

1 FEDERAL SUBSISTENCE BOARD
2
3 PUBLIC REGULATORY MEETING
4

5
6 VOLUME I
7

8 EGAN CONVENTION CENTER
9 ANCHORAGE, ALASKA

10
11 January 18, 2011
12 10:30 o'clock a.m.
13

14 MEMBERS PRESENT:

- 15
16 Tim Towarak, Chairman
17 Kristin K'eit, Bureau of Indian Affairs
18 Geoff Haskett, U.S. Fish and Wildlife Service
19 Beth Pendleton, U.S. Forest Service
20 Sue Masica, Deb Cooper, National Park Service
21 Mr. Cribley, Bureau of Land Management
22
23
24 Bertrand Adams - Southeast RAC
25 Rosemary Ahtuanguaruak - NS RAC
26 Peter Buck - Seward Peninsula RAC
27 Molly Chythlook - Bristol Bay RAC
28 Andrew Firmin - Eastern Interior RAC
29 Ralph Lohse - Southcentral RAC
30 Jack Reakoff - Western Interior RAC
31 Walter Sampson - NWA RAC
32 Mitch Simeonoff - Kodiak RAC
33 Lester Wilde - YK RAC
34
35
36 Charlie Swanton, State of Alaska Representative
37
38 Keith Goltz, Solicitor's Office
39
40
41
42
43

44 Recorded and transcribed by:

45
46 Computer Matrix Court Reporters, LLC
47 135 Christensen Drive, Second Floor
48 Anchorage, AK 99501
49 907-243-0668
50 sahile@gci.net

1 P R O C E E D I N G S

2
3 (Anchorage, Alaska - 1/18/2011)

4
5 (On record)

6
7 CHAIRMAN TOWARAK: I will call this
8 meeting to order. For your information my name is Tim
9 Towarak. This is my first official meeting. I've
10 conducted a couple of other smaller meetings, but this is
11 my first very public meeting. I say that as -- it's not
12 an excuse for making mistakes, but if I do make a
13 mistake, you'll know why.

14
15 Welcome to our first public meeting of
16 the Federal Subsistence Board for 2011. We have a full
17 agenda for the next four days and before we get into the
18 meat of the agenda I would like to spend a few minutes to
19 give you all an idea of how we intend to proceed over the
20 next four days.

21
22 Following a discussion between the
23 Federal Subsistence Board and the chairs of the Regional
24 Advisory Councils, an opportunity for the public to
25 comment on non-agenda items will be provided. Following
26 that, the Federal Board will discuss with tribes who may
27 be present in person or on the telephone their
28 preferences for actions on proposed Federal fisheries
29 regulations. This represents a new approach for the
30 Federal Subsistence Board and I want to say on behalf of
31 the Board that we welcome the opportunity to hear
32 directly from tribes as to how they think the Federal
33 Board should act on these important regulations.

34
35 As you may know, the Federal program is
36 an outreach-intensive program and we are always looking
37 for new ways to engage subsistence users in the
38 regulatory and management realm. Hearing from tribes is
39 an additional way to do this. Having said that, we also
40 want to remind the Regional Councils that involving
41 tribes in no way diminishes Councils input into the
42 process. ANILCA is clear regarding the importance of
43 Regional Advisory Councils to our process. We will
44 continue to honor their important role. We also intend
45 to honor tribal governments and involve them in ways that
46 they find meaningful.

47
48 Following the discussion between tribal
49 governments and the Federal Board, we will take up the 17
50 fisheries proposals before us. We will work on the

1 proposals that are on the non-consensus agenda in the
2 order outlined in the agenda. At the end of the meeting
3 we will vote on the consensus agenda, assuming the two
4 proposals remain on this agenda.

5
6 I expect that we will begin our work on
7 the proposals either later today or sometime tomorrow,
8 Wednesday, January 19th, and we will work on them until
9 we are done. Likely late Wednesday or sometime Thursday,
10 January 20th. Whenever we are done the meeting will
11 adjourn. On Friday morning, January 21 at 9:00 a.m. the
12 Federal Board will meet with tribal representatives to
13 discuss ways to consult on the Federal subsistence
14 management program. Regional Council Chairs are welcome
15 at that meeting and are encouraged to attend.

16
17 With that we will go into introductions.
18 I've introduced myself, but just to give you a little
19 background I'm from Unalakleet, which is in the Norton
20 Sound, so I come from the western part of Alaska. I'm
21 glad to be in this position. I recently retired from my
22 previous position as the president and CEO for the Bering
23 Straits Native Corporation and I also resigned my seat as
24 AFN co-chair. I've been involved in the public process
25 mostly with the State of Alaska for what feels like
26 centuries to me. I'm pleased to be here as the new
27 Chairman for the Federal Subsistence Board.

28
29 With that I'm going to ask the rest of
30 the Board to introduce themselves starting -- let's start
31 my left, your right.

32
33 MR. HASKETT: I'm Geoff Haskett. I'm the
34 regional director for the Fish and Wildlife Service here
35 in Alaska.

36
37 MS. K'EIT: Good morning. I'm Kristin
38 K'eit. I'm the member for Bureau of Indian Affairs. I'm
39 the division director for environmental and cultural
40 resources. Good morning.

41
42 MS. PENDLETON: Good morning. I'm Beth
43 Pendleton. I'm the regional forester for the U.S. Forest
44 Service located in Juneau and have management
45 responsibilities in Southeast Alaska and Southcentral.
46 Good morning to all.

47
48 MS. COOPER: Hi. My name is Deb Cooper.
49 I'm the associate regional director for the Park Service
50 standing in for Sue Masica. My areas of responsibility

1 include subsistence, natural resources, cultural
2 resources and related programs.

3

4 MR. CRIBLEY: I'm Bud Cribley. I'm the
5 State director for the Bureau of Land Management. Just
6 brand new up here the last couple of months.

7

8 CHAIRMAN TOWARAK: Thank you. Let's
9 introduce our two primary Staff members that are sitting
10 to my right and my left.

11

12 MR. PROBASCO: Thank you, Mr. Chair. My
13 name is Pete Probasco. I'm the assistant regional
14 director for the Office of Subsistence Management.

15

16 MR. GOLTZ: I'm Keith Goltz from the
17 Solicitor's Office.

18

19 CHAIRMAN TOWARAK: From these guys, let's
20 go to the people behind us.

21

22 MR. BEYERSDORF: My name is Geoff
23 Beyersdorf.

24

25 MS. SWANTON: Nancy Swanton.

26

27 MR. KESSLER: Steve Kessler.

28

29 MR. USTASIEWSKI: Jim Ustasiewski.

30

31 MR. LORD: Ken Lord.

32

33 MR. CHEN: Glenn Chen.

34

35 MR. BERG: Jerry Berg.

36

37 CHAIRMAN TOWARAK: Thank you. And then
38 let's have the Regional Councils introduce themselves.

39

40 ROSEMARY: My name is Rosemary
41 Ahtuanguaruak. My mom is Mabel Nuyuk Peterson (ph). My
42 dad is Ulendon Pearson (ph). My step-father is Carl
43 Peterson. I'm living in Barrow.

44

45 MR. FIRMIN: My name is Andrew Firmin.
46 I'm here representing the Eastern Interior Regional
47 Advisory Council from Fort Yukon and I'm also an employee
48 of the Council of Athabaskan Tribal Government.

49

50 MR. SAMPSON: Good morning. My name is

1 Walter Sampson. I'm the chairman for the Northwest
2 Arctic Regional Advisory Council.

3
4 MR. BUCK: Good morning. My name is
5 Peter Buck and I'm from White Mountain and I'm
6 representing the RAC of the Seward Peninsula.

7
8 MR. REAKOFF: Good morning. I'm Jack
9 Reakoff, chair of the Western Interior Regional Advisory
10 Council. I'm also on the Gates of the Arctic Subsistence
11 Resource Commission and Koyukuk River Advisory Committee.
12 I live in Wiseman in the Central Brooks Range.

