden in here and people use the words  
5 shifting baseline. There used to be a lot more fish in  
6 like Klawock. A lot more sockeye than there is in  
7 these years of study here. We could say the same thing  
8 with almost every other sockeye system in our region.  
9 They used to be a lot larger.

10  
11 I think all we're trying to do is make  
12 sure that there's at least as many as in low  
13 escapements. And just at least as many fish returning  
14 to the bays for the subsistence users to have a  
15 reasonable harvest. Efficiency and harvest take. So I  
16 guess it's up to us and your constituents in your  
17 communities to be helping us effectively set those  
18 minimum targets for escapement for subsistence harvest.  
19

20  
21 I think that's kind of a big part of  
22 what we might be doing. But to me it is generally not  
23 a pattern you want to continue, a trend towards  
24 declining escapements. It takes fish to make fish and  
25 absolutely takes quality escapements to maintain  
26 quality runs. We have our high runs when we have high  
27 escapements and that's what we want to keep working  
28 towards.

29  
30 CHAIRMAN BANGS: Thank you. Any other  
31 questions.

32  
33 Mr. Jackson.

34  
35 MR. JACKSON: Through the Chair, Mr.  
36 VanAlen. Is there any chance -- I know you have a set  
37 time when you do these tests when you send people over  
38 like to Falls Lake. With the climate change and the  
39 fish either coming in earlier or leaving later, that  
40 you will change the pattern. Because we were getting  
41 reports that the fish were coming in late and still  
42 going up Falls Lake because that's where the guys are.  
43 Will those change later in the future or are you guys  
44 going to keep it the same and just keep the -- you  
45 know, with climate change moving things around. I just  
46 wondered.

47  
48 Thank you.

49  
50 MR. VANALEN: I'd like to hope that

1 we'll be very responsive and we try to get there, put  
2 our camps in, our weirs in and start counting fish when  
3 we feel the first at least five percent of the run is  
4 likely to be there. So we base those start-up dates on  
5 past observations and try to err on the side of not  
6 missing fish. The same thing at the other end. We try  
7 to keep our projects in until it's really obvious that  
8 we're at the very last bit of the run. So I would  
9 think that if there are shifts over time due to global  
10 climate change factors, that our project dates will  
11 probably shift accordingly ahead or most likely later.

12

13 CHAIRMAN BANGS: Thank you, Ben.

14

15 Mr. Kitka.

16

17 MR. KITKA: Thank you, Mr. Chair. I  
18 just had kind of a question. I didn't know where I was  
19 going to go with it, but I've been thinking about the  
20 sockeye and the chum salmon and basically all the  
21 forage fish. They kind of almost eat the same  
22 type of things when they travel out into the ocean.  
23 With the declines of some of these, like the sockeye  
24 returns, is there a noticeable decline within the four-  
25 inch fish also at the same time?

26

27 MR. VANALEN: I have no idea of the  
28 abundance, density of the forage fish. In the work  
29 that I do I'm basically counting adult salmon in  
30 streams, but I will concur with your thought that when  
31 they are in the ocean, there is indeed a very broad  
32 overlap in their diets and especially when they're  
33 small. The smaller a fish is, it can only eat what it  
34 can eat and they can only eat what's there. All you  
35 have to know is do they swim together, do they occupy  
36 the same habitat.

37

38 By and large, early in the spring when  
39 there's larval eulachon and herring, all larval fishes  
40 as well as pink, chum, sockeye and coho, they often  
41 occupy the more nearshore habitats, at least in the  
42 first couple of weeks of their ocean residence and  
43 there is a direct competition for space and food, just  
44 like there is throughout their whole life.

45

46 CHAIRMAN BANGS: Thanks again, Ben.

47

48 Mr. Wright.

49

50 MR. WRIGHT: Thank you, Mr. Chair. Is

1 there any threats to any of these systems even when  
2 commercial fishing is being done? Because when I look  
3 at all these variation in numbers there's some numbers  
4 where fishing hasn't been done around this area. Like  
5 Neva is Icy Strait and you look at the variation  
6 numbers that come out of there and there's no fishing  
7 in Icy Strait. So will these systems, the numbers that  
8 we have here, be able to sustain themselves even though  
9 there's commercial fishing?

10

11 MR. VANALEN: I think these numbers  
12 we're looking at are definitely sustainable. I also  
13 agree that I wouldn't think that Neva Lake sockeye  
14 would be subject to direct commercial seine effort just  
15 given the position they are at the upper part. I'm  
16 certain -- and Neva sockeye do sway in and there are  
17 some caught along the Whitestone and Augusta and  
18 whatnot, but it wouldn't be a direct input.

19

20 I think this gets a little bit tricky,  
21 but not too tricky in that a lot of our high seine  
22 harvest years in the northern inside waters, if you  
23 look at your map, about 80 percent of the harvest or  
24 well over 70 percent of the harvest is coming from  
25 what's considered to be passing stock fishing areas.  
26 Highly mixed stock fishing areas. Those are the  
27 Whitestone shore, the Augusta, the Marsden shore, the  
28 shoreline of Admiralty actually north of Parker Point  
29 area. Those are basically places where fish are  
30 migrating. They're migrating to where they're going to  
31 go. And so having such a high percentage of your  
32 harvest in those areas is risky in terms of you don't  
33 know what the strengths of the different stocks are  
34 that are contributing to your harvest.

35

36 One example would be the early run pink  
37 salmon we have in Southeast Alaska. There's an early  
38 run that migrate in the head of Tenakee Inlet. Another  
39 early run, same timing. An early run that goes in the  
40 head of Seymour Canal, those cold streams there. And  
41 you have no idea at that point in time if both stocks  
42 are strong enough to have a surplus production for  
43 harvest or if one stock is weak and not enough there to  
44 take that harvest and they'll then have low escapements  
45 and low returns as a result.

46

47 Anyway, it's kind of a risky pattern.  
48 I think we're still seeking the right mix of harvesting  
49 in the fishing areas which are very important to do and  
50 in fishing more locally where local stocks -- like at

1 the -- not terminally, but if you're fishing fish bound  
2 for say Peril Strait, you'd be fishing for in the  
3 entrance to Peril Strait area. Fish bound for  
4 Chichagof more off Whitestone or Seymour or Tenakee.  
5 That would be kind of a better way or safer way to  
6 direct your harvest on what you observe through fishery  
7 performance data and back seat of a SuperCub as to what  
8 would be the harvestable stocks, ones that are  
9 stronger, that you want to catch more of.

10

11 So I think one reason we had a very,  
12 very low return of fish in these past odd years and  
13 we're actually working down in the even a little now  
14 too, is kind of a risk overfishing of individual stocks  
15 that make up the whole.

16

17 CHAIRMAN BANGS: Okay. Thank you very  
18 much. Did you have a quick follow up? We're going to  
19 have to wrap it up here and get going.

20

21 MR. WRIGHT: Okay. Thank you, Mr.  
22 Chair. I asked you are these systems in danger when  
23 commercial fishing is being done and what months do the  
24 sockeye really run into these systems because we at  
25 Point Augusta don't even fish until the 20th of June  
26 and then I don't even start fishing until probably the  
27 5th or 6th of July. So are the systems in danger?

28

29 MR. VANALEN: Well, I don't think we're  
30 in danger given the effort we have, but it's definitely  
31 a concern. In fact, I think the great danger is -- the  
32 real issue is effective management of the commercial  
33 purse seine fishery for pink salmon. That's what I  
34 think. But in terms of the sockeye there is such a  
35 broad overlap and when the sockeye migrate and when the  
36 pink salmon migrate and when the seine fishery occurs  
37 broadly overlap in all areas. Even what we consider  
38 the early run of Kanalku, it's still very broadly  
39 overlapped.

40

41 So I think if we had situations where  
42 we had very low returns to one of these systems, we  
43 might be in a situation where we then are left with  
44 years of rebuilding escapements. Years of reduced  
45 fishing effort to try to rebuild the escapements from  
46 low -- a stock from low escapements. Does that make  
47 sense? Anyway, we want to avoid that.

48

49 CHAIRMAN BANGS: Okay. Thank you very  
50 much. We just have a few minutes here before we carry

1 on to the teleconference and presentation. Thank you  
2 very much, Mr. VanAlen. I'd like to ask if Gene  
3 Peltola could come up and give us an update on the  
4 Chairman of the Federal Board.

5

6 MR. PELTOLA: Thank you, Mr. Chair.  
7 Regional Advisory Council Members. Earlier today,  
8 within the last several hours, Public Member Tony  
9 Christianson was appointed as the Interim Federal  
10 Subsistence Board Chair by the Secretary of Interior  
11 with concurrence from Agriculture. So he'll be our  
12 Acting Chair. The Board will be proceeding forth with  
13 seven members on the Federal Subsistence Board until  
14 which time a permanent replacement can be found.

15

16 With regard to that process, the  
17 Federal Program is soliciting letters of interest,  
18 resumes from individuals that are interested in serving  
19 as the Chair of the Federal Subsistence Board up until  
20 October 7th. Those are going through the Department of  
21 Interior Special Assistant to the Secretary, Michael  
22 Johnson.

23

24 After that Interior locally within the  
25 state will make a short list to forward down to the  
26 Secretary for recommendation for filling in the  
27 position full time and then the Secretary will make a  
28 selection and then with concurrence of Secretary  
29 Vilsack at Agricultural will announce the permanent  
30 Chair of the Federal Subsistence Board.

31

32 If you have any other questions, I'll  
33 be around today and part of tomorrow. If not, you can  
34 call our office and we can try to address any concerns  
35 or questions you may have.

36

37 Thank you, Mr. Chair.

38

39 CHAIRMAN BANGS: Thank you, Gene. Any  
40 other comments from the Council on the process that he  
41 might be able to clear up real quick?

42

43 (No comments)

44

45 CHAIRMAN BANGS: Okay. Thank you.

46

47 I'll let Mr. Larson explain the  
48 teleconference presentation.

49

50 MR. LARSON: Thank you, Mr. Chair. At



1 this time we have a time certain for agenda item 10(g),  
2 the Tongass Submerged Lands Proposed Rule. If you look  
3 on Page 84, you'll see the proposed rule. In the  
4 proposed rule it specifies that the Regional Advisory  
5 Councils will have a public meeting to take testimony  
6 on the proposed rule. That's what we'll do right now.  
7 At the end of the public meeting, then the Council will  
8 have an opportunity to decide what they want to do with  
9 what they've heard or seen or read on this topic.

