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SOUTHEAST ALASKA FEDERAL SUBSISTENCE
REGIONAL ADVISORY COUNCIL MEETING

PUBLIC MEETING

VOLUME II

Petersburg ANB Hall
Petersburg, Alaska
October 5, 2016
8:30 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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1 P R O C E E D I N G S

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3 (Petersburg, Alaska - 10/5/2016)

4
5 (On record)

6
7 CHAIRMAN BANGS: Please take your seats,
8 I'd like to get the meeting started please.

9
10 (Pause)

11
12 CHAIRMAN BANGS: Good morning. We're
13 going to start this morning's meeting with our fisheries
14 proposals, we have two of them. And we have FP17-13,
15 modify the prohibition on the use of nets in streams
16 flowing across or adjacent to the road system within the
17 city limits of Petersburg, Wrangell and Sitka. And Mr.
18 Larson is going to give us an overview and a report.

19
20 Mr. Larson.

21
22 MR. LARSON: Thank you, Mr. Chair. My
23 name's Robert Larson. And in addition to working as the
24 Council's coordinator, I'm also the Wrangell/Petersburg
25 area's subsistence biologist.

26
27 Fisheries Proposal 17-13 is one of the
28 two before the Council this session, and you can find the
29 executive summary, it starts on Page 34 of your book.

30
31 Proposal 13 was submitted by the Council
32 and it requests clarification of a regulation that
33 prohibits the use of nets on the road systems associated
34 with the communities of Wrangell, Petersburg and Sitka.
35 Currently the regulation that's in place says inside the
36 city limit boundaries. Since this proposal -- or since
37 the regulation was in place, it's been in place since the
38 adoption of Federal subsistence regulations in 2000 that
39 the city limit boundaries are different. We now have a
40 unified city and borough for the communities of Wrangell
41 and Petersburg. The community of Sitka had a unified
42 city, borough boundary when the regulation was first
43 adopted. So any of this discussion we need to talk about
44 the affect on Wrangell and Petersburg and not on Sitka,
45 it has no affect on Sitka. There's no change for Sitka.

46
47 The city and boundaries of the old city
48 for Wrangell and Petersburg is fairly small, and if you
49 look at your -- on Page -- there's a map that has the old
50 city boundaries on Page 37, the map also shows the

1 current system of roads on Wrangell and Mitkof Islands,
2 those road systems are changing annually. There's more
3 and more roads being built as the infrastructure of the
4 timber harvest, you know, program is being expanded. But
5 right now all of the islands of Mitkof and Wrangell are
6 inside of the greater unified city/borough boundary.
7 Under State rules all of the islands of Mitkof and
8 Wrangell Island are included in a prohibition to the use
9 of nets. It is our recommendation, Office of Subsistence
10 Management, that because these stocks are small and there
11 is reason, a very good reason for conservation to expand
12 the prohibition on use of nets to all of the streams that
13 are accessible to the communities of Wrangell and
14 Petersburg, that that's the current State regulation,
15 that is the current restrictions we have as a permit
16 condition on our subsistence fishing permits, so we don't
17 allow by permit the use of nets on road accessible
18 streams. So our recommendation is to support the
19 Council's proposal with some wordsmithing that makes more
20 sense to us. So if you look at the preliminary
21 conclusion, there's a support with modification.

22
23 The new regulation would say: Nets are
24 prohibited in streams flowing across or adjacent to the
25 road systems connected to the communities of Petersburg,
26 Wrangell, Sitka and Petersburg Creek. Petersburg Creek
27 is currently included in the prohibition against use of
28 nets, although it's not on the road system it has special
29 circumstances in that it flows essentially into the
30 harbor and you can see it right out this window. Those
31 same considerations we have for conservation of the
32 resource and accessibility are present in Petersburg
33 Creek the same as they are in other road side accessible
34 streams.

35
36 So our recommendation is to take this
37 opportunity to include Petersburg Creek in this
38 prohibition.

39
40 It's our expectation that the in-season
41 manager will continue to have that closure in his
42 permits. But this would be a way of dealing with it once
43 and for all.

44
45 That's my presentation.

46
47 CHAIRMAN BANGS: Thank you, Mr. Larson.
48 Is there any talk about the creek that's south of here on
49 Kupreanof that has a run of coho that has a nettable pond
50 where they hold up below the falls?

1 MR. LARSON: Mr. Chair. Skogs Creek is,
2 I'm sure, the one you're referencing and it appears that
3 the level of use of Skogs Creek is appropriated and
4 commensurate with the size of the run and we don't see
5 any conservation issues by allowing the use of nets
6 there.

7
8 CHAIRMAN BANGS: Thank you. Is there any
9 -- Mr. Kitka.

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

11
12
13 Bob, is there in any of these places,
14 like in Sitka, they got commercial fisheries that happen
15 right outside these communities that cross the road
16 system. And I realize we're talking subsistence here but
17 the net fishery, commercial net fishery that happens
18 right outside the river systems seem like if they make a
19 prohibition on some of these places it would affect
20 subsistence users more than the commercial guys.

21
22 MR. LARSON: Mr. Chair. I could speak to
23 that.

24
25 There's no commercial fisheries except in
26 years of high abundance where there's some chinook salmon
27 that are going back to the Crystal Lake hatchery, so
28 there's a small fishery there right at the mouth of that
29 -- targeting those king salmon. That has not happened in
30 the recent years but we can expect that sometime in the
31 future that will go on. These other streams are not king
32 salmon streams. So that's the exception to the rule.
33 There's no net fishing in Wrangell Narrows. There's no
34 net fishing -- back up -- the Department of Fish and Game
35 has recognized that these streams primarily Petersburg
36 Creek and some of the streams near Petersburg on this
37 side are vulnerable and they have closed an area of
38 Frederick Sound from Beacon Point, five or six miles that
39 direction, to Point Frederick, which is out this road
40 four or five miles as well, so that portion of Frederick
41 Sound that's closest to the north end of the Narrows is
42 closed to commercial gillnet fishing. The Narrows is
43 almost 20 miles long, there's no net fishing in there.
44 The District 8 net fishery for sockeyes and for cohos is
45 -- it starts at the eastern edge of the lower portion of
46 the Wrangell Narrows, so there's no fishing right in
47 front of the Wrangell Narrows on the south side either.

48
49 Thank you.
50

1 CHAIRMAN BANGS: Thank you, Robert.
2 Cathy.

3
4 MS. NEEDHAM: Thank you, Mr. Chair.
5 Under the current harvest history, the fish that have
6 been harvested through the subsistence program under
7 permits, what is the current -- are any of those -- were
8 any of those fish caught through nets on those systems or
9 what was the methods of catch.

10
11 MR. LARSON: The only fish that were
12 caught with nets were from Petersburg Creek prior to the
13 in-season manager prohibiting the use of nets.

14
15 MS. NEEDHAM: On any of the stream
16 systems that would be covered under this proposal, is
17 there a conservation concern on any of those streams?

18
19 MR. LARSON: There's no conservation
20 concern under the current management strategy of, you
21 know, prohibiting nets, so, no, we think the stocks are
22 healthy, however, they are limited.

23
24 MS. NEEDHAM: Thank you. So then my
25 final question is the effects of this proposal would
26 limit current subsistence uses, at least in one system
27 where nets are being used, correct, it would limit that
28 in Petersburg Creek?

29
30 MR. LARSON: I don't think that's exactly
31 correct.

32
33 Under the current management scheme
34 there's no nets allowed in any of these streams,
35 including Petersburg Creek, and that's been the case in
36 the recent years, and that we expect that that would
37 continue in some form or the other, or some restriction
38 or the other. We would prefer that if it's an
39 expectation that the in-season manager needs to close it
40 to the use of nets that it go through a regulatory
41 process.

42
43 Thank you.

44
45 CHAIRMAN BANGS: Don, then Frank.

46
47 MR. HERNANDEZ: Thank you, Mr. Chair.
48 Bob, I'm kind of looking at the one exception that you
49 referred to there, the Blind Slough system, like you say,
50 there has been commercial fishing in the past kind of

1 right in, you know, State waters, which of course is the
2 mean high tide line, which in that particular system is
3 -- the tidal boundaries there seem to be kind of unusual.
4 I mean is Blind Slough considered Federal waters or it
5 seems like the tide goes a long ways up into the Slough.
6 And I'm just thinking of a scenario where, you know,
7 there may be potentially a commercial fishery in the
8 future because it is a hatchery run primarily and they do
9 get pretty good returns at times and would this
10 regulation kind of preclude having a subsistence fishery,
11 you know, take place if there was a commercial fishery
12 happening, you know, in those waters. It's kind of --
13 like I say, it's kind of an interesting case, you know,
14 with that tidal pattern there, it's such an inter-tidal
15 zone so I don't know, how do you deal with that?

16
17 MR. LARSON: I think in this case, in
18 this discussion that the meaning of words are important.
19 So this regulation would preclude the use of nets under
20 Federal rules. It does not preclude the use of other
21 types of gear under Federal rules. For the case of the
22 hatchery and access to fish that are excess to the
23 hatchery's needs in Blind Slough, they always have either
24 a sportfishery with relaxed regulations or a personal use
25 fishery and the use of nets to target and really
26 concentrate the effort to harvest those fish. The
27 personal use fishery is exactly the same people as
28 Federally-qualified. So the use of nets is almost a
29 surgical strike issue targeting fish that may or may not
30 be available at any one year and it's subject to a
31 special management plan. But the people that would
32 participate would be exactly the same as the people who
33 would participate in a Federal subsistence fishery. So
34 there's no real loss of opportunity for the people, there
35 is a -- you would force them to operate under a different
36 set of rules. These are State rules that they would
37 operate under to access hatchery fish.

38
39 CHAIRMAN BANGS: Thank you. Frank.

40
41 MR. WRIGHT: Thank you, Mr. Chair. You
42 know, up toward the Hoonah area a lot of the fish that is
43 being targeted is sockeyes and I was just wondering what
44 the species was in these systems that we're talking about
45 and how often is the community of Petersburg use these
46 systems, you know, do they have numbers, how many they
47 can take whenever they go into the streams.

48
49 MR. LARSON: Mr. Chair. The streams in
50 question are popular for sportsfishing. People recreate

1 in these places. There's a fairly strict regulatory
2 framework for protecting trout, no bait, 11 inches. You
3 know, there's controls in place for the preservation of
4 trout. There's controls in place for preservation of
5 salmon. However, with the exception of -- and we're not
6 talking about Sitka now and Indian River and Kaptian,
7 those are separate now, we're talking about Wrangell and
8 Petersburg, with the exception of Petersburg Creek, these
9 are small systems with a limited opportunity to harvest
10 salmon out of them. The only fish was sockeyes is Thoms
11 Creek in Wrangell and in Petersburg, you know, and near
12 Petersburg, they both appear to be healthy but -- and
13 there's harvest that's taking place out of those. It's
14 not thought to be wise to allow, you know, very efficient
15 gear there.

16
17 CHAIRMAN BANGS: Any other questions for
18 Robert.

19
20 Mr. Douville.

21
22 MR. DOUVILLE: Thank you, Mr. Chairman.
23 My question, just for general information, does the State
24 offer permits for saltwater fishing. My understanding is
25 this is Federal freshwater is what we're talking about,
26 but I was just curious if there was a State permit for
27 areas.

28
29 MR. LARSON: Mr. Chair. The State does
30 not issue permits for fishing in marine waters for any
31 stream in these areas except for Thoms Lake down in
32 Wrangell. So there you can get a personal use permit to
33 go harvest sockeyes for Thoms Place, Thoms Creek. There
34 used to be a remote release site for chum salmon, but
35 they've moved that over to Anita Bays now. So who knows
36 what they'll do in the future for that.

37
38 But, yeah, I'm not -- yeah, I don't think
39 they even allow pink salmon harvest. So there's no
40 personal use except for Thoms.

41
42 CHAIRMAN BANGS: Patty.

43
44 MS. PHILLIPS: Thank you, Mr. Chairman.
45 So, Mr. Larson, so there's no nets allowed at Thoms
46 Creek, there is a subsistence fishery but no net?

47
48 MR. LARSON: That is correct. There is
49 -- with the exception of the State authorized fishery at
50 the mouth of Thoms Creek that targets sockeyes there's no

1 nets allowed in any of these streams under current
2 regulations.

3

4 MS. PHILLIPS: Thank you, Mr. Chair.
5 This proposal is not restrictive compared to State
6 management? Is it more restrictive than State
7 management?

8

9 MR. LARSON: Mr. Chair. It is less
10 restrictive because it allows -- still allows the use of
11 spears and gaffs and rod and reel, which are not legal
12 gear under current State regulations, so it does provide
13 a priority use in that regard.

14

15 CHAIRMAN BANGS: Thank you, Robert. Any
16 other questions.

17

18 Mr. Howard.

19

20 MR. HOWARD: Thank you, Mr. Chair. So
21 there isn't any nets of any kind being allowed in these
22 systems because there's also nets as a possibility. I
23 mean I can imagine trying to catch a fish with a spear or
24 a gaff, I mean, especially when you don't have the amount
25 of salmon that you normally see when they were just using
26 spears and gaffs, when you just throw your spear out
27 there and you get a fish, now you actually got to aim.

28

29 So I guess that's one question.

30

31 MR. LARSON: Mr. Howard. There's no --
32 nets are not authorized now. So dipnets, gillnets,
33 seines, there's no use of nets currently under either
34 Federal or State regulations.

35

36 The issue that the Council wanted to
37 resolve is that currently the city limit boundaries that
38 have been in place between 2000 and 2007 for Wrangell and
39 2000 and 2008 for Petersburg have gone away. So the
40 current regulation says city limit boundaries but those
41 boundaries aren't there anymore. Those boundaries do not
42 apply. So the question before the Council is do we want
43 to make a new line or do we want to expand it to the
44 entire islands of Wrangell and Petersburg to make it
45 concurrent with State regulations, and that brings it up
46 to speed and concurrent with what is presently on the
47 subsistence fishing permits.

48

49 Thank you.

50

1 CHAIRMAN BANGS: Thank you, Mr. Larson.
2 Any questions.
3
4 You have a follow up, Mr. Howard.
5
6 MR. HOWARD: Mr. Chair, thank you. This
7 seems to be opening, in my mind, more problems than the
8 solution to the existing problem. Because now I'm
9 thinking, you're allowing commercial fishing with nets in
10 an area where you don't allow subsistence fishing with
11 nets, and to me that doesn't seem consistent.
12
13 You're allowing them to take it for the
14 hatchery with nets according to State guidelines, and to
15 me, that, Mr. Chair, doesn't seem consistent when you
16 don't allow subsistence users to use nets in the area.
17
18 Thank you, Mr. Chair.
19
20 CHAIRMAN BANGS: Mr. Jackson.
21
22 MR. JACKSON: Thank you, Mr. Chairman.
23 I have basically the same question. The limits of the
24 sportsfishing are exactly the same as they are everywhere
25 else, you know, six per day, and is that under the
26 regulations that the State has, you can process them and
27 then go back and get six more for the whole summer; is
28 that how that works?
29
30 MR. LARSON: Mr. Chair. Mr. Jackson.
31 Yes, that is, in fact, correct.
32
33 You know, we have not identified any
34 issues with that kind of behavior. The streams, they're
35 modest in size, limited in resource availabilities, those
36 -- you know, that kind of thing, there's no incentives to
37 do that here.
38
39 CHAIRMAN BANGS: Thank you. Any other
40 questions for Mr. Larson.
41
42 (No comments)
43
44 CHAIRMAN BANGS: I just would like to say
45 one thing and it's just from, you know, living in this
46 area and seeing -- knowing the stream systems that we're
47 talking about, you know, regardless if there is a net
48 fishery happening in marine waters, you know, outside the
49 area that might be intercepting these fish I can say with
50 certainty that most of these, or all these streams that

1 are adjacent to the road systems of these communities are
2 not conducive to net fishing as far as allowing -- it
3 just wouldn't be a good thing to net some of -- or like
4 Petersburg Creek, for instance, I mean it would -- you
5 could stop the whole run in a few days. So I'm just
6 thinking that this is more of a housekeeping to match up
7 with our new boundaries. It doesn't preclude any kind of
8 subsistence activities, it's just -- it's conservation of
9 the resource.

10

Am I correct in that assumption?

12

13 MR. LARSON: I think you've summed it up
14 quite -- you know, better than I have so far so that's
15 it.

16

CHAIRMAN BANGS: Mr. Howard.

18

19 MR. HOWARD: Once these regulations
20 already in place, why do we need to go back and revisit
21 them based on the boundary line changes, it seems like
22 it's a State and Federal thing, not a city and borough
23 issue. Because, you know, if the city of Angoon decided
24 to become a borough, can we grab a bunch of streams and
25 start setting regulations on those as well or, is this
26 the precedence we're setting, I'm just asking for
27 clarification.

28

Thank you, Mr. Chair.

30

31 MR. LARSON: Mr. Chair. And I think this
32 is an important point, is that, when the regulations were
33 put in place they were based on a point on the ground
34 established by a third-party, in this case, the point in
35 the ground, this line across the road system was
36 established by the municipal government of either
37 Wrangell or Petersburg, it was not established by the
38 Federal Subsistence Board, it referenced this line. Now,
39 the communities of Wrangell and Petersburg have decided
40 to change that line. So due process dictates that we
41 need to have a public discussion of -- since the line
42 isn't here anymore, where is the line, so that's part of
43 our process, and at the end of this process, the Federal
44 Program will establish a line, not rely on a line that is
45 subject to change due to the whims of either the Wrangell
46 or Petersburg governments. So we'll have a line that's
47 established through our public process.

48

Thank you.

50

1 CHAIRMAN BANGS: Cathy.

2

3 MS. NEEDHAM: So, Mr. Larson, what you're
4 saying is that jurisdictional line has changed but access
5 has not changed over time. The roads we're still --
6 they're not new roads, they were always there and now
7 we're just -- it's a jurisdictional boundary so if access
8 hasn't changed, then we're reducing potential subsistence
9 opportunity when there's not a current conservation
10 concern, like this jurisdictional boundary doesn't create
11 a conservation concern because the roads are already
12 there; is that true?

13

14 MR. LARSON: We are in the process, we as
15 communities and with the Forest Service, are in the
16 process of expanding the road system and improving the
17 road system on these two islands all the time. So there
18 is more roads now than what there were. The road
19 conditions are better now than what they were, there's
20 better access and there's -- to these streams than what
21 there was. The stream abundance and the health of those
22 stocks, I think, is largely dependent on the fact that we
23 have fairly restrictive rules in place right now. One of
24 those rules is that there's no use of nets on Wrangell or
25 Mitkof Island, or Petersburg Creek. So we don't
26 anticipate changing that as a in-season management
27 condition. There is room in these systems for
28 subsistence harvest by other traditional gears that
29 target, you know, individual fish, spears and gaffs, use
30 of rod and reel, but, you know, we need to remember that
31 these are small streams that are, you know, vulnerable to
32 over exploitation.

33

34 Thank you.

35

36 CHAIRMAN BANGS: Thank you, Mr. Larson.
37 Any other questions.

38

39 Mr. Howard.

40

41 MR. HOWARD: Thank you, Mr. Chair. This
42 is, I believe, for public comment, I don't see the tribe
43 of Petersburg represented here and I'm wondering if we
44 have any documented thoughts on what their thoughts are
45 to this proposal. You're supposed to consult and
46 coordinate with the local tribe when you're doing things
47 like this and so I'm not sure if they're aware that this
48 is happening and what their thoughts are and the impact
49 to -- also when you put in the new road system it seems
50 like there's always the environmental impact statement

1 that goes along with it that would be consistent with
2 allowing this proposal to be adopted by the Board.

3

4 Thank you, Mr. Chairman.

5

6 CHAIRMAN BANGS: Thank you, Mr. Howard.
7 I can't speak on behalf of Petersburg Indian Association,
8 but I think the people that live and I'm not sure how
9 Wrangell Island deals with this, but these are, like Mr.
10 Larson said, are very small stream systems and they are
11 vulnerable to over exploitation and this is, in my mind,
12 just very conservative to protect the resource. And it's
13 just an extension of the wording of the changing from
14 city to borough, that's my take on what's going on here.
15 It's not to restrict subsistence users, you can still get
16 subsistence permits for fishing in some of these systems
17 but it's to protect the resource.

18

19 Mr. Yeager.

20

21 MR. YEAGER: Thank you, Mr. Chair. May
22 I take a moment just for a comment, I don't have a direct
23 question for Mr. Larson.

24

25 CHAIRMAN BANGS: Sure.

26

27 MR. YEAGER: So just from my experience
28 on Wrangell, I don't see this as being any restrictive at
29 all to how people would subsistence fish on Wrangell
30 Island. I do see that if we don't go through with this
31 proposal the potential every time, if, in the future, a
32 city boundary changes we're going to be right back here
33 again dealing with where is the line going to be now,
34 where are we going to allow this and where we're not. I
35 would have to say that the vast majority of subsistence
36 users are all accessing their fish through saltwater, not
37 through freshwater. Pretty much all of Thoms residents
38 live on the saltwater side of Zimovia Strait so when they
39 go into the mouth there in front of the creek it's a
40 saltwater access, Stikine River, obviously we know where
41 they subsistence fish there. There's very few fish
42 taken, I feel, subsistencely, if that's a word, by any of
43 these creek systems because the better fishing is
44 accessible through saltwater, Virginia Lake, especially
45 that is all saltwater access, and that's where the
46 majority of the catch is. So I don't see that this would
47 be any restrictive to the Wrangell users at all.

48

49 Thank you.

50

1 CHAIRMAN BANGS: Okay. Thank you for
2 that.

3
4 What we'll do is we need to follow
5 procedure, we'll get to the discussion part of it and I
6 apologize, but what we need to do is direct our questions
7 to Mr. Larson for his analysis and then we'll move on to
8 any, like Mr. Howard said, if there's tribal comments,
9 and so if there's any more questions for Mr. Larson.

10
11 (No comments)

12
13 CHAIRMAN BANGS: Thank you, Robert.

14
15 So I would ask is, is there any tribal
16 concerns or ANCSA comments towards this proposal.

17
18
19 (No comments)

20
21 CHAIRMAN BANGS: And then there's any
22 comments from the Alaska Department of Fish and Game. Do
23 we have a rep -- oh, he's not here today. So we don't
24 have any comments from ADF&G.

25
26 MS. WESSEL: Hello, this is Maria Wessel
27 from Department of Fish and Game. We're still developing
28 our comments on this proposal.

29
30 CHAIRMAN BANGS: Thank you for speaking
31 up. What this Council has struggled with, since I've
32 been on the Council, is these proposals come before the
33 State and the Federal agencies and it's always been an
34 issue that we don't get the response from the State until
35 it goes before the Federal Board, and that seems to be an
36 issue that is still not resolved. I'm not sure why it
37 continues to happen. But I think that we would like to
38 hear the State's response to any and all proposals before
39 it goes before the Board because it does give us a chance
40 to prepare for unexpected reasoning behind why you would
41 oppose or agree with any proposal. So with that said,
42 I'm glad you were here to listen to us anyway.

43
44 MS. WESSEL: Mr. Chair. Duly noted and
45 I understand and thank you for the opportunity and I'll
46 pass on those comments.

47
48 CHAIRMAN BANGS: Thank you. Is there any
49 Native tribal village comments.

50

1 MR. ANGERMAN: Mr. Chair. I was wondering
2 if I could comment on behalf of the Wrangell Tribe really
3 quick.

4
5 CHAIRMAN BANGS: Yes, please.....
6

7 MR. ANGERMAN: This is Aaron Angerman.
8 I am the administrator for the Wrangell Cooperative
9 Association. Thank you for having me on. I was hoping
10 for a little clarity in the wording of this. I've heard
11 a couple of times in this section going over FP17-13,
12 going back and forth between Wrangell Island and then the
13 city and borough of Wrangell and was just hoping that --
14 I don't see the word, borough, or anything in this draft
15 and I just want to make sure because the city and borough
16 of Wrangell -- the borough is actually quite vast and the
17 language is such that it's not clear, we're excluding
18 multiple islands, a lot of the main land, different road
19 systems, Forest Service or whatever, on the island,
20 Zarembo, Etolin, and what not, so just to be sure that it
21 is clear if it isn't going to be the borough of Wrangell
22 and/or Petersburg, that that's marked clearly in here and
23 not just the words city limits or roads because big
24 difference between Wrangell Island and the city and
25 borough of Wrangell which includes almost all traditional
26 areas for the Wrangell Tribe.

27
28 CHAIRMAN BANGS: Thank you. I think the
29 wording is specific to these communities and I think it's
30 spelled out fairly clearly, I may be mistaken, but it's
31 in the proposal and the modification that OSM has
32 offered, I don't know, have you read the modification
33 that has been proposed?

34
35 MR. ANGERMAN: I am looking at it right
36 now, yes.

37
38 CHAIRMAN BANGS: So your concerns are
39 addressed or are you still uncertain, I'm not sure
40 exactly what you're asking.

41
42 MR. ANGERMAN: I guess I just want to
43 make sure as this discussion went on the terms city
44 limits have been used, terms used by the Council have
45 varied from Wrangell Island, Wrangell community and city
46 and borough of Wrangell, city and borough being all
47 inclusive to all surrounding islands, not just Wrangell
48 and that includes quite a bit more road systems, and when
49 you're talking areas on Zarembo, Etolin, it could open
50 more fish streams but I just want to make sure I'm clear

1 because as it's been discussed, the different terms have
2 went back and forth between Wrangell Island, Wrangell
3 community and the borough, so I just wanted to clarify
4 that we are talking borough here and not in general terms
5 like community.

6

7 CHAIRMAN BANGS: Thank you. I think I
8 follow what you're getting at and I'm not sure that
9 there's a concern as far as restricting subsistence uses
10 if these boundaries change. I don't know of any large
11 stream systems that net use would be, you know,
12 advantageous to subsistence users by implementing this
13 expanded restriction. I'm -- do you feel comfortable
14 with that?

15

16 MR. ANGERMAN: Yes, at this time I
17 believe so. But, thank you, I just wanted to be clear
18 because I heard a few different terms going around and
19 I'm just -- but if we're operating under this for
20 indefinitely I would like to avoid any confusion, that is
21 all.

22

23 Thank you.

24

25 CHAIRMAN BANGS: Okay, thank you. We
26 have a question here.

27

28 Mr. Hernandez.

29

30 MR. HERNANDEZ: Yeah, thank you, Mr.
31 Chairman. I'm sorry I didn't catch your name there in
32 Wrangell, but this is Don Hernandez on the Council and I
33 think I understand your concern there, it was something
34 I was going to raise in the discussion when we deliberate
35 on this proposal. You know the Council had an intent
36 here with this proposal and, of course, we have to make
37 sure that the actual wording that we came up with meets
38 our intent. And, of course, there were some
39 modifications suggested by the Staff, so we have to look
40 at those modifications very carefully and see if they
41 still meet the intent of what the Council intended and I
42 think I see your concern.

43

44 The wording that was suggested in this
45 proposal is roads adjacent to road systems or streams
46 flowing across or adjacent to the road systems connected
47 to the communities of Petersburg and Wrangell. And I
48 guess I want to have the discussion on, you know, if that
49 wording is going to be clear to everybody that we're not
50 talking about the entire borough boundaries, which, is,

1 as you pointed out, are very extensive and may include
2 streams that, you know, may at some point want to have --
3 you know, not have a net restriction on them, so my
4 understanding of those words, connected to the
5 communities of Petersburg and Wrangell would limit this
6 proposal just to roads on the islands of Wrangell Island
7 and Mitkof Island. So if that's your concern, I think we
8 need to have that discussion in our deliberations. So I
9 just want to be clear that that is your concern, that
10 this proposal would only affect streams on the islands of
11 Wrangell Island and Mitkof Island.

12

13 CHAIRMAN BANGS: Thank you, Don. Do you
14 have a comment.

15

16 MR. ANGERMAN: Yeah, and this is Aaron
17 Angerman, I'm the administrator here in Wrangell. I
18 appreciate the comment. And that was my concern, not
19 that I am having issues understanding that, but just to
20 avoid any confusion in the future that so long as the
21 term community is defined clearly or can be defined so
22 that we know it's physically connected to the city of
23 Wrangell, that's all the clarification I was looking for,
24 so I mean this isn't so much for myself but for anyone
25 else to read this document in the future, to be sure
26 that, that because it's not physically connected to the
27 actual community here in Wrangell Island, then it
28 separates themselves, and that's one of the
29 clarifications I was looking for, and just to get your
30 attention that if that does come up in the future, to be
31 aware of it.

32

33 Thank you.

34

35 CHAIRMAN BANGS: Thank you for listening
36 in and speaking. Is there any other questions.

37

38 Mr. Reifenhohl we're going to take other
39 comments from any other Federal agencies or Inter-Agency
40 Staff, and then we'll go into discussion.