13
14 MR. ADAMS: (In Tlingit) That means
15 honorable people or self-respecting people. Yakei
16 ts'ootaat means good morning. I like to use my language
17 as much as I possibly can, so you'll probably find me --
18 hear me doing that quite often today or during the course
19 of this meeting. My Tlingit name is Kadashan and I
20 represent the Southeast Regional Advisory Council. I
21 live in Yakutat and it's sure nice to see a lot of people
22 here and I'm looking forward to a very productive meeting
23 during the next few days.

24
25 Gunalcheesh. That means thank you.

26
27 MR. LOHSE: I'm Ralph Lohse, chair of the
28 Southcentral RAC. Place of residence from the mouth of
29 the Copper River to the headwaters.

30
31 MR. L. WILDE: Good morning. My name is
32 Lester Wilde. I'm the chair of the YK RAC. We represent
33 the Yukon from Russian Mission on down to the mouth and
34 the Kuskokwim from the mouth up to Akiak.

35
36 MR. SWANTON: Mr. Chairman. Good
37 morning. My name is Charlie Swanton and I'm representing
38 the Alaska Department of Fish and Game and I'd like to
39 compliment Andrew Firmin on his choice of hats. Mr.
40 Chairman.

41
42 (Laughter)

43
44 MR. SEWRIGHT: Good morning. I'm Mike
45 Sewright with the State Department of Law and together
46 with Mike Mitchell from the Department of Law
47 representing Alaska Department of Fish and Game.

48
49 MR. PAPPAS: Good morning, Mr. Chair.
50 George Pappas, Department of Fish and Game. I'm the

1 fisheries biologist for the Subsistence Liaison Team.

2

3 MS. YUHAS: Thank you, Mr. Chairman. My
4 name is Jennifer Yuhas and I am the new Federal
5 Subsistence Liaison Team leader and it is my first
6 meeting as well.

7

8 CHAIRMAN TOWARAK: Welcome. Let's have
9 the people at the next table, but I'd like to introduce
10 Pat Pourchot, the special assistant for the Department of
11 Interior. Polly, would you.....

12

13 DR. WHEELER: I'm Polly Wheeler with the
14 Office of Subsistence Management.

15

16 (Microphone off)

17

18 MR. RIVARD: Don Rivard with the Office
19 of Subsistence Management.

20

21 MS. KENNER: Pippa Kenner with the Office
22 of Subsistence Management.

23

24 MR. MITCHELL: Mike Mitchell, Alaska
25 Department of Law.

26

27 MR. BUE: Fred Bue, U.S. Fish and
28 Wildlife Service.

29

30 MR. RABINOWITCH: Sandy Rabinowitch,
31 National Park Service, Staff Committee Federal Board for
32 wildlife.

33

34 MS. H. ARMSTRONG: Helen Armstrong,
35 Office of Subsistence Management.

36

37 MS. LOHSE: Linda Lohse.

38

39 MR. MATHEWS: I'm Vince Mathews,
40 subsistence coordinator for Arctic, Kanuti and Yukon
41 Flats Refuges.

42

43 MR. NED: Stanley Ned from Allakaket.

44

45 CHAIRMAN TOWARAK: Thank you. In the
46 interest of time and especially since we're starting a
47 little bit late, we're going to forego the rest of the
48 introductions of the public unless there's those of you
49 on that end that I missed on the tables that would like
50 to introduce yourselves, please.

1 (Laughing)

2

3 CHAIRMAN TOWARAK: You're passing? Okay.
4 I was asked to make one announcement to those of us that
5 sit on the front table. Because of Blackberries there's
6 tremendous interference on our telephone lines for those
7 people that are listening to us on the phone and they
8 suggested that we at least on the front table turn off
9 any Blackberries we have that might interfere with our
10 teleconference.

11

12 We had published an agenda. It's in
13 front of you on the Board. At this time I'd like to ask
14 if there are any corrections or additions to the agenda.

15

16 MR. PROBASCO: Thank you, Mr. Chair. I
17 have a couple for Board members. We originally were
18 going -- we asked Mike Fleagle, our former Chair, to be
19 here this morning. As he had a conflict with the City of
20 Anchorage, a lot to do with the weather that we've been
21 dealing with, and he asked that if he could postpone that
22 until after lunch. So we'll have a little opportunity to
23 recognize Mike after lunch at that time. In addition,
24 Board members will be passing a card to sign as well as
25 contributions for Mike's gift.

26

27 On other business, at the end of the
28 meeting we'll go through our upcoming winter and spring
29 schedule just to make sure that we all have the same
30 dates and we'll do that at the end of the meeting.

31

32 Mr. Chair, that's all I have at this time
33 and then right before we get into public comments I do
34 have a little statement I want to read at that point.

35

36 Thank you, Mr. Chair.

37

38 CHAIRMAN TOWARAK: Thank you. If there
39 are no objections with the rest of the Board, the
40 revision that our Staff proposed will be injected into
41 the agenda and that will be our full agenda for the next
42 four days.

43

44 With that we will go into Board
45 discussions of Council topics with Regional Advisory
46 Council Chairs or their designees. To the Regional
47 Advisory Council Chairs and the Federal Subsistence
48 Board. The Regional Advisory Council Chairs and the
49 Federal Subsistence Board have a long-standing practice
50 of discussing regional and statewide administrative

1 matters in conjunction with the Board's regulatory
2 meetings.

3
4 These discussions are generally held at
5 the beginning of the Board meetings. I encourage open
6 discussion among and between Council chairs and Board
7 members. These discussions are part of an open public
8 meeting. Council representatives are free to introduce
9 administrative and resource oriented matters for
10 discussion. However, please keep in mind, one, those who
11 wish to participate in a discussion must still be
12 recognized before speaking.

13
14 Number two, Council chairs should be
15 aware that they are subject to the Hatch Act and,
16 therefore, approaches identified for improving the dual
17 management system cannot involve influencing legislators.

18
19
20 Number three, any list of ideas developed
21 during the meeting may be forwarded to the Secretaries of
22 the Interior and Agriculture for consideration, but will
23 not be afforded .805(c) deference.

24
25 I'm going to ask Pete to begin the
26 discussions.

27
28 MR. PROBASCO: Thank you, Mr. Chair. I
29 think most of the people here present have gone through
30 this process. This is an opportunity for the dialogue
31 from the Board members to each of you representing your
32 area and your council. We may, for some of you that
33 haven't had this opportunity before, you may want to.....

34
35
36 UNIDENTIFIED SPEAKER: Excuse me. I'm so
37 sorry to interrupt. The parties who are speaking are
38 going to have to get closer to where Mr. Towarak is
39 sitting in order for those on the phone to hear it all.

40
41 MR. PROBASCO: Can you hear me now?

42
43 UNIDENTIFIED SPEAKER: Yes, sir. Thank
44 you.

45
46 MR. PROBASCO: Okay. Thank you. So we
47 might want to let some of our more senior chairs or
48 representatives go first with their dialogue and then we
49 can take it from there. I'm looking to my left, to my
50 right. We'll go from there.

1 Thank you.

2

3 MR. REAKOFF: Jack Reakoff. Western
4 Interior has several proposals on the Yukon River that we
5 have interest in. I'm here to represent those interests
6 from the perspective of the Council and the Council has
7 made recommendations. So these are very important issues
8 at this time. So at any point I'm willing to entertain
9 questions from the Federal Subsistence Board on those
10 issues.

11

12 Thank you.

13

14 MR. BUCK: I have no comment at this
15 time.

16

17 MR. SAMPSON: (In Inupiat) Any
18 questions?

19

20 (Laughter)

21

22 MR. SAMPSON: Thank you very much. First
23 of all, I want to thank you for the opportunity to be
24 part of a process. This is really the first time that
25 I'm really participating in a process like this, which is
26 very important to all of us. As the decision-makers for
27 those that depend on the resources, it's critically
28 important to all of us. To those of us that have been
29 involved through the process of relaying a message to
30 those that make that decision is critically important.