10

11 So if there's members of the public  
12 either in the room right now or we need to check the  
13 people that are on the telephone, if they could provide  
14 me a copy of the blue testifier's form and have it  
15 specific to the submerged lands. Right now I'd like to  
16 introduce DeAnna Perry. DeAnna Perry is your new  
17 Council coordinator and she is going to talk about  
18 exactly what it is we wish to discuss during this  
19 public meeting.

20

21 Thank you.

22

23 MS. PERRY: Thank you, Mr. Larson.  
24 Chairman Bangs and Members of the Council. As Robert  
25 Larson said, on Page 84 you have before you the Federal  
26 Register. The summary actually gives a good overview  
27 of this case and for the benefit of those folks on the  
28 phone I'm going to quickly kind of run through that.

29

30 The U.S. District Court for Alaska in  
31 its October 17, 2011, order in Peratrovich et al. v.  
32 United States and the State of Alaska, enjoined the  
33 United States to promptly initiate regulatory  
34 proceedings for the purpose of implementing the  
35 subsistence provisions in Title VIII of ANILCA. This  
36 is in respect to submerged public lands within Tongass  
37 National Forest and the Court directed entry of  
38 judgment. To comply with the order, the Federal  
39 Subsistence Board must initiate a regulatory proceeding  
40 to identify those submerged lands within the Tongass  
41 National Forest that did not pass to the State of  
42 Alaska at statehood and, therefore, remain Federal  
43 public lands subject to the subsistence provisions of  
44 ANILCA.

45

46 As Mr. Larson mentioned, today is one  
47 of those hearing dates.

48

49 Following the Courts decision, the  
50 Bureau of Land Management and the USDA Forest Service

1 started a review of hundreds of potential pre-statehood  
2 withdrawals in the marine waters of the  
3 Tongass National Forest. In April and October of 2015,  
4 BLM submitted initial lists of submerged public lands  
5 to the Board. This proposed rule before you that was  
6 issued on June 8th would add those submerged parcels to  
7 the subsistence regulations to ensure compliance with  
8 the Court order.

9  
10 On Page 88 of your books the actual  
11 sites are listed under applicability and scope on the  
12 left hand column at the bottom. These are very generic  
13 headers as far as where the actual sites are and they  
14 reference a geodetic survey chart.

15  
16 Since this proposed rule was actually  
17 posted, we have been able to secure a map with very  
18 generic points showing where these are. It's my  
19 understanding that we are now opening up for comment  
20 for those folks on the phone or those folks who are  
21 physically here. A public comment on any of these  
22 sites that are listed.

23  
24 Chairman Bangs, would you like me to  
25 list or read those sites off for the benefit of folks  
26 on the phone or would you deem that necessary.

27  
28 CHAIRMAN BANGS: I think it would be  
29 helpful if it could be summarized.

30  
31 MS. PERRY: Okay. So in Southeastern  
32 Alaska, Makhnati Island area is mentioned. On the  
33 Tongass National Forest the following are mentioned:  
34 There's an area at Beacon Point, Frederick Sound and  
35 Kupreanof Island. A point at Bushy Island and Snow  
36 Passage. A point at Cape Strait, Frederick Sound, and  
37 Kupreanof Island. A point at Point Colpoys and Sumner  
38 Strait. A point at Vank Island and Stikine Strait. A  
39 point at High Point and Woronkofski. A point at Key  
40 Reef and Clarence Strait. A point at Low Point and  
41 Zarembo Island. McNamara Point and Zarembo Island.  
42 Mountain Point and Wrangell Narrows. Angle Point,  
43 Revillagigedo Channel, and Bold Island. Cape Chacon,  
44 Dixon Entrance, and Prince of Wales Island. Lewis Reef  
45 and Tongass Narrows. Lyman Point and Clarence Strait.  
46 Narrow Point, Clarence Strait, and Prince of Wales  
47 Island. Niblack Point, Cleveland Peninsula, and  
48 Clarence Strait. A point at Rosa Reef and Tongass  
49 Narrows. Ship Island and Clarence Strait. Spire  
50 Island Reef and Revillagigedo Channel. Surprise Point

1 and Nakat Inlet. Caamano Point, Cleveland Peninsula,  
2 and Clarence Strait. Meyers Chuck and Clarence Strait.  
3 Round Island and Cordova Bay. Mary Island and a point  
4 at Tree Point.

5

6 CHAIRMAN BANGS: Thank you, Ms. Perry.  
7 Hopefully the people on the phone could hear that. I  
8 know we're having trouble, but we're doing the best we  
9 can. I apologize for the bad connection and  
10 communications with our phone people.

11

12 Thank you.

13

14 What's the wish of the Council. This  
15 isn't an action item. This is only a portion of them,  
16 as I understand, Ms. Perry. So we're going to learn  
17 about a lot more of these?

18

19 MS. PERRY: Yes, Chairman Bangs. These  
20 have been identified by BLM. They also have more that  
21 will be identified and then the Forest Service also has  
22 some to identify as well.

23

24 CHAIRMAN BANGS: Thank you very much.

25

26 Any questions.

27

28 MS. PHILLIPS: Chairman.

29

30 CHAIRMAN BANGS: Ms. Phillips.

31

32 MS. PHILLIPS: Thank you. Is she  
33 coming back?

34

35 CHAIRMAN BANGS: Ms. Perry, I think we  
36 may have some questions for you.

37

38 MS. PERRY: Yes.

39

40 MS. PHILLIPS: Thank you, Chairman  
41 Bangs. Thank you, Ms. Perry. When you said directed  
42 entry of judgment, what does that mean? Under the  
43 summary it mentions directed entry of judgment.

44

45 MS. PERRY: The Court directed the USDA  
46 Forest Service and BLM with the Office of Subsistence  
47 Management to carry out identification of possible  
48 submerged lands that were still under Federal  
49 jurisdiction. So it was an entry for -- the Court was  
50 ordering the agencies to take action.

1 CHAIRMAN BANGS: Thank you.  
2  
3 Follow up, Patty.  
4  
5 MS. PHILLIPS: Thank you, Mr. Chairman.  
6 So this is a partial listing and what is the timeline  
7 for the rest of the listings?  
8  
9 MS. PERRY: This is a partial listing.  
10 I wouldn't be able to speak for BLM other than I have  
11 been in contact with them and I know this is only a  
12 partial list. I personally have been working on the  
13 list for the Forest Service. If you'll bear with me, I  
14 do have my notes here. We just did a status report  
15 back in June to the plaintiffs and we've reviewed 26  
16 potential pre-statehood LTF sites. Initial evaluations  
17 have been performed on 23 of those.  
18  
19 So we have of interest about another 17  
20 that we still need to review. Because aerial  
21 photographs and the dates in which those aerial  
22 photographs were taken and any documentation that might  
23 support pre-statehood withdrawal, that could be months  
24 in the making.  
25  
26 CHAIRMAN BANGS: Thank you.  
27  
28 Mr. Hernandez.  
29  
30 MR. HERNANDEZ: I was going to ask how  
31 these sites are being determined. I thought I heard  
32 you say LTF sites, log transfer facilities. Is that  
33 the primary justification for these being Federal?  
34  
35 MS. PERRY: For BLM, I think they  
36 started with materials that they have and, again, I  
37 probably couldn't speak how BLM is identifying their  
38 sites, but for our part, being the Forest Service, our  
39 personnel, engineers and foresters believe that the  
40 most likely locations to find the marine submerged  
41 lands that have been filled in, built up or otherwise  
42 reclaimed by the United States and that's the  
43 terminology that the Court has given us. We believe  
44 that the locations of pre-statehood log transfer  
45 facilities would be the best place to find those  
46 possible submerged lands.  
47  
48 MR. HERNANDEZ: Okay.  
49  
50 CHAIRMAN BANGS: Thank you. I just was

1 notified that the people that are online on the  
2 telephone cannot hear the questions from the Council  
3 unless that microphone is off after you're done  
4 speaking. That's what we just learned.

5  
6 MS. PERRY: Okay.

7  
8 CHAIRMAN BANGS: Anyway, is there any  
9 other questions for Ms. Perry.

10  
11 (No comments)

12  
13 CHAIRMAN BANGS: Okay. What I'd like  
14 to do is ask if there's anyone here in the public in  
15 the room that would like to address or comment on this  
16 issue. And then I would like to ask if there is anyone  
17 on the telephone that would like to testify.

18  
19 (No comments)

20  
21 CHAIRMAN BANGS: Okay. There isn't  
22 anyone on the telephone that wants to testify. We've  
23 got the microphone on right now and the phone is there.

24  
25 (No comments)

26  
27 CHAIRMAN BANGS: Hearing none. There's  
28 no more questions. Thank you, Ms. Perry.

29  
30 MS. PERRY: Thank you.

31  
32 CHAIRMAN BANGS: I would like to close  
33 the public hearing and ask the Council if they would  
34 like to have a discussion about some of these lands or  
35 projection on what would become of these lands or  
36 what's the will of the Council.

37  
38 Mr. Hernandez.

39  
40 MR. HERNANDEZ: Thank you, Mr.  
41 Chairman. I guess I would like to have some kind of a  
42 discussion about what the implications would be should  
43 these lands transfer over to Federal ownership is  
44 relations to various fisheries that might take place in  
45 these zones. Yeah, just kind of the implications of  
46 what could happen here with the transfer.

47  
48 CHAIRMAN BANGS: Mr. Larson.

49  
50 MR. LARSON: Mr. Hernandez. My

1 understanding is we're talking about not the fact that  
2 they may or may not be transferred to the State. I  
3 think the Court will make that determination. The  
4 question, of course, is whether or not there is our  
5 Federal subsistence regulations would be valid for  
6 those particular lands. Our charge is that we do not  
7 have jurisdiction on tidal waters. This is the  
8 exception.

9

10 I don't see where it affects the  
11 ability of other entities, especially the State, to  
12 manage their fisheries or wildlife regulations on those  
13 lands the same as they would in any other  
14 circumstances. So they retain the rights to manage  
15 appropriately. But it's whether or not these places  
16 would have jurisdiction for Federal subsistence  
17 management.

18

19 CHAIRMAN BANGS: Don.

20

21 MR. HERNANDEZ: Which, of course, would  
22 mean that any existing fisheries that take place on or  
23 above these lands would then now have a priority for  
24 subsistence uses, which of course would be a change.  
25 Yeah, I don't know. It just seems like it would make a  
26 difference in some way.