41

42 (No comments)

43

44 CHAIRMAN BANGS: Is there any Advisory
45 Committee comments from any of the -- yes, Rosalie.

46

47 MS. DEBENHAM: Hello, I'm Rosalie
48 Debenham with the Bureau of Indian Affairs. My question
49 was, that the adjusted wording, it says connected to the
50 communities of Petersburg and Wrangell, Sitka and

1 Petersburg Creek, you kind of attached Petersburg Creek
2 there as a community, so maybe that could be cleared up,
3 I'm not sure. But also I was wondering about the
4 addition of Petersburg Creek to the proposal, and I don't
5 know if there's enough data to support, I mean there
6 might be, but I don't see it in the proposal or the OSM
7 analysis. It shows -- it says that there's been 60 fish
8 harvested by subsistence means on Petersburg Creek since
9 2003 which seems to be data that would actually support
10 not limiting subsistence fishing. So that was sort of my
11 comment.

12
13 And I had comments before that were
14 similar to the Wrangell Cooperative Association, just to
15 make it very clear that because the city limits of
16 Petersburg extended to about 10 miles out the road before
17 and now the borough takes up most of -- takes up a good
18 portion of Kupreanof, part of the mainland, and the
19 entire island of Mitkof, so when you say to extend
20 adjacent roads it was unclear, but I think with connected
21 to the city of Petersburg or the other town, I think that
22 clarifies it but I want to make abundantly clear because
23 there's other road systems around here, you know, there's
24 a road system out at Thoms Bay, Kupreanof, there's two
25 different ones on Kupreanof that are within the borough
26 limits. And then also if it is connected to Petersburg
27 then that would still -- even if it is road system's
28 connected to Petersburg that would include a lot more
29 streams and road systems than the old regulations
30 included, just because the city limits were only extended
31 to about 10 miles out the road in one direction and now
32 they would extend -- well, I mean it's a circular road
33 system, but, you know, it goes out another 20 miles past
34 that.

35
36 So those were my comments just to -- I
37 think -- I don't think this is a bad proposal, I think it
38 just might need some more information on it so
39 everybody's clear on what they're voting on and the
40 changes that it would make.

41
42 Do you guys have any questions for me.

43
44 (No comments)

45
46 CHAIRMAN BANGS: Thank you, Ms. Debenham,
47 is there any questions.

48
49 (No comments)

50

1 CHAIRMAN BANGS: Thank you. Thank you
2 for your comments.

3
4 MS. DEBENHAM: All right, thanks.

5
6 CHAIRMAN BANGS: Is there any comments
7 from the Inter-Agency Staff. Mr. Whitford.

8
9 MR. WHITFORD: Thank you. Mr. Chairman.
10 Tom Whitford. I'm the Subsistence Program leader for the
11 Forest Service. And our comments are summarized on Page
12 34.

13
14 The Inter-Agency Staff Committee found
15 the Staff analysis to be a thorough and accurate
16 evaluation of the proposal and that it provides
17 sufficient basis for the Regional Advisory Council
18 recommendation and the Federal Board action on the
19 proposal.

20
21 And that's it.

22
23 CHAIRMAN BANGS: Thank you, Tom. Are
24 there any questions.

25
26 (No comments)

27
28 CHAIRMAN BANGS: Thank you.

29
30 MS. PHILLIPS: Wait, I have one.

31
32 CHAIRMAN BANGS: Excuse me, Patty.

33
34 MS. PHILLIPS: I'm sorry for the late
35 hand raising.

36
37 So this Petersburg Creek is not a
38 community and yet we're identifying -- the modified
39 regulation says connected to the communities of
40 Petersburg, Wrangell, Sitka and Petersburg Creek. so is
41 Petersburg Creek a community or not?

42
43 MR. WHITFORD: I'd have to have Mr.
44 Larson address that.

45
46 Robert.

47
48 MR. LARSON: The question is whether or
49 not there is a community at Petersburg Creek -- in
50 Petersburg Creek -- at Petersburg Creek; there is the

1 community of Kupreanof and it's a second class city, I
2 think, and so the boundaries cut across Petersburg Creek
3 about the upper inter-tidal area. I'm not -- I don't
4 think that there's any -- it's about where Federal
5 jurisdiction probably is. Petersburg Creek is a lot like
6 Blind Slough where Federal jurisdiction is a bit
7 indistinct, there's miles of inter-tidal zone there.
8 But, anyway, the lower portion of Petersburg Creek is
9 inside the boundaries of the city of Kupreanof.

10
11 MS. PHILLIPS: So the modified regulation
12 says streams flowing across or adjacent to the road
13 systems connected to the communities of Petersburg,
14 Wrangell, Sitka and Petersburg Creek. So what I hear,
15 there is no -- Petersburg Creek is not a community,
16 Kupreanof is the community, so would it be better to say
17 Kupreanof?

18
19 MR. LARSON: There's actually a couple of
20 streams that are within the municipal boundaries of the
21 city of Kupreanof, those are not our concern. The stream
22 of concern is Petersburg Creek proper.

23
24 CHAIRMAN BANGS: Patty.

25
26 MS. PHILLIPS: Thank you, Mr. Chair. So
27 Petersburg Creek, though, is not a community.

28
29 MR. LARSON: Mr. Chair. That is correct,
30 Petersburg Creek is a place, it's a stream. So it's that
31 stream that we care about.

32
33 CHAIRMAN BANGS: Mr. Reifenstuhl.

34
35 MR. REIFENSTUHL: Well, I think that the
36 problem with the sentence is grammar. I think that's
37 what, really, Patty's getting at, the grammar would be
38 incorrect to add Petersburg Creek as it follows
39 communities of, so within that clause and so maybe that
40 could be rearranged to help clarify.

41
42 CHAIRMAN BANGS: Thank you, Steve.

43
44 Mr. Howard.

45
46 MR. HOWARD: Thank you, Mr. Chair. I
47 guess the question will be for Mr. Larson.

48
49 So just to clear my mind on this, so
50 Petersburg Creek is in the limits of Kupreanof city

1 limits?

2

3 MR. LARSON: Yes. The mouth of
4 Petersburg Creek is contained within the boundaries of
5 the community of Kupreanof.

6

7 CHAIRMAN BANGS: Do you have a follow up,
8 Mr. Howard.

9

10 MR. HOWARD: Well, Mr. Chairman, it seems
11 like we're making a decision on a community that isn't
12 represented here so I mean I saw a light at the end of
13 the tunnel until I heard that comment, that Petersburg
14 Creek is in another city limits. I mean we can't -- Mr.
15 Chairman, now I'm concerned with the fact that they're
16 not here represented and that's part of our process.

17

18 Thank you, Mr. Chair.

19

20 CHAIRMAN BANGS: Mr. Larson.

21

22 MR. LARSON: Mr. Chair. A couple of
23 things. One is that the city of Kupreanof, all 30
24 members of the city, is well aware that Petersburg Creek
25 has a prohibition against the use of nets. That they
26 expect that prohibition to continue. I would have a,
27 based on Steve's comments, and others, that perhaps a
28 little wordsmithing right here on the record would be
29 appropriate and if I may suggest moving Petersburg Creek
30 earlier in the sentence so it's not associated with a
31 community, so it would read:

32

33 Nets are prohibited in Petersburg Creek,
34 and streams flowing across or adjacent to the road
35 systems connected to the communities of Petersburg,
36 Wrangell and Sitka.

37

38 That seems to separate the issues where
39 Petersburg Creek may be considered a community instead of
40 a place.

41

42 CHAIRMAN BANGS: Thank you, Mr. Larson.

43

44 So you're modifying the OSM conclusion by
45 wordsmithing and so we'll have to deal with that as a
46 Council when we go to vote on it.

47

48 Is there any other questions.

49

50 Patty.

1 MS. PHILLIPS: Thank you, Mr. Chair. And
2 thank you for that wordsmithing. Petersburg Creek is not
3 a community, but it is a stream that you want to prohibit
4 nets in.

5
6 My question is, is this road system on
7 Federal public lands?
8

9 MR. LARSON: Mr. Chair. If you look at
10 your map, the non-Federal public land component of the
11 lands within Wrangell Island and Mitkof Island is shown
12 in white, so there's a mix of Federal public land and
13 non-Federal public land on these two communities.
14

15 Thank you.
16

17 MS. PHILLIPS: So this regulation would
18 only apply to Federal public lands connected to
19 Petersburg or Wrangell?
20

21 MR. LARSON: That is correct. So for
22 non-Federal public lands and Federal public lands where
23 a person wishes to fish under State regulations, it's
24 already closed, so the State has closed it by regulation.
25

26 CHAIRMAN BANGS: Thank you, Mr. Larson.
27 Thank you, Patty. Is there any other questions for Mr.
28 Larson.
29

30 MR. JACKSON: Mr. Chair.
31

32 CHAIRMAN BANGS: Mr. Jackson.
33

34 MR. JACKSON: So we don't need to mention
35 that Kupreanof city anywhere near -- even though
36 Petersburg Creek is right near so -- and then later on
37 these modifications don't include, even though the
38 borough extends all the way toward Kake, the roads that
39 are there -- you know, I understand and I agree with, you
40 know, not using nets and everything but, you know, later
41 on the terms, descriptions would include those Federal
42 and any types of roads that are in the system, so I know
43 the Forest Service has roads all over Kupreanof Island
44 and I don't know how far your boundary is but, you know,
45 just for clarification.
46

47 Thank you.
48

49 MR. LARSON: And, Mr. Chair, if I could
50 make that clear as well. Is that when we're -- and we've

1 tried to stay as close as we could to the previous, or
2 the current regulation. So connected to the communities
3 means actually physically connected, we're only talking
4 about Mitkof Island and Kupreanof Island -- or Mitkof
5 Island and Wrangell Island, excuse me. So if you can't
6 drive there from here then it doesn't apply.

7

8 CHAIRMAN BANGS: Except for Petersburg
9 Creek.

10

11 (Laughter)

12

13 CHAIRMAN BANGS: Thank you, Mr. Larson.

14

15 MR. LARSON: Hope you go there, yes.

16

17 (Laughter)

18

19 CHAIRMAN BANGS: Are there any other
20 questions in regards to this proposal.

21

22 (No comments)

23

24 CHAIRMAN BANGS: Okay. I think we're all
25 pretty well informed on what's going on with this
26 proposal, but I would like to ask if there's any other
27 comments, Mr. Larson, from Fish and Game Advisory
28 Committees or any comments that were submitted for the
29 record.

30

31 MR. LARSON: Mr. Chair. There are no
32 written public comments.

33

34 CHAIRMAN BANGS: Thank you, Mr. Larson.

35

36 So is there any public testimony from
37 anyone in the room or on line, on the phone.

38

39 MR. ANGERMAN: Mr. Chair. This is Aaron
40 again in Wrangell. Just one last time to reiterate, if
41 I may, I guess after going back and forth hearing all
42 these -- I guess my concern is how people may interpret
43 the word community, and just so far as how it's used here
44 in Wrangell, that doesn't necessarily mean the
45 traditional city area, especially now that we are a
46 borough, I think people, depending on the situation, can
47 interpret that many different ways.

48

49 For instance, I mean in years past -- I
50 mean there was a Thoms Place community, there is an

1 (indiscernible) Cove community on Etolin Island, but
2 since becoming a borough, those areas are now part of the
3 Wrangell community, especially when they wish to be, you
4 know, if they're having to pay any sort of municipal fees
5 and taxes, everything else is the Forest though, if they
6 want to, you know, remain just part of the community, I
7 think they have that right and voice to do so, so while
8 I am here on the phone speaking on behalf of the tribe
9 saying I understand the intent of that wording, I'm just
10 not 100 percent sure that everyone will interpret it the
11 same way. I think community is a more broader, general
12 term than the Council is giving it credit for.

13

14 Thank you.

15

16 CHAIRMAN BANGS: Thank you for those
17 comments. I understand the concern and I'm not sure
18 exactly how we can deal with it, but I think the intent
19 is for Wrangell Island and Mitkof Island, and I think the
20 road systems on other islands within those community
21 boundaries, I'm really not sure how the Council wants to
22 deal with this, but I think it should be specified to
23 make it clear that the intent of the proposal, that
24 actually we, you know, submitted it, was to extend the
25 safeguard and conservation of these stream systems within
26 the parameters of the islands that the community is
27 accessible by road. I understand there's roads on
28 Kupreanof, there's roads on Zarembo, there's, you know,
29 a lot of the islands and mainland has roads, but I'm just
30 not sure what the Council wants to do with this, but I
31 appreciate your comments and I am sure we will deliberate
32 that and come up with -- hopefully we'll address that.

33

34 Thank you for your comments.

35

36 Is there any other public testimony that
37 would like to share with the Council.

38

39 (No comments)

40

41 CHAIRMAN BANGS: Okay. So I would
42 entertain a motion to adopt the proposal by the Council.

43

44 Mr. Hernandez.

45

46 MR. HERNANDEZ: Thank you, Mr. Chairman.
47 Before I make a motion, or anybody makes a motion, I'd
48 just kind of like to clarify how we're going to proceed.
49 I guess my recommendation would be to move to adopt the
50 proposal as originally written and then deal with

1 wordsmithing and the modification, adjust modifications
2 maybe through amending the motion.

3

4 So I'd just want to ask if that seems to
5 be what the rest of the Council -- or the way the rest of
6 the Council thinks we should proceed.

7

8

9 CHAIRMAN BANGS: Mr. Howard.

10

11 MR. HOWARD: Thank you, Mr. Chairman. I
12 have a question. I heard you say expanded restrictions,
13 what did you mean by that when you made that comment.

14

15 CHAIRMAN BANGS: Could you repeat that,
16 please.

17

18 MR. HOWARD: I wrote it here. You
19 mentioned expanded restrictions and I don't know if that
20 means the restrictions as far as using nets or being
21 expanded with the borough and city limits, I'm asking
22 what you meant by that comment.

23

24 CHAIRMAN BANGS: Thank you, Mr. Howard.

25

26 I just was expanding the restriction of
27 the prohibition on the use of nets in the borough
28 boundaries.

29

30 Yes, go ahead.

31

32 MR. HOWARD: Also maybe if you're going
33 to make a motion to adopt this, the motion should be a
34 motion to adopt with amendment, Mr. Chair, if that's what
35 the Board thinks. Because if you're going to do an
36 amendment during the motion then maybe the Board can work
37 on the wordsmithing during the comment period of the
38 motion.

39

40 Mr. Chair, Thank you.

41

42 CHAIRMAN BANGS: Thank you, Mr. Howard.
43 It's the will of the Council. Mr. Reifenstuhl.

44

45 MR. REIFENSTUHL: I'd like to make a
46 motion that we adopt FP17-13.

47

48 MR. YEAGER: Second.

49

50 CHAIRMAN BANGS: We have a motion to

1 adopt the proposal FP17-13 and we have a second.

2

3 Discussion.

4

5 MR. REIFENSTUHL: May I speak to the
6 motion.

7

8 CHAIRMAN BANGS: Yes.

9

10 MR. REIFENSTUHL: So my intention is that
11 it needs to be modified and I think we can do that within
12 the parameters of the motion if, you know, the second
13 agrees then the Council votes.

14

15 So obviously there is a lot of confusion
16 about what defines community. So I think that it will
17 benefit by having some definitions. I mean the State has
18 a legal definition of what a city and borough is, so we,
19 and certainly people that aren't familiar with it will
20 always be confused, because Petersburg, Wrangell, Sitka
21 are in -- a generic sense, people think of them as a
22 community, some of them think of them as the entire
23 borough but that's not what we're really trying to get at
24 here, but I think by having definitions that what the
25 city and borough of each of those communities is and
26 that's not what this regulation applies to. And you said
27 it very well, it really -- what we're trying to get at is
28 these communities, generic communities, and within the
29 road systems and the streams that cross those and we're
30 trying to have some additional protections, but to Mr.
31 Howard's comment, it actually -- they're restrictions on
32 terms of net use but it expands what gear you can use in
33 them, so there's actually an added benefit of a couple of
34 gear types.

35

36 So that's all I'd say for now.

37

38 CHAIRMAN BANGS: Thank you, Steve.
39 Anyone else have discussion or would like to make an
40 amendment to the proposal to clarify it.

41

42 John.

43

44 MR. YEAGER: Thank you, Mr. Chair. Just
45 an additional comment on that I'm sure everyone is aware
46 but there is a significant difference, you know, between
47 if you list Wrangell Island exclusively or if you add the
48 city and borough of Wrangell, that expands greatly the
49 area and I think that's part of the confusion and concern
50 that it doesn't expand that area to include mainland or

1 Etolin or Zarembo Islands or things like that. I think
2 if we could somehow exclusively list maybe the islands in
3 some form of verbiage and wordsmithing, that that might
4 help clarify a few things.

5

6 Thank you.

7

8 CHAIRMAN BANGS: Thank you, John.

9

10 Don.

11

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

13 I think John's right, we need to be -- and Steve also, we
14 need to be a little more specific, I think, in our
15 wording here so that people, you know, don't get
16 confused. I was, you know, thinking that we would
17 probably want to specify the islands of, you know,
18 Wrangell Island and Mitkof Island, however, the proposal
19 also deals with Sitka and we haven't really talked about
20 Sitka. But I think we need to because I don't think --
21 if we go to listing specific islands, I don't think we'll
22 want to say all of Baranof Island, so we're going to have
23 to parse out, maybe kind of separate wording for Sitka,
24 so, yes, I think we got, you know, a little bit of
25 clarifications to do here.

26

27 CHAIRMAN BANGS: Thank you, Don. Mr.

28 Kitka.

29

30 MR. KITKA: Thank you, Mr. Chair. If we
31 add only road systems connected to the communities, I
32 think that would be enough of an amendment to satisfy a
33 lot of the confusion.

34

35 CHAIRMAN BANGS: Thank you, Harvey.

36

37 But there's bridges to be built.

38

39 (Laughter)

40

41 MR. KITKA: But that would still be

42 connected.

43

44 (Laughter)

45

46 CHAIRMAN BANGS: Mr. Reifenstuhl.

47

48 MR. REIFENSTUHL: Well, I think that we
49 shouldn't make this too complicated. I mean there are
50 going to have to be amendments in the future. I mean you

1 make a joke there's going to be bridges to be built and
2 that's very true. I mean it's not a joke, I mean Katlian
3 out of Sitka is going to have a road to it, that's I
4 believe being built with State money by Shee Atika and so
5 at some point that may need to be added, and certainly
6 there are lots of other examples. And I think we're
7 trying to deal with the situation as currently presented,
8 and I think we can do that with some word modification.
9 And, you know, I believe when you look at the map, if you
10 try to describe it in words, I think it's going to be
11 confusing, but I think we need to attempt to do a little
12 better, but I think the maps are the best visual way for
13 people to realize what this includes, or excludes.

14
15 Thank you.

16
17 CHAIRMAN BANGS: Thank you, Steve, I
18 agree.

19
20 I think -- is there any other discussion
21 on this.

22
23 Mr. Schroeder.

24
25 MR. SCHROEDER: Well, perhaps we're ready
26 for an amendment on that. Just following what Harvey
27 said, if I can rephrase that, I think what we want to put
28 in is streams crossing or adjacent to roads connected to
29 the communities of Petersburg, Wrangell and Sitka, is
30 that what you were thinking.

31
32 CHAIRMAN BANGS: Harvey.

33
34 MR. KITKA: Yes. But I was really saying
35 only connected to the communities.

36
37 CHAIRMAN BANGS: Okay. Unless there's
38 any other comments I would like to take a short break to
39 where we could maybe huddle and write down a few things
40 to where we could come back and present a proposal that
41 would be an amendment to the Councils, what's the idea,
42 and everybody could get a cup of coffee or whatever.

43
44 So let's take a 10 minute break.

45
46 (Off record)

47
48 (On record)

49
50 CHAIRMAN BANGS: Okay, I'd like to get

1 going again here.

2

3 We have a correction that Mr. Larson
4 would like to address.

5

6 MR. LARSON: Thank you, Mr. Chair.
7 Previously Ms. Phillips asked me a question regarding the
8 land ownership on Mitkof and Wrangell Islands, and it's
9 absolutely correct that there's a mix of Federal public
10 land and lands that are owned by other State or private
11 entities. What I want to make sure that although Federal
12 public lands are the areas where we have jurisdiction for
13 fisheries the non-Federal public lands within the
14 exterior boundaries of our conservation units, we also
15 claim jurisdiction for fisheries. So in both Federal
16 land and non-Federal land, under State regulations, you
17 cannot use nets on either Wrangell Island or Mitkof
18 Island. Under Federal regulations because the non-
19 Federal lands, the State and private lands are within the
20 exterior boundaries of the Tongass National Forest, we do
21 have jurisdiction for fisheries. So you could use -- you
22 could fish under Federal rules on streams that are within
23 private or State owned land.

24

25 So that's the more complete, and
26 hopefully that clears that up for Patty.

27

28 MS. PHILLIPS: Thank you.

29

30 CHAIRMAN BANGS: Thank you, Mr. Larson.

31

32 Okay. Well, we have a motion to adopt a
33 proposal and I think there's been some discussion and
34 some wordsmithing to the proposal to provide an amendment
35 and I think Mr. Larson, could you read what you have, or
36 the thoughts of the Council.

37

38 MR. LARSON: Mr. Chair. With permission
39 of Don Hernandez, I will read what -- or Mr. Reifentstahl,
40 I'll read what was discussed during the break, is that
41 okay.

42

43 MR. REIFENSTUHL: Yes, of course.

44

45 MR. LARSON: Thank you, Mr. Chair. The
46 modified language as discussed by some of the Council
47 members during the break would read:

48

49 Nets are prohibited in Petersburg Creek
50 and streams flowing across or adjacent to the roads on

1 Mitkof Island and Wrangell Island and streams flowing
2 across or adjacent to the road connected to the community
3 of Sitka.

4

5 CHAIRMAN BANGS: Thank you, Mr. Larson.

6

7 MR. LARSON: Is that accurate, Mr.
8 Reifenstuhl.

9

10 MR. REIFENSTUHL: Through the Chair, yes,
11 it is, thank you. And so I would agree with that, I mean
12 that's what we worked on among the four of us that
13 discussed this.

14

15 CHAIRMAN BANGS: Thank you, Steve.

16

17 What I'd like is some discussion on the
18 amendment or the wording of the proposed amendment,
19 because it hasn't been put forward as an amendment yet.
20 And I would like the amendment to be read on record by
21 one of the Council members.

22

23 Is there any discussion.

24

25 MR. LARSON: Procedurally we need a
26 motion on the table for a discussion.

27

28 CHAIRMAN BANGS: We have the motion of
29 the proposal on the floor already and it's been seconded,
30 we're discussing the intent to amend the motion. Is
31 everybody on the same page.

32

33 (Council nods affirmatively)

34

35 CHAIRMAN BANGS: Okay. So that's where
36 I'm at right now, is we're discussing the intent to amend
37 the proposal with modification to the wording, is there
38 any discussion.

39

40 Cathy.

41

42 MS. NEEDHAM: Can Mr. Larson read it
43 again because I -- I mean I'm hearing -- I'd like to see
44 the words or be able to write it down and I know you said
45 it slow but I didn't get all of what you just said.

46

47 CHAIRMAN BANGS: Mr. Larson.

48

49 MR. LARSON: Mr. Chair.

50

1 The wording would.....

2

3 (Laughter)

4

5 MR. LARSON: Procedurally it would be
6 easier if we had a motion to discuss, so right now we're
7 discussing the regulation, so if the wordsmithing of the
8 regulation that was discussed during the break is:

9

10 Nets are prohibited in Petersburg Creek
11 and in streams flowing across or adjacent to the roads on
12 Wrangell Island and Mitkof Island and in streams flowing
13 across or adjacent to the roads connected to the
14 community of Sitka.

15

16 CHAIRMAN BANGS: Thank you, Mr. Larson.

17

18 So procedurally I guess we need to make
19 a motion and read the proposed language as an amendment.

20

21 Mr. Reifenstuhl.

22

23 MR. REIFENSTUHL: I'd be happy to do that
24 with the concurrence of the second, then we can withdraw
25 and read the new proposed motion, or proposed language --
26 does it work that way.

27

28 CHAIRMAN BANGS: Okay, Mr. Larson.

29

30 MR. LARSON: Mr. Chair, Thank you. So
31 the process is we have a main motion on the table so the
32 Council needs to decide whether they want to amend the
33 main motion, so that's the question. And the appropriate
34 action would be to make a motion for amended language.
35 Once the Council discusses the amendment, then that
36 amended language, if adopted, would become the main
37 motion and then you could work on that. So the
38 appropriate motion would be to have amendments.

39

40 CHAIRMAN BANGS: Steve.

41

42 MR. REIFENSTUHL: Okay, Mr. Chair. You
43 asked that a Council member read the motion, is that what
44 you'd like the next step to be?

45

46 CHAIRMAN BANGS: It's the will of the
47 Council but I would like to have the wording in record,
48 on record by a Council member so that we can discuss the
49 amended language, and I think it would be appropriate for
50 someone to do that.

1 Mr. Howard.

2

3 MR. HOWARD: Mr. Chairman. I think we've
4 had examples of someone interpreting the words in this
5 type of proposal -- somebody's going to interpret this
6 the wrong way and somehow you're going to leave out Title
7 VIII of ANILCA when they interpret this. When you look
8 at the language that says prohibit the use of net,
9 there's nothing in here that makes reference to Title
10 VIII. I think if we're going to add anything, you might
11 consider adding shall be consistent with the current
12 regulations and consistent with ANILCA's Title VIII.
13 Because I think we're leaving too much open for
14 interpretation. And if you do that somebody's going to
15 interpret it wrong. I mean we had a good example of
16 that at our last board meeting, Mr. Chairman, where a
17 person's allowed to use a cabin for commercial fishing
18 but not for subsistence so I think we need to make sure
19 all our I's are dotted and T's are crossed because we're
20 not all going to be sitting here to explain what this
21 meant in the future.

22

23 Thank you, Mr. Chair.

24

25 CHAIRMAN BANGS: So, Mr. Howard, are you
26 offering to word the amendment.

27

28 MR. HOWARD: Mr. Chair. I just wrote
29 this part of it down where I think we should add this so
30 it's a part of the proposal and into the future when
31 someone tries to interpret what this means we have this
32 language in there.

33

34 Thank you, Mr. Chair.

35

36 CHAIRMAN BANGS: Thank you, Mr. Howard.

37

38 MS. PHILLIPS: Mr. Chair.

39

40 CHAIRMAN BANGS: Patty.

41

42 MS. PHILLIPS: Thank you, Mr. Chairman.
43 Thank you to the Council members who came up with the
44 amended language.

45

46 Move to amend the motion to read:

47

48 Nets are prohibited in Petersburg Creek
49 and in streams flowing across or adjacent to the roads on
50 Mitkof Island and Wrangell Island and streams flowing

1 across or adjacent to the road connected to the community
2 of Sitka.

3

4 CHAIRMAN BANGS: Thank you, Patty.

5

6 MR. HERNANDEZ: Second.

7

8 CHAIRMAN BANGS: It's been moved and
9 seconded to amend the language that Patty just offered.

10

11 Is there any discussion about the
12 amendment.

13

14 MR. KITKA: Mr. Chair.

15

16 CHAIRMAN BANGS: Harvey.

17

18 MR. KITKA: I just had one thought on
19 that and the word, nets, is a very broad sweep of -- we
20 need an interpretation on, or a definition on just what
21 kind of nets you're talking about. In some places I
22 would assume that dipnets would be okay but not seine
23 nets and not -- you know, whether you're taking all nets
24 away from this, or whether you're just -- because I don't
25 think dipnets take more than what they'd be wanting to
26 take and I don't think that would be a cause for
27 conservation concern. So I think maybe a definition on
28 nets would be appropriate, which ones you're referring
29 to.

30

31 CHAIRMAN BANGS: Thank you, Harvey.

32

33 Any other thoughts on -- Don.

34

35 MR. HERNANDEZ: Thank you, Mr. Chairman.
36 I thin Harvey might be correct there. I think to be
37 consistent with other language in regulation we may have
38 to specify, you know, gillnet and beach seine nets. I
39 think that's the way most other regulations are worded,
40 nets is kind of a more generic term, I'm not sure about
41 that. But it is something to discuss, I guess.

42

43 CHAIRMAN BANGS: Bob.

44

45 MR. SCHROEDER: Thank you, Mr. Chairman.
46 I have a bit of concern about tacking on Peterson [sic]
47 Creek here, because, really the proposal and the action
48 that the Council submitted really wanted to deal with
49 this road system question and the borough boundary
50 changes and Peterson Creek doesn't have anything to do

1 with that, it's just an add on. I don't think there's
2 anything wrong with closing Peterson Creek, per se, but
3 perhaps that should be done at a different time, because
4 it really doesn't match the intention of the proposal
5 that we submitted, and doesn't have anything to do with
6 fishing adjacent to our -- in streams that are adjacent
7 to or crossed by roads.

8

9 So if we get -- if there's other interest
10 in that -- if there's support then perhaps we'd eliminate
11 Peterson Creek from this proposal.

12

13 CHAIRMAN BANGS: Cathy.

14

15 MS. NEEDHAM: Thank you, Mr. Chair. I
16 would agree with Mr. Schroeder on that. On Page 38 when
17 OSM considered the alternatives, the second to the last
18 sentence in that paragraph says subsistence fishing
19 permits currently include a prohibition on the use of
20 nets in Peterson Creek, and so I'm not sure why adding it
21 on enhances that prohibition already.