31

32 So it's important that I also relate to
33 you the very processes that we've gone through, the very
34 processes that will take us to a point hopefully getting
35 that dialogue even closer to where it is than what it is
36 today.

37

38 Thank you.

39

40 MR. FIRMIN: I'm here to represent the
41 council, the Eastern Interior RAC's position on the Yukon
42 Northern area proposals. This is probably my first
43 Federal Subsistence Board meeting, so I'll just follow
44 everybody else's lead.

45

46 Thank you.

47

48 MS. AHTUANGARUAK: I want to thank the
49 elders that helped to educate me and the process to bring
50 me to this table to share concerns. We have many

1 concerns on the North Slope with the changes that are
2 occurring. We have recommendations for proposals
3 included in the packet today. There's a lot of concern
4 with the rapid change in our area that fishing is going
5 to be affected. There's a lot of concerns related to the
6 land use changes that are being left to be self-regulated
7 through the industry that are affecting our communities,
8 impacts related to changes to increased activities
9 affecting the way that we use the lands and waters around
10 us. These are very concerning. It's important to bring
11 it to this table and share our concerns. We're very glad
12 that we're able to participate today.

13

14 Thank you.

15

16 CHAIRMAN TOWARAK: Bert.

17

18 MR. ADAMS: Thank you, Mr. Chair. First
19 off, I would just like to complement the Board in making
20 it possible for tribal governments to be involved in this
21 process. I served as the tribal president for the
22 Yakutat Tlingit tribe for about 12 years and I've always
23 felt that we needed to be more and more involved in the
24 subsistence issues in our area. With a budget of only
25 \$1,200, you know, we couldn't really reach out and do
26 very much. I think that's one of the big things that
27 you'll probably hear, you know, when you consult with
28 them on Friday is, of course, funding.

29

30 But my compliments to the Board in
31 opening up the door for tribal governments to be actively
32 involved in subsistence issues. I think that that's
33 where -- and I don't think that there is going to be any
34 friction between the RACs and the tribal governments
35 because the RACs, you know, serve their purposes and I
36 think, you know, tribal governments, when we have our
37 meetings -- you know, I'm sorry for the run-on sentence
38 there. When we have our meetings in the various
39 communities in Southeast Alaska, we have them there for
40 a purpose and that is to get the communities more
41 involved in the process.

42

43 I have been very disappointed over the
44 many years, you know, that tribal leaders have not been
45 attending those meetings until recently. Then we've had
46 Tlingit and Haida Central Council who has, through a
47 grant, been more and more involved; however, that grant
48 has dried up and so there won't be probably any active
49 participation until those funds are replenished again.

50

1 I think it's really important that those
2 meeting, you know, continue in those communities so that
3 we can reach out to those people and inform them about
4 our subsistence issues that really affect them and their
5 participation is important. So I don't think, you know,
6 that there's going to be any real problems between tribal
7 governments and RACs because tribal governments, in my
8 opinion, is going to have to go through the RAC before
9 they get to you.

10
11 Another issue that I always bring up, you
12 know, is the conflict or the problems and issues of the
13 State regs and Federal regs. We have two different sets
14 of regulations here and it's difficult for subsistence
15 users to be able to go out and do their thing, whether
16 it's fishing or hunting, and know what laws they are
17 following. You know, sometimes they get confused. I
18 know in my community when a situation came that certain
19 areas were going to be closed, they were wondering, you
20 know, what law would they be cited for if they went out
21 and did that, but it's a confusing thing. I really
22 appreciate, you know, the fact that in many instances,
23 you know, State and Federal regulations, you know, they
24 try to mesh them together so that they can take away that
25 confusion.

26
27 I also think that the State being out of
28 compliance with ANILCA really really needs to be worked
29 on. I know it's going to be a long, hard process, but I
30 think if all of the governments are going to take their
31 due responsibility, you know, that that part of the
32 program is missing in ANILCA. If they want to manage the
33 subsistence issues in Alaska, you know, I think that's an
34 important part.

35
36 I also think, you know, that the
37 Council's ability to do RFRs needs to be put back on the
38 table. I sound like a broken record here, you know, and
39 it's really, in our opinion important that Councils be
40 able to submit RFRs. It used to be in the manual. I
41 remember several years ago it was taken out of there and
42 I think, you know, the simple fact is we just need to put
43 it back in there again.

44
45 The reason is because we do represent the
46 people in our area and one of the excuses that we've
47 heard is that people who do RFRs have to be grieving, you
48 know, and when somebody in a village in Southeast Alaska
49 is grieving over a subsistence issue and we take it up to
50 the Board and it gets rejected, we should have the

1 ability to be able to do an RFR because we do represent
2 them and we grieve along with them. You know, we
3 sympathize with them and we're closer to the problem than
4 anyone else. I believe, you know, that that needs to be
5 seriously addressed.

6
7 I also think that Makhnati Island -- I
8 know it's deferred, you know, for this meeting. I think
9 that too needs to be addressed in a positive manner. The
10 Saxman rural determination issue is another big issue
11 that I think our RAC is really fighting for.

12
13 And then I have some issues, you know,
14 that are taken from my annual report that I'd just like
15 to share with the Board. We'd like to inform the Board
16 and the Secretaries of Agriculture and Interior that they
17 should support criteria for member selection that results
18 in the broad geographic representation. I think the
19 Southeast RAC does a very good job in getting
20 representatives from various communities, but not all
21 communities are being represented. In some instances,
22 we've had two people from the same community serving.

23
24 Expanding delegated authority to district
25 rangers can be supported providing there is strong
26 language in the delegation making that makes it clear
27 that the Council will be involved in the decision-making.
28 I think one of the discussions that we've had, you know,
29 in past meetings is that Councils really should be more
30 involved in decision-making on issues that are important
31 to the subsistence users.

32
33 Adequate funding of the subsistence
34 program is paramount to success in the program. We've
35 had situations where many, like the Forest Service in our
36 area, their funding was cut almost in half. That, in our
37 opinion, seriously affected our ability to be able to go
38 out and do our job in the communities. There's other
39 issues that I can address on that subject too, but I
40 think the funding needs to be seriously taken into
41 consideration if you want real good subsistence
42 management on subsistence issues coming out of our RACs.

43
44 Continuing expansion of the sea otter
45 population is one of the biggest concerns that we are
46 experiencing in Southeast Alaska. We see where they are
47 coming into those areas and they'll eat up all the foods
48 that we gather ourselves. In fact, they are in direct
49 competition for our food resources and those critters
50 will come into an area and they'll eat that all out and

1 then they'll go to another area and do the same there.
2 So that I think needs to be seriously taken into
3 consideration.

4
5 I know that we, as a RAC, are trying to
6 get an individual down there at our RAC meeting to
7 address the sea otter problems that we are experiencing
8 down there. The Council is in favor of management
9 planning for wildlife and would like to have a leadership
10 role in developing these plans. Adequate Staff support
11 will also be required.

12
13 Council participation at Board meetings
14 is inadequate and we hope maybe that will change, you
15 know, with new people on board. The Board should
16 encourage participation by funding an additional member
17 of the Council to attend Board meetings. In other words,
18 in our RAC, if we can bring another Council member up
19 with us to sit in the audience and see the process and
20 how it works so that when the representative is no longer
21 there they will have an idea what the process is like
22 here.

23
24 We would also like additional training
25 for members in methods or techniques that would result in
26 the Council becoming a more effective voice for rural
27 users. The Council feels somewhat isolated from other
28 Councils and think that increased communication and
29 collaboration with other Councils would result in better
30 communication.

31
32 One of the things that we have been
33 trying to do the past couple years now is have a joint
34 meeting with Southcentral. We think this will be really
35 beneficial if the Southeast RAC and Southcentral get
36 together because we have similar situations in both
37 areas. We're still working on that. Hopefully that will
38 come to pass here in the next year or so.