27

28 CHAIRMAN BANGS: Any other questions or  
29 comments. Harvey.

30

31 MR. KITKA: Thank you, Mr. Chair.  
32 Without really seeing a map of how big an area these  
33 are, some of these are probably not very -- don't go  
34 very far out into the waters at all. Some are just  
35 really close to the beaches. I really can't see where  
36 we'd have a say in this until we got a map of this  
37 area.

38

39 Thank you.

40

41 CHAIRMAN BANGS: Thank you, Harvey.

42

43 Anyone else.

44

45 Mr. Reifenstuhl.

46

47 MR. REIFENSTUHL: I'm sorry I was late  
48 on the hand raise. Well, there's a letter in there from  
49 the State on Page 91. What does that mean? It was  
50 included in the packet and I'm curious what OSM's

1 response is to that.

2

3

Thank you.

4

5

MR. LARSON: This is my understanding  
6 and you are not talking to the expert here. It is my  
7 understanding that the State during the public process  
8 has brought an issue to the Board for their  
9 consideration and that is in fact that there is some  
10 patents that were in place that need to be adjudicated.  
11 Their opinion is that the current thought regarding  
12 jurisdictions for Makhnati specifically is that it  
13 needs to have further review.

14

15

So that's my understanding of this, is  
16 they have a difference of opinion about whether or not  
17 the Federal government has jurisdiction on Makhnati  
18 because of these other things. What happens to it now,  
19 I mean there's got to be some adjudicator somewhere to  
20 make that consideration and make a ruling. I don't  
21 know exactly how that's going to work.

22

23

CHAIRMAN BANGS: Thank you, Mr. Larson.

24

25

MR. LARSON: Jennifer will know.

26

27

CHAIRMAN BANGS: Jennifer.

28

29

MS. HARDIN: Thank you, Mr. Chair. For  
30 the record, it's Jennifer Hardin from OSM. If it is  
31 okay with the Chair, I'd like to respond to that  
32 question related to the State of Alaska's letter.  
33 Before coming to this meeting I did speak with our  
34 regulations specialist at OSM and the patents that the  
35 State addresses in its letter that you have in your  
36 packet, specifically Patent No. 50-68-0194. It does  
37 not include either of the adjacent submerged lands or  
38 the fill lands that connect Makhnati Island to the rest  
39 of the chain of islands. Similarly, Patent 50-90-0267  
40 includes lands surveyed on Japonski Island and the  
41 Survey 1496, but also it does not grant ownership to  
42 the State of any adjacent submerged lands.

43

44

So, in essence, the State's concerns  
45 that are expressed in this letter do not have any  
46 bearing on the proposed rule and other than the  
47 concerns expressed in this letter the State did not  
48 have any other comments on the lands that have been  
49 included in the proposed rule you have in front of you.

50

1 CHAIRMAN BANGS: Thank you.

2

3 Anyone else.

4

5 Mr. Douville.

6

7 MR. DOUVILLE: You know, we've  
8 discussed this Makhnati Island area before and this was  
9 brought forth by the Sitka Tribe and Chairman  
10 Littlefield was adamantly -- well, maybe that's the  
11 wrong term, but they through their research decided  
12 that this was Federal water and I think the goal was to  
13 have a place where they could have their fish eggs and  
14 be able to regulate it somewhat to ensure they did get  
15 their subsistence. I think some of this is where this  
16 started. I could be incorrect. Maybe somebody could  
17 explain that, but the State is opposed to this  
18 particular piece.

19

20 I don't know. I guess I'm getting  
21 lost, but that's where it came from originally. Sitka  
22 Tribe isn't here to speak to it, but perhaps it would  
23 be nice if they would.

24

25 CHAIRMAN BANGS: Thank you, Mr.  
26 Douville. I think when this list becomes complete and  
27 we get an accurate map, I think we will probably  
28 discuss this a lot more at length, including Makhnati  
29 Island and at that point there would be a request to  
30 hear comments from the Sitka Tribe.

31

32 Anybody else have any comments or  
33 questions.

34

35 Patty.

36

37 MS. PHILLIPS: Thank you, Chairman  
38 Bangs. On Page 86 under jurisdictional background and  
39 perspective, it says the Peratrovich case dates back  
40 to 1992 and here we are in 2016, 24 years later. I'd  
41 like to highlight a couple of the proposed rules. It  
42 is the duty of the Secretaries of Agriculture and  
43 Interior to identify any submerged lands and the marine  
44 waters overlying them within the Tongass National  
45 Forest to which the United States holds title.

46

47 And this one. In its May 31, 2011,  
48 order, the Court stated that the petition process was  
49 not sufficient and found that concerns about costs and  
50 management problems simply cannot trump the



1 congressional policy that the subsistence lifestyle of  
2 rural Alaskans be preserved as to public lands. The  
3 Court acknowledged in its order that inventorying all  
4 these lands could be an expensive undertaking, but that  
5 it is a burden necessitated by the complicated  
6 regulatory scheme which has resulted from the inability  
7 of the State of Alaska to implement Title VIII of  
8 ANILCA. The Court then enjoined the United States to  
9 promptly initiate regulatory proceedings for the  
10 purpose  
11 of implementing the subsistence provisions in Title  
12 VIII of ANILCA with respect to submerged public lands  
13 within Tongass National Forest and directed entry of  
14 judgment.

15  
16 I just wanted to read that into the  
17 record, Mr. Chair.

18  
19 CHAIRMAN BANGS: Thank you for that,  
20 Patty.

21  
22 Any other comments or questions.

23  
24 MR. SCHROEDER: Yes.

25  
26 CHAIRMAN BANGS: Mr. Schroeder.

27  
28 MR. SCHROEDER: I find this pretty  
29 confusing in that we don't have a map before us showing  
30 what the areas are. Also that we don't know what the  
31 final list of areas might be because only the ones that  
32 are mentioned are covered in this notice and this  
33 action. I'd really benefit a lot if we had legal  
34 counsel on board to go over where these things stand  
35 and what might be involved. That would be obviously at  
36 some later date.

37  
38 CHAIRMAN BANGS: Thank you, Mr.  
39 Schroeder. Point well taken. I think that may come  
40 with the final list and a map that gives us some  
41 information that we need and then I guess we could ask  
42 for legal consultation at a later date.

43  
44 Okay. I'd like to take a 10-minute  
45 break and come back and move along.

46  
47 Thank you.

48  
49 (Off record)

50

1 (On record)

2

3

CHAIRMAN BANGS: We're going to  
4 continue a short discussion about the Tongass Submerged  
5 Land Proposed Rule. In reading it, I think that Cathy  
6 and a couple other Council Members are correct in  
7 assuming that what they're asking for is a  
8 recommendation to the Federal Board.

9

10 Now the process is not finished yet and  
11 in my mind it's kind of hard to make a recommendation  
12 when it's an ongoing process, but I would entertain a  
13 motion that the Council could move forward to the  
14 Federal Board in regards to making a recommendation.

15

16

Cathy.

17

18

MS. NEEDHAM: Thank you, Mr. Chair.  
19 Just a quick clarification for Mr. Larson. Should I  
20 make the motion on what we just suggested and then we  
21 would have a discussion or should we have the  
22 discussion where we need more information before we can  
23 make the motion?

24

25

MR. LARSON: Mr. Chair. It's  
26 appropriate to make the motion to focus our  
27 discussions. Motion first.

28

29

CHAIRMAN BANGS: Okay, Ms. Needham.

30

31

MS. NEEDHAM: Thank you, Mr. Chair.  
32 Before I make the motion I just want to explain to my  
33 fellow Council Members that in reading the proposed  
34 rule on Page 84 in the right-hand column it states that  
35 the Regional Advisory Councils will hold a public  
36 meeting to receive comments on the proposed rule during  
37 this meeting cycle, which is what we did before the  
38 break, and that the Councils will make recommendations  
39 to the Federal Subsistence Board and the Board will  
40 discuss and evaluate the proposed regulatory changes,  
41 which is this proposed rule, during a public meeting in  
42 Anchorage in January of 2017.

43

44

Because we do not have the opportunity  
45 to meet again as a Council prior to that time, I felt  
46 it was important that we move this back to the table to  
47 decide if we wanted to make a recommendation to the  
48 Board at this time based on the information that we  
49 were given.

50

1 I'm going to read in a motion that's in  
2 the second-hand column towards the bottom and then hope  
3 that we would have a discussion and ask for more  
4 information to decide if we support or oppose the  
5 motion.

6  
7 So I move that we recommend to the  
8 Federal Subsistence Board that this proposed rule would  
9 add those submerged parcels as described within the  
10 proposed rule to the subsistence regulations to ensure  
11 compliance with the Court order.

12  
13 MR. REIFENSTUHL: Second.

14  
15 CHAIRMAN BANGS: A motion has been made  
16 and been seconded to make a recommendation to the  
17 Federal Board. Is there some discussion.

18  
19 Cathy.

20  
21 MS. NEEDHAM: Thank you, Mr. Chair. I  
22 think the first thing I would like to ask is Harvey  
23 asked if we could see a map of these areas because the  
24 proposed rule describes them in words and we're very  
25 visually learning people and I believe those maps are  
26 available, so I'd want to make sure that those are  
27 presented to us or that every Council Member has the  
28 opportunity to look at the map that is projected on the  
29 wall or at the table.

30  
31 CHAIRMAN BANGS: Okay. This is the map  
32 projected on the wall behind us and it shows the points  
33 that were described in your booklet.

34  
35 John.

36  
37 MR. YEAGER: Thank you, Mr. Chair.  
38 After looking at the Register, is it my understanding  
39 that all the Councils will hold public meetings and  
40 take comments and kind of follow suit with us or are we  
41 satisfying this requirement by just one Council holding  
42 a single public meeting?

43  
44 CHAIRMAN BANGS: Mr. Larson.

45  
46 MR. LARSON: Mr. Chair. Mr. Yeager.  
47 All Councils will have a public meeting with an  
48 opportunity for the public to comment on the proposed  
49 rule. As far as I know, none of the other Councils  
50 have availed themselves to making a recommendation to

1 the Board.

2

3 CHAIRMAN BANGS: Mr. Kitka.

4

5 MR. KITKA: Thank you, Mr. Chair.  
6 Realizing this was a public comment period, I just was  
7 curious whether this has come across to the tribes  
8 through their government to government consultation,  
9 which is supposed to come before the public comments.

10

11 CHAIRMAN BANGS: Mr. Larson.

12

13 MR. LARSON: Mr. Chair. It's my  
14 understanding the public comment period has come and  
15 gone some time ago. This is the public hearing for the  
16 Council to weigh in on this issue.