22

23 CHAIRMAN BANGS: Thank you, Cathy. It's
24 Petersburg Creek.

25

26 (Laughter)

27

28 MS. NEEDHAM: Petersburg Creek.

29

30 CHAIRMAN BANGS: I think the concern was,
31 I mean you can look out the window and see Petersburg
32 Creek and, although it's not connected by a road system
33 it's a sockeye stream. This is my own take on why it's
34 a concern, is that it is vulnerable, and I would consider
35 it a necessity to be part of this proposal.

36

37 Mr. Howard.

38

39 MR. HOWARD: I have to share the same
40 concerns and I guess I should explain why.

41

42 The city of Angoon's on Admiralty Island.
43 The Federal language says you can't -- when you become a
44 borough the line has to be contiguous and for some reason
45 the city and borough of Juneau didn't have to abide by
46 that regulation, they reached across and they ended up on
47 Admiralty Island. Now, the talk is they're going to come
48 further south on Admiralty Island. And when you set up
49 this type of regulation, what's happening is now -- and
50 I didn't appreciate this because I've been on the other

1 end of the receiving end of this when you kind of chuckle
2 and say there's only 30 people there, the state of Alaska
3 recognizes them as a second class city for a reason, you
4 know, at some point somebody may chuckle and say there's
5 only 460 people in Angoon, so we've got to be mindful of
6 our intent of sitting at the table and the intent of
7 sitting here isn't to recognize -- I don't recognize
8 myself sitting here as a commercial fisherman, a charter
9 boat captain, the intent of myself sitting here is to
10 represent everyone and future generations and I think
11 that's what we need to keep in mind. Now, Petersburg
12 Creek isn't on the road system but the language and the
13 intent of this is for systems that are on the road
14 system, so I'm just kind of concerned about this, when
15 you set this kind of precedence and you put this kind of
16 language in there, it will be interpreted by someone that
17 has to enforce these regulations. And, you know, I just
18 don't want to be the guy that's always done something on
19 the stream and all of a sudden somebody comes to me and
20 interprets this kind of language and says you can't do
21 that anymore.

22

23 Thank you, Mr. Chair.

24

25 CHAIRMAN BANGS: Thank you, Mr. Howard.

26

27 Patty and then Don.

28

29 MS. PHILLIPS: Mr. Chairman. If it's
30 acceptable to the second, I would like to remove any
31 reference to Petersburg Creek. On Page 34 the proposed
32 regulation, and thank you Mr. Schroeder and Ms. Needham,
33 that it was not part of the proposed regulation,
34 therefore the public did not have an opportunity to
35 comment about the addition of Petersburg Creek.

36

37 CHAIRMAN BANGS: Thank you, Patty.

38

39 MS. PHILLIPS: So is the second agreeable
40 to that?

41

42 CHAIRMAN BANGS: Don.

43

44 MR. HERNANDEZ: Thank you, Mr. Chairman.
45 Yeah, Patty, I think -- I think it's important to note
46 that by leaving the proposal the way it is, we're not
47 changing anything. You know, it states that right now
48 under current regulation or permit requirements, nets are
49 not allowed in Petersburg Creek so if we make a change
50 we'd actually be changing a current situation which

1 everybody seems to be happy with because we haven't had
2 any proposals to open Petersburg Creek to net fishing.
3 So without having an analysis of what that change, what
4 the effects of that change would be and having testimony
5 along those lines, I think we continue with what has been
6 proposed in our amended proposal here. We're not
7 changing a situation. And if we change a situation I
8 think that brings in a further discussion and possibly
9 even more analysis and public input and all of that.

10

11 So I would not agree to remove Petersburg
12 Creek from our proposal for that reason.

13

14 CHAIRMAN BANGS: Thank you, Don. Patty.

15

16 MS. PHILLIPS: I'd like to respond. From
17 the regulatory book, Subsistence Harvest of Fish and
18 Shellfish on Page 78, the special provision is no permits
19 for the use of nets will be issued for the salmon streams
20 flowing across or adjacent to the road systems within the
21 city limits of Petersburg, Wrangell and Sitka, there is
22 no reference to Petersburg Creek in that special
23 provision. What this -- it's my understanding that this
24 proposal is amending that special provision. So the
25 closure of nets at Petersburg Creek is in place
26 regardless of this provision.

27

28 Am I correct?

29

30 CHAIRMAN BANGS: Mr. Larson.

31

32 MR. LARSON: Yeah, Patty is correct. So
33 those are the -- Petersburg Creek is not part of the
34 current regulation, it is closed as a permit condition.

35

36 Thank you.

37

38 CHAIRMAN BANGS: Don.

39

40 MR. HERNANDEZ: If we remove reference to
41 Petersburg Creek in this proposal, would Petersburg Creek
42 still maintain a permit requirement that would not allow
43 nets?

44

45 CHAIRMAN BANGS: Mr. Larson.

46

47 MR. LARSON: Mr. Chair. Mr. Hernandez.
48 That is not a certainty. The permit conditions are based
49 on current conditions, as interpreted by the current in-
50 season manager. I suspect that at least in the

1 foreseeable future, unless conditions change, the
2 prohibition will be maintained. However, personnel
3 change, the situations change, abundance of one type of
4 fish or another changes, so it's certainly not a foregone
5 conclusion that it will remain in perpetuity. So it's a
6 prohibition that recognizes the conditions that are in
7 place now.

8

9 CHAIRMAN BANGS: Don.

10

11 MR. HERNANDEZ: Follow up. So if the
12 permit conditions were to change who -- what's the
13 process, is that just a Staff decision or is there public
14 input as far as changing a permit condition, how does
15 that work?

16

17 CHAIRMAN BANGS: Mr. Larson.

18

19 MR. LARSON: Mr. Chair. Permit
20 conditions are not regulations. They have the force of
21 regulations because they're enforceable, they're real
22 prohibitions. However, the current conditions are as a
23 result of a collaboration and a dialogue between the
24 local users, the Department of Fish and Game, the Staff
25 of the Forest Service as subsistence managers and the
26 users and they are subject to change as are understanding
27 of the resource evolves and our understanding of what, in
28 fact, is the need of, and I think that Albert spoke to
29 that, or Harvey spoke to that, where, you know, a seine
30 is not a dipnet, you know, that maybe there is some
31 dialogue that will happen in the future that we're not
32 aware of that might be some specific instance, I don't
33 know. But it is, permit conditions are a result of
34 dialogue and collaboration between the users, the State
35 and the Federal managers.

36

37 Thank you.

38

39 CHAIRMAN BANGS: Thank you, Mr. Larson.

40

41 MS. PHILLIPS: Mr. Chair.

42

43 CHAIRMAN BANGS: Patty.

44

45 MS. PHILLIPS: Thank you, Mr. Chairman.
46 The other alternative would be in the next regulatory
47 cycle, aa proposal could be submitted prohibiting nets at
48 Petersburg Creek; is that correct?

49

50 CHAIRMAN BANGS: Patty, from my

1 perspective and understanding I think that would be
2 totally -- that would be true if we chose to do that.

3
4 But the amendment before us right now
5 that we're discussing includes Petersburg Creek, and the
6 roads adjacent and crossing the streams on the island of
7 Mitkof and Wrangell Island.

8
9 Mr. Howard.

10
11 MR. HOWARD: Thank you, Mr. Chairman.
12 Now, I'm even more concerned with the fact that there was
13 no due process to add Petersburg Creek. It isn't in the
14 form of a regulation and it just got put into this
15 current one. So I think we're putting ourselves in a
16 situation that I don't want to be in. I think if we're
17 going to go back and -- you know, another proposal should
18 be submitted to add Petersburg Creek, it shouldn't be
19 done this way and I don't think the intent of us being
20 here is to do this type of thing without due process.

21
22 Thank you, Mr. Chair.

23
24 CHAIRMAN BANGS: Thank you, Albert.

25
26 I think we need to consider the amendment
27 and maybe we should reword it if the Council wishes to do
28 that. I'm getting the sense that omitting Petersburg
29 Creek is the consensus of the Council, but we'd either
30 have to vote the amendment down and reword it, or rescind
31 the second and rescind the motion -- or for the amendment
32 and then reword the amendment.

33
34 What's the wish of the Council.

35
36 MR. KITKA: Mr. Chair.

37
38 CHAIRMAN BANGS: Harvey.

39
40 MR. KITKA: Just for clarification, I'd
41 like to hear the amendment again.

42
43 CHAIRMAN BANGS: Mr. Larson, do you have
44 it written down.

45
46 MR. LARSON: Thank you, Mr. Chair.

47
48 Amended language.

49
50 Nets are prohibited in Petersburg Creek

1 and in streams flowing across or adjacent to the roads on
2 Wrangell Island and Mitkof Island and in streams flowing
3 across or adjacent to the roads connected to the
4 community of Sitka.

5
6 CHAIRMAN BANGS: That doesn't include
7 Petersburg Creek though.....

8
9 MS. PHILLIPS: Yes, it does.

10
11 MR. LARSON: Yes.

12
13 CHAIRMAN BANGS: You said Petersburg
14 Creek, okay.

15
16 MR. LARSON: Yeah.

17
18 CHAIRMAN BANGS: Okay. So what we're
19 going to have to do is either vote that down or rescind
20 the amendment and reword it. That's what I'm getting.

21
22 MR. LARSON: Mr. Chair.

23
24 CHAIRMAN BANGS: Mr. Larson.

25
26 MR. LARSON: With the consent of the
27 second, the motion could be restated, so we don't have to
28 rescind.

29
30 CHAIRMAN BANGS: Okay, thank you for
31 that.

32
33 What's the will of the Council.

34
35 (No comments)

36
37 CHAIRMAN BANGS: What's the will of the
38 proposed amendment.

39
40 Mr. Reifenstuhl.

41
42 MR. REIFENSTUHL: So we're going back up
43 a couple levels. I'm fine with the modifica -- or
44 modifying further if that's the will of the Council to
45 pull out Petersburg Creek, the second on that level was
46 John.

47
48 CHAIRMAN BANGS: Thank you, Steve.
49 Patty.

50

1 MS. PHILLIPS: Mr. Chair. So are you --
2 I made the motion, so with concurrence of the second we
3 can remove reference to Petersburg Creek, so who was the
4 second. Tina.

5
6 REPORTER: Don.

7
8 MS. PHILLIPS: Don. So I'd like to hear
9 from Don.

10
11 MR. HERNANDEZ: I would agree to rescind
12 my second there and change the wording.

13
14 MS. PHILLIPS: Mr. Chair.

15
16 CHAIRMAN BANGS: Patty.

17
18 MS. PHILLIPS: Just a point of order,
19 you're not rescinding your second, you're agreeing to
20 remove reference to Petersburg Creek.

21
22 MR. HERNANDEZ: Yes, that's what I
23 intend, yeah.

24
25 MS. PHILLIPS: So the amendment -- the
26 amended motion reads:

27
28 Nets are prohibited in streams flowing
29 across or adjacent to the roads on Wrangell Island and
30 Mitkof Island and in streams flowing across or adjacent
31 to the road system connected to the community of Sitka.

32
33 Mr. Chair.

34
35 CHAIRMAN BANGS: Thank you, Patty. Is
36 everybody clear. We have a new motion and a second to
37 amend the proposal with the language that Patty just
38 read.

39
40 Is there any more discussion.

41
42 MS. PHILLIPS: Mr. Chairman.

43
44 CHAIRMAN BANGS: Patty.

45
46 MS. PHILLIPS: Someone said about the
47 nets so -- and Staff has provided a list of the type of
48 nets, or.....

49
50 (Laughter)

1 MS. PHILLIPS:do you guys want to
2 go to the point of defining nets or just leave nets
3 alone?
4
5 CHAIRMAN BANGS: Is there any discussion
6 on nets.
7
8 Mr. Howard.
9
10 MR. HOWARD: Mr. Chair. Is there current
11 language defining what nets mean in these systems, there
12 must be something.
13
14 CHAIRMAN BANGS: Robert.
15
16 MR. LARSON: Mr. Chair. Nets are nets.
17 That's the current regulation and it's -- I think nets is
18 pretty all inclusive for whatever is out there for a net,
19 and that is the intent of the State's regulation, and
20 that's our intent as well to prohibit nets.
21
22 CHAIRMAN BANGS: Don.
23
24 MR. HERNANDEZ: So a dipnet is not a net.
25
26 MR. LARSON: A dipnet is a net.
27
28 MR. HERNANDEZ: So we're banning dipnets
29 then?
30
31 MR. LARSON: Yes. We're banning all
32 nets.
33
34 CHAIRMAN BANGS: Mr. Douville.
35
36 MR. DOUVILLE: Is it safe to assume then
37 if you're fishing with a rod and reel and you have your
38 little dipnet in your back pocket to dipnet your trout,
39 that you'd be doing something.....
40
41 (Laughter)
42
43 MR. DOUVILLE:illegal.
44
45 (Laughter)
46
47 CHAIRMAN BANGS: Okay. Is there any
48 thoughts on entering nets into the amendment.
49
50 MR. YEAGER: Call for the question.

1 CHAIRMAN BANGS: Okay, we have an
2 amendment to the main motion on the floor right now and
3 we just have been called the question so I'd like to ask
4 the Council, all those in favor of amending the main
5 motion with the language that Patty read as an amendment,
6 all those in favor say aye.

7
8 IN UNISON: Aye.

9
10 CHAIRMAN BANGS: All those opposed say
11 nay.

12
13 (No opposing votes)

14
15 CHAIRMAN BANGS: Okay. The amendment to
16 the main motion carries. Now the main motion is the
17 amended language for Proposal FP17-13, is there any more
18 discussion on the main motion.

19
20 Cathy.

21
22 MS. NEEDHAM: Thank you, Mr. Chair. With
23 respect to the proposal that's before us I am going to
24 oppose the proposal. I have asked questions of Staff and
25 the information that was presented to us leads me to
26 believe that there is not a conservation concern in any
27 of these streams that are addressed in the proposal.

28
29 There's no substantial evidence that
30 access has been changed enough to create a conservation
31 concern.

32
33 There's also little evidence in the
34 analysis supporting a perceived conservation concern for
35 any of these streams.

36
37 Therefore the proposal, in effect, would
38 limit Federally-qualified subsistence users unnecessarily
39 by just doing the housekeeping thing of changing language
40 that addresses jurisdictional boundary changes.

41
42 And so I would oppose the overall
43 proposal.

44
45 CHAIRMAN BANGS: Thank you, Cathy.

46
47 Any other discussion.

48
49 (No comments)

50

1 CHAIRMAN BANGS: I would offer my own
2 take on the conservation concerns.

3
4 I feel that there is a conservation
5 concern on these streams. They're very susceptible to
6 overfishing.

7
8 I think that -- I'm not real certain on
9 Wrangell Island, but I know Mitkof Island very well and
10 I think that these systems are not conducive to net
11 fishing. There is opportunity to catch the necessary
12 fish needed for subsistence with other means. But I
13 think net fishing would be detrimental to the
14 conservation of the stocks in those streams, and I think
15 it is not -- there's not evidence that it would hinder
16 subsistence uses on those stream systems by prohibiting
17 nets.

18
19 Cathy.

20
21 MS. NEEDHAM: Thank you, Mr. Chair. I
22 mean I appreciate that as well, and in our deliberations
23 a little bit earlier before we got into the language
24 change, I understood that. However, my opposition also
25 comes from the fact that currently nets are allowed and
26 it's -- and -- you're shaking your head.

27
28 CHAIRMAN BANGS: Mr. Larson.

29
30 MR. LARSON: Mr. Chair. Before we make
31 a misstatement on the record I want to be clear, that
32 nets are not allowed, and they have not been allowed in
33 these systems for a number of years.

34
35 Thank you.

36
37 CHAIRMAN BANGS: Thank you, Mr. Larson.

38
39 Don.

40
41 MR. HERNANDEZ: Well, I think that needs
42 to be further clarified that nets are not allowed as a
43 permit requirement at this point outside of the old
44 Petersburg city limits. I mean we had a regulation
45 within the Petersburg -- old Petersburg city and Wrangell
46 limits, but outside of those areas it was a permit
47 requirement rather than regulation is my understanding.
48 So, you know, there is a higher standard here if you put
49 it into regulation as opposed to a permit requirement.
50 So I think that's what Cathy is kind of addressing.

1 From my own point of view, I think I
2 would be in favor of the motion because as Robert points
3 out, you know, as of now people for -- ever since there's
4 been a subsistence program, have not used nets in these
5 systems, there is concern that if nets were allowed it
6 could lead to conservation concerns. We've had no, you
7 know, proposal -- I guess it wouldn't be a proposal
8 because it's a permit requirement, but apparently the
9 public has not asked to change the permit requirements to
10 allow nets in all that time period, so, you know, we
11 could either -- I guess our options are to leave it the
12 way it is, not make a regulation at all, no regulation
13 change at all and leave everything up to permit
14 requirements. We'd have to somehow just eliminate that
15 current regulation that states that Petersburg and
16 Wrangell city limits because they no longer exist so I
17 guess that's our options.

18
19 Make a regulation with a higher standard
20 essentially of prohibition on nets than we currently
21 have, and it wouldn't be a change for any current
22 practices but if anybody wanted to change it they'd have
23 to go through a regulatory process instead of a permit
24 requirement process so, I don't know, that's our options.

25
26 And I guess in my view I would tend to go
27 for the proposed regulation change.

28
29 CHAIRMAN BANGS: Thank you, Don.

30
31 Mr. Kitka.

32
33 MR. KITKA: Maybe I can ask Bob this, but
34 on Federal public lands, is the regulation stating to all
35 public lands that would be no nets used in streams and,
36 if so, with the exception of the Stikine, why are we
37 visiting this?

38
39 CHAIRMAN BANGS: Mr. Larson.

40
41 MR. LARSON: Mr. Chair, thank you. And,
42 Mr. Kitka, the current regulation addresses streams
43 accessible to the communities of Wrangell, Petersburg and
44 Sitka, but it's within the city limits, now those city
45 limits are no longer -- there is no longer city limits on
46 road systems that are connected to Petersburg, Wrangell,
47 so the city limits are, you know, expand well beyond the
48 islands, you know, any streams you could drive to.

49
50 Once it was clear we were going to

1 provide a -- have a unified city and borough, then the
2 entire islands of Wrangell and Petersburg have been
3 closed to subsistence fishing with nets, but it's only
4 Wrangell -- the streams on Wrangell Island and Kupreanof
5 -- or Mitkof Island and Petersburg Creek that are closed
6 to nets by permit conditions.

7

8 So right now we have a regulation that
9 references a line or an area that no longer exists,
10 that's the issue.

11

12 CHAIRMAN BANGS: Thank you, Mr. Larson.

13

14 Mr. Schroeder.

15

16 MR. SCHROEDER: Boy, I thought this was
17 going to be like just a real easy proposal and we could
18 have a long lunch break.

19

20 (Laughter)

21

22 MR. SCHROEDER: You know, this is why
23 it's really good for the Council to deliberate as we're
24 doing, and so I thought this was like, well, we'll get
25 rid of Peterson [sic] Creek and I'm happy but now I'm
26 sort of thinking that, what we have here is a legacy
27 regulation, which comes from this distant past where
28 there may be no one in this room who knows how the first
29 regulation got in there, unless it's Bob Larson, and, you
30 know, mostly in Southeast Alaska the -- my understanding
31 that gear types are -- and all kind of things with
32 subsistence fisheries are handled as permit requirements
33 and so, you know, if I'm wrong on that, you know, perhaps
34 somebody can chime in, but that seems to be the way that
35 things have been done in Southeast, and it more or less
36 works. And so this brings up this other firm law, which
37 is the law of parsimony, that you just don't make
38 regulations because it's kind of nice to have more
39 regulations, you know, so if something is working okay,
40 you know, why do you need -- if my observation is
41 correct, that most of the fisheries are managed under
42 permit regulations in terms of gear types, then what do
43 we get -- what do subsistence users get out of putting
44 something in Federal regulations as opposed to a permit
45 requirement. So this kind of leads me to think unless
46 there's something I'm missing there, why do I need this
47 regulation, and, you know, so maybe I'm missing something
48 there.

49

50 It's not a question of opening things up

1 to nets or not, because that would be covered by the
2 permit requirements, so nothing opens and nothing
3 changes. If it does go into hard regulation then it
4 creates a real barrier if sometime in the future if
5 something happens and there are a bunch of fish that
6 people could take, then you'd have to go through a two or
7 three process to be able to pull out your dipnet and go
8 get a few fish.

9

10 So those are my thoughts and it's
11 basically -- the new idea is why have a regulation if you
12 really don't need it to be in there.

13

14 CHAIRMAN BANGS: Thank you, Mr.
15 Schroeder.

16

17 Albert, and then a clarification from Mr.
18 Larson.

19

20 MR. HOWARD: Thank you, Mr. Chairman.
21 I'm sitting here thinking like I do sometimes, if you
22 look at this and you read between the lines you're --
23 this is a good example of hitting the subsistence user to
24 conserve the streams. By the way subsistence user you
25 can't use a net in the stream because we're worried about
26 the stocks of the stream. If you read the language we're
27 supposed to address the problem before it affects the
28 subsistence user, this, to me, appears backwards. We're
29 taking away the use of nets from the subsistence user
30 without addressing any other user group. And we started
31 using user group, that keeps us from fighting with each
32 other over a resource. Now, there's other user groups
33 that seem to have an effect on these streams, not just
34 the subsistence user, but if you're looking at the
35 regulation the subsistence cannot use nets.

36

37 Oh, yeah, we'll let the commercial guys
38 use nets out in saltwater, now when I use a beach seine
39 at home I use it in saltwater, I don't use it in a stream
40 because it's kind of ridiculous. Because you get caught
41 up on the bottom and everything else, so -- and dipnets.
42 If, for whatever reason I miss the run then I can go up
43 to the falls and still get what I need to sustain me
44 through the winter.

45

46 So we're kind of getting into this, you
47 know, every time I think we have it solved, somebody
48 stirs the pot and I think of something else, and i think
49 we need to take a closer look at this. And the reason I
50 asked about expanded restrictions, when you're changing

1 the boundaries to match up to the borough versus the city
2 you're expanding it, so when they originally put this in
3 there was old boundaries. I think somewhere around here
4 we need to abide by the old city limit boundaries versus
5 the borough boundaries, otherwise we're supporting
6 whatever's happening here and I don't think we should.
7 We're allowing the borough to come in and start
8 regulating within your borough and that doesn't say
9 anything to that affect with any of the regulations,
10 where the borough has a say over the take of fish within
11 their borough.

12

13 I mean we have to take a real close look
14 at this before we decide what we're going to do so I
15 can't even support this now, but I have thought further
16 more about it and what it actually represents.

17

18 Thank you, Mr. Chair.

19

20 CHAIRMAN BANGS: Thank you, Albert.

21

22 Is there a clarification, Mr. Larson,
23 that you'd like to make.

24

25 MR. LARSON: Thank you, Mr. Chair. Two
26 things.

27

28 Maybe I can address Albert Howard's
29 comments first.

30

31 Is that, you know, there's no opportunity
32 for using nets on Wrangell and Mitkof Islands and on
33 those road side streams, it's closed under both Federal
34 and State regulations right now. It's the State
35 regulation. It's a Federal permit requirement. We have
36 to remember these are small streams and it's
37 inappropriate for that kind of gear.

38

39 But I would like to address Bob's
40 comments because I think it's important for the bigger
41 picture and maybe the role of the Council and in
42 providing a forum in a public process regarding the
43 management of our resources is that when we have an
44 expectation that an in-season manager will at in a
45 certain way this year, next year, the year after that,
46 he's doing that outside of the public process. The
47 strength of our system is a grassroots where we have a
48 proposal to talk about how we're going to manage fish in
49 a place and we have a discussion by knowledgeable people
50 that results in a decision that's made in public by the

1 public. That really is our strength.

2

3 So to say that an in-season manager can
4 handle it outside of the public process seems like it is
5 not taking advantage of the opportunity that you have in
6 front of you to act as a Council.

7

8 That is -- that's my opinion and, you
9 know, the Council can do whatever it wants but I think
10 that you need to look at this opportunity for you to
11 influence this regulation and this organization that
12 manages our subsistence resources.

13

14 Thank you.

15

16 CHAIRMAN BANGS: Thank you for
17 clarifying.

18

19 Mr. Schroeder.

20

21 MR. SCHROEDER: Yes, I think those are
22 policy questions, Bob. And, you know, to my
23 understanding there really hasn't been much interest on
24 Staff side or on the part of OSM for the Council to
25 actually do that much hand's on work in setting seasons,
26 bag limits and gear types for the myriad of fisheries
27 that exist in our region, and that could be kind of an
28 interesting task. It's not something that we do. I mean
29 this is not something that has been our normal diet, and
30 the things that are important would be like making sure
31 that seasons and bag limits and gear types actually match
32 up with what subsistence users need to meet their needs,
33 and that really isn't a direction that -- a strong
34 direction that we're going. So while I may agree with
35 Bob in general on that, I don't see that as really what
36 our task has been since the Council was formed.

37

38 So the other is possibly closer to an
39 intent of ANILCA, but I think we'd get major push back if
40 we started to do those things of saying, okay, we're
41 going to look at seasons and bag limits and gear types
42 for all the fisheries in our region and we're going to
43 put those things in regulation; I don't think we'd get
44 anywhere with Staff if we took that approach.

45

46 Thank you.

47

48 CHAIRMAN BANGS: Thank you, Bob. Patty.

49

50 MS. PHILLIPS: Thank you, Chairman Bangs.

1 I am going to support the motion. Referencing Pages 39
2 under preliminary conclusions, justification.

3
4 The reference to Wrangell and Petersburg
5 city limit boundaries in the current regulation include
6 an area much larger than the area affected when the
7 regulation was first adopted because the communities of
8 Wrangell and Petersburg have expanded their unified
9 city/borough boundaries to include the whole of Wrangell
10 and Mitkof Island. The intent of the original regulation
11 is still valid and it is appropriate to expand the area
12 where nets are not allowed. The use of nets in any
13 salmon stream adjacent to the road systems of these
14 communities would likely cause a conservation concern.
15 These are small systems that have small returns and that
16 are vulnerable to overharvest.

17
18 For me the conservation of the resource
19 for the long-term benefit of subsistence harvesters is
20 the most key point.

21
22 Currently the use of nets is not allowed
23 on streams adjacent to the roads connected to the
24 communities of Wrangell, Petersburg and Sitka in both
25 State and Federal regulations or permit conditions.
26 Adopting this proposal results in no changes to current
27 practices and aligns State and Federal subsistence
28 fishing regulations. Rod, reel, gaff, spear and
29 handlines for snagging would remain as legal gear and is
30 not detrimental to subsistence needs and uses and still
31 provides the subsistence opportunity.

32
33 Thank you, Mr. Chair.

34
35 CHAIRMAN BANGS: Thank you, Patty.

36
37 Any other discussion.

38
39 MR. HOWARD: Mr. Chair.

40
41 CHAIRMAN BANGS: Mr. Howard.

42
43 MR. HOWARD: Well, what Patty had read
44 didn't exactly get me to the point in supporting this
45 proposal. What it did now is add even more to the reason
46 why we shouldn't -- justification.

47
48 These nets in any salmon stream adjacent
49 to the road systems of these communities would likely
50 cause a conservation concern.

1 What are we charged with, are we charged
2 with the fact that we're supposed to regulate the
3 subsistence user before we regulate any other user group.

4
5 To me, in this language, it's saying
6 we're going to regulate a subsistence user before we
7 address any other user group. We're sitting here as an
8 arm of a Federal agency that says subsistence has
9 priority. By adopting this, based on this justification,
10 we're actually adopting something that goes against what
11 we're sitting here for.

12
13 Subsistence has priority.

14
15 The language in this says, we're going to
16 take away the right of a subsistence user before we
17 address any other user group.

18
19 Thank you, Mr. Chair.

20
21 CHAIRMAN BANGS: Thank you, Albert.

22
23 John.

24
25 MR. YEAGER: Thank you, Mr. Chair. I
26 concur with Patty's comments and mirror some of those
27 myself.

28
29 And I'm just going to go out here on the
30 practical sense of this and from my experience using nets
31 on the streams, and I will specifically say on Wrangell
32 Island it's very impractical. It's just not a good
33 method of subsistence fishing on these, so the use of
34 nets in my opinion is an impractical method of gathering
35 fish. If they were able to be used they could be
36 detrimental to a fish run on that stream and then which
37 we would be dealing with a conservation concern and
38 possibly doing action to limit subsistence use on a
39 stream, or system that was used before. So I don't see
40 this as a limiting factor.

41
42 There are still other and plenty of
43 opportunities and methods for gathering fish on that
44 stream system without using a net.

45
46 And to my knowledge, up until this date,
47 we have not seen any issues or heard any public testimony
48 that people who do use those river systems and streams
49 are having trouble getting their necessary needs
50 fulfilled.

1 So I will be supporting this proposal.

2

3 CHAIRMAN BANGS: Thank you, John.

4

5 Cathy.

6

7 MS. PHILLIPS: Thank you, Mr. Chair. I'm
8 in agreement with Mr. Howard about the conservation
9 concern.

10

11 It was a question that I asked during the
12 question and answer period when this proposal was
13 presented, about whether or not any of these streams
14 currently had a conservation concern on it and the answer
15 was no.