39
40 The Council also anticipates several rule
41 changes resulting from the Secretarial view of the
42 program and would like it clear that they expect to be
43 part of the process to develop the rules as well as
44 making recommendations on implementing those rules.

45
46 Lastly, Mr. Chairman, the Council
47 considers field trips a vital component of Council
48 training and result in more thoughtful and better
49 information recommendations. Time and funding of field
50 trips should be a part of the normal planning process for

1 Council meetings.

2

3 Our coordinator was aggressive enough in
4 our last meeting in Hoonah this past fall to have a one-
5 day field trip out to an area where the Council was able
6 to go and see what deer habitat was like and some of the
7 reasons why the deer were declining in that particular
8 unit and so forth. We got a real good education that
9 day. Even though the weather was bad, the Council really
10 enjoyed and recommended those kinds of field trips be
11 continued in the future and that we do need additional
12 funding for that as well.

13

14 That's all I have at this point, Mr.
15 Chairman, and appreciate you all listening. One of the
16 things that you all need to know, if you have a question,
17 ask me. I don't answer hard ones, so make them easy.

18

19 (Laughter)

20

21 Gunalcheesh. Thank you.

22

23 CHAIRMAN TOWARAK: Thank you, Bert.

24 Ralph.

25

26 MR. LOHSE: Thank you, Mr. Chair. Ralph
27 Lohse here. It's always hard to follow Bert. In fact,
28 it's impossible to follow Bert, so I'll try to do the
29 best I can.

30

31 Our Council was really pleased with the
32 review that Pat did on the program and we have some
33 questions. One of the things that we were really pleased
34 with was the stress of how important the RACs were to
35 that process. Our questions kind of go around that and
36 we're wondering what is being done to make sure and keep
37 the RACs up on the status of the different suggestions
38 that were made and bringing the RACs into the review
39 process or decision-making process on some of those
40 suggestions that were made, like the memorandum of
41 understanding, the rural determination, just the Board
42 review things in general, the additional of members to
43 the Federal Subsistence Board.

44

45 We'd like to just stress that as a RAC
46 we'd like some kind of process set in place to keep us
47 informed of the status of these changes and, if possible,
48 RAC consultation -- maybe not our RAC, but RAC
49 consultation on how to implement some of these
50 suggestions that were brought out of the review.

1 A couple other issues that we have, we've
2 been dealing with fisheries resources and fisheries
3 resources are the biggest resource when it comes to
4 subsistence, but wildlife resources are also very
5 important and we'd like to see some kind of a wildlife
6 monitoring program kind of modeled after the Fisheries
7 Monitoring Program, which seeks involvement by other
8 parties in gathering information that's needed for
9 management of wildlife. Currently all of our wildlife
10 management information comes from the State and that's
11 not a complaint, but they're the only ones doing the
12 work.

13
14 If the Federal Board is going to be
15 taking part in wildlife management, we feel it's kind of
16 their responsibility to do some of the work and some of
17 the funding necessary to get the information needed for
18 that wildlife managing. So we'd like to have the Federal
19 Subsistence Board seek funding and prioritization of
20 having some kind of wildlife monitoring program to
21 address needs for information in specific areas.

22
23 One of the other things that we brought
24 up was the fact that we don't think that the biannual
25 cycle works as good as an annual cycle and we'd like to
26 see a review back to what it would take to put us back on
27 an annual cycle.

28
29 This is brought up by some of the members
30 and I've done a bunch of reading on this too and that is
31 as we deal with -- and I'll use the word climate change
32 for lack of a better way of putting it, but as we look at
33 the changes in the environment around us, there's going
34 to have to be some adaptations into what's important and
35 what's not important. We kind of think as a subsistence
36 community and as a subsistence board we need to have some
37 kind of process in place where we're tracking the effects
38 of this on subsistence users.

39
40 Just like Bert, the RFR thing, I think we
41 need to remember that the RACs, like he was saying, they
42 feel the pain. The RACs are the representatives of the
43 users. They're the only way the users have to come
44 before the Board. So when something happens
45 that a user's proposal is turned down and the RAC thinks
46 it's important enough that they would like to bring it
47 back to the Federal Subsistence Board, I think that
48 should be an option. Like Bert said it was, but it
49 isn't. We're their representatives. We're the only
50 voices they have.

1 It was kind of interesting that Bert was
2 talking about critters going down and eating their
3 resources. Like I said before, my living has been from
4 the mouth of the Copper River to the headwaters and I can
5 remember when I first went to Cordova and Cordova had a
6 million pounds of dungeness crab a year come out of the
7 bay in front of town. At that time, a sea otter was a
8 rare creature. It's been a long time since anybody has
9 eaten a dungeness crab out of Orca Sound because they
10 don't get to grow up. We have lots of little baby crabs,
11 but the sea otters like them and eat them a lot faster
12 than they can grow up. So I can see his problem down in
13 Southeastern and we've been following that because we've
14 heard from other people.

15
16 The Interior folks have the same problem,
17 only we don't have sea otters. We have -- our major food
18 sources are ungulates other than fish and we have what we
19 call a predator problem. The State has been doing some
20 work on that and our Council has brought this up in our
21 annual report year after year after year. The people of
22 the Interior see the predators that have direct impact on
23 their ungulate population as having a direct impact on
24 their subsistence lifestyle.

25
26 You can go back in history and you start
27 listening to some of the elders there and long before we
28 had Fish and Game management, long before we had Fish and
29 Wildlife Service management, there was predator control
30 taking place up in our area by the Native people who
31 lived there because they recognized that predators have
32 a direct impact on the amount of food that's available
33 for themselves.

34
35 In response to what Bert was talking
36 about, the need for Councils to get together, I'd like to
37 thank him for the invitation that I've got to go down and
38 attend their Council meeting in March and I plan on doing
39 that and I hope we do more of that kind of thing in the
40 future.

41
42 With that, I'll turn it back to you and,
43 Tim, I wish you God's blessings on the work that you've
44 got in front of you right now.

45
46 MR. ADAMS: See, that wasn't hard at all,
47 was it?

48
49 (Laughter)
50

1 CHAIRMAN TOWARAK: Thank you, Ralph. Mr.
2 Wilde.

3
4 MR. L. WILDE: Thank you, Tim. Lester
5 Wilde from Hooper Bay. One of the problems that we've
6 had being Council members, our Council members coming
7 from two different rivers. One, the Kuskokwim having a
8 lot of chinooks that they're able to harvest, and on the
9 Yukon where we have to be restricted even on our
10 subsistence to be able to obtain the kings that are in
11 that area. We haven't really spent as much time as we
12 wanted to on the Yukon River because of the regulations
13 concerning meeting places that the Feds have. We wanted
14 to spend a lot more on the Yukon.

15
16 When we originally started the program
17 with the Feds, we were able to meet a meeting on the
18 Kuskokwim to discuss the Kuskokwim problems and then a
19 meeting on the Yukon in the villages that we were able to
20 and discuss their problems in that area. One thing that
21 our elders have always told us is that any resource that
22 we have will be shared because it's a God-given resource
23 that we have and no one area has claim to the resource
24 that's in that area.

25
26 With proposals that are coming out from
27 different areas, it does a lot of -- it creates a lot of
28 difference between the people that are involved in trying
29 to create those proposals and have the regulations go
30 through because of the disagreement in the different
31 areas of the river. The river being the Yukon. The
32 Yukon will always be the river as far as I'm concerned
33 because I originated from around that area and I lived
34 there for a time.

35
36 One thing that you'll notice in the
37 proposals is that there were some proposals that were
38 presented that were introduced or written by members of
39 the Lower River that seemed to have -- my English, I'm
40 trying to think of it in Yup'ik and the words don't come.
41 Anyway, there seems to be a rivalry there as to how the
42 resource is shared. But one thing that we try to do or
43 our Council tried to do is bring to the people that we
44 deal with or the people that we represent is that we
45 worked a long time to get an organization in the river
46 that can come to consensus, meaning the Yukon River
47 Drainage Fisheries Association, which I'm a member of and
48 a board member of.