17

18 CHAIRMAN BANGS: Mr. Schroeder.

19

20 MR. SCHROEDER: I have some concerns  
21 and perhaps we may  
22 express them in our motion and our recommendation to  
23 the Federal Board. On the one hand the Court has  
24 ordered about five years ago and five years is kind of  
25 like a long time. Then the Court appears to order the  
26 Agencies to do this piece of work and it's not done in  
27 five years.

28

29 Then on the bottom of the second column  
30 on Page 86 there's this completely lame statement: The  
31 review process is  
32 ongoing and expected to take quite some time. Now this  
33 kind of sounds like a job I don't want to do and I say  
34 I'm on it but can't quite say when it's going to get  
35 done. I don't think if this has some importance that  
36 really that's appropriate. I think there should be a  
37 time fixed for getting this piece of work done.

38

39 CHAIRMAN BANGS: Mr. Larson.

40

41 MR. LARSON: Mr. Chair. Yes, and I  
42 think there's others that share that sentiment.  
43 However, the proposed rule that is before us today is  
44 only for those items that are associated with the  
45 proposed rule. What happens in the future, we're not  
46 certain of that. What we're talking about now is these  
47 31 or 32 sites, should they be subject to Federal  
48 jurisdictions for subsistence or not.

49

50 CHAIRMAN BANGS: Mr. Schroeder.

1 MR. SCHROEDER: Just following up. I  
2 completely understand that, Robert. However, this is  
3 our opportunity to make a recommendation to the Federal  
4 Subsistence Board and this gives us an opportunity to  
5 say something about this lack of alacrity on the part  
6 of the Federal agencies in complying with the law.

7  
8 CHAIRMAN BANGS: Thank you, Mr.  
9 Schroeder. So are you referring to amending the  
10 recommendation that Cathy made with a timeframe? What  
11 are you getting at?

12  
13 MR. SCHROEDER: Perhaps it would be  
14 good not exactly in our recommendation because we could  
15 include some wording that says that we note that the  
16 Federal agencies have acted rather slowly at resolving  
17 this issue and that we would like this to be taken care  
18 of, the remaining areas to be decided by some date  
19 certain. That isn't exactly our recommendation. The  
20 recommendation is somewhat separate.

21  
22 CHAIRMAN BANGS: Thank you.

23  
24 Any other comments.

25  
26 Patty.

27  
28 MS. PHILLIPS: Thank you, Mr. Chairman.  
29 This proposed rule provides a list, but it doesn't  
30 provide a detailed map. I appreciate the generic map  
31 provided behind us, but it's not substantial enough in  
32 my opinion to provide the detailed layout of the  
33 submerged land within the Tongass.

34  
35 I would like to see much further  
36 detailed mapping so I know exactly what sites they're  
37 talking about. They've been ordered to provide more  
38 detail and they haven't yet. I think providing more  
39 detailed maps as the list continues on, we need those  
40 detailed maps with these 31 or 32 sites and for all the  
41 other sites that have yet to be identified.

42  
43 Thank you.

44  
45 CHAIRMAN BANGS: Thank you, Patty.

46  
47 Mr. Kitka.

48  
49 MR. KITKA: Thank you, Mr. Chair. This  
50 Council might know that some of us were still here, Mr.

1 Schroeder was our coordinator at the time and John  
2 Littlefield brought this up before the Council and he  
3 asked that all the sites be brought to the attention of  
4 -- that was still somebody's lands that belonged to the  
5 Federal government. At that time we were told that it  
6 would be too big of an undertaking. I believe those  
7 were the words he used. Is that right, Mike?

8

9 CHAIRMAN BANGS: Mr. Douville.

10

11 MR. DOUVILLE: I'm sorry, I was lost in  
12 thought. When you were talking, I was trying to get a  
13 grasp on what we're trying to do. Maybe you could ask  
14 again.

15

16 MR. KITKA: Thank you, Mr. Chair. I  
17 don't know if it's important, but I remember John  
18 Littlefield bringing this topic up a long time ago when  
19 Mr. Schroeder was the coordinator and John was just  
20 starting at that time to be our chairman and he brought  
21 this up on the submerged lands that were Federally  
22 owned and he wanted a list and maps at that time. They  
23 said it would be too much of an undertaking at that  
24 time.

25

26 MR. DOUVILLE: I don't recall  
27 specifically, but John was interested in the Makhnati  
28 Island area and I think he did make mention of other  
29 submerged lands and nobody wanted to go there.

30

31 If I may make a comment, Mr. Chair. I  
32 have no objection to including these lands and having  
33 them come under our subsistence regulations. Our  
34 charge is to enhance or make things better, make the  
35 path better to subsistence and that, to me, looks like  
36 what we would be adding. We'd be adding area to come  
37 under Federal rule for rural subsistence users and  
38 that's what we're talking about. It doesn't matter  
39 where they're at. If we're adding to it, I think it's  
40 probably a good thing.

41

42 That's my own personal assumption.

43

44 CHAIRMAN BANGS: Thank you, Mike. One  
45 second. I'd like to mention that from what I  
46 understand, the vast majority of these withdrawals are  
47 navigational aid locations, which the Coast Guard wants  
48 to maintain so they don't have to deal with the State.  
49 So they can pull up there in their cutters, their buoy  
50 tenders, pull the buoys out, maintain them and some of

1 them are log transfer facilities, but the vast  
2 majority of them from what I understand are their  
3 navigational aids. So they're not going to be  
4 something that's going to affect us at all unless you  
5 want to go crab fishing around where there's a bunch of  
6 batteries laying on the bottom that the Coast Guard  
7 threw over.

8

9                   These are places that are navigational  
10 aides, so they're giving us some space around them and  
11 I think some of them depict 200 feet from this rock  
12 where there's an aid and 100 feet this way, but that's  
13 so they can go in there and work on these things  
14 without having to deal with the State.

15

16                   I agree with Mike saying that it's just  
17 adding to our subsistence waters, but the reality is I  
18 don't think it's going to affect subsistence users very  
19 much in my opinion from what I'm gathering as to where  
20 these places are. And the log transfer facilities a  
21 lot of them are log dumps where they filled in the  
22 beach so that they could dump the logs into deeper  
23 water.

24

25                   I'd really rather have like Patty said,  
26 a detailed map and a description of what those lands  
27 are used for by the Federal government. Then I would  
28 be more willing to make a recommendation that made  
29 sense. But right now it's very confusing to me, but I  
30 feel like this is something that the Federal government  
31 wants to keep so that they can maintain their aides.

32

33                   Steve.

34

35                   MR. REIFENSTUHL: Thank you, Mr. Chair.  
36 I concur with Patty and you now. I just don't think  
37 there's enough information there. I mean the map, if  
38 you look at the dots on that scale of a map, represents  
39 hundreds of acres. So I mean you could take a vote on  
40 that and you don't really know exactly how much you're  
41 granting. So I think we need more information.

42

43                   CHAIRMAN BANGS: Thank you, Steve.

44

45                   Cathy and then Ken.

46

47                   MS. NEEDHAM: Thank you, Mr. Chair.  
48 This discussion that we're having right now is the sole  
49 reason why I didn't want to lead off by making a  
50 recommendation. I wanted us to have this dialogue on

1 the record so that once we have the dialogue and points  
2 that we feel are important feedback to give the Federal  
3 Subsistence Board and how we feel, then we would make a  
4 motion and to put that letter together or that  
5 recommendation with each of these things in it. That's  
6 what I was getting at when I asked Mr. Larson if I  
7 should make the motion that we had discussed about  
8 during break or if we should have a discussion first  
9 and then do a motion.

10

11 So I just want to remind you there is a  
12 motion on the floor, but I'm also willing to rescind it  
13 if we want to go back so that we can actually have our  
14 recommendation include these important points that  
15 you're pointing out to us right now in our dialogue.

16

17 CHAIRMAN BANGS: Thank you, Cathy.

18

19 Ken.

20

21 MR. JACKSON: Mr. Chairman. If these  
22 are going back before statehood in 1959 and they had  
23 those log dumps or whatever, I agree with you guys. I  
24 think we should have more specific points as to what  
25 we're really dealing with and possibly get -- there's  
26 11 here that they want to do and possibly get a  
27 recommendation on more. Give us an idea of how much  
28 we're dealing with.

29

30 But I agree with you guys.

31

32 CHAIRMAN BANGS: Thank you, Ken.

33

34 Steve.

35

36 MR. REIFENSTUHL: Ken brings up a point  
37 I think I understand. I mean this is a proposed rule.  
38 The lands that the Forest Service is looking at, other  
39 additional areas would be another rule. They're not  
40 just going to fold it into this one, I presume. So  
41 what we are looking at is specific to what the BLM has  
42 brought forward and we will be looking at another rule  
43 sometime in the future.

44

45 CHAIRMAN BANGS: Mr. Larson.

46

47 MR. LARSON: Yes, Mr. Chair. I want to  
48 make it clear that none of these parcels that are  
49 identified in these 26 paragraphs here are log transfer  
50 facilities. These are the aids to navigation



1 withdrawals. And you can see when you look at these  
2 that you can get an approximate size, so many feet  
3 here, so many feet there, but there will be a new --  
4 once the list has been compiled by the agencies, there  
5 will be another proposed rule for those other types of  
6 withdrawals. For instance, the log transfer  
7 facilities, but that's not this. This is the aids to  
8 navigation.

9

10 I've had some ex parte communications  
11 and it's my understanding that this list, the proposed  
12 rule and that map is going to be the basis for the  
13 Board's decision as well. So  
14 I don't think there's going to be an expectation that  
15 they  
16 would be looking at a different map than you are.

17

18 CHAIRMAN BANGS: Thank you, Mr. Larson.  
19 I know it's very confusing when they could have simply  
20 said that these are navigational aid sites and it would  
21 have cleared a lot up in my mind at the beginning. It  
22 just seems like missing information that they had to  
23 start with.

24

25 Cathy.

26

27 MS. NEEDHAM: Thank you, Mr. Chair.  
28 One question I would have is if these are navigational  
29 aid sites, how many acres per site are we talking about  
30 having set aside and does that reduce or enhance  
31 subsistence opportunities for subsistence users? I  
32 mean we only have these lat/long coordinates in here,  
33 so I have no idea. Is it like per site one acre, per  
34 site 20 acres? Do we know?

35

36 CHAIRMAN BANGS: Thank you, Ms.  
37 Needham. I don't know if anybody in here can answer  
38 that, but from my experience of using navigational aids  
39 there's a big array of difference in what size the site  
40 is. Some of them are on small rocks islands and they  
41 want to have the surrounding area, 100 feet this way,  
42 1,000 feet. I don't think there's any set site size.  
43 I could be wrong, but that's my interpretation.