16

17 The proposal addresses a number of
18 streams and many of them may be small but it does not say
19 all of them are small and so now we're talking about a
20 stream by stream thing, and everything inclusive when
21 some of these streams may be large enough to support a
22 harvest, so why are we limiting that potential for a
23 subsistence user when no conservation concern has been
24 proven for any specific stream.

25

26 So I'll still continue to oppose this
27 proposal.

28

29 CHAIRMAN BANGS: Thank you, Cathy.

30

31 Don.

32

33 MR. HERNANDEZ: Thank you, Mr. Chairman.

34

35 Yeah, you know, Cathy and Albert raise
36 some pretty good points, which I had to, you know, agree
37 with in many respects but I think I'm going to remain in
38 favor of this motion because I think the points that John
39 raised are actually stronger. We're not eliminating the
40 subsistence opportunity here. The gear types that are
41 allowed is what the local people have been using and seem
42 to be happy with, it seems to meet their needs.

43

44 The point that Mr. Schroeder raises, that
45 discussion almost swayed me, but I think I'd have to say
46 that putting the onus of the decisionmaking solely on the
47 local managers is maybe more of a burden than we want, I
48 think it is our responsibility to enact regulation if we
49 think the regulation is justified. And in this case,
50 just knowing the communities because, you know, I've been

1 associated, I know a lot of people in Wrangell and
2 Petersburg over a number of years, I think allowing nets
3 in these systems would be a very unpopular decision. And
4 leaving a decision like that up to the local managers
5 probably puts, you know, pressure on them that's not
6 really necessary. I think at this point we are making a
7 change, we are making a regulation where previously we
8 had permit stipulations, but I think I'm prepared to,
9 after all this discussion, to say, that, yes, it probably
10 is worthwhile to make it a regulation because I think
11 that's what the local people really expect in this case.
12 And I don't think it's going to be an undue burden on
13 anybody so that's why I continue to be in favor of the
14 motion.

15
16 CHAIRMAN BANGS: Thank you, Don. And I
17 agree wholeheartedly. I think it's living here and being
18 around these streams, I think it's important that we
19 protect them and our mission is to conserve resources.
20 I mean to utilize them but be concerned about the health
21 of the stocks and I think that's priority one for me.
22 And that's why I would support this motion.

23
24 Frank.

25
26 MR. WRIGHT: Thank you, Mr. Chair. I
27 would speak in favor of this motion because, you know,
28 it's already been that nets are not allowed and that may
29 be the reason why the health of the streams has been kept
30 up. You know, the people are satisfied with what is
31 already happening here that they've been able to get what
32 they need out of the streams and not hurt the streams,
33 then I don't see why we would allow a net to be used.
34 You know, I enjoy being able to go out and do what I do
35 but do we know if we allow nets will it hurt the stream,
36 you don't know that because it hasn't been allowed in the
37 past, so we change it -- we're going to be deciding here
38 to change a fishery and start using nets then what's
39 going to happen if we find out that all of a sudden the
40 streams are being depleted of their fish so I'm speaking
41 in favor of the motion.

42
43 Mr. Chair.

44
45 CHAIRMAN BANGS: Thank you, Frank.

46
47 John.

48
49 MR. YEAGER: Call the question.

50

1 CHAIRMAN BANGS: The question's been
2 called for with amended language to the main motion
3 which, I guess we should probably have it read into the
4 record exactly what we're voting on. Mr. Larson, could
5 you read that please.

6
7 MR. HOWARD: Mr. Chair, before you do
8 that.

9
10 CHAIRMAN BANGS: Mr. Howard.

11
12 MR. HOWARD: I see, you know, they all
13 have valid points. But you don't have documentation to
14 support any of this.

15
16 Let me give you an example.

17
18 We all know Kanalku Creek forward and
19 backwards because we probably beat that horse to death,
20 but when we want to make a change or we want to address
21 a subsistence problem in that creek, the language says,
22 show us documentation of other user groups having an
23 impact before you start with the subsistence user. We
24 don't even have the history of how this came to be. I
25 didn't see it. Haven't read it. Don't know where to
26 find it. No one has explained that. What's the history
27 of why this is the way it is now.

28
29 And, you know, everyone here has a valid
30 point, that's why we're here.

31
32 Now, I agree, let's not kill the stream
33 with salmon nets or beach seines. But like Mr. Kitka
34 mentioned, you give me a dipnet and you tell me I can
35 only get five, by golly I can get five with that net
36 better than I can with a spear or a gaff. But here
37 you're restricting a subsistence user by telling them
38 they can't have a net and we don't know why that
39 regulation was implemented or what the process was used
40 to get us there.

41
42 I mean we're going to set precedence on
43 how to do this type of regulation change from now on and
44 forever if we don't figure out why that regulation was
45 put in place. And was it put in place through the
46 process of someone saying these systems are a
47 conservation concern.

48
49 And, Mr. Chairman, I'm beating this one
50 to death because I want to be on record as trying to do

1 this right. Whether anyone thinks I'm right or not, I
2 understand this probably more than I need to because
3 we've been pushing this rock up the hill at home, and I'd
4 hate to see this type of proposal passed and have an
5 impact on our community at home because this body has set
6 precedence of adopting this type of proposal without all
7 the proper information that's required by other proposals
8 and other agencies. I think we don't have enough
9 information to support this.

10
11 Example, why was the original put in
12 place. There's got to be documentation and not hearsay.
13 Everything has to be in black and white. Maybe I have my
14 understanding of why we're here and everyone else does.

15
16 Thank you, Mr. Chair.

17
18 CHAIRMAN BANGS: Thank you, Albert.
19 Okay, the question's been called for but what I'd like
20 for Mr. Yeager to do, if he could, is to cover the
21 criteria for either accepting the proposal as we amended
22 or not accepting the proposal as amended. We need to
23 have some background, read into the record.

24
25 MR. YEAGER: We've done that.

26
27 CHAIRMAN BANGS: I'm sorry, we've done
28 that.

29
30 MR. YEAGER: Yes.

31
32 CHAIRMAN BANGS: That's on record then,
33 I'm sorry. Excuse me. Okay, so the question's been
34 called for on the proposal, as amended by the Council,
35 all those in favor say aye.

36
37 IN UNISON: Aye.

38
39 CHAIRMAN BANGS: Roll call.

40
41 MR. LARSON: Do you want me to read it.

42
43 CHAIRMAN BANGS: Yes, please, read it as
44 amended.

45
46 MR. LARSON: Yes, Mr. Chair.

47
48 The proposed -- no, the new main motion
49 that is before the Council is:

50

1 Nets are prohibited in streams flowing
2 across or adjacent to the roads on
3 Wrangell Island and Mitkof Island and in
4 streams flowing across or adjacent to
5 the road connected to the community of
6 Sitka.

7
8 CHAIRMAN BANGS: Thank you, Mr. Larson.
9 So that is the motion before us as we amended it.

10
11 So could we take a roll call, Harvey,
12 vote.

13
14 MR. KITKA: Thank you, Mr. Chair.

15
16 Steve Reifenstuhl.

17
18 MR. REIFENSTUHL: Yes.

19
20 MR. KITKA: Frank Wright, Sr.

21
22 MR. WRIGHT: Yes.

23
24 MR. KITKA: Patricia Phillips.

25
26 MS. PHILLIPS: Yes.

27
28 MR. KITKA: Michael Douville.

29
30 MR. DOUVILLE: Yes.

31
32 MR. KITKA: Harvey Kitka votes no.

33
34 Robert Schroeder.

35
36 MR. SCHROEDER: No.

37
38 MR. KITKA: Robert Schroeder votes no.

39
40 Albert Howard.

41
42 MR. HOWARD: No.

43
44 MR. KITKA: Donald Hernandez.

45
46 MR. HERNANDEZ: Yes.

47
48 MR. KITKA: Kenneth Jackson.

49
50 MR. JACKSON: No.

1 MR. KITKA: Raymond Sensmeier.
2
3 MR. SENSMEIER: No.
4
5 MR. KITKA: John Yeager.
6
7 MR. YEAGER: Yes.
8
9 MR. KITKA: Michael Bangs.
10
11 CHAIRMAN BANGS: Yes.
12
13 MR. KITKA: Cathy Needham.
14
15 MS. NEEDHAM: No.
16
17 MR. KITKA: Mr. Chair, the yea's have it
18 7/6.
19
20 CHAIRMAN BANGS: Thank you, Mr. Kitka.
21
22 Mr. Hernandez, do you have a comment.
23
24 MR. HERNANDEZ: No, just a point of
25 order, Harvey, you called, you know, the Chairman to
26 vote, isn't it customary that the Chairman only votes in
27 the case of a tie.
28
29 MR. LARSON: No.
30
31 MR. KITKA: It would have been a tie.
32
33 CHAIRMAN BANGS: Mr. -- yeah, it would
34 have been a tie.
35
36 (Laughter)
37
38 CHAIRMAN BANGS: Mr. Larson.
39
40 MR. LARSON: Mr. Chair. In our situation
41 the Chair votes.
42
43 CHAIRMAN BANGS: Okay, thank you, the
44 motion carries, 7/6. Okay, well, thank you, let's take
45 a little break here and then we'll come back and cover
46 the next proposal and try to get done before lunch.
47
48 (Off record)
49
50 (On record)

1 CHAIRMAN BANGS: Okay. We're going to go
2 out of sequence here on the agenda because we have a time
3 certain report that, I think, it's necessary for us to
4 have before we break for lunch and I would like to ask
5 Earl if he would come up and give us the Tongass
6 Amendment Plan report.

7
8 MR. STEWART: So, thank you, Mr.
9 Chairman, and also members of the Council. I gave a real
10 quick briefing yesterday. I did realize after I said
11 that there were 47 objections and 27 with standing, I was
12 incorrect, so clarifying for the record, it was 46
13 objections, 27 for the record. I have been through the
14 informal process with 27 of those objectors in the last
15 several days and it continues to draw a lot of time.

16
17 I really wanted to spend time today, if
18 it's okay with you, Mr. Chairman, just to continue with
19 any questions from the Council on any issue instead of
20 trying to re-articulate the Forest Plan Amendment
21 Process, and so I would yield to the feelings of the
22 Council for any questions that they might have in any
23 direction that they choose to pursue.

24
25 CHAIRMAN BANGS: Thank you, Earl. Is
26 there any questions.

27
28 Mr. Hernandez.

29
30 MR. HERNANDEZ: Yeah, thank you, Mr.
31 Chairman. Yeah, Mr. Stewart, are you familiar with the
32 letter that the Council sent to Beth Pendleton after our
33 previous meeting. We had some discussion about it was
34 kind of a process thing relating to the public testimony
35 that the Forest Service offered in relation to the plan.
36 Are you familiar with that letter, did you see that and
37 know what we're talking about.

38
39 MR. STEWART: Yes, Mr. Hernandez, I was
40 directly involved in responding to the request associated
41 with how the subsistence testimony hearings were held and
42 the locations that they were provided to during the
43 public comment period last January and February.

44
45 MR. HERNANDEZ: Yeah, and we did get a
46 response, that's good. And so I don't know if everybody
47 on the Council is familiar with the response, I think it
48 was sent around to all the Council members, but maybe you
49 could just kind of paraphrase sort of what the Forest
50 Service's policy or how decisions like that get made, you

1 know, of where public testimonies are held and you had a
2 good explanation there but maybe you could just kind of
3 paraphrase that for the Council because it was a while
4 ago we got the response.

5

6 MR. STEWART: Yeah. So first off I would
7 start with appreciate the letter from the Council
8 actually requesting information associated with the
9 public hearings. They occurred last January and early
10 February and trying to get around to each of the ranger
11 districts that exist on the Tongass, so effectively 10
12 different units on the Tongass. As it was, and as you
13 can imagine that time of year, we ended up with an
14 overflight and weren't able to get to Yakutat and then I
15 had to ask the district ranger to represent the meeting
16 in Hoonah, but the other locations I was able to get to
17 personally for each of the ranger districts. So
18 effectively Ketchikan, we met in Klawock, so didn't go to
19 each of the units on Prince of Wales instead of going
20 through Thorne Bay and Craig we just went to the
21 community center there in Klawock; Petersburg, Wrangell;
22 Sitka; Juneau; and I'm probably missing a few. I think
23 there was a followup visit to Kake, if I'm not mistaken
24 by the ranger of Petersburg that I was not in attendance
25 at but the intent was to try to get to each of the
26 district offices and offer a presentation on the Forest
27 Plan which was done in an open house fashion and then
28 formally transition from that, after an hour and a half
29 or so, to formal testimony under the subsistence
30 regulations under ANILCA. In that we asked the
31 subsistence biologist each to open roughly at 7:00 p.m.,
32 at night a formal shift in the public meeting from
33 looking at maps and talking about the Forest Plan
34 Amendment, but then to a formal acceptance of testimony
35 and then collecting that for the record. I think in the
36 end, if I'm not mistaken, there were nine locations that
37 took testimony. The number may have been 10 so I may be
38 a little bit off on one of those. But the challenges of
39 trying to get across all of Southeast Alaska in roughly
40 a 10 day period was certainly challenging to me, but
41 effectively did try to do that. I know there were
42 interests at many other locations to have representation
43 at those locations, the challenge I ran into is that it
44 takes most of the planning team, or many of the members
45 of the planning team, and so I was having to take around
46 five or six people around to each of these locations and
47 so tried to centralize those, but do respect the interest
48 of many of the communities that we were not able to
49 visit, of their interests and expectations.

50

1 Is that sufficient Mr. Hernandez.

2

3 MR. HERNANDEZ: Yeah.

4

5 CHAIRMAN BANGS: Thank you, Earl. Don.

6

7 MR. HERNANDEZ: Yeah, thank you for that.

8

9 Yeah, just as a Council, you know, how
10 these policies, you know, affect subsistence is, of
11 course, is very important to us. And it's been -- given
12 our meeting schedules and the amount of things we do, it
13 is really hard for the Council to get probably as
14 involved in some of these really important policy type
15 decisions that have to be made, but, yet, you know, we
16 all represent communities and communities do have
17 opportunities to get involved, and I guess, you know, we
18 are concerned that the Forest Service does make every
19 effort, you know, they can to get out and get the public
20 testimony. It is a legal requirement, you know, it's
21 part of the NEPA process that says that hearings will be
22 held in affected areas so we don't -- we're in charge,
23 you know, for ANILCA but, of course, we are aware of
24 other Federal laws that have to be followed, so, yeah, I
25 think it's just important to know that the Council is,
26 you know, very concerned about the effects of policy, you
27 know, on subsistence and we try and do what we can to be
28 involved.

29

30 And, you know, for me, personally, on the
31 Council I live on Prince of Wales Island, which seems to
32 be one of the areas that is -- seems to see more than
33 maybe it's fair share of activity, you know, as far as
34 Forest Service activities with timber sales and all the
35 land use issues involved in Prince of Wales Island.
36 We're going to have -- we have proposals for land trades
37 that are going to affect Prince of Wales Island. We have
38 all these, you know, previous planning plans that have
39 been gone over for years for Prince of Wales Island, you
40 know, the conservation strategy for wildlife and wolves
41 and it all gets decided and then all of a sudden we have
42 land trades taking place that, you know, disrupt all of
43 that previous planning that's been done and, you know,
44 trying to stay involved with all of that is very
45 challenging. And it's probably very challenging for your
46 agency as well.

47

48 And I guess, you know, a question I have
49 since I have this opportunity to have you here in front
50 of me, how do you deal with all of these, as you're

1 working on a plan that's supposed to take us into the
2 future, this transition, and at the same time we have all
3 these other new proposals that keep coming forward for
4 land trades and legislation that's pending that's going
5 to change the whole -- you know, you got land trades
6 proposed that's in the legislation for Shee Atika to get
7 land on Prince of Wales and Mental Health wants lands on
8 Prince of Wales, how do we, as a public, and how do you
9 as an agency deal with all of this. It's very
10 challenging and it's very -- frankly for somebody living
11 on Prince of Wales it's very disturbing.

12

13 MR. STEWART: So there's a number of
14 different ways to try to approach this, so if it pleases
15 the Council I will attempt to walk through the things
16 that I can remember and I certainly yield to Mr.
17 Hernandez if I miss something along the way.

18

19 The Forest Plan Amendment process, for
20 the benefit of the Council, really is focused in two
21 arenas. One has to do with renewable energy and trying
22 to allow more utilization, more opportunity for the
23 complete span of renewable energy opportunities, to allow
24 for, what I would say is maybe more community viability
25 type components. As you are well aware, many of the
26 smaller communities still utilize diesel for power
27 generation and so we have a number of projects working
28 with many communities right now to try to provide either
29 a more reliant use of energy that's currently ongoing or
30 more allowances in the Forest Plan Amendment process to
31 allow additional use of renewable energy opportunities.

32

33 And so it gets really complex when you
34 look across the roughly 33 communities in Southeast
35 Alaska that are in or around the -- or the Tongass is in
36 or around.

37

38 The second category in the Forest Plan
39 Amendment is really seeking to provide for a decision to
40 move from old-growth harvesting timber to young-growth
41 harvesting. In that respect the proposed action came
42 from the Tongass Advisory Committee which was really --
43 captured a number of different interests and expectations
44 in their final recommendations. Final recommendations
45 came out in early December, in 2015, so just less than a
46 year ago. So we tried to come up with a proposed action
47 in the draft and then carried through into the final --
48 or excuse me, from the draft into the final that took
49 into account what we believed Alternative 5 would be a
50 Tongass Advisory Committee kind of recommendation.

1 As you move forward with that, everyone
2 that I've come across has an interest or an expectation
3 in doing that. So that, in and of itself, is
4 inordinately complex. And it represents not only
5 interest from Southeast Alaska, but from the entire
6 United States, in some of those components.

7
8 When it gets to different legislative
9 actions and I think some of the land exchanges that were
10 discussed or associated with, or pending legislation, I
11 should say, really not in a position to respond to either
12 pending or proposed legislation. But many of those
13 legislative activities were recently heard, about a week
14 and a half ago, from Senator Murkowski and Senate of
15 Energy and Natural Resources, some of those have to do
16 with land exchanges and trying to figure out how to work
17 forward on those. And examples would be such as Mental
18 Health Trust. There are other components that the Forest
19 Service, that are non-legislative activities that we're
20 working on that could be, for instance, the Cube Cove
21 area there on Admiralty in seeking to reacquire that land
22 or working through the process, and that land is being
23 offered through Shee Atika. There are interest from
24 other aspects, tribal corporations or -- and maybe I'm
25 not using the right term, but other entities that have
26 interest in selling subsurface rights associated with
27 Cube Cove.

28
29 And so the complexity, Mr. Hernandez, is
30 inordinately challenging and I find myself challenged,
31 literally, by trying to get around and engage people as
32 fully or as completely as necessary.

33
34 I think it's important to recognize that
35 any of the legislative actions that are ongoing or
36 continuing, if they become Federal law, we would honor
37 and respect that Federal law automatically. But I
38 suspect there are a number of entities on the Council
39 that have specific interests related to one or any of the
40 topics that we've discussed this far. And that's just
41 really scraping the surface, really, those two different
42 areas that you mentioned. There's probably other
43 components that you had, sir, that I may not have gotten
44 to.

45
46 I yield back.

47
48 CHAIRMAN BANGS: Thank you, Earl. Do you
49 have a followup, Don.

50

1 MR. HERNANDEZ: Yeah, thank you, Mr.
2 Chairman, for indulging me here because I know -- as I
3 said, you know, living on Prince of Wales which is really
4 going to see an awful lot of this activity, I feel like
5 I have the opportunity so thank you.

6
7 I wrote some extensive comments, you
8 know, on your Tongass Plan Amendment and submitted them.
9 One of my focuses was on the Tongass Advisory Committee
10 that you mentioned there. I was a little concerned with
11 the representation on that committee regarding
12 subsistence input. I think I should note that I applied
13 for a position on that Tongass Advisory Committee, I
14 thought being a Prince of Wales resident for 30 years and
15 also being on this Council for 13 years gave me, you
16 know, pretty good background in subsistence. I was not
17 chosen but I'm not -- no sore apples there. But I was
18 critical of that committee and the way they conducted
19 their business. And my criticisms are kind of borne out
20 by what we've seen since the committee has made their
21 recommendations, just in the fact that a lot of people
22 that are on that committee, sat on that committee are now
23 proponents of some of this legislation, which in my view,
24 tends to undo what they spent their time deciding.

25
26 You know, you have State representatives
27 that now, you know, are pushing for all these land
28 trades. You've got corporate representatives, tribal
29 corporation representatives that sat on the committee in
30 good faith and they were kind of expected that they would
31 serve kind of two roles on that committee; one as a
32 corporate representative and also as subsistence
33 representatives, and I didn't think that was a good idea
34 necessarily and now you have, you know, some of the
35 corporations advocating for the landless Natives to get
36 land that would remove National Forest land and put it
37 into private ownership, you know, 115,000 acres, that
38 could kind of disrupt the plan.

39
40 So I don't know that whole process kind
41 of bothered me. I think some of my concerns have sort of
42 been borne out by what's happened since and I mean that
43 was a decision that was made fairly high up I assume to
44 form a committee like that. And so maybe you could
45 comment on just, you know, what was the impetus for
46 forming that committee and is that something we're going
47 to see more of in the future. I mean we're a Council,
48 we're mandated by Federal law, that was just created. I
49 don't know, do you care to comment on that.

50

1 MR. STEWART: So recognizing first and
2 foremost that my arrival in April of 2015 only predates
3 the draft recommendations from the Tongass Advisory
4 Committee by about a month, so any of the pre-history
5 associated with the Tongass Advisory Committee is just
6 basically what I've been told or what I've been informed
7 on.

8
9 The initiation from that is effectively,
10 I think, a step from the Forest Futures Roundtable that
11 had a very large population of interested parties engaged
12 and maybe some of you all were engaged in that that led
13 to a lot of ongoing dialogue and discussion about how the
14 Tongass National Forest should be managed to represent a
15 lot of different interests. As that progressed over the
16 years, I think the Secretary's expectation was
17 articulated in a memo to the Forest Service seeking to
18 have certain criteria represented in a Forest planning
19 process, in this case the Forest Plan Amendment. The
20 expectations had to do with viable industry, community
21 viability and making, effectively, the transition effort
22 possible. So that started that initial conversation
23 about how do you move forward that effectively then
24 became the Federal Advisory Committee, or the -- or
25 representation and the Tongass Advisory Committee which
26 were nominations sent in by individuals asking -- or
27 seeking to be on that Federal Advisory Committee and then
28 the Secretary's determination of who would be those
29 representatives and which of the groups they would
30 represent or what their representation role, in addition
31 to a few extra individuals in case somebody dropped off
32 or was unable to meet to try to maintain a quorum.

33
34 I would have to offer my honor to the
35 Tongass Advisory Committee to take on the topic that was
36 placed in front of them and to work through that, I would
37 say effectively, in about 10 months, to come up with some
38 draft recommendations, was an inordinately difficult
39 climb. And so I can only imagine, in the time that I've
40 been here, how difficult that assignment was in the time
41 that they were allotted. Then going from the draft
42 recommendations of May 2015 into final recommendations in
43 December of 2015 was even a followup lift in challenge.
44 Along with that continued engagement during that period
45 of time to try to understand and interpret, not only the
46 recommendations, but effectively the intent that they
47 offered, so a difficult ride, challenge, and I don't know
48 that I could even offer any advice, or counsel, or even
49 comments associated with any of the ongoing activities
50 other than the Tongass Advisory Committee has continued

1 to try to develop into some type of a collaborative
2 that's currently referred to as the Tongass Transition
3 Collaborative that is seeking to reengage other parties
4 to try to carry forward some of the expectations and
5 work.

6

7 But with that I'll have to yield back.

8

9 CHAIRMAN BANGS: Thank you for that. And
10 I would like to say something.

11

12 I applied for that, a position on that
13 committee as well and I wasn't so -- well, I think
14 there's some bad apples, in my mind, because this
15 committee, this Council is appointed by the Secretaries
16 and it wasn't so much that I didn't get appointed but
17 someone from this Council -- I don't even know if there
18 was anybody else that applied for that, I was real
19 disappointed because this is subsistence, it's very
20 important to us, and when the Forest Service has this
21 Council -- 90-some percent of the Tongass is, you know,
22 is Forest Service and here you have a Council and they
23 want somebody to deal with subsistence on that committee,
24 and they didn't look to the people that are -- boots on
25 the ground, and I was very disappointed.

26

27 And I concur with Don, that I think that
28 whole committee was not set up to be a fair
29 representation of the Tongass.

30

31 And I know you weren't here but I just
32 have to say that I'm very disappointed in the way the
33 Forest Service handled that.

34

35 Is there any other questions.

36

37 MR. STEWART: If it pleases the Council,
38 I would be honored and be glad to carry that concern
39 forward on behalf of the Council of having sufficient
40 representation, I'd be glad to carry that back up.

41

42 CHAIRMAN BANGS: Thank you. Mr.
43 Schroeder.

44

45 MR. SCHROEDER: I concur with the other
46 two Council members on the Tongass Advisory Committee,
47 but I won't talk about that.

48

49 I'd like to thank you very much for
50 spending time with us because you probably have a pretty

1 busy schedule and I've worked with the Regional Advisory
2 Council system previously and am familiar within
3 statewide. One reason that this Council functions really
4 well is, not only area all the Council members real
5 champs, so that's the main thing, but over the years the
6 Forest Service has provided a pretty good level of
7 support for the Council and also kept Staff a little bit
8 insulated from the necessary political going's on that
9 take place in any agency. But if anything, we need more
10 support, so more support, meaning to fulfill our charter
11 we have a lot of things to do that really require Staff
12 assistance and this is something that is in the law in
13 ANILCA, in saying what the Federal agencies need to
14 provide to us. And so we got great Staff working with
15 us, but we have other things that we need -- needs that
16 aren't being met.

17

18 I'd also, going forward from this point,
19 my observation being around the Council for many years,
20 is that this Council is almost a little bit hit and miss
21 in the way it feeds into Forest Planning processes.
22 Sometimes we've really been in there, like in earlier
23 iterations of Tongass Land Management Plan Revisions
24 where we spent a whole lot of time on things and had
25 Forest Service Staff walk us through because you, of
26 course, know that unless you live in that world it's like
27 oh my gosh, how are these things set up, and so what
28 helps the Council out is if there's either someone on the
29 Council who does the work and says, listen these are
30 things we need to consider, or if we're real lucky we get
31 a Forest Service Staff person who says, well, you don't
32 have to bother about the first 200 pages, but Page 225
33 this is really key because this is important to
34 subsistence. Now, this isn't just to be nice either,
35 because Forest Service previously was absolutely pillared
36 on its inability to examine the effects of Federal land
37 management actions on subsistence as required by Section
38 .810 of ANILCA. And I'm not real close to that right
39 now, but my impression is you're kind of a little bit
40 thin there and making sure that you actually cover your
41 responsibilities with respect to Section .810, and we are
42 -- as Chairman Bangs was saying, we are the group for
43 subsistence in Southeast because we are a Federal
44 Advisory Committee Act chartered committee that is
45 charged to deal with land management actions. And so
46 this isn't to say that we particularly agree with
47 everything that's going on in the Forest Plan, but we're
48 probably a good spot to come up with focused and
49 meaningful comments if we can figure out what we need to
50 comment on.

1 But, again, thank you for giving us some
2 of your time.

3
4 CHAIRMAN BANGS: Thank you, Mr.
5 Schroeder.

6
7 MR. STEWART: Thank you, Mr. Schroeder,
8 I appreciate that.

9
10 I wanted to start back with some of your
11 initial comments. The pride that I have in the
12 volunteerism that each of you all provide to this Council
13 is of enormous importance. I think it's much broader
14 than I think even you recognized. You recognize and
15 represent effectively, I don't know, 80,000 people in
16 Southeast Alaska, in some respect. You represent a
17 number of communities across Southeast Alaska and your
18 willingness to work on a Federal Advisory Board, in this
19 case, the subsistence council in Southeast Alaska, is of
20 critical importance. So we can talk about it from an
21 operational standpoint but I would like to just get to a
22 real basic statement of saying, first off, thanks for
23 your service, because it is something that is new to me,
24 and yet I already see and I already value what you
25 provide.

26
27 Second topic I wanted to shift to has to
28 do with the support request that you had. It's something
29 I'm not overly familiar with, I need to be very candid
30 about that, but I would certainly offer to work with the
31 coordinator from the Forest Service and offer your
32 thoughts or your ideas from a Council standpoint and we
33 can always see where that takes us.

34
35 The last comment that I would offer is
36 about how do we better inform, or how do we better
37 communicate. As you're well aware some of these
38 documents are eight or 900 pages. The planning record is
39 thousands and thousands of pages. My time and
40 availability to even get briefed on it is very, very
41 limited and so on behalf of the Tongass National Forest
42 to the Council, I would gladly host or set up a
43 conference call or a video conference or whatever's
44 necessary to do a brief on the final record of decision
45 when it gets to that signing point and be glad to work
46 through the Agency's ability to try to help set that up.
47 I already have probably 50 or 60 people that I contact,
48 would not be a challenge at all for me to do a pre-brief
49 that would help you focus your time and your energy in
50 the appropriate places and make you aware of how that's

1 going at the time of signing, so be glad to do a pre-
2 brief on that, sir.