49
50 One thing that the Yukon River Drainage

1 Fisheries works on is consensus in the river. Even in
2 the areas that seem simple, it's hard to get consensus in
3 that area. Being on the Lower River, we have to take
4 into consideration the people that are in the Upper River
5 because the people on the river are mainly the Native
6 people that are there. We all live and eat the same
7 resources and we prepare our subsistence foods in the
8 same method in most instances and the thing is, even
9 though we do feel that we want to share whatever we have,
10 the resource, with the people that do not -- that have
11 depended on that resource for a number of years and
12 cannot get it. It always seems to be an adversarial type
13 of confrontation with each other. That is one thing that
14 is probably going to continue on through as long as we're
15 living, as long as we're trying to get the agreement in
16 the river and I know that will never happen, but it's a
17 good dream to have.

18

19 I remember some years back when my
20 brother came into Galena and started up the -- he was one
21 of the founders of the Yukon River Drainage Fisheries
22 Association. He had to be snuck out of Galena because of
23 the threats that he got from the Upper River concerning
24 salmon. Now it's a different walk. You go up there and
25 those people up there are just as friendly as we are to
26 them when they come to our area. It's a different arena
27 that we're working in now.

28

29 We need to be able to go out to the areas
30 that we have missed, mainly the Yukon area. All our
31 meetings are held right now in Bethel. We need to be
32 able to get out to the Yukon and get their concerns
33 because, as it was mentioned before, we represent the
34 people in our area and we cannot represent them
35 thoroughly if we are unable to go out and discuss the
36 proposals with them. The people that are in my area
37 don't have, because of the fisheries problems that we've
38 had in the past years, don't have the resources to come
39 out to Bethel to come to our meetings and to have us
40 understand their concerns and we don't have the resources
41 to go out to their villages to be able to discuss those
42 topics with them.

43

44 Although I've been to every village from
45 Nenana on down on the Yukon and every village on the
46 Kuskokwim, I guess I'm one of the luckiest people to be
47 able to travel to every one of the villages that we
48 represent and other villages besides those.

49

50 I've noticed that in every area where we

1 have our people living in the villages, one thing I've
2 noticed is that, as I said before, our subsistence
3 resources is approximately the same with a little bit of
4 difference in some areas and beliefs and traditions in
5 others. There might be a little change in how they
6 prepare the subsistence way, but I've noticed that we are
7 all the same and we need to work closely together all up
8 and down the river to be able to accomplish and be able
9 to come and sit at a table and not be strangers to each
10 other.

11
12 Thank you for the opportunity to be able
13 to discuss our concerns with you.

14
15 CHAIRMAN TOWARAK: Thank you, Mr. Wilde.
16 I've known Lester for many years and he also lived in
17 Unalakleet, so it's awfully hard for me to be so formal
18 with him, but I appreciate the comments that you and
19 everybody else made.

20
21 Just from my standpoint, I think it's
22 been a clear directive from me or from the Department of
23 Interior is that the importance of RACs is going to get
24 even more important if I have any influence on the future
25 of the Federal Subsistence Board. Depending on RACs, as
26 you very well stated, as a means of getting
27 representation from individuals throughout -- go ahead,
28 Walter.

29
30 MR. SAMPSON: Thank you very much, Mr.
31 Chairman. When I went through, I thought we were just
32 going to introduce and make some comments initially and
33 I have some comments I also would like to address. Do we
34 have a set time?

35
36 CHAIRMAN TOWARAK: Not at this point, no.

37
38 MR. SAMPSON: Okay, good. As long as we
39 don't have an issue with time, that's great. This is
40 really a beginning of a dialogue with the Federal Board.
41 I want to thank you for creating that opportunity to have
42 that very dialogue because of the very issues, the
43 importance of the representation that we both have.

44
45 It's critically important that we have a
46 good understanding between the two of us. When I say the
47 two of us, I mean those of us that are involved in the
48 Regional Advisory Council. We're the voices to those
49 user groups within our respective regions. I am also
50 happy to say that you are and have invited the tribes as

1 part of a process, which is also critically important.

2

3 One question that I would also like to
4 place in your mind as a Federal Board, which all of you
5 need to think about, and that question is what is really
6 my role as a Federal Board to the Federal system to those
7 I represent and to those that are impacted by my
8 decision. So that's a very critical, important question.

9

10 Like I said, Mr. Chairman, my role as a
11 Regional Advisory Council is critically important. It's
12 just been the last several years that the Regional
13 Advisory Councils certainly have been recognized.

14

15 Subsistence is something that's not new.
16 To those of us that utilize the resource, it's a way of
17 life for all of us. To those that are dependant on that
18 resource, it's critically important, more so today than
19 20 years ago. I say that because the cost of living
20 today is high. When you have to purchase fuel at \$15 a
21 gallon, you have to make one of the two choices; should
22 I buy fuel to heat my house or should I buy food to feed
23 my family. With what little income individuals make at
24 the rural community level, that is really a very critical
25 and important decision that family group has to make.

26

27 In 1986, there was a letter that was sent
28 by the Department of Interior to the governor in regards
29 to the very issue of subsistence where that governor was
30 noted that the State of Alaska was out of compliance with
31 ANILCA. 1986. We're still dealing with that very issue,
32 what, 30 years later, 20 years later? Twenty-five years
33 later and we're still dealing with that very issue.

34

35 I will read sections of that if I may,
36 Mr. Chairman. The assistant secretary of Fish and
37 Wildlife and Parks informed the governor in September 23,
38 1985 of his determination that Alaska's subsistence
39 program is no longer in full compliance with requirements
40 of Title VIII of ANILCA. That interpretation was given
41 by the Alaska Supreme Court under Madison vs. Alaska.
42 When that occurred, it certainly would force the
43 Department of Interior to take over administration of
44 subsistence uses on public lands if the State program was
45 not brought back into compliance with ANILCA by June 1,
46 1986.

47

48 With that said, Mr. Chairman, if the
49 State of Alaska is out of compliance with ANILCA
50 provisions, and yet this very Board is dependant on the

1 State of Alaska, I don't know how it is working, that
2 system into those provisions. The State of Alaska, who
3 is supposed to be the guardian for those of us in the
4 state, created more so to Bush Alaska a problem where it
5 argued when it made its decision based on the equal
6 protection clause of the Constitution and says that
7 everybody is a subsistence user, when ANILCA, on the
8 other hand, has that provision where it recognizes those
9 user groups in the rural community. I think it's
10 critically important that we address that very issue.

11
12 Another good example is as a Regional
13 Advisory Council, when the State of Alaska and the
14 Federal system together worked on the MOU bypassing the
15 very body of the Regional Advisory Council, bypassing
16 that very role that we have to review these things, or at
17 least should have been given an opportunity to review
18 when it did not, we have a system problem.

19
20 If the Regional Advisory Councils are
21 being recognized as an advisory council but yet cannot be
22 utilized through that very process, we have a problem.
23 My voice is diminished by that very process. The impacts
24 of my voice for those user groups at the rural level is
25 being impacted. What voice do they have? Very little,
26 if any.

27
28 The provisions that MOU has on there
29 where I addressed the equal protection clause versus by
30 Title VIII recognizes, remember the duty of the Federal
31 Subsistence Board is to provide for the subsistence
32 preference under Federal law. The MOU, which was signed
33 between the State and Federal system defeats that very
34 purpose of Title VIII. If it defeats that purpose to
35 provide for Title VIII, the Federal system preference to
36 the Natives and the rural residents of Alaska, if it is
37 designed to shift the criteria, then it becomes even more
38 of a problem.

39
40 I think it's critically important to all
41 of us that are sitting here today trying to focus on the
42 relationship that we have between the two, but yet when
43 you have Federal law that says this is what we will do
44 for those user groups in the rural community, but yet on
45 the other hand you have the State of Alaska that is being
46 allowed to do exactly what it wants to do.