44

45 Mr. Larson.

46

47 MR. LARSON: Mr. Chair. I could speak  
48 to that issue of the jurisdiction for subsistence.  
49 Because portions of these areas are intertidal, then  
50 there is no subsistence use now. It's clear that BLM

1 and the State of Alaska has recognized these particular  
2 spots are, in fact, Federal public land. The question  
3 is whether or not the subsistence regulations should  
4 apply here.

5

6 CHAIRMAN BANGS: Ken.

7

8 MR. JACKSON: Mr. Chair. When you say  
9 navigation aids, I immediately thought of like airports  
10 and breakwaters. There's some places around Sitka  
11 where the herring spawn right up against those places.  
12 I'm just, like everybody else, confused as to what  
13 areas we're talking about. That would add a lot of  
14 area to some of the places that at one time were  
15 submerged, but we put stuff on to build them up so they  
16 can use them for landing and breakwaters and  
17 everything.

18

19 Thank you.

20

21 CHAIRMAN BANGS: Thank you, Ken. So  
22 what I think we need to do is decide whether we want to  
23 move forward with the recommendation that Cathy gave us  
24 and I wish that maybe she could read that again so we  
25 understand exactly what she was saying.

26

27 Cathy.

28

29 MS. NEEDHAM: Mr. Chair. The motion I  
30 made that I don't necessarily feel now is inclusive of  
31 the discussion that we just had. I'll say that first.

32

33 The motion I made was to recommend  
34 support for the proposed rule that would add these  
35 submerged parcels to the subsistence regulations to  
36 ensure compliance with the court order. We would make  
37 that recommendation to the Board that we would support  
38 the proposed rule. But in my opinion, now that we've  
39 had a healthier discussion about this topic, that our  
40 recommendation might want to include some of the key  
41 points that we pointed out as a Council as what's been  
42 confusing about this or where we needed clarification  
43 before they move forward on their final evaluation of  
44 this proposed regulatory change. Or you could just  
45 knock it down and start over. I don't care.

46

47 CHAIRMAN BANGS: Yes, Mike.

48

49 MR. DOUVILLE: It seems to me that not  
50 all of these are on land. I mean some of them -- it

1 says submerged lands for one and some of them start at  
2 low water. In the case of Ship Island, Clarence  
3 Straits, one of the lines runs a quarter mile off the  
4 shore of Cleveland Peninsula, so there is some  
5 significance to it. I mean they're not all -- I mean  
6 without the real map and the exact lat and longs and  
7 lines drawn in specifically that you can see, it's hard  
8 to determine. In any case, if it enhances subsistence,  
9 then I would support it even if it's by a small amount.

10

11 CHAIRMAN BANGS: Patty.

12

13 MS. PHILLIPS: Thank you, Mr. Chair. I  
14 would agree with Mr. Douville that where there's  
15 Federal submerged lands that we should be supporting  
16 the ANILCA claim over it. However, this is a proposed  
17 rule and an administrative record, so administrative  
18 practice should include the due diligence of providing  
19 mapping that shows exactly the footprint of that  
20 identified location.

21

22 Thank you.

23

24 CHAIRMAN BANGS: Thank you, Patty. I'd  
25 like to throw an idea out there that might help this  
26 process out. If we voted the way you guys feel about  
27 her proposed recommendation, we during the night,  
28 tomorrow, whatever, put a workgroup together to come up  
29 with a recommendation that encompasses the thoughts  
30 that the Council had and then bring it to us tomorrow  
31 and then we could adopt a proposal that covers all of  
32 our points.

33

34 So I'm just throwing that out there.  
35 If that would make things easier and we could move  
36 along and then this evening we could write a proposal  
37 for those who are interested for a recommendation to  
38 the Federal Board and then bring it before the Council  
39 tomorrow.

40

41 Donald.

42

43

44 MR. HERNANDEZ: Thank you, Mr. Chair.  
45 I think that's a worthwhile idea although I don't  
46 necessarily know if I'd recommend doing it this  
47 evening. I think it might be a good idea if we could  
48 at least have some daytime hours in case we need to ask  
49 questions of some Federal agencies or whoever to get  
50 some answers. Maybe if we do it the following day

1 we'll have some time to maybe get some questions  
2 answered.  
3  
4 CHAIRMAN BANGS: Thank you, Donald. I  
5 concur with that.  
6  
7 Any other thoughts.  
8  
9 (No comments)  
10  
11 CHAIRMAN BANGS: So we have a motion or  
12 a recommendation on the floor for the Council to decide  
13 and it was seconded. What's your thought, Cathy?  
14  
15 MS. NEEDHAM: My thought is that if the  
16 second concurs, that I would remove the motion from the  
17 floor so that we can work towards building a more  
18 thorough recommendation to the Federal Subsistence  
19 Board by workgroup if the second concurs.  
20  
21 CHAIRMAN BANGS: Thank you, Cathy.  
22  
23 Does the second.....  
24  
25 MR. REIFENSTUHL: I agree.  
26  
27 CHAIRMAN BANGS: The second has been  
28 removed and the proposal has been removed for the  
29 recommendation. Okay. So who wants to be on a work  
30 group.  
31  
32 (Laughter)  
33  
34 CHAIRMAN BANGS: Anybody volunteer?  
35 I'll volunteer to be part of it. Patty.  
36  
37 MS. PHILLIPS: I have a dinner date.  
38  
39 CHAIRMAN BANGS: Well, we have  
40 tomorrow. I think we should go along with what Donald  
41 said. It was my own opinion that we might spend  
42 tomorrow. Steve, Patty, John.  
43  
44 Okay. Let's make time tomorrow  
45 sometime maybe over breakfast or in the afternoon or  
46 something, then we could have a recommendation brought  
47 before the Council on Thursday. Does that sound good  
48 with everybody? Okay. So we don't need to vote on it  
49 or anything. I think we could just move on.  
50

1 Cathy.

2

3 MS. NEEDHAM: Thank you, Mr. Chair. I  
4 just want to thank the Council for bearing with me on  
5 bringing this subject back to the table to make sure  
6 that we did our due diligence and voted on our -- are  
7 going to be able to work towards coming up with a  
8 recommendation like we were asked to.

9

10 CHAIRMAN BANGS: Thank you, Cathy.  
11 Okay. I'm glad we got that squared away somewhat. So  
12 now I'd like to move along with the Draft Nonrural  
13 Determination Policy.

14

15 MS. HARDIN: Thank you, Mr. Chair.  
16 Members of the Council. My name is Jennifer Hardin and  
17 I'm the Acting Fisheries Division Chief for the Office  
18 of Subsistence Management. I'm here with you this  
19 afternoon to talk with you a little bit about the Draft  
20 Nonrural Policy that will outline the administrative  
21 process for future nonrural determinations in the  
22 Federal Subsistence Management Program.

23

24 The Draft Policy that we are going to  
25 discuss today begin on Page 12 of your book. I have a  
26 very short PowerPoint presentation up on the wall  
27 behind you or the back wall. So we are now nearing  
28 completion of the process to review and revise the  
29 rural/nonrural process. As you all know, this has been  
30 underway in earnest since at least 2012.

31

32 I'd like to just summarize briefly how  
33 we got here today before moving on to the Draft Policy.  
34 In November of 2015 the final rule was published in the  
35 Federal Register changing the Rural Determination  
36 process. A copy of that Final Rule is located in your  
37 book on Page 20. The Final Rule states that the  
38 Federal Subsistence Board determines which areas or  
39 communities are nonrural. All other communities are  
40 therefore rural. So this Final Rule really simplified  
41 the regulatory language related to rural status.

42

43 A list of nonrural communities was also  
44 published in 2015 in the Federal Register. That rule  
45 is located on Page 26 of your book. Also you can find  
46 a list of the communities that were listed as nonrural  
47 in the Draft Policy on Page 13. As a reminder, the  
48 list of nonrural communities that exist in Federal  
49 regulations today represents the pre-2007 list of  
50 nonrural areas.

1                   So the next up in the process happened  
2 in January of 2016. At that time the Board directed  
3 staff to develop a draft policy that defines the  
4 administrative process for future nonrural  
5 determinations. A draft of that policy was approved by  
6 the Board to be presented to Regional Advisory Councils  
7 for your feedback and your comments.

8  
9                   So that brings us to today. The Draft  
10 Nonrural Policy, as I said at the beginning, begins on  
11 Page 12 of your book and that's what I'm going to turn  
12 to now. I'm not planning to walk through the policy in  
13 detail with you today, but rather hope to focus our  
14 time on hearing your feedback on the process that's  
15 outlined in the policy and also the suggested process  
16 timeline that's associated with the Draft Nonrural  
17 Policy.

18  
19                   I'm not going to step through the  
20 process point by point, I would like to note a few  
21 items regarding the process and the timeline that are  
22 set out in the Draft Policy. First of all the Board  
23 will only address changes to nonrural status of  
24 communities or areas when requested in a proposal. The  
25 Draft Policy in your book covers what's required when  
26 someone wants to submit a proposal. It also addresses  
27 the administrative process of how we will handle  
28 proposals when they're received. It provides a general  
29 schedule and it outlines the public process involved on  
30 acting on proposals.

31  
32                   So if you look on Page 14 of your book  
33 you'll see that submitted proposals must address --  
34 there's a bulleted list of items that must be contained  
35 in every proposal that's submitted to the Board. The  
36 Draft Policy lays out exactly what proponents should  
37 submit with their proposals. One of the items of note  
38 here is that some of the proposals must address why the  
39 Board should consider a change in status and also  
40 provide detailed information to support the change.

41  
42                   After receiving proposals and having  
43 those proposals validated by staff, which just means  
44 that staff will look at those proposals and determine  
45 if all the pieces are there, much like we do for fish  
46 or wildlife proposals. Those validated proposals would  
47 then be reviewed by Councils. Finally, the Board would  
48 be asked to make a determination of whether the  
49 proponent has met the threshold for doing a full  
50 analysis. Those threshold requirements are listed on

1 Page 15 of your book.

2

3

4 If the Board determines that the  
5 threshold has been met, those proposals would then move  
6 on to a full analysis. Councils will be asked to  
7 provide recommendations on those analyses as well as to  
8 provide input on the validated proposals before the  
9 threshold decision is made.