3

4 CHAIRMAN BANGS: Thank you very much for
5 your time.

6

7 I did want to ask you one thing about the
8 Agency report, will that give us a brief summary of the
9 decided action that's on the new amendment to the plan,
10 is that what's going to happen?

11

12 MR. STEWART: So I'm going to have to ask
13 for some clarity, Mr. Bangs. The agency report, I'm not
14 sure?

15

16 CHAIRMAN BANGS: Well, on our agency
17 reports, the Forest Service always gives us a report and
18 I'm just curious if that report from the Forest Service
19 is going to give us a brief summary of the actions that
20 are under consideration right now for the amendment to
21 the Tongass Plan?

22

23 MR. STEWART: And I'm going to have to
24 ask somebody else to help me with this because I'm not
25 sure what the agency report represents at this point in
26 time, sir.

27

28 CHAIRMAN BANGS: Mr. Larson.

29

30 MR. LARSON: Thank you, Mr. Chair.
31 Because the Tongass Land Management Plan is still
32 undergoing possibly revisions and discussions about
33 objections, there's a process ongoing, that we have no
34 plans on talking about specifics of the draft plan at our
35 Forest Service report.

36

37 CHAIRMAN BANGS: Thank you.

38

39 MR. STEWART: So my apologies. I didn't
40 realize you were talking about the Forest Plan, I thought
41 there was some other report that was still pending. So,
42 yeah, we're currently in that process right now. What
43 I'm offering to the Council, is to actually do at the
44 point of signing the record of decision, when it gets to
45 that final point of doing a brief specifically to the
46 Council, if it pleases the Council, in a telephonic
47 manner.

48

49 CHAIRMAN BANGS: Thank you very much. Is
50 there any questions for Mr. Stewart.

1 MS. PHILLIPS: I've got comment.

2

3 CHAIRMAN BANGS: Patty.

4

5 MS. PHILLIPS: Thank you, Mr. Chairman.

6

7 The U.S. Forest Service under the
8 umbrella of the USDA, and thank you for being here as our
9 Forest Supervisor, so in 1998 and I'll let you know that
10 I'm the old-timer on here, the Regional Forester, Jim
11 Caplin brought us, the 13 members of the RAC, to Juneau,
12 and did like a subsistence hearing to the RAC, and we
13 were able to provide comments. We each represent 13
14 communities. And from our comments came things like
15 beach fringe, riparian corridor expansion, wildlife
16 corridors, these are the things where we utilize the
17 resources and we recognize there's a lot of deer in the
18 beach fringe especially when there's a lot of deep snow
19 and we were able to emphasize that in the original TLMP
20 plan. Also before that, when this whole TLMP plan was
21 being initiated the Forest Service came into our
22 communities, in fact, my community, overnigheted, and
23 maybe Tina was doing the hearing then.

24

25 The USDA is about community, resiliency
26 and sustainability and if you don't hear from us as
27 communities then how are you going to promote that kind
28 of resiliency and sustainability in our region and each
29 community is very important to that.

30

31 So I know, and I apologize for saying
32 this after the fact, after the whole, you know, public
33 comment period came and went, you know, but I guess I'm
34 going to say it after the fact anyways. It would have
35 been good if we could have been more involved in that.
36 And we tried to -- you know, bring so and so before us to
37 give us updates, you know, which happened, but we sort of
38 -- you know, like I forgot about, you know, how did we
39 handle it before until -- I don't know if somehow you
40 made a spark go off in my brain, oh, yeah, that's how we
41 did it. It's probably too late -- too little, too late,
42 but thank you for being here and hearing my comment.

43

44 CHAIRMAN BANGS: Thank you, Patty.

45

46 Is there any other questions or comments.

47

48 MR. HOWARD: Mr. Chair.

49

50 CHAIRMAN BANGS: Albert.

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

2

3 I have to agree with yourself and Mr.
4 Hernandez, that someone from this Board, not myself,
5 because I'm busy enough as it is, but someone from here
6 should have been on that committee to represent Southeast
7 Alaska. I think it should have been a part of the
8 process, I believe it should always be a part of the
9 process. And they're correct, we're charged with the
10 responsibility to address subsistence issues and we
11 should understand that forwards and backwards even though
12 we just demonstrates in the last vote that we don't
13 always vote that way, the way we're intended.

14

15 You mentioned Cube Cove, Admiralty
16 Island, what I've learned in my short time as president
17 of the tribe is the fact that the National Monument is
18 supposed to be co-managed with the Forest Service, the
19 tribe, the corporation and the city, according to the
20 1990 Act. Also in the 1990 Act it says that you're
21 supposed to protect and preserve the indigenous people of
22 the island, you're looking at one of them. So the point
23 I'm getting to with Cube Cove is you didn't come there --
24 what do you guys think of this acquisition of land we're
25 going to buy back from Shee Atika, that you guys fought
26 to keep them off the island, so this is a corporation
27 that made millions of dollars off of selling the timber
28 off of a National Monument and now they're going to make
29 more millions of dollars because you're buying back the
30 land. You know it's just something to put in the back of
31 your mind and think about when that sale's happening.
32 Somebody at some point is going to have to come and talk
33 to the three organizations in Angoon about that sale.

34

35 Thank you, Mr. Chair.

36

37 CHAIRMAN BANGS: Thank you, Albert.

38

39 Are there any other questions for Mr.

40 Stewart.

41

42 MR. JACKSON: I'd like to say something.

43

44 CHAIRMAN BANGS: Ken.

45

46 MR. JACKSON: I want to thank you for
47 being here. I represent, well everybody, I guess, but
48 I'm from Kake and we did extensive logging around Kake,
49 I did it for 25 years from 1970 on. But then we did tree
50 planting, tree thinning and then tree pruning. And to

1 watch, you know, the game come back and how important it
2 was for everyone, you know, at one time Kake was a
3 booming community but we sort of did ourselves in because
4 it's going to take probably another 30 years anyway, but
5 there are trees that are big enough to harvest now and
6 I'm glad that the Forest Service does work with us and
7 you have a good Staff. Robert Larson has done real well,
8 you know, with this Council. I'm learning, it's a
9 different aspect of living. But it wasn't for me, it was
10 for our children and grandchildren. We don't do things
11 for ourselves, and it's not the money or -- and the food,
12 the subsistence (In Tlingit), our food, is what we're
13 there for. And a lot of it has been enhanced by
14 different people and outfits that come in but then there
15 are some -- well, maybe like the sea otters are taking
16 away a lot of things, but I know you guys don't have
17 anything to do with that.

18
19 I just wanted to make sure that we thank
20 you for coming to visit and the rest of your Staff that
21 comes here, they do a lot of things and they don't get
22 recognized, and I understand that. I know we're supposed
23 to utilize them and getting to that point, I just
24 basically wanted to say thank you to all of you guys.

25
26 Thank you.

27
28 CHAIRMAN BANGS: Thank you, Ken. And I
29 agree, we really appreciate your time and I know the
30 Council does as well, that you took the time out of your
31 busy schedule to come and address the Council.

32
33 Thank you, very much.

34
35 MR. STEWART: If I may, for the Council,
36 offer a couple of final thoughts and then I'll excuse
37 myself if it's okay, Mr. Chairman.

38
39 CHAIRMAN BANGS: Go ahead.

40
41 MR. STEWART: I would be remiss if didn't
42 recognize Ms. Phillips and her comment, or Mr. Howard, or
43 Mr. Jackson, the success for a new Forest Supervisor
44 coming into the Tongass is really about engagement and
45 inquiry and the recognition that a lot of things that
46 have happened in the past may not be the way they should
47 have been, some things in the future might not be the way
48 they should be. The reality is we work, in I think, the
49 most logistically, transportationally challenging setting
50 on Earth. At least in my experience in the United

1 States. The thought that each of you all left a place,
2 and left your families to come here is a value. It
3 demonstrates a core value of seeking to provide or supply
4 something to humanity or the next generation or however
5 you want to look at it, and so I have to offer
6 appreciation for that.

7

8 I'd be remiss if I didn't recognize the
9 Staff that work in subsistence on behalf of the Forest
10 Service because they work deliberately every day of the
11 year to try to make things better or to try to make
12 things align or try to draw out interests, or to meet
13 some regulatory authority. I personally believe they do
14 it by choice. That they are there for the right reason.
15 And I hope that you use them in that fashion.

16

17 My final comment would be to Mr. Wright
18 and to Ms. Needham, in my 26 year career with the Forest
19 Service, seven and a half years prior to that with Game
20 and Fish, I have never had an episode in my career that
21 was as valued to me personally as the episode returning
22 to Glacier Bay. That two days in Hoonah and up -- and I
23 recognize Superintendent Hooge, too, those two days, I
24 think were as viscerally felt as anything I've ever seen.
25 Nothing that I've ever been involved in, that I'm aware
26 of, that could compare to what I felt traveling up,
27 attending and traveling back that day, really, really,
28 really special.

29

30 So I wanted to offer my appreciation to
31 Hoonah Indian Association, to the tribe, to all of the
32 people that made it work and to Glacier Bay National
33 Park.

34

35 The times that I was in Hoonah and seeing
36 the kids come out of school and instantly go down there
37 to either the carving shed or the canoe making effort, it
38 was tremendous. So I just wanted to offer my
39 appreciation to you, that was -- and to the members of
40 Hoonah that helped with that, that was really, really
41 tremendous to me.

42

43 And to Ms. Needham, I tried every way to
44 get over to Kasaan, that was one that I really wanted to
45 be in attendance for, I had some representation on behalf
46 of the Forest Service, but one of those challenging
47 scheduling issues.

48

49 I think the reason I mention these two
50 episodes are to recognize that every community has

1 something special, something unique and something that
2 can fill somebody's heart in a way that nothing else will
3 in their life. I hope that you allow me to engage so
4 that I can help fulfill some of those expectations or
5 seek to fulfill them, or at least engage on them in a
6 productive way. I am a public servant first and
7 foremost. I may work for the USDA Forest Service, but my
8 career has always been in public service. And so I offer
9 myself to the Council in whatever respect and ask that if
10 there's a briefing request on the Forest Plan when we get
11 to the final record of decision, I ask that you work with
12 the coordinator to make sure that that's arranged so that
13 I know how you would like to approach that and I'll
14 fulfill that.

15
16 But thank you for allowing me time today
17 and thank you for visiting and assisting us here in
18 Petersburg. Have a great day, sir, gentlemen, ladies.

19
20 CHAIRMAN BANGS: Thank you, very much.

21
22 So I think we'll break for lunch and
23 we'll recess until 1:30. I don't know where there is to
24 eat lunch but I know there's the pizza place and a couple
25 of -- the Mexican place might be open, Coastal Cold
26 Storage, or you can finish your sack lunch from
27 yesterday.

28
29 (Laughter)

30
31 CHAIRMAN BANGS: Okay, thank you.

32
33 (Off record)

34
35 (On record)

36
37 CHAIRMAN BANGS: Okay, first off I'd like
38 to check and see if there's anybody on the telephone.
39 Could you please identify yourself if you're listening
40 in.

41
42 MS. WESSEL: Good afternoon, this is
43 Maria Wessel with Fish and Game.

44
45 MR. WALLACE: Lee Wallace. Village of
46 Saxman.

47
48 CHAIRMAN BANGS: Okay, thank you for
49 calling in. I apologize for not recognizing you earlier
50 today but I'm glad you're here and listening in. We're

1 going to be moving on to FP17-14 and that's the proposal
2 to allow the use of a sling bow as legal gear type.

3

4 Terry.

5

6 MR. SUMINSKI: Good afternoon, Mr.
7 Chairman. Council members. My name is Terry Suminski
8 with the Forest Service.

9

10 FP17-14 can be found in your books
11 starting on Page 40.

12

13 Proposal FP17-14 submitted by David Adams
14 of Sitka requests that a sling bow with a barbed fishing
15 arrow attached by a line be added as a method to take
16 pink salmon in the Southeastern Alaska area.

17

18 The proponent states that allowing a
19 sling bow and fishing arrow to harvest pink salmon would
20 provide additional opportunity to harvest pink salmon.
21 The proponent clarified that this proposal would apply to
22 the Southeast Alaska area. There's no definition for
23 this type of gear in Federal regulation. No literature
24 has been found indicating that pink salmon or other fish
25 were traditionally taken by sling bow and arrow in
26 Southeast Alaska, however, Title VIII of ANILCA does not
27 restrict methods and means to customary and traditional
28 types so the Board could allow the use of a sling bow and
29 arrow to take fish in Southeastern Alaska.

30

31 In 2004 this Council recommended reducing
32 the list of allowable gear in the Southeast Alaska area
33 to gaffs, spears, gillnets, seines, dipnets, cast nets,
34 handlines, or rod and reel. The use of a sling bow and
35 arrow to harvest salmon is not allowed nor defined in
36 State of Alaska regulations.

37

38 The OSM preliminary conclusion is to
39 support Proposal FP17-14.

40

41 Adoption of this proposal would result in
42 additional opportunity for Federally-qualified-
43 subsistence users. It is unknown how many people would
44 choose to use this gear type, however, it's use is not
45 expected to lead to an unsustainable level of harvest of
46 pink salmon or have any affect on non-Federally-qualified
47 users.

48

49 Although this is not a traditional gear
50 type, ANILCA, Title VIII does not restrict methods and

1 means to customary and traditionally types so this could
2 be approved to take pink salmon in Southeast Alaska.

3

4 ACTING CHAIR NEEDHAM: Thank you, Mr.
5 Suminski. Are there any questions for Staff at this time
6 from the Council.

7

8 Mr. Hernandez.

9

10 MR. HERNANDEZ: Yeah, thank you. Other
11 than this one individual, have you spoken to any other
12 people that think this might be a good gear type to
13 include?

14

15 MR. SUMINSKI: Through the Chair. Mr.
16 Hernandez. No, I haven't. I don't believe we've had any
17 public comments on this proposal and to be honest this is
18 the first I heard of this gear type when he proposed
19 this.

20

21 Thank you.

22

23 ACTING CHAIR NEEDHAM: Are there any
24 other questions for Mr. Suminski.

25

26 (No comments)

27

28 ACTING CHAIR NEEDHAM: All right, thank
29 you.

30

31 Are there any reports on board
32 consultations with tribes or ANCSA corporations.

33

34 (No comments)

35

36 ACTING CHAIR NEEDHAM: Is there any
37 comment from the Alaska Department of Fish and Game on
38 the proposal.

39

40 MS. WESSEL: Thank you, Ms. Chair. This
41 is Maria Wessel with the Alaska Department of Fish and
42 Game. We do have the following comments.

43

44 Fishery Proposal FP17-14 would authorize
45 sling bow and fishing arrow as legal gear under Federal
46 subsistence regulations for the subsistence harvest of
47 pink salmon in Federal public waters of Southeast Alaska
48 area. Sling bows or sling shots that use rubber tubing
49 to launch an arrow. Pink salmon may be harvested in
50 Southeast Alaska subsistence fisheries under State

1 regulations, although sling bow is not a legal or defined
2 gear type. Few subsistence users target pink salmon for
3 their subsistence salmon means and there are more
4 efficient means already allowed under current subsistence
5 regulations. This gear type could create safety concerns
6 in areas where anglers are concentrated, potentially
7 displacing other anglers. Because this gear type is
8 lethal, a misidentified target or accidental hit on a
9 species other than pink salmon would place the angler out
10 of compliance.

11

12 If passed, this proposal would increase
13 disparity between Federal and State allowable gear,
14 adding complexity for the public.

15

16 Our recommendation is to oppose this
17 proposal.

18

19 Thank you, Ms. Chair.

20

21 ACTING CHAIR NEEDHAM: All right, thank
22 you. Are there any questions of the Council for the
23 Alaska Department of Fish and Game.

24

25 (No comments)

26

27 ACTING CHAIR NEEDHAM: Are there other
28 Federal agency comments on the proposal.

29

30 (No comments)

31

32 ACTING CHAIR NEEDHAM: Any Native, tribal
33 or village comments on the proposal.

34

35 (No comments)

36

37 ACTING CHAIR NEEDHAM: Any Inter-Agency
38 Staff Committee comments on the proposal.

39

40 (No comments)

41

42 ACTING CHAIR NEEDHAM: Other Regional
43 Councils.

44

45 (No comments)

46

47 ACTING CHAIR NEEDHAM: Fish and Game
48 Advisory Committee comments.

49

50 (No comments)

1 ACTING CHAIR NEEDHAM: Subsistence
2 Resource Commissions.
3
4 (No comments)
5
6 ACTING CHAIR NEEDHAM: Were there any
7 written public comments on the proposal.
8
9 MR. LARSON: No, Madame Chair, there are
10 not.
11
12 ACTING CHAIR NEEDHAM: Is there any
13 public testimony on the proposal.
14
15 Could you come up, please, and turn on
16 the microphone and introduce yourself, please.
17
18 JAMES: It's really simple. Your sling
19 shot is a short range line of sight targeting weapon. So
20 you're not going to have to worry about ricochet's
21 hitting somebody else's -- hitting another.....
22
23 MR. LARSON: Excuse me, sir.
24
25 JAMES:angler.
26
27 MR. LARSON: Could you please state your
28 name for the record.
29
30 JAMES: Oh.
31
32 MR. LARSON: Yeah, the red light means
33 that you're on the record, so the little button there in
34 the front.
35
36 JAMES: Thank you. Well, I've been in
37 the outdoors, I've used them, it's a short-range line of
38 sight tool. If you do miss it's not going to travel very
39 far, so that factor can be eliminated.
40
41 ACTING CHAIR NEEDHAM: Okay, thank you.
42 Does any member of the Council have a question for the
43 gentleman who just testified.
44
45 Ms. Phillips.
46
47 If you could hold on a second, Ms.
48 Phillips has a question for you.
49
50 MS. PHILLIPS: Mr. (Indiscernible), do

1 you make the weapon yourself and how accurate is it and
2 is there like mortality.

3

4 JAMES: They're talking about your
5 standard wrist rocket, surgical tubing, maybe a 12-15
6 inch piece of surgical tubing, gives you maybe a three
7 foot stretch and that's a really short range to go to
8 your target. So it does not pack a punch, it's not going
9 to ricochet and go off target. Your standard wrist
10 rocket is very reliable. You line it up, line of sight,
11 let go, and it hits your target. They are very safe,
12 it's just the person using it. If the person using it is
13 being stupid, that's another story, like any tool, you
14 just have to be responsible with it.

15

16 MS. PHILLIPS: Thank you.

17

18 ACTING CHAIR NEEDHAM: All right, thank
19 you. Are there any other questions from the Council.

20

21 All right, thank you.

22

23 JAMES: You're welcome.

24

25 ACTING CHAIR NEEDHAM: Is there any other
26 public testimony.

27

28 (No comments)

29

30 ACTING CHAIR NEEDHAM: All right, hearing
31 none. We could entertain a motion on the proposal from
32 the Council.

33

34 Mr. Hernandez.

35

36 MR. HERNANDEZ: Thank you. I'll move to
37 adopt Fishery Proposal 17-14 which would allow a sling
38 bow and fishing arrow attached by a line to be used in
39 the harvest of pink salmon for subsistence.

40

41 MR. SCHROEDER: Second.

42

43 ACTING CHAIR NEEDHAM: All right. It's
44 been moved and seconded to adopt Fishery Proposal 17-14.
45 What's the wish of the Council, is there discussion.

46

47 Mr. Kitka.

48

49 MR. KITKA: Thank you, Madame Chair. I
50 just was curious as to why, it just states pink salmon

1 and not any other salmon.

2

3 ACTING CHAIR NEEDHAM: Mr. Suminski,
4 would you be able to come back up and answer Mr. Kitka's
5 question.

6

7 MR. SUMINSKI: Terry Suminski with the
8 Forest Service.

9

10 Through the Chair. Mr. Kitka.

11

12 I did talk to the proponent and really
13 that's all he wanted to do. There wasn't -- he didn't
14 say that he wanted to harvest other species, he was just
15 wanting to take a few pink salmon with this method.

16

17 ACTING CHAIR NEEDHAM: Thank you.

18

19 Mr. Jackson.

20

21 MR. JACKSON: Mr. Suminski. He described
22 a sling rocket, he described bow and arrow with a line on
23 it, are they both the same? I mean I know they probably
24 -- they do the same thing, but we've had two different
25 descriptions.

26

27 MR. SUMINSKI: Through the Chair. Mr.
28 Jackson. It's essentially a sling shot that's been
29 modified to propel an arrow, a fishing arrow.

30

31 MR. JACKSON: With a line.

32

33 MR. SUMINSKI: Yes, with a line on it,
34 yes, that's the way the regulation would read, is with a
35 line on it so that you'd be able to retrieve the fish.
36 But it's simply that there's various versions. You know,
37 if you look on line you can see all kinds of
38 modifications, but it's -- you know, you just take a
39 wrist rocket and modify it to be able to propel an arrow
40 rather than a ball bearing or something like that.

41

42 Thank you.

43

44 ACTING CHAIR NEEDHAM: Mr. Wright.

45

46 MR. WRIGHT: Thank you, Madame Chair. Is
47 it about the same thing as a sling spear, you know,
48 because I know being on the islands, they use slings for
49 diving and stuff like that. Because I know they don't
50 have any barbs on the sling, but sling spear -- but it's

1 real close range so it wouldn't do anything.

2

3 MR. SUMINSKI: Through the Chair. Mr.
4 Wright. I'm not really familiar, I think you're
5 referring to a Hawaiian sling and I'm not really that
6 familiar with that method. I think it's used more under
7 water for one thing, and also I don't know if it has like
8 a trigger mechanism. I'm just not that familiar with
9 that type of gear, I'm sorry.

10

11 Thank you.

12

13 ACTING CHAIR NEEDHAM: Any other comments
14 or discussion from the Council.

15

16 (No comments)

17

18 ACTING CHAIR NEEDHAM: I'd like to remind
19 you that we have a motion on the table to adopt the
20 proposal. We need to do our due diligence in making a
21 decision if we support or oppose that and then on what
22 our justification is to that.

23

24 Mr. Wright and then Mr. Hernandez.

25

26 MR. WRIGHT: Thank you, Madame Chair.

27

28 Using a spear is pretty much the same
29 thing as one of those sling shot things but because a
30 spear, you would think that it's going to be flying
31 through the air too, so -- and it's a spear, so it seems
32 like it's almost the same thing, so here you're talking
33 about a bow and arrow and throwing a spear, so it's about
34 the same thing, right?

35

36 MR. SUMINSKI: Through the Chair. Mr.
37 Wright. I think the only difference is a spear is
38 launched by hand and this would be propelled, or
39 accelerated with rubber tubing.

40

41 ACTING CHAIR NEEDHAM: Mr. Hernandez.
42 Mr. Reifenhohl. Mr. Sensmeier.

43

44 MR. HERNANDEZ: Thank you, Chair.

45

46 I guess I would support this proposal.
47 I'm trying to think of what criteria we would want to use
48 here on this type of proposal. I guess the main
49 justification would be it would increase opportunities
50 for take for subsistence users. I don't think it would

1 have any consequences on conservation. I don't think it
2 would necessarily impact other users.

3

4 So, you know, for those reasons I guess
5 I see no reason not to support it.

6

7 ACTING CHAIR NEEDHAM: Thank you. Mr.
8 Reifenstuhl.

9

10 MR. REIFENSTUHL: Thank you, Chair. I'm
11 not familiar with this, but I did Google it. There's a
12 picture here. So I would like to know if it would be
13 appropriate to pass it around. But before that, I think
14 we need to see if this is exactly what they're talking
15 about. But if that would be helpful, we could do that.

16

17 ACTING CHAIR NEEDHAM: Would the Council
18 like to see a picture, a confirmed picture of what a
19 sling bow is in general. Would that be helpful.

20

21 (Council nods affirmatively)

22

23 ACTING CHAIR NEEDHAM: Yes.

24

25 Mr. Suminski, you could have brought us
26 one so that we could see it.

27

28 (Laughter)

29

30 (Pause)

31

32 ACTING CHAIR NEEDHAM: Thank you, Mr.
33 Reifenstuhl.

34

35 Mr. Sensmeier, did you have comments you
36 wanted to make.

37

38 MR. SENSMEIER: Thank you, Madame Chair.
39 There was talk about a spear.

40

41 An elder taught me how to use a spear a
42 long time ago and I still use that in a small subsistence
43 stream. And you don't throw the spear, at least in
44 Yakutat, but there's a point on the front that has barbs
45 on it and a hole in the middle, they made out of bone
46 then, and now they use a file and do the same thing with
47 it. And it has a leather thong that goes to the spear
48 and the spear on the end has -- they split it and the
49 spear goes in there and usually you don't throw it, you
50 stand right in the stream and when a fish comes by then

1 you throw it. And when it goes into the fish, because
2 the hole is in the middle, the arrow turns sideways so
3 you don't lose it and then you just pull it in.

4

5 I still do that.

6

7 And I know that they did it in the past.

8

9 I worked on that subsistence stream and
10 we found little bows, not a sling bow, but bows that they
11 used for fishing, they're only about this long.

12

13 And as far as a sling bow, when I went to
14 college in Sitka way back, I saw in the museum a board
15 and an arrow and I took classes from a Tlingit elder and
16 he had one as well. They don't use it now days. But the
17 arrow fit into that board, a hole, and then they would
18 throw it and you could go 50, 60 yards with it. And you
19 have to be real adept at using it or you can lose a lot
20 of arrows.

21

22 (Laughter)

23

24 MR. SENSMEIER: Thank you.

25

26 ACTING CHAIR NEEDHAM: Mr. Bangs.

27

28 CHAIRMAN BANGS: Thank you, Ms. Needham.

29 I know we went over this before but it was a bow and
30 arrow and we opposed that proposal due to possible
31 mortalities associated with wounding. And that was a
32 general proposal for salmon, not just specifically for
33 pink salmon. So I'm not sure that this is much
34 different.

35

36 But, anyway, I just thought I'd bring
37 that up.

38

39 ACTING CHAIR NEEDHAM: All right, are
40 there other comments or discussion.

41

42 Mr. Douville.

43

44 MR. DOUVILLE: Just a comment. I don't
45 know whether I'm going to support this or not. It does
46 say pinks but with a Federal permit bycatch is allowed,
47 so it means you might shoot at a pink and get whatever,
48 you know.

49

50 ACTING CHAIR NEEDHAM: What's the wish of

1 the Council.

2

3

Mr. Jackson.

4

5

MR. JACKSON: Madame Chairman. I never
6 seen one of these used or, you know, customary and
7 traditional or, you know, I think what Mr. -- was
8 describing about the arrow, in Kake they had what they
9 called a (In Tlingit) and it's a backward gaff hook and
10 you stand in a stream and you just, as it goes by,
11 there's a piece of line about that long on it, and you
12 hit it and it's got a piece of line and you just pick it
13 up and through the board and you can get 100 fish in a
14 short time, within half an hour, with doing that. I
15 don't know, I'm not familiar with this, but if it's
16 customary and traditional that somebody else may have
17 used it, but that's not the type we used.

18

19

Thank you.

20

21

ACTING CHAIR NEEDHAM: Thank you. Mr.
22 Wright and then Mr. Howard.

23

24

MR. WRIGHT: Yeah, Madame Chair. If we
25 had opposed a bow and arrow before then probably a reason
26 because of mortality and we're talking about the accuracy
27 of the person that is using it so if we approve this then
28 we're depending on the accuracy of the person using it to
29 be able to hit the fish. So a bow and arrow, you have to
30 aim; then you got the sling, you have to aim so there's
31 not much difference on how the mortality may go. Because
32 we're depending on the accuracy of the person who is
33 using that sling, and the same issue as the bow.

34

35

Thank you, Madame Chair.

36

37

ACTING CHAIR NEEDHAM: Mr. Howard.

38

39

MR. HOWARD: Thank you, Madame Chair. I
40 guess I've spent a lot of time on the river and I haven't
41 seen anything like this unless it's something my son came
42 up with, some crazy idea.....

43

44

(Laughter)

45

46

MR. HOWARD:and says, hey Dad, can
47 we try this and probably not, we'll probably get in
48 trouble.

49

50

It's also the first time that I actually

1 see something that customary and traditionally we can buy
2 on the internet from Cabelas. So I have concerns with
3 it. It seems like it's turning into somebody's hobby
4 really or someone who thought it was a really neat idea.
5 But listening to Mr. Douville, that also brings concern,
6 there's no accuracy. A good example, is I wear glasses
7 now, you know, if you give me one of those I'm probably
8 not going to be very accurate with it, that's why my son
9 does all the shooting for deer hunting.

10

11 But I think this is another chance to
12 precedence and open the door for different, you know,
13 gear uses in what was supposed to be customary and
14 traditional. So that's my thoughts.