47
48 If the Constitution is an issue, in the
49 '90s, early '90s, Bush Alaska, those very tribes from
50 Bush Alaska said, yes, if that Constitution is not in

1 compliance with ANILCA, let's amend it and that's exactly
2 what they supported. But what did the State of Alaska do
3 to this very date? Nothing. But yet the relationship
4 between the Federal system and the State of Alaska is
5 much closer.

6
7 When you allow the State to get a seat on
8 this very Board, then my question is, as a representative
9 from this very Board to Bush Alaska, where do I fit in?
10 Where do I sit? Do I sit out here just like the rest of
11 the other folks? It's critically important, Mr.
12 Chairman, that these things are kept in mind.

13
14 Under Section .805 of ANILCA, it says
15 that each Regional Advisory Council shall be composed of
16 residents of the region and shall have the following
17 authority: the review and evaluation of proposals for
18 regulations, policies, management plans and other matters
19 relating to subsistence uses of fish and wildlife within
20 the region, the provisions of the form for the expression
21 of opinion and recommendations by persons interested in
22 a matter related to the subsistence uses of fish and
23 wildlife within the region. That's what ANILCA says.

24
25 I think at some point it's critically
26 important that the Federal Board sit down and take a look
27 at what its role is and how we should work as a system so
28 we can understand exactly that very process, the impacts
29 it has today on those user groups.

30
31 In Northwest Alaska we have an issue in
32 regards to competing with those from the outside. Every
33 fall Unit 23 gets inundated with thousands of people to
34 that region. When you have air carriers going out and
35 drop off in different camps right along the migration
36 pattern of the caribou herd and what occurs there is that
37 when you put people on a line of the migration pattern,
38 it deflects the migration pattern of that very source.

39
40 What occurs to those people then that are
41 dependant on that source have to go further east to hunt
42 their caribou, which means buying additional gas, buying
43 additional food to feed their family.

44
45 Mr. Chairman, if I sound like I'm a
46 radical, maybe I am, but I'm trying to get the message to
47 you because you are the decision-makers that have an
48 impact on the way of life of those you represent as a
49 Federal Board. But yet, on the other hand, you also make
50 provisions for the State to do exactly what it wants to

1 do. Something wrong with the picture. I hope that you
2 will consider some of my thoughts and through the process
3 of your decision-making if I'm not making clear of
4 myself, of the message, please feel free to stop me and
5 say what exactly are you trying to tell us.

6
7 But I think it's critically important to
8 those of us that sit on the Regional Advisory Council if
9 we're recognized to sit on that council, I want to have
10 some effect from that body to this very body, with those
11 very issues that my constituency bring to the table at
12 the Regional Advisory Council and bring forth to this
13 very body.

14
15 This is just a small tip of an iceberg
16 that I'm bringing to the table. Some of these folks will
17 have other issues I'm sure that they will bring to the
18 table and it's important to all of us.

19
20 Thank you very much, Mr. Chairman.

21
22 CHAIRMAN TOWARAK: Thank you, Walter.
23 Are there any comments from the Board members in regards
24 to any of the issues brought up by any of the regional
25 chairs? Jack.

26
27 MR. REAKOFF: Mr. Chairman. Since we're
28 at a discussion with tribes and listening about this
29 issue and we've discussed various points, the RACs are to
30 have a meaningful role in subsistence management and our
31 job is to utilize the advisory committees and reach out
32 to the constituents of the subsistence use.

33
34 The RACs abilities to reach out to the
35 tribes needs to be expanded through information flow.
36 Proposal calls to each tribe need to go out and then
37 there needs to be a follow up. Each conservation unit
38 has subsistence coordinators and refuges and various land
39 managers. Those subsistence coordinators need to follow
40 up through phone calls to each tribal council and request
41 did they get the information, did the tribes review the
42 call for proposal and do they have issues. Those tribal
43 council concerns need to be forwarded to the advisory
44 committees and to the RACs. The advisory committees meet
45 -- through .805 those advisory committees are part of the
46 RAC process, so the advisory committees need to look at
47 issues and formulate hot spot items for the RACs.

48
49 The RACs need to be able to invite the
50 tribal representatives and the advisory committee chairs

1 to our meetings. It would be very instrumental to have
2 tribal council presidents at our meetings also to discuss
3 these hot spot items. The RACs need to have discretion
4 to meet in the hot spot areas. Once we identify an area
5 where there's many concerns, we need to be able to go to
6 that community.

7
8 Right now we're tied to the hubs and it's
9 tying our hands not being able to hold meetings where
10 there are very grave concerns. When we did have meetings
11 where there were real hot spots, we got the whole
12 communities out there. We got 40, 50 people in the room.
13 The hub areas, we get no local attendance normally. So
14 we need to be able to address the hot spot places and be
15 able to go to those communities where there are hot
16 spots. We need to move away from this hub. The hub
17 thing isn't working out for the councils.

18
19 Now the tribes need to be invited to the
20 -- you know, the tribes will then have meaningful input
21 into the RAC process. The RACs then have a refined,
22 broad-based opinion of the communities and how to remedy
23 those issues and the tribes need to be invited to the
24 Federal Subsistence Board meetings to present on
25 proposals and issues.

26
27 Media outlets need to be expanded. We're
28 in the 21st century, so teleconferencing doesn't really
29 work out. You can see it right there in front of you.
30 It doesn't work out. 98 percent of communication for a
31 lot of rural people is visual or at least real good
32 outlets. There's informational flows and I'm on
33 Facebook. There are lots of people on Facebook in rural
34 Alaska. I'm amazed how many people are on Facebook in
35 rural Alaska. It just makes absolute sense. We live in
36 rural places miles apart. We talk to each other on
37 Facebook. OSM needs to set up a Facebook page to send --
38 and you click on one of those, you "like" one of those
39 sites, and it will automatically load on your page, so
40 updates to the subsistence program could be automatically
41 going out.

42
43 We need to move into the 21st century.
44 Live stream like we have today or like they're trying
45 today is one of those 21st century moves and that would
46 be my comments on tribal involvement, Mr. Chair.

47
48 Thank you.

49
50 CHAIRMAN TOWARAK: Thank you, Jack. I

1 want to point out that on Friday we've set aside a day,
2 the whole day from 9:00 o'clock in the morning until 5:00
3 p.m., to talk about the approach we should be taking to
4 tribal consultation and we look forward to tribal members
5 giving us their input as to how the Federal Subsistence
6 Board should be reaching out. There are some
7 restrictions that we have, one of which you mentioned, is
8 I think a budget. We have no idea what that is. We've
9 also been charged -- the Board has been charged to
10 participate with the budget process, so even we, as a
11 board, are walking into new territory exactly as you as
12 RACs are. The intent I think at this point in time is
13 for both us and the RACs and the tribes and the public,
14 the users, in areas that we have jurisdiction over to
15 walk this walk together.

16

17 Bert.

18

19 MR. ADAMS: Thank you, Mr. Chairman. The
20 comments that I've heard from Mr. Sampson and, of course,
21 Mr. Reakoff is very well stated, but if I could I'd just
22 like to add a couple things to it.

23

24 You know, ANILCA is the law of the land.
25 I think we all understand that. The fact that the State
26 of Alaska is out of compliance, you know, causes all
27 these management scheme problems that we have to deal
28 with, you know, at these meetings and at our RAC
29 meetings. I do hope that we will see a time when all of
30 this will be smoothed out so that we can actually really
31 seriously be representing the subsistence users. That's
32 what we are here for.

33

34 I also would like to encourage the Board
35 to seriously give deference to the RACs. There's a
36 couple instances, you know, I mentioned earlier the RFR
37 ability, our ability to do RFRs. The Makhnati Island
38 issue, the Saxman rural determination issue. You know,
39 the RACs -- our Southeast RAC, you know, did a lot of
40 work studying these issues and then we come to the Board
41 and argue our case and the Board, you know, doesn't give
42 proper deference in my opinion to the work that we have
43 done.