9

10 So in terms of the timeline for doing  
11 this. If you look on Page 17 and 18 of your book, Page  
12 17 sets out a general process timeline and you'll see  
13 that the Nonrural Determination Proposals would be  
14 accepted every other year along with the call for  
15 fisheries proposals.

16

17 The Draft Nonrural Policy sets out a  
18 three-year period for proposal review analysis, Council  
19 input, tribal and ANCSA corporation consultation,  
20 public input, public meetings and Board deliberation  
21 and decision making. It's a rather lengthy process,  
22 but the purpose for that is to provide many points for  
23 contact with the Councils, with tribes, with ANCSA  
24 corporations and with the public.

25

26 So what we're asking you today is to  
27 give us your feedback on whether or not the policy as  
28 its laid out makes sense. If you have any comments on  
29 the timeline that is proposed, do you see any gaps in  
30 the policy and do you have any suggested changes or  
31 edits. All of this information will be compiled and  
32 considered for the next draft for the final version of  
33 the policy that will go in front of the Board and all  
34 your comments will also be provided to the Board.

35

36 Thank you, Mr. Chair.

37

38 I'll be happy to answer any questions.

39

40 CHAIRMAN BANGS: Thank you. What I'd  
41 like to do first is ask the Council if they have any  
42 questions and then I would like to go to the phone line  
43 to get comments from the public that's on the phone. I  
44 would entertain any questions from the Council first.

45

46 Mr. Douville.

47

48 MR. DOUVILLE: I guess I'd like some  
49 clarification on Saxman East?

50

1 MS. HARDIN: So the list of nonrural  
2 areas that are listed in the Federal Register are the  
3 pre-2007 list and Saxman East was included in that  
4 list. We understand that there's some questions about  
5 why that remains on the list and that's the origin of  
6 it. It was in the pre-2007 list. We do believe that  
7 this can be handled administratively very much through  
8 the process that we've outlined in the Draft Policy.

9

10 CHAIRMAN BANGS: Robert.

11

12 MR. LARSON: Mr. Douville. Saxman East  
13 is not part of Saxman. Saxman East, as Jennifer said,  
14 is a census  
15 designated area. It's the new subdivision of South  
16 Tongass that's outside of Saxman. That's where the  
17 elementary school is and the new subdivision out there.  
18 That's just what they call the area. It is not related  
19 to the community of Saxman.

20

21 CHAIRMAN BANGS: Any other questions  
22 from the Council.

23

24 MS. PHILLIPS: Mr. Chair.

25

26 CHAIRMAN BANGS: Patty.

27

28 MS. PHILLIPS: Thank you. So when you  
29 say that it could be handled administratively following  
30 the process you outlined, does that mean a three-year  
31 process?

32

33 MS. HARDIN: If the Board adopts the  
34 policy and the  
35 timeline that's proposed in the book, the full process  
36 would be a three-year process. As you can see on Page  
37 18, again that's to provide multiple points of contact  
38 with the communities. We recognize the importance of  
39 rural and nonrural status in the program, so we want to  
40 provide enough time to have very thorough discussions  
41 of these matters and not try to short circuit public  
42 input on the process.

43 the importance to provide

44

45 CHAIRMAN BANGS: Follow up.

46

47 MS. PHILLIPS: Thank you. Unrelated to  
48 that, but sort of related. The staff distributed  
49 customary and traditional use determinations for the  
50 harvest of fish and wildlife or customary and



1 traditional use areas for fish. Those would be great  
2 resources. I mean we had a customary and traditional  
3 use subcommittee and we requested maps to show us for  
4 each community what is their C&T use areas and we've  
5 now been provided those maps, but those would be very  
6 helpful in the determination of rural/nonrural  
7 designations.

8

9 What do you say to that if that would  
10 be part of your process?

11

12 MS. HARDIN: Thank you. Through the  
13 Chair. That's wonderful that those maps have been put  
14 together. That's the sort of information that we'll be  
15 asking the Board to provide to us when we come to you  
16 with proposals that seek to change the status, the  
17 nonrural status, or to make a community nonrural. So  
18 we'll be looking to the Council and other folks in the  
19 process to provide that feedback to us and that  
20 information.

21

22 MS. PHILLIPS: Mr. Chair.

23

24 CHAIRMAN BANGS: Patty.

25

26 MS. PHILLIPS: We've been under a  
27 three-year or a four-year C&T subcommittee discussions  
28 and recommendations and only to come back to we'll deal  
29 with the way it is now. And then to finally get these  
30 maps that we requested a long time ago. But we're  
31 just one region of 10 and the other 9 regions don't  
32 have these kinds of maps and charts to use as a  
33 resource.

34

35 So I hope that this process will  
36 continue on.

37

38 Thank you.

39

40 CHAIRMAN BANGS: Thank you, Patty.

41

42 MS. HARDIN: Through the Chair. Thank  
43 you very much. I definitely appreciate the  
44 information. I think one of the scenarios that you're  
45 pointing to is if we receive a proposal that would  
46 change the status of a community that's currently  
47 listed as rural and therefore we would have information  
48 about

49 their customary and traditional uses. If we receive  
50 such a proposal and it moved to an analysis phase, we

1 would absolutely be taking a very close look at all the  
2 information we have about customary and traditional  
3 uses and other traditional practices, cultural  
4 knowledge, all of this important information about  
5 subsistence way of life.

6

7 CHAIRMAN BANGS: Thank you.

8

9 Any other questions from the Council.

10

11 Mr. Schroeder.

12

13 MR. SCHROEDER: Thank you, Mr. Chair  
14 and Jennifer. The Council has weighed in on  
15 urban/rural determinations quite extensively for at  
16 least a decade. The Council has strongly suggested at  
17 other times that it was due deference on urban/rural  
18 determinations following the logic that subsistence  
19 taking can only occur if a place is classified as  
20 rural, so really this is pretty close to an issue of  
21 taking.

22

23 I note that the proposed procedure  
24 doesn't include that as well as the proposed rule, so  
25 I'm just noting that to the Council.

26

27 CHAIRMAN BANGS: Any other questions or  
28 comments from the Council.

29

30 (No comments)

31

32 CHAIRMAN BANGS: What I'd like to ask  
33 now if all the people on the telephone line to identify  
34 themselves and then I'd like to acknowledge Lee Wallace  
35 if he's still on there so that he may speak to the  
36 nonrural issue. So everyone that's on the phone line  
37 please identify themselves.

38

39 MR. WALLACE: Lee Wallace.

40

41 MR. SHARP: Dan Sharp with BLM.

42

43 MS. WESSEL: Maria Wessel, Fish and  
44 Game.

45

46 CHAIRMAN BANGS: Okay. I've heard  
47 three acknowledgments. If there's anyone else, please  
48 speak up now.

49

50 (No comments)

1                   CHAIRMAN BANGS: Okay. I'd like to ask  
2 Lee if he has any comments or questions about nonrural.

3

4                   MR. WALLACE: Thank you, Mr. Chair.  
5 Lee Wallace, president of village of Saxman. I  
6 attended the FSB workshop in July for the first reading  
7 and when I initially read the draft document that  
8 Saxman East raised a little concern of mine and I think  
9 rightly so, but during the public comment period I did  
10 make comment on it and they went into recess and when  
11 we were in recess Pat Petrivelli came to me and she  
12 explained why Saxman East was in the document. Robert  
13 Larson explained about a census designated place.

14

15                   That all being said though, for years  
16 our battle for rural determination, one would see on  
17 the FSB site a listing of the nonrural communities in  
18 Alaska. They were listed as Anchorage, Fairbanks,  
19 Juneau and Ketchikan. Now what you see on Page 13 is a  
20 whole list of areas. One thing I'd like the Southeast  
21 RAC to consider is an addition to the draft document by  
22 adding a footnote or explanation for future readers  
23 clarifying the named nonrural places on Page 13. It  
24 can be simply done by the explanation of a census  
25 designated place in the past and that's why we have  
26 that list there. So for your consideration there.

27

28                   The second consideration is on Page 16  
29 entitled decision making. I propose for consideration  
30 by the Southeast RAC to include another bullet point.  
31 That bullet point would read something like this. When  
32 a proposal is received by the FSB, the FSB will copy  
33 the affected Federally recognized tribe immediately and  
34 I say that because if there is a future time when  
35 somebody wants to raise the proposal to change your  
36 status that the affected Federally-recognized tribe be  
37 notified immediately so we could start strategizing to  
38 take care of the issue instead of hearing it much  
39 later.

40

41                   So that's my suggestions.

42

43                   Thank you.

44

45                   CHAIRMAN BANGS: Thank you, Lee.

46

47                   Is there any questions for Lee from the  
48 Council.

49

50                   (No comments)

1                   CHAIRMAN BANGS: Hearing none. Thanks,  
2 Lee, for your comments and the bullet point is made  
3 point of it. Is there anyone else online that wants to  
4 speak to nonrural issue.

5  
6                   (No comments)

7  
8                   CHAIRMAN BANGS: Hearing none. Nothing  
9 else from the Council.

10  
11                   (No comments)

12  
13                   CHAIRMAN BANGS: Yes.

14  
15                   MS. HARDIN: It would be really  
16 wonderful if you could hear from the Council your  
17 thoughts on whether the policy and the timeline are  
18 appropriate, if the policy is laid out in a clear  
19 manner.

20  
21                   CHAIRMAN BANGS: Comments from the  
22 Council. Is it clear to the Council, does the policy  
23 make sense? Mr. Douville.

24  
25                   MR. DOUVILLE: Mr. Schroeder pointed  
26 out something that the Council was asking for deference  
27 in making these decisions and it looks like this policy  
28 here in front of us is only going to ask the Councils  
29 for confirmation of any information and that would be  
30 its total role in any decision-making process. It  
31 looks like the Board has taken this upon themselves and  
32 basically left the RACs out of it except for is this  
33 statement true sort of thing.

34  
35                   CHAIRMAN BANGS: Patty.

36  
37                   MS. PHILLIPS: Mr. Chairman. Jennifer,  
38 did the FSB discuss deference to the Council or under  
39 this decision-making bullet consider recommendations of  
40 the appropriate Subsistence Regional Advisory Council  
41 did they have some detailed discussion on that?