15

16 I don't think I'll support this.

17

18 Thank you, Madame Chair.

19

20 ACTING CHAIR NEEDHAM: Is there any other
21 discussion or comments from the Council.

22

23 (No comments)

24

25 MR. REIFENSTUHL: Question.

26

27 ACTING CHAIR NEEDHAM: The question has
28 been called. It is has been moved to adopt Fisheries
29 Proposal 17-14 as written on Page 40, the executive
30 summary in our Council book.

31

32 All those in favor say aye.

33

34 (No aye votes)

35

36 ACTING CHAIR NEEDHAM: All opposed.

37

38 IN UNISON: Aye.

39

40 ACTING CHAIR NEEDHAM: Motion fails.

41

42 Mr. Larson, do we have any public
43 testimony that we can take at this time.

44

45 MR. LARSON: Madame Chair. Aaron
46 Angerman from Wrangell wished to speak to the Council
47 prior to the FRMP discussion.

48

49 ACTING CHAIR NEEDHAM: Thank you, Mr.
50 Larson. Is Mr. Angerman on the line.

1 (No comments)

2

3 ACTING CHAIR NEEDHAM: All right. Is
4 there other public testimony that we can take at this
5 time.

6

7 MR. LARSON: Madame Chair. There is --
8 we only have one other testifier form from Mr. Lee
9 Wallace and he had something to add regarding meeting
10 locations but not specific to FRMP.

11

12 Thank you.

13

14 ACTING CHAIR NEEDHAM: Mr. Wallace, are
15 you on the line and are you wanting to make your public
16 comment at this time.

17

18 MR. WALLACE: I am on line, Madame Chair.

19

20 I noticed that you guys were considering
21 Saxman for a meeting in March. I know the FSB has met in
22 Saxman before, I'm not certain that the Southeast RAC has
23 but due to -- this is the second meeting where you
24 initially had some telephonic issues with, you know, a
25 land line. The first morning I could barely hear the
26 proceedings. You know my recommendation for you guys
27 when you guys book Saxman, if you do, make certain that
28 they even have a landline available for use. And also
29 when everyone's traveling to a small community, for
30 lunches is always a test, but if you guys do choose to
31 come to Saxman, let OVS know in advance and we can
32 arrange to provide at least lunches and maybe a dinner.
33 I know sometimes it's a task, you know, going out and
34 getting lunch. Yes, please do that in advance.

35

36 Thank you.

37

38 ACTING CHAIR NEEDHAM: Okay, thank you,
39 Mr. Wallace, for bringing your concerns to our attention.

40

41 MR. WALLACE: Madame Chair.

42

43 ACTING CHAIR NEEDHAM: Yes.

44

45 MR. WALLACE: I'd like to do one more
46 input, you know, yesterday I suggested that there be
47 someone who -- and there is a number of individuals on
48 the Southeast Council that could be an excellent Chair
49 for the FSB and actually acting Chair, or vice Chair
50 would be an excellent Chair. And OVS is willing to make

1 your nomination if you would be interested.

2

3 ACTING CHAIR NEEDHAM: Thank you, Mr.
4 Wallace for your comments.

5

6 At this time the next agenda item that we
7 have is the FRMP priority information needs from Mr.
8 Suminski.

9

10 MR. SUMINSKI: Good afternoon. Terry
11 Suminski with the Forest Service.

12

13 First I want to start out with a short
14 background of the program and then we'll get into the
15 action item for the priority information needs.

16

17 The Fisheries Resource Monitoring Program
18 materials begin on Page 46 of your Council books.

19

20 The Fisheries Resource Monitoring Program
21 was established in 2000. One of its purposes is to
22 provide information for the management of subsistence
23 fisheries on Federal public lands in Alaska. We
24 encourage partnerships between tribes, rural
25 organizations, universities and Federal and State
26 agencies. Since 2000 the monitoring program has funded
27 453 projects statewide. You can see a list of completed
28 or ongoing projects for this Southeast region on Pages 48
29 to 50 of your Council books.

30

31 Just for a brief overview of the process.

32

33 In November a call for proposals will be
34 issued. Two primary types of research projects are
35 solicited. Harvest monitoring and traditional ecological
36 knowledge projects and stocks, status and trends
37 projects. And I'll come back to these a little bit
38 later.

39

40 The investigators will then submit
41 proposals to OSM. After that a Technical Review
42 Committee will evaluate and rate each proposal based on
43 five criteria and those are strategic priority,
44 scientific technical merit, investigator ability and
45 resources, partnership and capacity building and the cost
46 benefit of each project.

47

48 Regional Advisory Councils will provide
49 recommendations and public comment is invited.

50

1 The Federal Subsistence Board will then
2 consider recommendations and comments from this process
3 and forward the successful proposals for this region to
4 the Forest Service for funding.

5
6 An important step in drafting the request
7 for proposals that will go out this November is
8 identification of the priority information needs for
9 management of Federal subsistence fisheries. Input and
10 guidance from this Council is critical to develop those
11 priority information needs by identifying issues of local
12 concern and knowledge gaps related to subsistence
13 fisheries.

14
15 If you remember at your Council meeting
16 in Anchorage last spring you developed draft
17 recommendations for this purpose and these are for
18 projects that will begin in 2018.

19
20 You should have before you a handout that
21 is the letter dated April 27th to Tim Towarak on the
22 cover. And that is basically your draft recommendation
23 that you put together in Anchorage. And then behind that
24 is the summary sheets for each of the sockeye systems
25 that you used to formulate that recommendation.

26
27 So at this meeting is the time to
28 finalize that recommendation. If there are any
29 additions, deletions or edits we can discuss those and
30 incorporate them into your recommendation. And
31 finalization of this recommendation is an action item.

32
33 So if you look on that letter, the main
34 thing that we're going to be looking at is the second to
35 the last paragraph where it talks about for the Southeast
36 region, the priority information needs include. So if
37 there's anything that we need to add to this list or
38 don't think is any longer a priority this would be the
39 time to do it and I'd be happy to answer any questions.

40
41 Thank you, Madame Chair.

42
43 ACTING CHAIR NEEDHAM: All right, thank
44 you, Mr. Suminski.

45
46 So Mr. Suminski is asking from the
47 Council whether or not there are additions or deletions
48 that are needed to this recommendation that will be sent
49 for the Fisheries Resource Monitoring Program. Are there
50 any Council members that have questions of Mr. Suminski

1 or have comments that they want to provide regarding the
2 FRMP priorities list.

3

4 Ms. Phillips.

5

6 MS. PHILLIPS: Thank you, Chairman
7 Needham. Mr. Suminski, I had a couple of notes that I
8 put together.

9

10 The monitor, stock of origin genetic
11 studies from Chatham Straits and Icy Straits commercial
12 seine fisheries; that's the completion of those genetic
13 studies. I mean it's not discussed in this Fisheries
14 Resource Monitoring Program list but it's been identified
15 in our annual report as needing more information.

16

17 And then identification of systems and
18 greatest need of information concerning total returns,
19 interception rates and escapement requirements in
20 addition to subsistence use. These small systems have
21 small returns that are vulnerable to overharvest and that
22 came up at the Board of Fish meeting where we were making
23 comments in support of our proposals to limit the take of
24 fish, salmon out of small streams. And it was -- I don't
25 know how to say it, brought to our attention that there
26 are small streams that we need to identify and more
27 better protect.

28

29 So those are my two comments.

30

31 ACTING CHAIR NEEDHAM: Mr. Suminski.

32

33 MR. SUMINSKI: Through the Chair. Ms.
34 Phillips. Do you have suggestions how you'd like to
35 incorporate that. There's -- you know we've listed these
36 sockeye systems, that was kind of the meat of the
37 recommendation, or we want further study, and it included
38 not only escapement estimates but harvest monitoring,
39 could we add something there you think or is it broader
40 than that.

41

42 ACTING CHAIR NEEDHAM: Ms. Phillips.

43

44 MS. PHILLIPS: Thank you, Chairman
45 Needham.

46

47 Mr. Suminski, I would take a suggestion
48 because I'm just bringing you what I see -- what we've
49 identified in our annual report and how can we include it
50 in the FRMP program.

1 MR. SUMINSKI: I guess I'd have to think
2 about it a little bit just to get the wording right, but
3 maybe I can look at what you have.

4
5 ACTING CHAIR NEEDHAM: Mr. Bangs.

6
7 CHAIRMAN BANGS: Thank you, Ms. Needham.

8
9 If I recall right, we discussed some
10 streams that may or may not be used for subsistence
11 purposes but were of concern. Some of the smaller
12 sockeye streams that we have no idea how many fish go up
13 there, we have no idea how much the take is, what the
14 carrying capacity is, but some of these streams, just for
15 instance say Petersburg Creek, there's a small run of
16 sockeye but it's -- nobody knows that much about it in
17 terms of what the carrying capacity and what's used. And
18 I know we've discussed that but I don't know if it's
19 something that we need to incorporate into this as far as
20 what we can afford to look at.

21
22 I don't know, what's your take on it
23 Terry.

24
25 MR. SUMINSKI: Through the Chair. Mr.
26 Bangs. We won't be able to fund -- well, first off we
27 have to get proposals for these and depending on what
28 proposals we get we'll just have to see how far the money
29 goes. Just in the past we've gotten more proposals than
30 we have money to fund. So it's depending on the quality
31 of the projects and how they rank will determine how far
32 we can get down the list with our funding.

33
34 I don't think there's any harm in adding
35 a system like Petersburg Creek to this list as long as we
36 realize we may not be able to reach it funding wise, you
37 know, so it just depends.

38
39 Thanks.

40
41 ACTING CHAIR NEEDHAM: Mr. Howard.

42
43 MR. HOWARD: Thank you, Madame Chair. As
44 far as genetic and scale sampling, I thought there was a
45 separate program that's already doing that. It's either
46 State funded or someone's funding it. But it seems like
47 I was at a Board of Fish meeting in Sitka and it was part
48 of what was being discussed, was whether or not there was
49 proof that the -- through the scale sampling program,
50 whether or not fish were being intercepted on their way

1 back to the stream. So there is -- I don't know if the
2 State's funding it, someone else is funding it, I know it
3 isn't through what you're trying to accomplish so that
4 might be something that we need to look further into.

5

6 Thank you.

7

8 MR. SUMINSKI: Through the Chair. Thank
9 you, Mr. Howard.

10

11 I realize I didn't fully answer Patty's
12 concern. You are correct. We do have the genetic
13 database, or baseline for the projects that we've worked
14 on and we will continue to collect those as part of doing
15 business as needed. But to actually figure out the
16 proportion of the commercial harvest and where it's
17 coming from, that is what the State has been working on.
18 They did some of that, I don't think they're doing it
19 right now, and I don't know what the plans are to
20 continue that. But that portion of the genetics tracking
21 of those stocks is probably, you know, would be out of
22 the range of this program.

23

24 Thank you.

25

26 ACTING CHAIR NEEDHAM: Mr. Yeager.

27

28 MR. YEAGER; Thank you, Madame Chair.

29

30 I see on the back of the letter Virginia
31 Lake was noted but when I looked in the packet and there
32 wasn't a page for that. Is that -- I just want to make
33 sure that that won't be overlooked, that it will be seen
34 in the whole packet.

35

36 MR. SUMINSKI: Through the Chair. Thank
37 you, Mr. Yeager.

38

39 That's correct. When we -- the package
40 that I gave you is the same package you saw in Anchorage,
41 we didn't add any more summaries to that but we did add
42 Virginia Lake and Alet Creek to the list of priority
43 information needs.

44

45 If you would like that -- I don't have it
46 available right now but we certainly could produce a
47 similar summary sheet for that system, not a lot to
48 report but we can do that.

49

50 Thank you.

1 MR. ANGERMAN: Mr. Chair, if I may chime
2 in from Wrangell on behalf of the tribe.

3
4 ACTING CHAIR NEEDHAM: I'm sorry, can you
5 repeat what you just said, please, on the phone.

6
7 (No comments)

8
9 ACTING CHAIR NEEDHAM: Are there any
10 other additions or deletions to the list and actually I
11 would ask Patty if she feels the project she was talking
12 about is going to be adequately addressed in this list,
13 if she feels it needs to be added on, if we still need to
14 work on that before we decide if we're going to finalize
15 this list.

16
17 MR. LARSON: Thank you, Chairman Needham.

18
19 I am not sure the strategy we should go.
20 I mean we've submitted a proposal to the Board of Fish on
21 limiting the number of sport caught species because we're
22 concerned about subsistence streams that are small in
23 nature and small escapement numbers and it was indicated
24 that perhaps we could better identify some of those
25 streams that are of small escapement and that are
26 vulnerable to overharvest. I'm just trying to find a way
27 to address some of our proposals and provide some
28 justification to the Board of Fish when we bring
29 proposals forward so I thought I would bring it up under
30 this Fisheries Resource Monitoring Program.

31
32 I do appreciate the amount of work that
33 has gone into the list and the letter we have before us
34 and I do agree with it, but, you know, if we can tease
35 out some of that detail that we want to address when we
36 put forth a proposal.

37
38 Also, Madame Chairman, if I can,
39 yesterday it was discussed about the declining escapement
40 trend for a number of systems and I would -- you know, my
41 preference would be to continue to support the long-term
42 data sets that we have and don't leave any gaps in some
43 of those long-term data sets that we have in terms of
44 escapement.

45
46 Thank you.

47
48 ACTING CHAIR NEEDHAM: Thank you, Ms.
49 Phillips.
50

1 Mr. Suminski, would you like to address
2 how we can take care of Patty's two comments now.

3
4 MR. SUMINSKI: Through the Chair. Ms.
5 Phillips.

6
7 Yeah, I think the way it's worded, when
8 we ask for in-season estimates of harvest, we have
9 projects that are ongoing right now that not only track
10 the subsistence harvest but the sport harvest that may be
11 happening out in front or in the creek, so I think that's
12 kind of getting at what you're talking about and that's
13 why I mentioned, you know, if the way it's written was
14 adequate to address that. And I think, you know, we have
15 examples at Falls Lake and Klagg where we have estimated
16 the sportfish harvest as well as subsistence harvest, and
17 as long as we get proposals that include that aspect
18 we'll have -- you know we can get that information. And
19 then we could use that to write proposals to the State
20 Board of Fisheries, if necessary.

21
22 Thank you.

23
24 ACTING CHAIR NEEDHAM: All right, are
25 there other comments, additions or deletions to the
26 Fisheries Resource Monitoring priority information needs
27 list.

28
29 MR. ANGERMAN: Mr. Chair, I'd like to try
30 and comment if possible.

31
32 ACTING CHAIR NEEDHAM: Yeah, go ahead.

33
34 MR. ANGERMAN: I hope you can hear me,
35 this is Aaron Angerman again for the Wrangell Cooperative
36 Association. Sorry, I was trying to chime in after Mr.
37 Yeager's mentioning of Virginia Lake. And I would just
38 like to speak on behalf of the WCA, about the importance
39 of Virginia Lake and jointly Mill Creek.

40
41 This is a very rich and important
42 traditional resource in this area, still used quite a bit
43 today by not just the tribe but the whole community.
44 Given its close proximity I think it's six or seven miles
45 away via boat, the most accessible to anyone looking to
46 get sockeye in the area. It's still heavily used, you
47 could go over there any day in the summer and see, you
48 know, eight to 10 persons over there trying to get their
49 subsistence harvest of sockeye.

50

1 It seems like at the trailhead there is
2 information regarding the sockeye runs from 1986, so 30
3 years ago now, and I believe a study was done partly with
4 the tribe and the Forest Service in the early 2000s again
5 getting some assessment, we'd like to fill in the gaps,
6 and the tribe, through funding with the BIA, is going to
7 be doing some data collection on 2017 run and area.
8 We're going to work to supply current data and the
9 habitat assessment of Virginia Lake and Mill Creek. I'm
10 hoping that other funding attempts to expand upon this
11 hopefully after the collection has taken place. Some
12 have been denied due to the fact that they did not state
13 that the Virginia Lake or Mill Creek was a priority
14 watershed.

15
16 So just to let the Council know that this
17 is how the tribe is proceeding. We hope to work with the
18 Council in the coming years hopefully to keep everyone in
19 the loop as to what we're trying to do subsistence wise
20 at Virginia Lake and Mill Creek through data collection,
21 through traditional and ecological knowledge and work
22 towards hopefully repopulating the sockeye stock if
23 possible for our most frequently used sockeye resource in
24 the area.

25
26 So on behalf of the tribe thank you very
27 much for listening to me.

28
29 ACTING CHAIR NEEDHAM: Thank you, Mr.
30 Angerman, for weighing in on behalf of the Wrangell
31 Cooperative Association and the importance of Virginia
32 Lake to your area. I will also let you know, Mr.
33 Angerman, that Virginia Lake is actually on the list for
34 potential projects through the priority information needs
35 program and when the RFP process is open, Wrangell
36 Cooperative Association will be encouraged to apply.

37
38 Mr. Jackson, did you still have a
39 question or a comment.

40
41 MR. JACKSON: Mr. Suminski, through the
42 Board, Madame Chairman.

43
44 I'm just thankful for the comment about
45 the sportfishing. I know that you guys do a lot of work
46 trying to get as much research done as you can. But in
47 the last few years I've been talking to some of the
48 seiners that fish above and below say Gut Bay on Baranof,
49 and they tell me they get a lot of sockeye and I don't
50 know if that's reported through you guys or if the State

1 gets that reporting. I don't see it here on the paper.

2

3 Thank you.

4

5 MR. SUMINSKI: Through the Chair. Mr.

6 Jackson.

7

8 No, we don't collect commercial fisheries
9 information through this program. That would be -- you
10 know that harvest would be reported to the Department of
11 Fish and Game.

12

13 Just like I said, what we're mainly
14 monitoring are the terminal area fisheries and that's
15 generally sport and subsistence.

16

17 Thanks.

18

19 ACTING CHAIR NEEDHAM: Are there any
20 other Council comments, questions, additions or
21 deletions.

22

23 (No comments)

24

25 ACTING CHAIR NEEDHAM: Mr. Suminski, do
26 you need an action vote from us to approve this list to
27 move forward at this time.

28

29 MR. SUMINSKI: Yes, Madame Chair.

30

31 I think just finalize this letter and we
32 send it as the final recommendation would be appropriate.

33

34 ACTING CHAIR NEEDHAM: What's the wish of
35 the Council.

36

37 Mr. Bangs.

38

39 CHAIRMAN BANGS: Thank you, Ms. Needham.

40

41 I move that we forward this letter as
42 final approval by the Council to move forward with it
43 as written.

44

45 Thank you.

46

47 MR. HOWARD: Second.

48

49 ACTING CHAIR NEEDHAM: It's seconded by

50 Mr. Howard.

1 It's been moved and seconded to finalize
2 this list of recommendations and forward it for the FRMP
3 priority information needs. Is there any other
4 discussion from the Council.

5
6 (No comments)

7
8 MR. WRIGHT: Question.

9
10 ACTING CHAIR NEEDHAM: The question's
11 been called. All those in favor say aye.

12
13 IN UNISON: Aye.

14
15 ACTING CHAIR NEEDHAM: Any opposed say
16 nay.

17
18 (No opposing votes)

19
20 ACTING CHAIR NEEDHAM: Motion carries.

21
22 Thank you, Mr. Suminski.

23
24 MR. SUMINSKI: Thank you.

25
26 ACTING CHAIR NEEDHAM: Ms. Phillips.

27
28 MS. PHILLIPS: Thank you. I would like
29 to follow up on Mr. Jackson's inquiry about can the
30 Council request a data set of number of sockeye caught in
31 the commercial seine fishery for -- or, you know, is that
32 available -- how do we get that, could we go on the
33 internet and research that ourselves or is -- what would
34 be a procedure to follow.

35
36 ACTING CHAIR NEEDHAM: Thank you, Ms.
37 Phillips. Did you want to answer that Mr. Suminski or
38 Mr. Reifentstahl has.....

39
40 MR. SUMINSKI: I think we could figure
41 out a way to get that information to you, through your
42 coordinator, yeah, it's available.

43
44 ACTING CHAIR NEEDHAM: Okay, thank you.

45
46 Mr. Larson.

47
48 MR. LARSON: Madame Chair. Depending
49 upon the scale of how -- where the catches are reported
50 or made it's sometimes easier or harder, but there is

1 quite a bit of information that's available on line
2 regarding commercial harvests. If there was some further
3 refinement of the -- the information is available to the
4 public -- that the Council needs for their determinations
5 then if the Council could make that request to me then
6 we'll figure out, you know, how to provide it in a format
7 that's acceptable to, you know, there's some legal
8 requirements about sharing data at too fine of a scale.

9

10 Thank you.

11

12 ACTING CHAIR NEEDHAM: Thank you. Our
13 next agenda item is the revisions to the MOU with the
14 State of Alaska.

15

16 Mr. Whitford.

17

18 MR. WHITFORD: Madame Chair. Council
19 members. Again, my name is Tom Whitford. I'm the
20 Regional Subsistence Program Leader for the Forest
21 Service. And so I'll be giving a brief update on the
22 Federal Subsistence Board/State of Alaska MOU revision.

23

24 There was a group of individuals that
25 volunteered to be part of a subcommittee to revise the
26 MOU. Do you want to hear the names of the folks that are
27 on that subcommittee?

28

29 ACTING CHAIR NEEDHAM: Yes, please.

30

31 MR. WHITFORD: Theo Matuskowitz, who is
32 the regulation specialist at OSM.

33

34 Dan Sharp, who is the statewide
35 subsistence coordinator for the BLM.

36

37 Myself.

38

39 Jill Klein, from the State, who is a
40 specialist assistant to the Commissioner.

41

42 Also from the State -- the following
43 people are all from the State; Lisa Olson, Deputy
44 Director, Division of Subsistence.

45

46 Lem Butler, Assistant Director, Division
47 of Wildlife Conservation.

48

49 Peter Bangs, Assistant Director, Division
50 of Commercial Fisheries.

1 Tom Taube, Deputy Director, Division of
2 Sportfish.

3
4 Glenn Haight, Executive Director, Board
5 of Fish.

6
7 Kristy Tibbles, Executive Director, Board
8 of Game.

9
10 So this MOU group, revision group met in
11 early July of this year and our starting point with the
12 revision process was using the 2013 version of the MOU --
13 the original MOU expired in 2008 and there was a group
14 that went through a revision process for awhile and in
15 2013 all of the RACs did submit edits and comments to a
16 2013 version, so that's the version that we started with,
17 which incorporated all of the previous RAC edits and
18 comments.

19
20 So if you turn to Page 51 of your meeting
21 materials book, that version is a version that has all of
22 the edits plus of the revisions that this group has
23 proposed so far.

24
25 So what we're requesting is that all of
26 the other Councils are seeing this version and we would
27 like to have your edits and comments hopefully by the end
28 of November because we would like to present a final
29 draft version to the Federal Subsistence Board in January
30 of next year. So that's the hope, and that's that.

31
32 Any questions.

33
34 ACTING CHAIR NEEDHAM: Do any Council
35 members have questions for Mr. Whitford regarding the
36 MOU.

37
38
39 (No comments)

40
41 ACTING CHAIR NEEDHAM: Mr. Whitford, this
42 is starred as an action item on our agenda and at this
43 time are you looking for a recommendation or an approval
44 of wording on the MOU, what do you need from this body?

45
46 MR. WHITFORD: If you could approve this
47 version as it stands that would be good with the revision
48 committee but I don't know how long, if you guys have had
49 a chance to actually review the MOU, so you do have some
50 time. It's up to the Council.

1 ACTING CHAIR NEEDHAM: All right. Mr.
2 Kitka.
3
4 MR. KITKA: Thank you, for the timeline,
5 that at least gives us a chance to maybe take it back to
6 our communities and talk to some of our people and see if
7 they -- the tribes and things, whether they'll look at it
8 a little closer and come up with what we think should
9 happen.
10
11 Thank you.
12
13 MR. WHITFORD: Thank you, Mr. Kitka.
14
15 ACTING CHAIR NEEDHAM: Mr. Whitford, for
16 my clarification, you said we have time, however, this
17 Council doesn't meet before the recommendations need to
18 go before the Board in January; is that correct?
19
20 MR. WHITFORD: That is correct. We're
21 hoping if you do have suggested edits or comments you can
22 get those to Theo by the end of November. That would
23 give us time to pull all of the edits and comments
24 together and provide a draft to the Board in January.
25
26 ACTING CHAIR NEEDHAM: What is the wish
27 of the Council.
28
29 (No comments)
30
31 ACTING CHAIR NEEDHAM: Are you guys ready
32 to approve this or would you like to potentially
33 reinstate the working group that looked through the MOU
34 and made revisions back when the Secretaries brought this
35 to our attention as something we needed to review with
36 RAC input.
37
38 (No comments)
39
40 ACTING CHAIR NEEDHAM: Or no action.
41
42 (Pause)
43
44 ACTING CHAIR NEEDHAM: Mr. Bangs.
45
46 CHAIRMAN BANGS: Ms. Needham. I've read
47 through it and a lot of it is kind of over my thinking
48 pattern right now, but I think that nothing jumped out at
49 me, I'd feel comfortable in passing it on to the
50 committee and taking -- unless somebody has an issue with

1 it, I know we won't have time to meet before the
2 information needs to be passed on, so I would suggest any
3 changes would have to come from individuals or
4 recommendations from tribes or something other than this
5 body if we can't make any changes right now. That's what
6 I gather.

7

8 MR. WHITFORD: You could propose changes
9 right now. You do have to the end of November.

10

11 ACTING CHAIR NEEDHAM: Ms. Phillips.

12

13 MS. PHILLIPS: Thank you, Chairman
14 Needham.

15

16 Number 12 under Federally- -- on Page 54.
17 It says to use the State's harvest reporting and
18 assessment systems supplemented by information from other
19 sources to monitor subsistence uses of fish and wildlife
20 resources on Federal public lands. In some cases Federal
21 subsistence seasons, harvest limits, or data needs
22 necessitate separate Federal subsistence permit and
23 harvest reports.

24

25 So given the State's dire financial
26 status, are they -- I mean obviously if they sign this
27 MOU they're agreeing to continue with the harvest
28 reporting and assessment systems.

29

30 MR. WHITFORD: I believe that we would
31 just be using their reporting and assessment system that
32 they already have in place and if it doesn't quite fit
33 with the Forest Service -- or with whatever Federal
34 agency, we would move forward with our own system. And
35 I think right now we are using the State system in many
36 cases.

37

38 MS. PHILLIPS: Right.

39

40 ACTING CHAIR NEEDHAM: Mr. Howard.

41

42 MR. HOWARD: Thank you, Madame Chair.....

43

44 MR. WHITFORD: I mean back to that, it
45 just makes a lot of sense to have data in the same place
46 so we can all use it.

47

48 MS. PHILLIPS: Right.

49

50 ACTING CHAIR NEEDHAM: Mr. Howard.

1 MR. HOWARD: Thank you, Madame Chair.

2

3 Also in 12, this may be where we want to
4 add to use the State's harvest reporting and assessment
5 of all user groups. That would solve the problem to
6 collecting data that possibly fish are being intercepted
7 by other user groups other than subsistence users and to
8 have it in the MOU, we wouldn't have to ask the question
9 of how do we get the data that we currently don't have or
10 the history of our community association haven't been
11 able to get.

12

13 Thank you, Madame Chair.

14

15 ACTING CHAIR NEEDHAM: How would like the
16 Council like to move forward with this.

17

18 (No comments)

19

20 ACTING CHAIR NEEDHAM: Would you like to
21 take a quick break, look it over, make sure you feel
22 comfortable with it right now so we can decide if we want
23 to move it forward.

24

25 (Council nods affirmatively)

26

27 ACTING CHAIR NEEDHAM: All right, let's
28 take five minutes to read over -- okay 10 minutes because
29 we're reading things.....

30

31 (Laughter)

32

33 ACTING CHAIR NEEDHAM: Let's take 10
34 minutes to read over and come back to this agenda topic
35 item.

36

37 (Off record)

38

39 (On record)

40

41 ACTING CHAIR NEEDHAM: All right, we are
42 on this agenda topic item regarding the revisions to the
43 MOU with the State. And during the break I took the
44 opportunity to ask the previous working group that
45 provided edits and comments on the MOU that was presented
46 to us in 2013 and asked whether or not those comments,
47 they felt comfortable that those comments had been
48 integrated into and represented in this current version
49 of the MOU and that workgroup, the members of that
50 working group said yes they felt the comment that we had

1 previously provided as a Council have been addressed.

2

3

4 So at this time are there any other
5 comments that people want to make on the MOU or are you
6 guys ready to move forward with the action item of
7 agreeing with the revisions to the MOU with the State.

7

8

Mr. Bangs.

9

10 CHAIRMAN BANGS: Hearing none, I would
11 entertain a motion to accept the draft MOU and move it
12 forward.

13

14

15 ACTING CHAIR NEEDHAM: Are you making the
16 motion.

16

17

18 CHAIRMAN BANGS: Yes, I'm making the
19 motion.

19

20

(Laughter)

21

22

MR. KITKA: I'll second it.

23

24

(Laughter)

25

26

27 ACTING CHAIR NEEDHAM: Thank you, Mr.
28 Bangs.

28

29

MS. PHILLIPS: Second.