44

45 I know that there are a lot of data out
46 there that needs to be clarified. I was talking to one
47 of the former Board member some time ago and he said one
48 of the reasons why he is not in favor of giving Makhnati
49 Island the closure that we've been asking is that there's
50 not enough science to back it up. Well, we sat in Sitka

1 for one whole day during one of our meetings and we
2 listened to the people there.

3
4 Traditional ecological knowledge is
5 science from our perspective and it's just as strong and
6 powerful, you know, as western science is. I hope maybe
7 I have an opportunity to explain that a little bit more
8 later on about my understanding of that. So I think it's
9 really important, you know, that the Board seriously go
10 back to allowing us -- or giving deference to tribes.

11
12 On the issue of tribal, I wonder -- just
13 out of curiosity, I'm wondering how many tribal member
14 leaders are here in this room right now because if there
15 are any, I would just like to address them as well.

16
17 In the matter of attendance to meetings,
18 you know, we've done our best to try to get the word out.
19 We had our last meeting in Hoonah in September I believe
20 it was and I was very disappointed at the amount of
21 people -- the number of people that came to that meeting.
22 Having friends there, you know, I know that the word was
23 out. Told me that they saw it posted on the post office
24 that we were coming to town. They had to leave for some
25 reason. We did manage to excite one of the tribal
26 members there who came and said a few words and
27 represented, you know, the Hoonah Indian Association.

28
29 But we do need to have more and more of
30 those leaders come to our meeting because we take the
31 effort, you know, and we're arguing all the time that we
32 should go out there and have our meetings in those remote
33 areas, but attendance is really something that needs to
34 be reached out to the tribal entities themselves.

35
36 Let me give you an example. I also serve
37 as the chairman of the Wrangell-St. Elias Subsistence
38 Resource Commission meeting. We had our meeting in Tok
39 last fall as well. I always try to get our coordinator
40 to invite a tribal leader to come and make opening
41 statements of some sort or welcoming to the commission
42 and to the RAC as well. It's very difficult to try to
43 make that happen, but we do manage to have a tribal
44 representative there to welcome us into their community
45 and do some opening remarks.

46
47 I've always been concerned about Northway
48 because they're way out, you know, on the border and
49 we've never -- as long as I've been on that commission,
50 we've never had a meeting out in that area. The closest

1 we've had was, of course, Tok. Somehow or another they
2 got wind of our meeting. It was late. We had already
3 gone through the first day of the meeting and they found
4 out that we were having a meeting and we had seven,
5 eight, ten tribal members come down from Tok and they
6 drove all the way down from Northway down to Tok. We
7 were just about ready to adjourn our meeting, about 1:00
8 o'clock, and I was kind of in a hurry to get back to
9 Fairbanks, we drove from Fairbanks to Tok, and I was
10 hoping maybe we can get an early start and be in
11 Fairbanks at a reasonable time. When those tribal
12 members came, we gave them every opportunity to say what
13 was on their mind and they gave us an earful and they
14 spent, you know, the next two or three hours visiting
15 with us and sharing their concerns, even to a point where
16 they invited us to have our meeting there next fall, so
17 we've accepted that.

18

19 But that's another example that sometimes
20 the word doesn't get out properly and then there are
21 times when we do make an honest effort to get the word
22 out to these people, but somehow or another they just
23 don't respond properly.

24

25 We have a young lady who is on the
26 Wrangell-St. Elias Commission and I asked her one time,
27 you know, why don't we have more tribal member leaders
28 out to our meetings and her response was, well, they
29 expect you to do the work for you. Well, that kind of
30 attitude we need to change, you know. What we are doing
31 is we are developing a process where people from the
32 local communities can share their concerns with us and
33 then we take it and then we move it on. I think it's
34 really important, you know, that we make every effort to
35 try to get tribal leaders, you know, to these meetings
36 and I'm happy that we're having this process take place
37 now and I'm looking forward to Friday.

38

39 Thank you, Mr. Chairman.

40

41 CHAIRMAN TOWARAK: Thank you, Bert. I'm
42 going to ask Pete if he could kind of capsulize or give
43 some insight/oversight on the discussions made by some of
44 the Chairmen.

45

46 MR. PROBASCO: Thank you, Mr. Chair. Our
47 discussion with our RAC Chairs or their representatives
48 is a very important aspect of our meetings and it serves
49 as a very useful tool not only from their annual reports
50 back to the Board but also it gives them a one on one

1 with the Board to share important information that the
2 Board will then take and direct Staff on how to proceed.

3
4 Some of the points that were made by the
5 RAC Chairs, and at some point, Mr. Chair, you'll
6 summarize our executive meeting, but some of those action
7 items as a result of the Secretarial review are directly
8 going to involve the Regional Advisory Councils as early
9 as this winter meeting. So there is information out
10 there that the Council chairs don't have at this point in
11 time, but they will have before they go home. The Board
12 is taking those directions from the Secretary very
13 serious and we have launched. So our plates for this
14 winter meeting for the Councils is going to be fuller
15 than what we earlier anticipated, so we'll report back to
16 the Councils at that time.

17
18 Mr. Chair, before we go on break I do
19 have one -- so the public doesn't get confused on our
20 process, I do have one more thing, Mr. Chair.

21
22 CHAIRMAN TOWARAK: Go ahead.

23
24 MR. PROBASCO: Before we go on break, we
25 have tribal leaders here, we also have public here, and
26 I don't want people to get confused on the process as far
27 as testifying. Our next agenda item is an opportunity
28 for the public to testify on non-agenda items. In other
29 words, those are the items that are not before the Board
30 at this time.

31
32 So, for example, if you're here to
33 testify on any of the fishery proposals, i.e. the Yukon
34 proposals, Southeast proposals, you do not want to
35 testify at this next non-agenda item. You want to take
36 that opportunity when we specifically get to the
37 proposals.

38
39 At any point in time when you want to
40 testify, you need to go out to the front table and sign
41 in and get a testifying card, which is brought up to the
42 Chairman and then the Chairman will call upon you to come
43 forward to testify on that issue. That includes the non-
44 agenda items as well as the items before the Board, the
45 fishery proposals.

46
47 Now for tribal leaders, when we get to
48 the portion of the meeting today that specifically
49 focuses on the fishery proposals, we ask each tribal
50 leader just to sign in so we have the record of your

1 participation, but you're not going to be limited to just
2 one opportunity to testify. It's going to be a free
3 dialogue back and forth, but any time you have a meeting
4 with this many people here you've got to have some type
5 of organization. So we ask that you sign in and then it
6 will be up to Mr. Towarak here to referee and keep things
7 orderly as we go through the process.

8

9 Mr. Chair, I think it would be good to
10 take a break and then come back.

11

12 CHAIRMAN TOWARAK: Thank you, Pete. That
13 specifically is the reason why I wore this vest today,
14 because as all the subsistence hunters know, once in a
15 while a harpoon cannot go through these skins, so I'm
16 well protected and I'm willing to take on the task of
17 refereeing. Let's take a 15-minute break and we will
18 come back and have the process on non-fisheries related
19 -- well, it's quarter to 12:00. Let's take a lunch break
20 and come back at 1:00 o'clock. 1:15. We'll give
21 everyone an hour and a half for lunch.

22

23 (Off record)

24

25 (On record)

26

27 CHAIRMAN TOWARAK: I'm going to call this
28 meeting back to order. We're almost complete with Item
29 No. 3. We're going to take a break from that for a minute
30 here or a few minutes for a special presentation and I'm
31 going to turn the rest of the next part over to Pete.

32

33 MR. PROBASCO: Thank you, Mr. Chair.
34 While it is a custom within the Federal Subsistence
35 Program, outgoing Board members, which includes our
36 Chair, we always like to take the opportunity to
37 recognize them for their services and acknowledge the
38 contributions that they've given to the Federal
39 Subsistence Program. So at this time I'd like to ask our
40 former chair, Mike Fleagle, to come forward and Mr. Pat
41 Pourchot, which will be followed by Beth Pendleton of the
42 Forest Service, then the State of Alaska and then I will
43 conclude for the Federal Program.