42  
43                   MS. HARDIN: Through the Chair. Thank  
44 you, Ms. Phillips. The Board did have a discussion  
45 about the deference that is called for in Section 805  
46 of ANILCA and discussed that that deference that's  
47 required is for the take of fish and wildlife. However  
48 they also discussed quite a bit how important the  
49 Council is to this process in addition to verifying  
50 whether information that's been provided is accurate

1 and also providing information about whether the  
2 proposal and the analyses that are associated with  
3 proposals accurately depict the unique characteristics  
4 of the region in which the community resides and/or the  
5 community or area itself. So the Board discussed that  
6 that information that's provided by you not only before  
7 the proposals are assessed for whether they meet the  
8 threshold but the analyses themselves are going to be  
9 critical to the decision-making process.

10

11 CHAIRMAN BANGS: Any other comments  
12 from the Council. John.

13

14 MR. YEAGER: Thank you, Mr. Chair. It  
15 seems to be my recollection that we spent a lot of time  
16 making sure that the Federal Board understood how much  
17 deference to the RACs meant to us and how strongly we  
18 felt about that. Lee Wallace was a very big proponent  
19 for us that deference play a big part in what we do. I  
20 kind of felt here that the Board only wants us for  
21 relevant information and that's it. They don't want  
22 any other participation from us, this last paragraph on  
23 Page 16. So I guess it leaves me a little put off here  
24 by deference of the Councils does not apply.

25

26 I'd just like to make a comment.

27

28 CHAIRMAN BANGS: Thank you, John. I  
29 think another point that we seem to have spoke to many  
30 times was not so much the threshold, the population,  
31 but the flare of the community as far as the  
32 characteristics go as being more important to the  
33 Council and I don't see much of that reflected or the  
34 characteristics of the community.

35

36 Don.

37

38 MR. HERNANDEZ: Thank you, Mr.  
39 Chairman. I was going to ask a question about that  
40 population threshold criteria because that was one of  
41 our major concerns and I'm just trying to see if that's  
42 been addressed here. I'm looking at threshold  
43 requirements for a proposal and I'm trying to read  
44 between the lines here and see if population changes  
45 would be considered in these threshold requirements.  
46 I'm kind of focusing more on making a determination  
47 from non-rural to rural, which I know is one of the  
48 issues we've talked about in regards to Ketchikan  
49 changing its status and population thresholds were  
50 always an issue there.

1                   So in those criteria there's two things  
2 that are to be considered and one is based on  
3 information not previously considered by the Board or  
4 demonstrates that the information -- this is on Page  
5 15, middle of the page -- demonstrates that information  
6 used and interpreted by the Board and designated the  
7 community as nonrural has changed since the original  
8 determination was made. I was just wondering if things  
9 like population changes are something that would be  
10 under consideration in regard to those thresholds that  
11 used to apply. Has this language kind of moved us away  
12 from those population thresholds that we were concerned  
13 about in the past?

14  
15                   MS. HARDIN: Thank you, Mr. Hernandez.  
16 Through the Chair. So as you know the regulations no  
17 longer include any set criteria for determining  
18 nonrural or rural status. Regarding whether or not a  
19 population could be something that the Board would  
20 consider when taking a look at thresholds or I think  
21 you were referencing the limitation on submission of  
22 proposals to change section, population is certainly  
23 one characteristic that the Board could look at, but it  
24 is not required to do so. Again, the intent of  
25 changing the regulations was to provide more  
26 flexibility and to acknowledge that while population  
27 may be important, it's not the only characteristic of a  
28 community that needs to be considered when thinking  
29 about nonrural status or rural status.

30  
31                   CHAIRMAN BANGS: Thank you.

32  
33                   Any other questions or comments.

34  
35                   Mr. Schroeder.

36  
37                   MR. SCHROEDER: Mr. Chair. Jennifer.  
38 Would it be appropriate -- I'm not exactly clear what  
39 our role is at this point. Can we suggest changes to  
40 the policy or are we simply here to hear information on  
41 the policy?

42  
43                   MS. HARDIN: Through the Chair. Thank  
44 you, Mr. Schroeder. We certainly want to hear your  
45 comments about the policy. If you think there are gaps  
46 in the policy, omissions, there are areas that are not  
47 clear, we're seeking that in feedback from you now.

48  
49                   MR. SCHROEDER: Just following up then.  
50 I think there are a couple of things that we may wish

1 to include in our comments. First is that this is a  
2 remarkable advance over what we've had to thrash  
3 through on urban/rural determinations for like 15  
4 years. So that's like really a good piece of work.  
5 The two things that seemed to kind of stick in our craw  
6 a little bit is the manner of deference to Councils'  
7 recommendations.

8  
9 Then perhaps having some chance to  
10 weigh in on threshold requirements because the Council  
11 looks at a lot of proposals and deliberates on them and  
12 makes recommendations when there may not be a full set  
13 of data provided. So I understand that the Federal  
14 program is saying first we kind of screen proposals to  
15 see if they're plausible at all to avoid someone simply  
16 sending in a two-line proposal that said, gee, I don't  
17 think Angoon is a rural community, so we don't want to  
18 jump in to having to do a whole lot of work for  
19 something that's just really spurious. However, it  
20 seems like we should be in that loop earlier on than a  
21 year down the line, so I'm not sure if other Council  
22 members feel that same way.

23  
24 CHAIRMAN BANGS: Thank you, Bob.

25  
26 MS. HARDIN: Thank you, Mr. Chair.  
27 Thank you, Mr. Schroeder. I just want to point out on  
28 Page 17 if you look at number 3 in that table you'll  
29 see that proposals would be accepted between January  
30 and March of an even year and then between August and  
31 November we would be taking those proposals out to the  
32 affected Regional Advisory Councils for their review  
33 and discussion of the proposals. Following that  
34 process and receiving recommendations from the  
35 Councils, then those proposals would go to the Federal  
36 Subsistence Board for the threshold determination. So  
37 the Board will be looking to comments from the Councils  
38 when making the decisions about threshold  
39 determinations.

40  
41 CHAIRMAN BANGS: Thank you. Are there  
42 any other Council discussion in regards to  
43 recommendations to the policy or any changes that they  
44 feel are reflective of this Council.

45  
46 (No comments)

47  
48 CHAIRMAN BANGS: I see you were taking  
49 notes, so you kind of got the sense of the Council's  
50 concerns.

1 MS. HARDIN: Thank you, Mr. Chair.  
2 Would you like me to let you know what I jotted down  
3 and see if I caught everything?

4  
5 CHAIRMAN BANGS: Please.

6  
7 MS. HARDIN: I noted that there was  
8 some questions about whether the level of detail that's  
9 provided for nonrural areas in the final rule is the  
10 same as listed pre-2007 and we can find that out pretty  
11 quickly. And one comment I heard was that the Council  
12 would like to see more or clearer information about the  
13 role of the Council in the overall process and  
14 providing detail in the policy that the Councils will  
15 be looked to for more than simply verifying information  
16 but for providing details that addressed the flair of a  
17 community or the unique characteristics of a region and  
18 how that relates to the proposals at hand. Deference  
19 is an important issue that the Council still has  
20 concerns about and would like to see the Board provide  
21 deference on rural and nonrural determinations. And  
22 the importance of the Council being involved in the  
23 process prior to a threshold determination being made  
24 by the Board.

25  
26 CHAIRMAN BANGS: Thank you.

27  
28 Any other bullet points that the  
29 Council would like to make.

30  
31 (No comments)

32  
33 CHAIRMAN BANGS: I would like to ask if  
34 you could get together with Robert and maybe put  
35 together a letter with regards to those points that we  
36 could agree to or recommend to send on to the Federal  
37 Board at the end of the meeting or near the end of the  
38 meeting.

39  
40 MS. HARDIN: Certainly, Mr. Chair.

41  
42 CHAIRMAN BANGS: Thank you. Is there  
43 any other -- let's see. There's no other questions  
44 about nonrural, so we're done with that for now.

45  
46 MR. HOWARD: Mr. Chair.

47  
48 CHAIRMAN BANGS: Mr. Howard.

49  
50 MR. HOWARD: Thank you, Mr. Chairman. I



1 was just looking at this real quick and it has  
2 reference to individuals submitting a proposal. This  
3 could lead to a bunch of individuals submitting whereas  
4 if you have just the organizations or community may  
5 request changes of existing, it would streamline it.  
6 Where if I wanted to submit a proposal, I'd have to go  
7 to the local tribe or the city and have them do it.  
8 Then it becomes a local issue before it becomes  
9 anything else. I'm not sure if we can have individuals  
10 removed where it can be submitted by a tribe or a  
11 community. Then you already have gone through the  
12 community process by having the individual bring the  
13 idea to the tribe or to the city. Just a thought.

14

15 Thank you, Mr. Chair.

16

17 CHAIRMAN BANGS: Thank you, Mr. Howard.

18 Okay. We're going to move to the Federal Subsistence

19 Board 805 non-consensus action report. I think Mr.

20 Robert Larson could give us some information.

21

22 MR. LARSON: Thank you, Mr. Chair. I'd

23 like to preface this by saying this is a good

24 opportunity to tell the Council that they've done due

25 diligence and they have convinced the Board to do

26 whatever they recommended regarding our wildlife

27 proposals. If you look on Page 30 there's a letter

28 from the Chairman of the Board and it references the

29 six proposals on the consensus agenda. The Council is

30 part of that group with the State and the InterAgency

31 Staff Committee.

32

33 Also on Page 32 the three proposals

34 that the Council modified different than the OSM's

35 preliminary conclusion and the Board adopted all of the

36 recommendations. So job well done. From my experience

37 at the Board meeting and the presentation by your

38 Chairman was compelling. Compelling testimony,

39 compelling evidence. The written documentation was very

40 well received, very well done. All of the Council's

41 recommendations were adopted by the Board.

42

43 CHAIRMAN BANGS: Thank you, Mr. Larson.

44 I think we have to back up just a slight bit here. I

45 caught Mr. Reeves off guard there just coming off the

46 plane and has a short bullet point presentation with

47 slides and I was hoping that he would be able to give

48 us a little better presentation now that he's prepared.

49

50 MR. REEVES: Thank you, Mr. Chair. In

1 front of you is a colored printout of the same  
2 presentation. If you direct your attention to the wall  
3 there I'll give you a little taste of Federal  
4 subsistence fish data here.

5  
6 My name is Jeff Reeves. I'm with the  
7 Forest Service. Part of my duties is data steward of  
8 the Federal database, so I enjoy the opportunity when I  
9 get to put this information together for you guys.  
10 This first slide is looking at the State personal use  
11 and subsistence harvest data for about a 25-year  
12 period. It's just an average harvest by each species  
13 and you can see pretty much that the State system the  
14 harvest is primarily directed at sockeye. You can see  
15 a little bit of chinook and coho. Pink and chum are a  
16 little bit higher than the others. I think that's  
17 fairly typical because the directed coho fishing didn't  
18 occur until about 10 years ago and it's a little bit  
19 more limited under the State system and it can only  
20 occur where there's a positive C&T.