30

31

32 ACTING CHAIR NEEDHAM: It's been seconded
33 by Mr. Kitka.

33

34

MS. PHILLIPS: Oh, okay.

35

36

(Laughter)

37

38

39 ACTING CHAIR NEEDHAM: All right, there
40 is a motion on the table to accept the revisions to the
41 MOU to move it forward. Is there any discussion.

41

42

Mr. Douville.

43

44

45 MR. DOUVILLE: I support the motion and
46 I would like to thank that working group for all their
47 hard work.

47

48

49 ACTING CHAIR NEEDHAM: Thank you, Mr.
50 Douville.

50

1 Are there any other comments or
2 discussion from the Council.
3
4 Ms. Phillips.
5
6 MS. PHILLIPS: Thank you, Chairman
7 Needham.
8
9 I'd like to thank the Federal Subsistence
10 Board and the State of Alaska for addressing our concerns
11 in the final revision.
12
13 ACTING CHAIR NEEDHAM: Thank you. Are
14 there any other comments or discussion items on the
15 motion.
16
17 (No comments)
18
19 MR. YEAGER: Question.
20
21 CHAIRMAN BANGS: Thank you. The
22 question's been called. All those in favor of the motion
23 to accept the revisions to the MOU with the State say
24 aye.
25
26 IN UNISON: Aye.
27
28 ACTING CHAIR NEEDHAM: All those opposed.
29
30 (No opposing votes)
31
32 ACTING CHAIR NEEDHAM: Motion carries.
33
34 Thank you, Mr. Whitford.
35
36 MR. WHITFORD: Thank you.
37
38 ACTING CHAIR NEEDHAM: All right. Our
39 next agenda item, Mr. Larson, is identifying issues for
40 the annual report.
41
42 (Pause)
43
44 ACTING CHAIR NEEDHAM: Mr. Larson.
45
46 (Pause)
47
48 ACTING CHAIR NEEDHAM: Mr. Larson.
49
50 MR. LARSON: Madame Chair.

1 On Page 58 of your Council book there is
2 the annual report. So the presentation starts on Page 58
3 and what it does is provides some background on what the
4 annual report is and what kind of information would be
5 appropriate to it. On Page 60 you will have the annual
6 report reply from the Federal Subsistence Board for your
7 2015 annual report. I would like to note that there is
8 enclosures regarding the -- oh, let's see where is --
9 where are the enclosures here -- on Page 72 there's a
10 letter and on Page 77 there's a letter that the Council
11 has sent to the Board regarding customary and traditional
12 use determinations -- one is from the Council to the
13 Board and the other is from the Board to the Council.
14 Also on Page 69 there's an enclosure from Governor Bill
15 Walker that talks about the composition of the North
16 Pacific Fisheries Management Council.

17
18 So those are components addressing the
19 Council's 2015 annual report.

20
21 At this time it's appropriate for the
22 Council to provide me with topics for investigation for
23 your 2016 annual report. I will take that list of topics
24 and I will draft an annual report for review and approval
25 during your winter meeting in March of 2017 -- I assume
26 March, but it's your winter meeting that you will look at
27 the draft annual report and make some revisions and edits
28 and ultimately approve that document at that time.

29
30 So here we have the instructions, what
31 would be appropriate to put in annual reports, and we
32 have 2015's reply from the Board with the enclosures. It
33 all starts on Page 58.

34
35 Thank you.

36
37 ACTING CHAIR NEEDHAM: Thank you, Mr.
38 Larson.

39
40 Are there any topics from the Council
41 that they would like to bring forth, for the annual
42 report for the 2016 annual report.

43
44 Mr. Hernandez.

45
46 MR. HERNANDEZ: Thank you, Madame Chair.
47 I was having a discussion earlier with Mr. Schroeder
48 there and he kind of pointed out that over the years our
49 annual report kind of calls for us to do some things that
50 we haven't really done much of in the past and they're

1 kind of outlined on Page 58 for the report content, and
2 these are things that, you know, do come directly from
3 Title VIII of ANILCA, where the Board asks the Councils
4 to do things, such as, an identification of current and
5 anticipated subsistence uses of fish and wildlife
6 populations within the region; an evaluation of current
7 and anticipated subsistence needs for fish and wildlife
8 populations from the public lands within the region; a
9 recommended strategy for management of fish and wildlife
10 populations to accommodate such subsistence uses and
11 needs; and recommendations concerning policies,
12 standards, guidelines, and regulations to implement the
13 strategy.

14
15 And I guess in the past we've kind of had
16 a list of things that, you know, we'd like to see the
17 Board address, but not so specifically related to some of
18 these topics. I'm thinking that maybe here in the future
19 we might want to focus more on some of these anticipated
20 needs and strategies and what not. I don't know if
21 anybody else has thought along those lines, but I know we
22 do have some fairly specific problem areas, you know,
23 that we've talked about, kind of poor returns to sockeye
24 systems and I know we've kind of been addressing that but
25 we also have some wildlife concerns that maybe we haven't
26 specifically asked for and I'm thinking, you know,
27 primarily while we're here in Petersburg, kind of been
28 brought up a number of times in the past is the fact that
29 this, you know, central area here of Southeast Game
30 Management Unit 3 has some real problems with deer
31 populations and short hunting seasons and low bag limits,
32 you know, compared to the rest of the region.

33
34 Maybe that's something we want to try and
35 address more to start thinking about strategies that
36 maybe could help provide more subsistence need for this
37 area.

38
39 So I guess we might have to think about
40 that a little bit more than right now to put that into
41 the report but if anybody else has any ideas, you know,
42 for their region that might be more geared towards, you
43 know, identification of things where needs are not being
44 met and how we might come about the strategies to improve
45 that.

46
47 So that's my comment.

48
49 ACTING CHAIR NEEDHAM: All right, thank
50 you, Mr. Hernandez.

1 Is there a possibility that you and Mr.
2 Schroeder might want to actually think about that for the
3 2016 annual report and bring that topic back before we
4 finalize our annual report topics, which I would assume
5 we don't need to do until the end of the meeting.

6
7 MR. HERNANDEZ: Thank you, Madame Chair.
8 Sure, I'd be glad to work with Bob, or anybody else that
9 wanted to take some time and brainstorm maybe some ideas
10 along those lines.

11
12 ACTING CHAIR NEEDHAM: Mr. Schroeder, are
13 you okay with being.....

14
15 MR. SCHROEDER: (Nods affirmatively)

16
17 ACTING CHAIR NEEDHAM: Anybody else that
18 wants to work with Mr. Hernandez and Mr. Schroeder on
19 that.

20
21 CHAIRMAN BANGS: Madame Chair.

22
23 ACTING CHAIR NEEDHAM: Mr. Bangs.

24
25 CHAIRMAN BANGS: Thank you, Madame Chair.
26 I've been struggling with this, it's kind of a cause and
27 effect thing where we've talked about -- several of the
28 Council members have addressed it and I'm not sure that
29 it's in the Federal Board's purview to do anything about
30 it but I think there's a problem with unaccountability on
31 the part of fishing lodges which affect our subsistence
32 take. And I think it would be a good thing if there was
33 some way that they were held accountable at least so the
34 State knew what kind of amounts of sockeye were being
35 taken or coho or whatever out of a particular stream
36 system. Right now it's unaccountable. And I think it
37 does affect our subsistence needs.

38
39 ACTING CHAIR NEEDHAM: Thank you, Mr.
40 Bangs.

41
42 Along those lines, would it be
43 appropriate to add into the annual report or point out
44 that this body has tried to put regulatory changes
45 through the Board of Fish to Unit -- unguided/non-
46 resident take as a potential mechanism for addressing
47 that accountability and those proposals have not been
48 approved. Is that -- am I on the same lines of what
49 you're thinking about in terms of what would go into that
50 topic item for the annual report?

into it.

3

4

5 With the makeup of the Board of Fish and
6 their refusal to accept non-resident annual bag limits
7 for all species of salmon, I think it'd be appropriate
8 for us to try again and specify just sockeye because
9 that's what we have a conservation concern with and I
10 think that it should be noted to the Board that we have
11 tried to address the situation and have been refused that
12 proposal.

12

13

14 you.

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ACTING CHAIR NEEDHAM: All right, thank

Are there any other topics.

Mr. Howard.

MR. HOWARD: Thank you, Madame Chair.

We should add the fact that maybe
appointing someone from this Board to a committee
whenever they're doing another Tongass Forest Plan, have
someone sit on that committee versus them picking their
own committee and subsistence being left out.

Thank you, Madame Chair.

ACTING CHAIR NEEDHAM: Okay. Ms.
Phillips.

MS. PHILLIPS: Thank you, Chairman
Needham.

I would like to include a strategy that
addresses our 2015 annual report and the response back
from the Federal Subsistence Board. The Fisheries
Resource Monitoring Program, that was an agenda item
already. The TransBoundary Mining. So one thing that
was brought up under the community report was that
Council person Needham has been working with Central
Council Tlingit/Haida Indian Tribes of Alaska to do
baseline water monitoring in the Taku/Stikine. They have
not been able to access the Unuk River and I think we
should address that in our annual report, that we would
like to see the baseline water monitoring facilitated by
USDA in the Unuk River.

Petition for extra-territorial

1 jurisdiction; and the response from the Board, there's no
2 funding available this season to monitor stocks of origin
3 genetic studies from the Chatham Strait and Icy Strait
4 commercial seine fisheries. That continues to be
5 important to the RAC. Wanting them to expand that
6 genetic study.

7

8 We have the use of cabins on National
9 Park Service lands and that's an agenda item later in the
10 meeting.

11

12 The -- what's the other one -- let's see
13 here, the customary and traditional use, No. 6, we have
14 the -- after many years of having a C&T, customary and
15 traditional subcommittee and requests for information on
16 mapping and C&T use designations per community, we
17 finally have these all rural residents Federal customary
18 and traditional use determinations for harvest of
19 wildlife and C&T use areas for fish and I thank you very
20 much for getting those to us finally. I think the
21 Council talked about, at this time we weren't going to do
22 a proposal, but perhaps we should consider a proposal,
23 and I don't know what that proposal might be.

24

25 Let's see, so I guess I'll move on,
26 Madame Chair.

27

28 Then the terminal area escapement, and I
29 mentioned this earlier, to identify those systems in
30 greatest need of information concerning total returns,
31 interception rates and escapement requirements in
32 addition to important subsistence uses. And I link this
33 to the -- you know to the proposal that Chairman Bangs is
34 suggesting that we submit a proposal to the Board of Fish
35 on limiting non-resident subsistence harvest of sockeye.
36 You know they're going to say -- well, we were there, we
37 know what they said, there isn't streams of concern,
38 yeah, you don't know what streams those are and so on.

39

40 Let's see, the salmon and halibut
41 interception and that's a huge subsistence resource, even
42 though it's not under ANILCA. It's still -- I mean this
43 is where the Federal programs chop up subsistence and so
44 it is one of the items that would be an item of current
45 and anticipated subsistence uses of fish and wildlife
46 populations within the region. And I underlined chinook
47 salmon, prohibited species, catch limits were established
48 for the Gulf of Alaska trawl fishery in 2012 for the non-
49 pollock groundfish fish species in 2015 so we need to
50 continue to put an emphasis on that bycatch.

1 I had one other thing but I can't
2 remember what it is.

3
4 Thank you.

5
6 If I remember I will -- oh -- oh, shoot
7 I almost had it -- I'll come back to you.

8
9 Madame Chair, if you don't mind, it's the
10 amounts necessary for subsistence. The Federal Board
11 brought it up in their response -- we didn't even address
12 it in our annual report and yet they responded to it in
13 the annual letter under the petition for extra-
14 territorial jurisdiction. They said that in 2015 the
15 Alaska Board of Fisheries established a new amounts
16 reasonably necessary for subsistence use of salmon.
17 Well, they lowered the amounts necessary for subsistence
18 for the community of Angoon. And nowhere in the Federal
19 systems are we required to have amounts necessary for
20 subsistence and so we're in -- it's a dichotomy, we're
21 dealing with a State system that has ANS and -- amounts
22 necessary for subsistence and we have a Federal system
23 that it's not required to recognize. So it troubles me
24 to have them respond with that in their response to the
25 annual report.

26
27 Thank you.

28
29 ACTING CHAIR NEEDHAM: All right, thank
30 you, Ms. Phillips.

31
32 Are there any other annual report topics.

33
34 Mr. Kitka.

35
36 MR. KITKA: We still have the ongoing
37 issue of the sea otter, which is moving into the interior
38 waters in Southeast Alaska and it's going to threaten
39 more people.

40
41 ACTING CHAIR NEEDHAM: All right, thank
42 you. Are there any other annual report topics that you
43 would like to bring up at this time.

44
45 Mr. Kitka.

46
47 MR. KITKA: I had one more thought and I
48 don't think it had anything really to do with subsistence
49 except that maybe the regulations are a little too
50 strict, and that is the overpopulation of bears, which

1 are very aggressive within our communities.

2

3 ACTING CHAIR NEEDHAM: All right, thank
4 you.

5

6 Mr. Bangs.

7

8 CHAIRMAN BANGS: Thank you, Chairman
9 Needham. I'm not sure if it's appropriate but I would
10 like to stress the need for continued funding of our
11 Fisheries Resource Monitoring Projects.

12

13 ACTING CHAIR NEEDHAM: Thank you.

14

15 Mr. Howard.

16

17 MR. HOWARD: Thank you, Madame Chair.

18

19 Patricia touched on it, briefly. The
20 State's required to prove that -- we can't take more
21 than 15 sockeye, they -- and part of the ETJ process was
22 -- and the court case found that the State didn't abide
23 by their own process when raising and lowering the amount
24 necessary for subsistence. And this year and in prior
25 years I go in and get my permit, and they do this in
26 Angoon, and the guy looked at my permit and he's like,
27 oh, it's an example, Mr. Jackson coming in and getting a
28 permit from me and I look at it and I'm like, oh, it says
29 25 on here but it's really supposed to be 15 so he took
30 a pen, erased it out, put 15 in there, that gave me 15,
31 but the data we found just recently showed that we had
32 more sockeye than ever because there was no seine fleet
33 on the northern end. So somehow we need to figure out
34 how to work with the State on addressing that issue
35 itself because they're not abiding by their own laws but
36 yet they're holding us to a standard of -- it's almost do
37 as I say and not as I do type of a situation.

38

39 And I guess I have a question for
40 Patricia, if she remembers my comments on the halibut
41 bycatch when we were all at the meeting in Anchorage.
42 The gentleman gave a presentation and he said there was
43 a -- I'm trying to remember now -- oh, we have an
44 incentive so the fishermen won't catch too much halibut,
45 so I asked him the question, well, what's the incentive
46 -- I said let me tell you my incentive to not catch too
47 much sockeye -- the State gives me an incentive of if you
48 catch too much sockeye we're going to take your net,
49 we're going to take your boat, we're going to take you to
50 court, and, oh, by the way we're going to take your fish

1 and give it to somebody else. So there's two standards
2 here when it comes to bycatch of halibut in the Bering
3 Sea, which data shows that halibut comes to Southeast
4 Alaska.

5

6 So somehow we need to figure out how to
7 address that through the system, both of those topics.

8

9 Thank you, Madame Chair.

10

11 ACTING CHAIR NEEDHAM: All right. Mr.
12 Larson, are you able to capture that into annual report
13 topics, the comments that Mr. Howard just made.

14

15 MR. LARSON: I don't know that I'd like
16 to commit to that right now but I will make a list and I
17 will provide it to the Council for some refinement prior
18 to the end of this meeting and we could have everybody
19 review what it is that I think they said and make sure
20 that those are the topics that you want to move forward
21 and give me to work on between now and your next Council
22 meeting.

23

24 ACTING CHAIR NEEDHAM: And then we can
25 still add annual report topics through the end of this
26 meeting if something that happens in the rest of today or
27 tomorrow that we feel is an important issue that needs to
28 be added in for 2016.

29

30 MR. LARSON: Madame Chair, that is
31 correct. So we can make a list. I will use this
32 intervening few months to make that list into a draft
33 report. There will be an opportunity for you to review
34 the draft report and add things to the report at your
35 winter meeting prior to approving it. So it's all
36 subject to revision during you winter meeting, your next
37 winter meeting.

38

39 Thanks.

40

41 ACTING CHAIR NEEDHAM: All right. Does
42 the Council have any further annual report topics at this
43 time.

44

45 Mr. Jackson.

46

47 MR. JACKSON: Madame Chairman. One of
48 the things that I see that's starting to affect
49 subsistence salmon returns is global warming and the
50 weather, sometimes there's no water in the streams and

1 the fish stay out and they're easier to catch in the
2 saltwater and some of them are trying to spawn there. So
3 I figure in, you know, four or five years -- I'm not an
4 expert on it -- but in the next four or five years we may
5 not even get returns on those. So just something that I
6 was thinking about.

7

8 Thank you.

9

10 ACTING CHAIR NEEDHAM: All right, thank
11 you.

12

13 Last call, any other annual report topics
14 for 2016.

15

16 Mr. Wright.

17

18 MR. WRIGHT: You know I'd like to see
19 something about these unguided fishermen that are running
20 around crazy out there, they need to have some kind of
21 training about what's going on, in the environment that
22 they're running around in.

23

24 It's crazy when you're out there and you
25 see someone that has no idea where they're going, or
26 whatever they're doing out there, and you wonder what's
27 going on, so -- and the amount of fish that they take, I
28 know it's not recorded because I've seen it where it's
29 just hundreds and hundreds of pounds where -- it's just
30 not being recorded. It's just crazy. I mean we, as
31 commercial fishermen, have to be careful on how we
32 conduct ourselves out there, but when you've got no
33 monitoring of these unguided fishermen out there then
34 it's -- and, you know, nothing happens to them -- you
35 know, if I catch a 31-inch halibut I'm in trouble, you
36 know, and they catch all kinds of ping-pong paddles and
37 it's getting ridiculous.

38

39 Thank you, Madame Chair.

40

41 ACTING CHAIR NEEDHAM: All right, thank
42 you.

43

44 Mr. Reifenstuhl.

45

46 MR. REIFENSTUHL: So along those lines
47 could we make a request from the State, perhaps would be
48 the one that keep the records, on how many of the lodges
49 have unguided clients or guided clients versus unguided;
50 I don't know if they can supply that.

1 But I guess, minimally, I'd like to make
2 inquiries to see what information we can get so we can be
3 better informed, if we're going to put together a Board
4 of Fish proposal, we're going to need good information to
5 do so.

6
7 Thank you.

8
9 ACTING CHAIR NEEDHAM: All right, thank
10 you.

11
12 Mr. Howard.

13
14 MR. HOWARD: Thank you, Madame Chair.
15 I'll try and keep it quick.

16
17 I think we should request all data from
18 all user groups be presented to this board so we can make
19 proper and informed decisions. I agree that unguided
20 non-residents, they don't have anything that they report
21 to the State yet, and I agree with the fact that they
22 should. And I'll give you an example of the place that
23 I work at, what happens is, is say, the four of us
24 sitting at this table we come up here and we go unguided,
25 the next year the four of us bring four each, because the
26 four of us know how to fish now, and that's what's
27 happened, it -- you know so you go from four guys that go
28 unguided to 16 the next year because the four guys here
29 at the table know how to fish. I'm just giving an
30 example.

31
32 So I think it's important to figure that
33 out now instead of waiting until there's really a
34 terrible outfall of it and we're back at looking at how
35 are we going to fix this and how are we going to address
36 it.

37
38 So I think asking the State for all user
39 group data and making sure to be specific to non-guided,
40 non-residents.

41
42 Thank you, Madame Chair.

43
44 ACTING CHAIR NEEDHAM: All right, thank
45 you.

46
47 We're going to have one long annual
48 report this time around, I think, for 2016.

49
50 (Laughter)

1 ACTING CHAIR NEEDHAM: Are there any
2 other annual report topics for 2016 at this time.

3
4 Mr. Jackson.

5
6 MR. JACKSON: Madame Chair. Just a
7 comment.

8
9 There's this group out of Kake that bring
10 in five guys every week and the only one that would know
11 whether they have a permit to stay up in the bay in a
12 little cove up there would be the Forest Service I was
13 thinking, because I think they're the ones that issue,
14 but they take guys out fishing and they catch halibut but
15 they say they're just friends, so I don't know how you
16 get five. And the State Troopers know about it, you
17 know, Fish and Game have checked on them, they have their
18 licenses and everything so -- because they let them go
19 but they are cleaning out some of our streams.

20
21 Thank you.

22
23 ACTING CHAIR NEEDHAM: All right, thank
24 you. And I'll remind the Council that you have the
25 opportunity to add annual report topics again at our next
26 meeting.

27
28 Are you ready to move on to the next
29 agenda item, Mr. Larson, which is the charter review.

30
31 MR. LARSON: Madame Chair. On Page 108
32 is the Council's charter. So the Council's charter is up
33 for regular review. If the Council would like to amend
34 their charter in some way, the Secretary, within the
35 General Services Administration who is charged with
36 managing Federal Advisory Committees.

37
38 There is very little that the Council --
39 that the Southeast Council can change independent of that
40 organization, one of which is you could change your name.

41
42 (Laughter)

43
44 MR. LARSON: But if you could review the
45 charter. And I'd just like to bring it to your attention
46 that you do have a charter and those are the rules that
47 you operate under. These are essentially your bylaws. If
48 you were in a different type of organization you may have
49 bylaws, in this case you have a charter.

50

1 And that's -- yes, so we just wanted to
2 bring it to your attention. Here's your charter. It's
3 similar -- it provides the context for how you operate
4 similar type of document to bylaws if you were in a
5 different kind of an organization.

6
7 Thank you.

8
9 ACTING CHAIR NEEDHAM: All right, thank
10 you, Mr. Larson.

11
12 Mr. Bangs.

13
14 CHAIRMAN BANGS: Thank you. Do we need
15 to take action on this, approve it or review it and
16 approve it or what's the -- what do we have to do here?

17
18 ACTING CHAIR NEEDHAM: Mr. Larson.

19
20 MR. LARSON: Madame Chair. So there's no
21 action necessary unless you want to take some action.
22 The charter carries over and is formally approved every
23 other year. So you can review, you can edit, you can
24 make recommendations if you so desire. But if you don't
25 then it continues.

26
27 Thank you.

28
29 ACTING CHAIR NEEDHAM: All right, thank
30 you. Is there anyone on the Council who wishes to make
31 comment on the charter or pose recommended changes.

32
33 Mr. Schroeder.

34
35 MR. SCHROEDER: Madame Chair. I think
36 the charter is pretty much fine the way it is. And I
37 think, Robert, that pretty much probably exactly the same
38 charter applies throughout the state, so I don't think
39 that we have much to gain by attempting to change the
40 charter. But it is our authorization under the Federal
41 Advisory Committee Act, so this is what empowers this
42 group to do what it does.

43
44 Thank you.

45
46 ACTING CHAIR NEEDHAM: Any.....

47
48 MR. LARSON: And you are correct, is the
49 charter is the same except for the name at the top. So
50 all 10 Councils have the same charter.

1 ACTING CHAIR NEEDHAM: Thank you. Are
2 there any other comments or recommendations about the
3 charter.

4
5 Mr. Bangs.

6
7 CHAIRMAN BANGS: Thank you, Madame Chair.
8 Maybe we could ask them for -- to require a salary for
9 all of us.

10
11 (Laughter)

12
13 ACTING CHAIR NEEDHAM: All right. Is
14 there any action that the Council wishes to take at this
15 time.

16
17 (No comments)

18
19 ACTING CHAIR NEEDHAM: All right, we'll
20 move on to our next agenda item, Mr. Larson. Feedback on
21 the All Council meeting.

22
23 MR. LARSON: Thank you, Madame Chair. So
24 as a reminder to maybe the ones -- people in the audience
25 more than the Council members themselves but for the
26 second time since the inception of this program we had an
27 all Council meeting in Anchorage in March. We've had
28 time to think about whether or not it was particularly
29 effective, and if you wanted to address the Office of
30 Subsistence Management or the Board, more directly, with
31 a critique or comment on whether or not it was a good
32 idea or if there was some aspects that was particularly
33 appealing or something that we could do better than this
34 is the place on the agenda where we would appreciate that
35 feedback.

36
37 It's not necessarily an action item.
38 There's no decision that's being, you know, that's
39 waiting for your recommendation, it's just an opportunity
40 for you to critique or provide some feedback to the
41 program whether it was a good idea or not. It's not
42 necessary but if you have something that you think would
43 be particularly valuable to bring to the Office of
44 Subsistence Management's attention, then this is a good
45 time to do it.

46
47 ACTING CHAIR NEEDHAM: Thank you, Mr.
48 Larson. Are there any comments from the Council that
49 they would like to provide.

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Mr. Bangs.

CHAIRMAN BANGS: Thank you, Chairman Needham. I think that it was a very useful meeting. I think it was beneficial to all the Councils to understand a little bit better some of the functions, the different classes that they offered, I think it was valuable. And I'd like to pass that on to the Office of Subsistence Management. I think it was worthwhile.

ACTING CHAIR NEEDHAM: Thank you. Mr. Larson, will you be keeping a record of the comments that you would be able to put into a letter that provides feedback. Is that how you want to do it or is just the building of the record, saying it on the record enough?

MR. LARSON: Well, I think it's up to you, if you would like to formalize your comments in the form of a letter that's perfectly okay.

ACTING CHAIR NEEDHAM: Are there any other comments from the Council.

Mr. Kitka. Ms. Phillips.

MR. KITKA: Thank you, Madame Chair. I really enjoyed that all Council meeting. I really think that if we could have had a little more time to sit in on some of their meetings and be able to take part in some of the other Council meetings to get a better idea of how they're looking at things.

Thank you.

ACTING CHAIR NEEDHAM: Thank you, Mr. Kitka.

Ms. Phillips.

MS. PHILLIPS: Thank you, Chairman Needham. Did we get any response on the All Council letters?

ACTING CHAIR NEEDHAM: Mr. Larson.

MR. LARSON: The All Council letter became a bit confused because there was several Councils that thought it was a good idea to wordsmith the letter so it's not exactly the same coming out of all the Councils. So I think that the All Council letter still

1 has legs and I think that it will be finalized after this
2 Council meeting session when we reconcile the comments
3 from some of the other Councils that were not clear.

4

5 ACTING CHAIR NEEDHAM: All right, thank
6 you. Are there any other comments that the Council would
7 like to provide regarding the All Council meeting.

8

9 (No comments)

10

11 ACTING CHAIR NEEDHAM: All right, hearing
12 none. I'd like to take a 10 minute break, 3:35.

13

14 (Off record)

15

16 (On record)

17

18 ACTING CHAIR NEEDHAM: All right, thanks
19 everyone. At this time we're going to take a couple of
20 public testimonies on non-agenda items and I'd like to
21 invite Mr. Gene Natkong from Hydaburg up to the table.

22

23 MR. NATKONG: Madame Chair. Council.
24 I'm Gene Natkong from Hydaburg, Hydaburg Association of
25 Tribal Council, subsistence committee.

26

27 I'd like to talk about our fish, this
28 summer it got pretty warm, the first time our beaches
29 ever got shut down and our clams and cockles, you know,
30 no one got poisoned but we put a notice out there so
31 nobody would eat them, first time it ever got so warm and
32 the first time it ever got shut down before.

33

34 And another thing I'd like to talk about
35 is the sockeye, all our streams were pretty low.

36

37 Another thing I'd like to talk about is
38 our -- the sea otter, where they transplanted them out by
39 Barriers, they moved way in, there's another place way up
40 by in front of Hydaburg, further up by Natzuni and, you
41 know, how much they like to eat all the seafood and
42 everything.

43

44 And talk about the wolves. Across from
45 Hydaburg, there's a there used to be lots of deer
46 hunters, there's no more deer now because of all the
47 wolves. And they're getting quite a bit behind Hydaburg,
48 too, in the back side there, you could hear them, you
49 never used to hear them before and they've moved in quite
50 a bit. They should start doing survey on them and start

1 tagging them to see where they go.

2

3 That's what I wanted to talk about.

4

5 ACTING CHAIR NEEDHAM: Thank you, Mr.
6 Natkong. Is there any comments or questions from the
7 Council for Mr. Natkong.

8

9 Mr. Bangs.

10

11 CHAIRMAN BANGS: Thank you, Madame Chair.
12 Is there a lot of harvest of sea otters by the people in
13 Hydaburg?

14

15 MR. NATKONG: Yes. They're getting a few
16 but they're planning on going out on a boat again to go
17 get some more but, yeah, we were thinking about trying to
18 get more but there is quite a bit of them all over. I've
19 never seen them come in so far, out by (indiscernible)
20 Chuck there's quite a bit, and they're moving in and then
21 there's right in front of Hydaburg and out at Natzuni.
22 And, you know, with seafood and everything they eat,
23 we're watching that. But they've been getting a few of
24 them and they plan on making another trip to try to get
25 some more of the sea otter.

26

27 CHAIRMAN BANGS: Thank you.

28

29 ACTING CHAIR NEEDHAM: Thank you. Is
30 there any other questions or comments from the Council
31 for Mr. Natkong.

32

33 Mr. Wright.

34

35 MR. WRIGHT: Thank you, Madame Chair. Is
36 there -- has the sea otters been -- you know, you were
37 talking about clams so, you know, usually sea otters just
38 love clams, so have they been digging up your -- in front
39 of your town or digging up anywhere around there because
40 if you're not going to take care of them, all your clams
41 and cockles and everything's going to be gone. Because
42 I know that in Idaho Inlet there used to be big cockles
43 there, big ones, but now you don't see anything and so
44 you have to be aggressive and get them out of there.
45 Like in Hoonah, if anybody sees any sea otter up in Port
46 Frederick, we have a bounty on them to just take them out
47 and we keep them out of the bay because it's kind of
48 like, you know, the Hoonah Indian Association buys them
49 from the people that are going to be hunting them so you
50 have to be careful because they're going to wipe out

1 everything like they're wiping out everything around
2 Hoonah.

3

4 MR. NATKONG: Yeah, they were doing that
5 right out there by -- they were eating the abalone,
6 what's left of it and, you know, they're digging up and
7 that's why I was talking about Natzuni, that's where a
8 lot of our dungeness is and, you know, going out there
9 and -- so, but, yeah.

10

11 ACTING CHAIR NEEDHAM: Mr. Douville and
12 then Mr. Hernandez.

13

14 MR. DOUVILLE: Yeah, I guess there's a
15 particular kind of algae that they test for. The Craig
16 Tribe takes water samples weekly and it never was clear
17 to me if they actually had clams there or if they
18 actually dig clams and send them to have them tested but
19 the algae was present and that's why all the warnings
20 went out. But on the other hand, just a few miles away
21 they raise oysters and they were selling them all summer
22 so it's the same water so it just didn't make sense to
23 me.

24

25 I'll just touch on the clams a little
26 bit. It isn't only where it's a nice beach and sand
27 where, you know, clams used to be on (indiscernible) reef
28 and there's lots of big rocks there and I thought they'll
29 never get those clams, we'll always be able to go there
30 and get some, that's not true, they got them all. I used
31 to be able to just stand there and watch where the most
32 squirts were, you know, and then go dig, tough digging,
33 you had to move the rocks, I got two maybe. I had to go
34 somewhere inside closer by Klawock to get clams, they
35 were gone. I couldn't believe those otter, they moved
36 all the rocks and they got them anyway. So nothing is
37 immune.

38

39 ACTING CHAIR NEEDHAM: Mr. Hernandez.

40

41 MR. HERNANDEZ: Thank you for coming here
42 from Hydaburg to meet with us this week.

43

44 We have heard a fair bit earlier in the
45 meeting about the poor sockeye returns to kind of that
46 whole region down there so I was kind of wondering what
47 we haven't heard is how do the people in Hydaburg fare
48 on, you know, getting the fish that they need this year.
49 Do they find -- were they able to get enough fish, did
50 they have to go elsewhere, how did that work down there?

1 MR. NATKONG: There wasn't much sockeye
2 but so we were getting coho. So if we can't get one we
3 use the other one for -- is what happened, yeah, that's
4 what we do. Yeah. First of all all the sockeye streams
5 were all low, even along the outside of Doll Island, they
6 never did a study on that.

7
8 ACTING CHAIR NEEDHAM: Are there any
9 other comments or questions.

10
11 Ms. Phillips.

12
13 MS. PHILLIPS: Thank you, Chairman
14 Needham. When you say that it was low, do you mean the
15 water temperatures were low or the population returning
16 was low.

17
18 MR. NATKONG: The population at all the
19 streams was low on the sockeye. It's -- yeah, last year
20 and then this year -- yeah.

21
22 ACTING CHAIR NEEDHAM: Are there any
23 other, Ms. Phillips.

24
25 MS. PHILLIPS: So are the cohos in the
26 streams where there is -- where the sockeyes are lower in
27 numbers or the cohos in other streams?

28
29 MR. NATKONG: They're in the sockeye
30 streams too but there's other sockeye -- coho streams too
31 that we can go to, where we get them or right in Hydaburg
32 too there's coho go up our stream, once in awhile sockeye
33 too.

34
35 ACTING CHAIR NEEDHAM: Mr. Jackson.

36
37 MR. JACKSON: Madame Chairman. Mr.
38 Natkong, thank you for coming.

39
40 We realize that, you know, the sea otters
41 are taking over everything, if it's not them then the
42 crabbers come in and saturate the bay with crab pots.
43 But I think it's -- you know it's geared toward profit.
44 We like the input that you're giving us. It's starting
45 to hit up north too. We have lots around Kake and they
46 seem to be spreading out from there and I think from the
47 south end of Rocky Pass. But our people are starting to
48 supplement our diets now with dog salmon and humpies, you
49 know, making dry fish and strips and putting that up for
50 the winter. We've had to change -- and, you know, then

1 cohos but halibut has been sustaining us and for some
2 reason this year it seems to be a lot more halibut. But
3 that doesn't mean that we can't -- that we don't stop
4 trying to find a solution for the problems that we have.

5
6 I really wanted to thank you for coming.

7
8 Thank you.

9
10 ACTING CHAIR NEEDHAM: Thank you, Mr.
11 Jackson. Are there any other comments or questions from
12 Mr. Natkong from the Council.

13
14 Mr. Wright.

15
16 MR. WRIGHT: Thank you, Madame Chair. Do
17 you think that your people got enough fish this year or
18 was it pretty slow. I mean you said something about slow
19 on the sockeyes but coho -- so do you think they were
20 satisfied on what they got this year.

21
22 MR. NATKONG: Yeah, pretty much, yeah.
23 You know some people were pretty satisfied because that
24 happened quite a few years ago too and there was not much
25 sockeye, everybody was talking about dried some humpies
26 and some cohos, we canned some coho, yeah.

27
28 ACTING CHAIR NEEDHAM: Mr. Wright.

29
30 MR. WRIGHT: Thank you, Madame Chair.
31 You know this is the first time I heard someone grabbing
32 humpies, but I know humpies are good eating, you know,
33 it's.....

34
35 (Laughter)

36
37 MR. WRIGHT:just that the people
38 are more into the sockeyes and cohos.

39
40 Thank you for coming today.

41
42 ACTING CHAIR NEEDHAM: Any other
43 questions or comments.

44
45 Ms. Phillips.

46
47 MS. PHILLIPS: Mr. Natkong, I'm not sure
48 if you're familiar with the Hetta and Eek Lake system
49 escapements or fish monitoring projects there and we're
50 showing, you know, these declining trends of escapement,

1 returning stock and what do you see, what is your local
2 knowledge about those systems.

3

4 MR. NATKONG: Well, see -- they work for
5 us, you know, they let us know what goes up and what
6 escapes up there and just tells us how much -- Hetta, you
7 know, just started monitoring Eek these last couple of
8 years, yeah, but just since we just started finding out
9 what's going on at Eek and been monitoring Hetta for
10 quite awhile so it's -- yeah.

11

12 ACTING CHAIR NEEDHAM: Mr. Hernandez.

13

14 MR. HERNANDEZ: Yeah, thank you. Also
15 thinking here, in the past we've kind of heard from the
16 folks at Hydaburg that there's some extent of, I guess,
17 what you might refer to as local management as far as,
18 you know, how you fish in these areas like Hetta and Eek,
19 I was just wondering on a year like this that there seems
20 to be such a poor return, did you have local people that
21 were kind of deciding, you know, whether or not people
22 would fish there or not, kind of doing some sort of local
23 management?

24

25 MR. NATKONG: Well, everybody knows, you
26 know, when there's not much out there not too many people
27 go there no more because, you know, we go to where the
28 cohos are and that's what everyone's been doing.

29

30 ACTING CHAIR NEEDHAM: Mr. Hernandez.

31

32 MR. HERNANDEZ: Yeah, I'm just kind of
33 curious. So it kind of sounds like there was sort of a
34 local consensus that you would, you know, not fish so
35 much in these areas and go to other areas.

36

37 MR. NATKONG: Yes. Yeah, that's what --
38 because everybody lets everybody know what's going on,
39 you know, so there's low returns so you fish elsewhere,
40 where there's more coho or.....

41

42 MR. HERNANDEZ: Okay.

43

44 ACTING CHAIR NEEDHAM: Any other
45 questions or comments.

46

47 (No comments)

48

49 ACTING CHAIR NEEDHAM: Well, thank you,
50 Mr. Natkong for coming in and providing us with an

1 opportunity to interact and gain your knowledge about the
2 community of Hydaburg. It's important to the process
3 that we have and we appreciate your time on that.

4

5 At this time I'd like to invite Mr. Brian
6 Lynch.

7

8 MR. LYNCH: Thank you, Madame Chair.
9 Good afternoon. Members of the Council. My name is
10 Brian Lynch. I'm a Staff member with Rivers Without
11 Borders. I'm here to address the TransBoundary Mining
12 Issue.

13

14 Just a little background, Rivers Without
15 Borders is a relatively small NGO that has both U.S. and
16 Canadian Staff members and steering committee members.
17 We had a meeting, there was a number of stakeholders and
18 tribal members, commercial stakeholders, conservation
19 groups had a meeting with the Lt. Governor on September
20 23rd, and I believe there was also a representative from
21 the Forest Service and I can't recall who that was. But
22 what the meeting was about was to address the Alaska/BC
23 MOU Statement of Cooperation dealing with the mining
24 issue. We were all, I think, relatively pleased with the
25 Lt. Governor's commitment to improving communications
26 with our neighbors in BC and cooperating with all of us
27 to ensure that water quality issues were addressed,
28 particularly by BC. And we were also relatively pleased
29 that he also acknowledged that Federal government
30 involvement in this issue was vital because it is an
31 international issue.

32

33 One thing that did come out that our
34 Congressional delegation sent a letter to Secretary of
35 State Kerry on September 8th requesting -- explicitly
36 requesting Federal engagement in this issue. This had
37 not been actually done at that level before.

38

39 And I find it kind of interesting in your
40 briefing paper here on Page 2, the first bullet, they're
41 talking about the letter that -- or the State
42 Department's response to the delegation's initial inquiry
43 on Federal involvement here. And I'll tell you this
44 much, on that letter that the delegation sent and I can
45 provide you with copies of that letter if you want me to,
46 they were none too pleased with the State Department's
47 response, their initial response. But, anyway, the Lt.
48 Governor did not sign on to that letter with the
49 delegation and for various logistics reasons he didn't do
50 that, but what I have done and a number of the

1 stakeholder groups so far have done, have sent letters to
2 the Lt. Governor specifically requesting explicit -- a
3 letter from the Administration, State Administration,
4 specifically and explicitly requesting Federal engagement
5 which may include any number of things but also may
6 include an IJC reference, which I know that I think you
7 are all familiar with from your past engagement in this
8 issue.

9

10 It could be -- I guess I'm here today to
11 request or see if you might be interested in sending a
12 letter to the State Administration, to the Lt. Governor,
13 the Governor and the Lt. Governor explicitly requesting
14 Federal engagement at this level and to support the
15 Congressional Delegation's ongoing efforts to advance
16 this issue at the Federal level, if that would be of
17 interest to you to do that. I think it would be fairly
18 powerful, you know, coming from this body.

19

20 So that's basically what I have to
21 present here today.

22

23 Thank you.

24

25 ACTING CHAIR NEEDHAM: Are there any
26 questions or comments from the Council for Mr. Lynch.

27

28 Yes, Ms. Phillips.

29

30 MS. PHILLIPS: Thank you, Chairman
31 Needham. Mr. Lynch, do you have a sample letter already
32 drafted that we can mull over?

33

34 MR. LYNCH: Yes, Madame Chair. Ms.
35 Phillips. Yeah, I have one here that I can leave here,
36 a hard copy of it, I can also send a copy to you folks,
37 to Mr. Larson, if need be, and I can also send that copy
38 of the letter that the Congressional Delegation sent on
39 September 8th if you'd like that one, too, but I can
40 leave my letter with you here. It doesn't have to be as
41 long as what I wrote. I commented on some things that
42 went on in the meeting there, but it could be very
43 simple. It could be as short as a one or two liner just
44 requesting that.

45

46 ACTING CHAIR NEEDHAM: Yes, Ms. Phillips.

47

48 MS. PHILLIPS: Thank you, Chairman
49 Needham. What is our policy of communication to the
50 State government, the Alaska State government.

1 ACTING CHAIR NEEDHAM: I would call on
2 Mr. Larson to answer that question.

3
4 MR. LARSON: Madame Chair. The Council
5 can write letters to the Administration. They can't
6 write letters to the Congressional Delegation or to
7 either the -- at either the State or the Federal level.
8 But they can certainly write letters to the Executive
9 Branches of those governments.

10
11 Thank you.

12
13 ACTING CHAIR NEEDHAM: Yes, Mr. Lynch.

14
15 MR. LYNCH: Yeah, thank you, Madame
16 Chair. That's basically exactly what we would ask is,
17 because there has already been a letter from the
18 Delegation to the Secretary of State. We're seeking now
19 a letter specifically from the State Administration to
20 Secretary Kerry basically requesting the same thing.

21
22 Thank you.

23
24 ACTING CHAIR NEEDHAM: Are there other
25 questions or comments from the Council for Mr. Lynch.

26
27 (No comments)

28
29 ACTING CHAIR NEEDHAM: Is the Council
30 interested in potentially pursuing this letter perhaps
31 after we have our briefing on TransBoundary Mining
32 issues, which is our next agenda topic.

33
34 (Council nods affirmatively)

35
36 ACTING CHAIR NEEDHAM: All right, thank
37 you Mr. Lynch for coming -- oh, yes, Mr. Howard.

38
39 MR. HOWARD: Thank you, Madame Chair.
40 I'm not sure what water quality standard are they trying
41 to hold the Canadian government to, as far as, are they
42 using Alaska as a model because I have concerns with
43 that, I guess. That's the first question of a couple
44 coming.

45
46 MR. LYNCH: Thank you, Madame Chair. Mr.
47 Howard. That was part of the discussion with him, the
48 Statement of Cooperation, of what that level is. I can
49 also provide you with a draft of that Statement of
50 Cooperation, the latest one I have, where they addressed

1 that issue in there. What our concern is, is trying to
2 just, you know, avoid contamination of these systems
3 period by the massive mining that's -- the mining
4 development that's occurring in BC right now. But that's
5 within that Statement of Cooperation, addressing what, I
6 think, your concern is, at the level of the water quality
7 standards that the State does not want to see reduced to
8 below a certain level. But I can't give you those exact
9 -- you know, the exact numbers right now, but it has to
10 do with some -- both BC, both Canadian water quality
11 standards and Alaska's current water quality standards as
12 per DEC, which is what you may be referring to right now.

13

14 I don't know if I really even answered
15 that question, I apologize.

16

17 ACTING CHAIR NEEDHAM: Mr. Howard.

18

19 MR. HOWARD: Thank you, Madame Chair.

20 The reason I asked that is we -- our concern is with the
21 Greens Creek Mine. It's being used as this is how you
22 mine, this is the proper way to mine, it's a perfect
23 model of mining and it isn't based on what we've learned
24 and what we see. So that's why I asked that question.
25 And I think the important thing that's happening with
26 those river systems is you're getting a baseline, a
27 baseline of this is what happened before the mine and
28 this is something we can keep track of, but when you do
29 the baseline, you need to make sure that when you're
30 doing your sampling, that it's based on that baseline.
31 Right now the Greens Creek Mine has a baseline that
32 they've done in 1983 and their sampling is over here,
33 their baseline is over here so there's no data, you know,
34 you need to go back to your baseline and hit all the same
35 spots. So, you know, I think that's something just to
36 keep an eye on.

37

38 Thank you, Madame Chair.

39

40 ACTING CHAIR NEEDHAM: All right. Mr.
41 Lynch, if you could provide the draft language to Mr.
42 Larson in anticipation that this Council may want to use
43 some of that language after we've had our briefing, I
44 think that would expedite any action that we may
45 potentially take after we've covered TransBoundary Mining
46 on our agenda, please.

47

48 MR. LYNCH: Yes, I certainly can. I can
49 leave this copy of the letter I have with you right now
50 and I could also send him the electronic copy if you want

1 that one also. I need your email address.

2

3 ACTING CHAIR NEEDHAM: Thank you. Ms.

4 Phillips.

5

6 MS. PHILLIPS: Thank you, Chairman

7 Needham.

8

9 Mr. Lynch, are you aware are they
10 monitoring precipitation. I mean like we've had in my
11 community 3.86 inches of rain in a 24 hour period. And
12 I've seen studies where the amount of precipitation at
13 higher elevation is more than the amount of precipitation
14 we're receiving at sea level. Are you aware of
15 precipitation being tracked, and also are the systems,
16 are the water quality, you know, whatever, techniques
17 they use to have good water quality, are they able to
18 keep up with that level of precipitation going on.

19

20 MR. LYNCH: Madame Chair. Ms. Phillips.
21 That is kind of beyond my purview here. That is part of
22 a lot of what we want to see happen in these studies, and
23 keeping track of that sort of information. And that goes
24 back to -- that goes into the mine tailings dam
25 construction and what not, which is something we have
26 real serious concerns about, specifically because of the
27 Mount Polley incident in August of 2014; we don't want to
28 see that happen up here, you know. That was -- but
29 anyway that's part of what we're looking at and it's one
30 of the reasons why we really would like to see an IJC
31 reference, because the IJC would look at that sort of
32 information and would look at the entire Transboundary
33 region, you know, in aggregate, not just the individual
34 mines in there. But that's essentially what, you know,
35 we're asking you to do and what we want and why we want
36 the Federal government involved in this. Right now the
37 State of Alaska doesn't even have the Constitutional
38 authority to sign any sort of agreement with BC that has
39 any teeth to it. So the State cannot enter into a treaty
40 with a foreign nation so that's why we have to have -- we
41 already have a Boundary Waters Treaty and the
42 International Joint Commission is the governing body, I
43 guess, if you will, similar to the Pacific Salmon
44 Commission on the Pacific Salmon Treaty. They're the
45 ones that deal with those issues.

46

47 ACTING CHAIR NEEDHAM: All right. Any
48 last comments or questions for Mr. Lynch.

49

50 (No comments)

1 ACTING CHAIR NEEDHAM: Thank you, Mr.
2 Lynch, for coming up and taking the time to address the
3 Council.

4
5 MR. LYNCH: Thank you.

6
7 ACTING CHAIR NEEDHAM: Our next agenda
8 topic item is the TransBoundary Mining update.

9
10 Mr. Larson.

11
12 MR. LARSON: Thank you, Ms. Chair. If
13 you look on Page 93 of your Council book, there is the
14 official briefing from the Department of Agriculture, the
15 U.S. Forest Service, that discusses TransBoundary Mining
16 and the border between Alaska and British Columbia.

17
18 There are seven proposed mines that are
19 either proposed or in the process of being developed, and
20 all of those mines have the potential for introducing
21 acid water drains into the TransBoundary rivers. And
22 we're talking about specifically the Taku River, the
23 Stikine River and the Unuk River. Now, these are
24 important rivers, they have varying degrees of fisheries
25 resources but there are subsistence, sport and commercial
26 interests that rely on those fisheries.

27
28 There is concern that because of the type
29 of mining that's going on there's a potential to degrade
30 those waters, hence the water quality sampling that's
31 being -- that's happening as we speak. Everyone is in
32 agreement that the protection of these productive
33 watersheds is necessary. It's necessary for our
34 economic, ecological, subsistence culture and
35 recreational values. So that's according to our briefing
36 document.

37
38 And then there is -- if you look on the
39 bottom of Page 93 there's a current situation session
40 that talks about the meetings between the State and
41 Federal governments and the government of Canada, meaning
42 primarily the British Columbia government, not
43 necessarily their Federal government, but the Forest
44 Service and the Federal government is not necessarily
45 taking a leadership role in engaging the British Columbia
46 government, but it has an interest and it continues to
47 engage with the State of Alaska, the Canadian government,
48 British Columbia province to ensure that the resources of
49 the Tongass National Forest are protected.

50

1 So I would encourage you to read the
2 document fairly carefully. I think that there's some
3 good information in there. And that's where we are.

4

5 ACTING CHAIR NEEDHAM: Thank you, Mr.
6 Larson. Are there any questions or comments of Mr.
7 Larson regarding the TransBoundary Mining briefing.

8

9 Mr. Sensmeier.

10

11 MR. SENSMEIER: Thank you, Madame
12 Chairman. I'm a member of the Trans-Tribal Boundary
13 Working Group. There's quite a few people, Rob
14 Sanderson, Richard Jackson, Willie Jackson, Carrie James
15 and others who are on that group as well. We're
16 concerned about the three rivers that Bob just mentioned.
17 And in addition to that is the Alsek River, about 50
18 miles from Yakutat where they've selected sites and are
19 doing core drilling and it's not if there will be a
20 tailing dam failure, it's when, because they use earthen
21 dams and say that those will last in perpetuity and
22 they're earthen dams in highly seismic zones as we have,
23 I don't believe, and the working group doesn't believe,
24 that there's any way that they could last in perpetuity.
25 The tailings dam consists of acid generating rock and
26 other toxic materials that wash downstream right -- I
27 went to Vancouver with the Lt. Governor Byron Mallott and
28 commissioners and the tribal working group to meet with
29 the mining ministers and the Deputy Prime Ministers over
30 there. We went to Williams Lake, which is a village
31 nearest the breach and the toxins, the acid generating
32 rocks spilled into the Fraser River and into the drinking
33 water supply of the Williams Lake people, and as a result
34 for the first time in history there was no fishing on the
35 Fraser River by Natives for two years, and I don't know
36 if that -- if they'll go back to fishing or not but it
37 was -- it's pretty catastrophic.

38

39 And, you know, as someone stated, like at
40 the Stikine headwaters, the mines are so massive, the
41 largest ever created in the world and can be seen from
42 outer space, it's really difficult to address, it's like
43 addressing the cruise ship industry, which I have done
44 and they have billions and billions of dollars and
45 lobbying and things like that. So it's our hope through,
46 Councils, such as this and others, that we can make our
47 questions known.

48

49 There was recently an International Joint
50 Commission held in Hawaii. There were leaders and

1 representatives from 190 countries which attended that
2 and mining was one of the issues that they discussed.
3 President Obama went to that as well. I had hoped to go
4 to it but my son's movie, the premier was exactly on the
5 same date, so I chose to go to Toronto and we'll have a
6 meeting soon and I'm a Board member of SEAK as well, and
7 they attended, and this is one of the issues that they're
8 concerned with.

9

10 So, thank you, Madame Chairman.

11

12 ACTING CHAIR NEEDHAM: Thank you, Mr.
13 Sensmeier. Mr. Hernandez.

14

15 MR. HERNANDEZ: Thank you, Madame Chair.
16 I was just going to suggest in future letters regarding
17 this issue, if we talk about specific rivers, we might
18 also want to include the Alsek. It sounds like that
19 might also be under some threat of mining.

20

21 ACTING CHAIR NEEDHAM: All right, thank
22 you.

23

24 Other questions or comments from the
25 Council regarding the TransBoundary Mining briefing.

26

27 (No comments)

28

29 ACTING CHAIR NEEDHAM: I have one thing
30 that I would like to point out. It says in the -- under
31 issue on the briefing that the Lt. Governor plans to
32 focus the State and its partners on establishing a water
33 quality and baseline study on the three main rivers of
34 the Tongass National Forest, and I want to point out that
35 some baseline studies are happening around -- I've heard
36 that in my Council reports, and it would be -- I think it
37 would be good to recommend that we -- that the Forest
38 Service interacts with the State on this issue, that they
39 encourage the State to coordinate their baseline studies
40 with the one that is already going on so that there is no
41 duplication in order to have -- to stretch those dollars
42 and to be able to do longer term baseline monitoring.
43 There has not been very much coordination with the
44 Central Council of Tlingit and Haida's current project
45 that's going on. Mainly because so far it's not a funded
46 endeavor by the State but I think it's important we have
47 the U.S. Forest Service help us relay that message back,
48 if possible.

49

50 All right, are there any other comments

1 or questions regarding the TransBoundary Mining briefing.

2

3 (No comments)

4

5 ACTING CHAIR NEEDHAM: We've been
6 requested to write a letter that requests the State of
7 Alaska stay engaged with the Feds on TransBoundary Mining
8 issue, do we want to make a motion to have -- or direct
9 Staff to draft that letter for us based on the language
10 that's being provided.

11

12 Mr. Bangs.

13

14 CHAIRMAN BANGS: Thank you, Chairman
15 Needham. Yeah, I would be in favor of drafting a letter
16 that we could look at tomorrow. Have Staff draft a
17 letter based on the information that was provided by Mr.
18 Lynch.

19

20 ACTING CHAIR NEEDHAM: I guess at this
21 time I would ask has anybody have anything else they want
22 to have addressed in that letter.

23

24 Mr. Howard.

25

26 MR. HOWARD: Thank you, Madame Chair. It
27 seems like the State's fully engaged, when you heard him
28 talk about the Lt. Governor going to BC and having
29 conversations with them, so I'm wondering if the
30 gentleman was asking for a letter to ask the Federal
31 agencies to get engaged, or the Federal Administration.
32 Maybe we need to bring him back and ask that. Because it
33 seems to me like the State's fully engaged.

34

35 Thank you, Madame Chair.

36

37 ACTING CHAIR NEEDHAM: Okay. I think
38 without having seen the language at this time, we need to
39 see what the actual draft letter will look like and we
40 can bring that comment back in if it's not in the
41 language that is in the letter.

42

43 All right, any other questions or
44 comments regarding the TransBoundary Mining issue.

45

46 Mr. Sensmeier.

47

48 MR. SENSMEIER: Thank you, Madame
49 Chairman. I think one of the big obstacles we face as
50 tribal people is the need for funding to conduct baseline

1 water studies. And I know that Tlingit and Haida is
2 involved in that to a certain extent, the EPA and Yakutat
3 Tribe has very little funding. In the forelands of
4 Yakutat are 90 river streams and tributaries and to get
5 baseline study on each and every one of those cost a lot
6 of money. Since the International Joint Commission in
7 Hawaii, we're hoping that we can get monies to SEAK to
8 provide monies for that. It's my understanding -- we
9 went to Vancouver with Salmon Without Borders and
10 Leonardo DiCaprio donated \$2.1 million to the Salmon
11 Without Borders and Guy Archibald with SEAK had a
12 meeting, a conference call with Leonardo DiCaprio, I
13 haven't heard what the results of that were yet, but
14 hopefully that can alleviate the cost of doing this,
15 which is impossible for us to do at this time.

16

17 Thank you, Madame Chair.

18

19 ACTING CHAIR NEEDHAM: Okay, thank you.

20

21 Mr. Howard.

22

23 MR. HOWARD: Yeah, real quick on the
24 funding for getting a baseline study, just a history of
25 what happened with Greens Creek Mine, was part of the
26 process of permitting. The Forest Service actually
27 required that mining company do its own baseline study,
28 or pay for one so they can have it for them to monitor
29 the bay. And have a reference point to go back to to see
30 if any changes have happened. So that might be an option
31 you put into the permitting process since the State of
32 Alaska doesn't actually tax the mining company. I mean
33 we can have them pay for their own baseline study, but
34 have the State set the criteria on what they want them to
35 -- because, you know, a mining company can come up and
36 say, well, this is our baseline study and it may not meet
37 the standards that we think it should.

38

39 Thank you, Madame Chair.

40

41 ACTING CHAIR NEEDHAM: Thank you. Mr.
42 Bangs and then Mr. Sensmeier.

43

44 CHAIRMAN BANGS: Thank you, Madame Chair.
45 I just wanted to remind the Council, some of you may not
46 have been on here but we already have sent a letter to
47 the Secretary of State, which, it took, I think two years
48 to get through all the red tape to get to him, but we
49 have sent a letter and I'm not sure what response we got,
50 if any. But I'm all for engaging with the State to

1 encourage them to stay engaged with the Feds.

2

3 Thank you.

4

5 ACTING CHAIR NEEDHAM: All right, thank
6 you. Mr. Sensmeier, you had a comment.

7

8 MR. SENSMEIER: Thank you, Madame Chair.
9 Just for information, it's really hard to deal with the
10 mining companies. In the United States, there's 1892
11 mining law which trumps all other laws. They can mine
12 wherever they wish, whenever they wish, and however much
13 they want to get. And in Canada it's even less. There's
14 no regard for what might happen as a result of the things
15 that they're involved with. And, you know, we have the
16 -- the forelands of Yakutat has a LUD 2 designation which
17 prohibits mining -- I mean logging, oil drilling, it's a
18 roadless area, but there is nothing in there about
19 mining, which wasn't even considered at the time that the
20 LUD 2 was put in effect. So it's for that reason that
21 we're submitting documentation to help alleviate that.

22

23 Thank you.

24

25 ACTING CHAIR NEEDHAM: All right, thank
26 you. At this time we have a couple of work groups that
27 we formed today and we've asked for a couple of letters
28 to be drafted by Staff and there's been a request that we
29 allow some time to do that. So in reward for your good
30 behavior and hard work, I'd like to recess until 8:30
31 tomorrow morning.

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33 (Off record)

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35 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

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 105 through 236 contain a full, true and correct Transcript of the SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME II taken electronically on the 5th day of October at 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 10th day of November 2016.

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