21  
22 This is pretty much a depiction of a  
23 State-managed fishery. Typically occurs in marine  
24 water. Typically propagated by seining.

25  
26 Now Federal fisheries, since they're  
27 governed by regulations in 36 and 50 CFR, the picture  
28 there with the booklet with the crab that's the current  
29 regulation book. So if you are going to fish Federal  
30 fisheries, that's the booklet that you'll want.

31  
32 The Federal program in Southeast issues  
33 five permits. They're kind of listed there in order by  
34 how they might be promulgated, either first by salmon  
35 and then the next of the bottom three are the steelhead  
36 permits that are issued in the region. The permit  
37 there on the right in the picture that's typically what  
38 you'd be issued. The top piece is just a personal  
39 information sheet that's separated from it and the  
40 bottom two thirds of that is the permit that you would  
41 actually have out in the field with you.

42  
43 What this slide shows is the Southeast  
44 management zones and it also gives you a list of who  
45 the in-season manager is for some of those districts  
46 and also for your zone support biologist. You'll  
47 notice there's been a few changes. Prince of Wales now  
48 instead of having two individual in-season managers  
49 it's been accumulated into one. In the zoned areas too  
50 you also see that there's been a couple of assistant

1 biologists that have been added in. This just gives  
2 you a reference of if you have any questions for those  
3 regions who you can talk to.

4

5                   This is a descriptive map of C&T  
6 determinations for specific communities. You can see  
7 across Southeast there's some defined areas that  
8 there's individual C&Ts for. An area that's clear or  
9 kind of a more white there's no C&T so all rural  
10 residents would apply there.

11

12                   There's one area actually in the  
13 Southeast that if you go to the next slide, please,  
14 Terry, you'll see that there's actually multiple  
15 communities will have some overlapping C&Ts.

16

17                   This one and the next one after this  
18 you're going to get into specific allowable fishing  
19 gear by species. You can see if you're targeting  
20 sockeye, pink and chum, there's gaffs, spears, gillnet,  
21 seine, dipnets, cast nets, hand lines, rod and reel.

22

23                   The coho fishery is a little bit more  
24 restrictive in that it allows less gear. The Stikine  
25 fishery you can see that there's some specific  
26 regulations especially regarding gillnets that they  
27 can't exceed 15 fathoms or a certain size mesh unless  
28 it's the chinook season.

29

30                   Here we have for the steelhead, trout  
31 and char fisheries. You can see the gears get a little  
32 bit more -- I don't want to say restrictive as much as  
33 it's more gears that in some cases we'll allow for  
34 release of especially a fish that may not meet a size  
35 limit or something like that.

36

37                   This is the good part. In certain  
38 fisheries the Federal regulations do allow incidental  
39 harvest. So basically if you're targeting sockeye and  
40 you caught a coho, you'd be allowed to take it. Or if  
41 you were targeting steelhead and you caught a trout you  
42 could keep it. In some cases where there's a few other  
43 odd little species like this whitefish from the Stikine  
44 tribes or Prince of Wales an incidental flounder that  
45 might migrate up the river.

46

47                   So this graph here what it's showing is  
48 it's looking at the harvest by species in all the  
49 Southeast Federal fisheries, but it does not include  
50 the Stikine. What it shows here is that predominantly

1 the harvest is sockeye and cohos. There's a little bit  
2 harvest of pinks and then as you see other species.

3

4                   This shows the same harvest, but it's  
5 based over the chronology of Federal management in the  
6 Federal fisheries. So you can see that in the  
7 beginning the dark blue bars is coho harvest and it  
8 kind of dropped down and then after 2004 all of a  
9 sudden sockeye harvest picked up, coho harvest picked  
10 up and the green bars in there is pink salmon and  
11 you'll see that there's actually some scattered years  
12 where some of the pink harvest was actually fairly  
13 high.

14

15                   The higher pink harvest could be  
16 related to in some cases a lower harvest of individuals  
17 of cohos and sockeyes. The one year in 2013 was kind  
18 of high. That was actually one individual that  
19 actually harvested a lot of them and when I inquired  
20 with him as to why they harvested so many they were  
21 actually using them for trapping bait that year.

22

23                   You can see there's been an upper trend  
24 in the permits being issued.

25

26                   When I was looking at the harvest, I  
27 decided let's see who's doing this harvest. What it  
28 turns out is that pretty much over three-quarters of  
29 the harvest is being done by Prince of Wales Island  
30 residents. There's multiple communities on the island,  
31 which is one of the reasons why it's so big. I believe  
32 the other reason why the Prince of Wales harvest is so  
33 much more in comparison to these other communities is  
34 the fact that Prince of Wales has a highly developed  
35 road system. Federal jurisdiction is above the main  
36 high water line. The large road system kind of makes  
37 sense why there would be so much more harvest.

38

39                   The next slide looks at the Prince of  
40 Wales communities just to see where is it happening at.  
41 Thorne Bay is actually the pink section on the left,  
42 which I have no idea why it's showing category name on  
43 there. The red portion is the community of Craig. I  
44 was kind of surprised that Thorne Bay had the largest  
45 contribution figuring that it's only about half the  
46 size of Craig in population.

47

48                   The Stikine River. Here's the  
49 development of the Stikine fishery over time. The bars  
50 obviously are harvest, the red line is permits issued.

1 The scale on the right side corresponds to the red line  
2 and the permits issued. The scale on the left is for  
3 the harvest. The light blue bars is the sockeye  
4 harvest and then chinook is in yellow. Coho is in the  
5 dark blue. The pink salmon are the green bars and then  
6 the reddish-brown bar is chum salmon.

7

8 You can also see over time that the  
9 popularity of this fishery is definitely increased as  
10 there was a rapid climb in permits issued. Even the  
11 trend over the past few years still has a slight upward  
12 increase.

13

14 Here is a breakdown of the Stikine  
15 harvest by community and obviously you can see Wrangell  
16 is about two-thirds of the harvest, which actually  
17 makes a little bit of sense since the river is right in  
18 their back door and Petersburg is about the other third  
19 of the harvest.

20

21 So now this is to look at gears, so  
22 when you compare all the fisheries, so Yakutat our  
23 general salmon permit through Southeast and the Stikine  
24 River predominantly the fish are taken by gillnet with  
25 dipnet and rod and reel behind there. If you pull out  
26 the Stikine data and Yakutat, all of a sudden you see  
27 the majority is occurring by dipnet and rod and reel  
28 gear and there has been a slight growth in some seine  
29 harvest in a few areas. The light green section down  
30 in the bottom corner about 7:00 there that's gillnet  
31 harvest with Yakutat and the Stikine removed.

32

33 This is on the Carter River of why  
34 dipnets would be quite effective in Federal waters.

35

36 This is looking at the Prince of Wales spring  
37 and winter fisheries. The blue corresponds to the  
38 spring fishery, the red is the winter fishery. The  
39 bars are the harvest, the lines are number of permits  
40 issued. They both correspond to one scale there on the  
41 left. You can see in the beginning with the spring  
42 steelhead fishery there's a bunch of permits that kind  
43 of dropped off over time. It really, really climbed  
44 and number of permits over the past five, six years for  
45 some reason has dropped off.

46

47 I still can't put a finger on why it's  
48 had that drop off over time. You kind of see the same  
49 thing even there at the tail end on the winter fishery  
50 that number of permits have kind of dropped off for the

1 past few seasons as well. You can see that harvest has  
2 been fairly stable. It does fluctuate each year,  
3 particularly in the winter. The fluctuation in the  
4 winter numbers is more dependent on winter weather  
5 conditions and access to the fishing sites and by no  
6 means is not a reflection of steelhead returns into the  
7 system.

8

9 The steelhead harvest is a predominant  
10 rod and reel fishery. As you can see there is a  
11 small number that have been taken by traditional means  
12 and even one or two that have been harvested by dipnet.

13

14 With that that kind of concludes what I  
15 had for you. If you have any questions regarding  
16 Federal fisheries I'll be glad to take them. Thanks.

17

18 CHAIRMAN BANGS: Thank you, Jeff. That  
19 was a real good presentation.

20

21 Do you have any questions for Jeff.

22

23 (No comments)

24

25 CHAIRMAN BANGS: Okay. I'd like to  
26 start tomorrow  
27 morning with the fisheries proposals. We have two of  
28 them to go over. I don't think they'll take a real  
29 long time. Recess until -- oh, Melinda.

30

31 MS. BURKE: We skipped over number 8.

32

33 CHAIRMAN BANGS: We were going to do  
34 those in the morning every day, but now that we have a  
35 telephone if there's anybody on the public or tribal  
36 comments on non-agenda items we can cover that now. It  
37 won't take up too much time. Is there anybody on the  
38 phone.

39

40 MR. WALLACE: Hi, Mike, it's Lee  
41 Wallace.

42

43 CHAIRMAN BANGS: Hi, Lee.

44

45 MR. WALLACE: Just one quick comment  
46 that won't take too long. You just heard from Staff  
47 that FSB Chair Tim Towarak resigned and they're looking  
48 for nominations October 7th is when the nomination  
49 period ends. Throughout the years working with and  
50 observing and interacting with the Southeast RAC

1 there's a number of individuals on the Southeast RAC  
2 which would really, in my opinion, make a good chairman  
3 for the FSB. So while you're having dinner and  
4 relaxing tonight, maybe a number of you could consider  
5 nominating from your group a person to have Secretary  
6 Jewell consider for FSB Chair. So that's my pitch for  
7 you guys.

8  
9 CHAIRMAN BANGS: Thank you, Lee.

10 Any other comments on non-agenda items.

11  
12 (No comments)

13  
14 CHAIRMAN BANGS: Thank you very much.  
15 We're going to recess until tomorrow. Let's try to  
16 start at 8:30 and try to get through the majority of  
17 the agenda tomorrow so we're not pressed for time on  
18 Thursday. So 8:30 tomorrow morning.

19  
20 Thank you.

21  
22 (Off record)

23  
24 (PROCEEDINGS TO BE CONTINUED)  
25

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C E R T I F I C A T E

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

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 02 through 104 contain a full, true and correct Transcript of the SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME I taken electronically on the 4th day of October in Petersburg, Alaska;

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 7th day of November 2016.

\_\_\_\_\_  
Salena A. Hile  
Notary Public, State of Alaska  
My Commission Expires: 09/16/18