44

45 Up front, please.

46

47 MR. POURCHOT:of the Interior and
48 the Department of Interior, we wanted to give you this
49 certificate of appreciation for your years of dedication
50 and service as Chair of the Federal Subsistence Board and

1 to present this plaque to you again for your service and
2 dedication and we most appreciate your time that you
3 spent chairing the Board.

4

5 MR. FLEAGLE: Well, thank you, Pat.

6

7 (Applause)

8

9 MS. PENDLETON: You know, Mike and I only
10 really -- his last meeting was my first meeting with the
11 Federal Subsistence Board, but this is in recognition and
12 presented on the part of the many with the Forest Service
13 in Alaska who work in the Federal Subsistence Program as
14 well as the Secretary of Agriculture, but Mike is
15 somebody and listening to folks that have worked with you
16 for those three years, somebody who has tremendous
17 dedication, took on some tough issues, but led with real
18 tact and grace. So on behalf of the Secretary and the
19 Forest Service in the Alaska Region, thank you.

20

21 MR. FLEAGLE: Well, thank you, Beth.

22

23 MS. PENDLETON: Yeah. And we want you to
24 open this.

25

26 (Applause)

27

28 MR. FLEAGLE: Now I'm really on the spot.
29 I'm lucky it was an easy knot. It must be a rock.

30

31 MS. PENDLETON: Yeah, it is.

32

33 MR. FLEAGLE: Oh, thank you. That's
34 great.

35

36 MS. PENDLETON: You're welcome. It's a
37 gold pan.

38

39 MR. FLEAGLE: Thank you.

40

41 (Applause)

42

43 MR. SWANTON: Hey, Mike, the state would
44 like to say something. Any time we can get him facing
45 the audience on that side of the table. Mr. Chairman,
46 the State of Alaska would like to take this opportunity
47 to heartily thank Mr. Mike Fleagle for his service to the
48 Board and also the people of the State of Alaska. His
49 unwavering and routine balance, objectivity and most of
50 all demonstrated statesmanship were well received by all

1 of us who had the pleasure to work with him through his
2 tenure.

3

4 The simple fact that not only has he
5 participated in many of the subsistence activities under
6 consideration by this Board, but that he tried to
7 continue to do so whenever possible. His keen interest
8 in all aspects of Fish and Game management under the
9 sustained yield principal and to seeking balanced
10 solutions to the myriad of problems encountered by the
11 current regulatory structure are to be applauded.

12

13 For that, on behalf of the Alaska
14 Department of Fish and Game, I'd like to say a heartfelt
15 thank you.

16

17 MR. FLEAGLE: Thank you, Charles.

18

19 (Applause)

20

21 MR. PROBASCO: Mike, I'll wrap this up
22 for the Federal Subsistence Program. About three and a
23 half years ago the baton was passed to you from Mitch, a
24 long-established Board member that tackled many tough
25 issues. As with Mitch, you too tackled some of our more
26 tougher issues during your tenure. On behalf of the
27 Board we really respect your leadership. You brought to
28 the Board a level playing field that was greatly
29 appreciated.

30

31 So, on behalf of the Board, we want to
32 recognize your contributions with the Federal Program,
33 Subsistence, and the Board and Staff Committee and OSM.
34 We also have a gift card for you to use and enjoy.

35

36 MR. FLEAGLE: Well, great. Thank you.

37

38 (Applause)

39

40 MR. PROBASCO: Mike, the floor is yours.

41

42 MR. FLEAGLE: Well, I appreciate it.
43 This was an easy job to do really and that was because of
44 all the participants in the process. I appreciate the
45 words from Charlie. The State had a good amount of
46 people that participated in the meetings, the RACs, all
47 you guys that are representing your RACs I really
48 appreciated working with you. It's good to see everybody
49 here. I got to shake most of your hands.

50

1 The Staff above all. Pete, you and your
2 Staff have just done a knock-up job for this program and
3 I appreciate all the professional reports and work that
4 you've done. I think that without any of you this
5 program couldn't have succeeded. I was just the
6 facilitator and I enjoyed doing it too.
7
8 MR. PROBASCO: Thank you, Mike.
9
10 (Applause)
11
12 MR. FLEAGLE: Good luck.
13
14 CHAIRMAN TOWARAK: Thanks. I hope I have
15 as much hair as you do when I leave.
16
17 (Laughter)
18
19 MR. FLEAGLE: It's mostly still black
20 too.
21
22 CHAIRMAN TOWARAK: I always say gray hair
23 is better than gone.
24
25 MR. PROBASCO: Wait a minute.
26
27 (Laughter)
28
29 MR. ADAMS: Mr. Chairman.
30
31 CHAIRMAN TOWARAK: Yes, sir.
32
33 MR. ADAMS: I just wanted to say how much
34 I appreciated, you know, Mike's participation as we sat.
35 We got on the program about the same time and it helped
36 me grow quite a bit and I saw him grow as well. But I
37 noticed that you were looking at his placque over there
38 and now you know what yours is going to look like when
39 you go.
40
41 CHAIRMAN TOWARAK: Thank you. While he's
42 doing that, I want to recognize Sam Cotten. Sam is a
43 member of the North Pacific Fisheries Management Council,
44 aren't you.
45
46 Thank you for coming in.
47
48 MR. PROBASCO: Thanks, Mike. I look
49 forward to when our trails cross again. I'm sure they
50 will and good luck.

1 MR. FLEAGLE: Good luck on the meeting.
2
3 MR. PROBASCO: All right. Thank you. A
4 couple things. We got a phone call this morning. Our
5 Kodiak/Aleutians chair, Mitch, had a health emergency
6 that affects him and he's in Kodiak right now. That's
7 all I know, but Mitch apologizes for not being able to be
8 here in person.
9
10 So we send our prayers along with Mitch.
11 Welcome, Molly.
12
13 MS. CHYTHLOOK: Thank you.
14
15 CHAIRMAN TOWARAK: Molly, this morning we
16 had the floor open to the RAC Chairs and they gave their
17 brief presentations regarding not only the proposals that
18 we have or that we will consider, but there was a
19 considerable amount of discussion on our new tribal
20 consultation process that we're going to be going
21 through. As you probably know, on Friday we're having a
22 special meeting just to communicate with our RACs and
23 with the tribes about the new -- in which direction they
24 would like for us to go. I'd like to give you the chair
25 for a few minutes if you have any thoughts on those
26 issues.
27
28 MS. CHYTHLOOK: Thank you. My name is
29 Molly Chythlook and I'm Bristol Bay RAC Chair and this is
30 my second experience with the Federal Subsistence Board,
31 so I'm here to learn. It's been a wonderful experience
32 starting with Bristol Bay RAC. Prior to my Bristol Bay
33 -- excuse me, prior to my RAC experience I worked for
34 State of Alaska under Subsistence Division, so it's been
35 a learning experience to be involved with the RAC as well
36 as Federal Subsistence Board.
37
38 As far as concerns from Bristol Bay with
39 fisheries, we're just getting into that, but we have an
40 ongoing concern with our caribou and moose management.
41 That process is going. Before our March 2011 Bristol Bay
42 RAC meeting we're planning a teleconference with our
43 committee to discuss that and then we'll have something
44 developed for the Board of Game regarding that one.
45
46 But other than that I am thankful to be
47 here. Sorry I was late this morning. I was in town, so
48 I don't have any excuse saying that my flight was
49 delayed. I just forgot that we started this morning.
50 It's just wonderful to see a room full of people.

1 Thank you and welcome.

2

3 CHAIRMAN TOWARAK: Thank you, Molly. For
4 missing this morning's meeting, maybe we could get a
5 snowboarding demo from you with your last name.

6

7 (Laughter)

8

9 CHAIRMAN TOWARAK: Have you got
10 additional information, Pete?

11

12 MR. PROBASCO: Mr. Chair. If you'll bear
13 with me, we have two more points of information. On the
14 second one I'll ask Dr. Polly Wheeler to come forward.
15 Following earlier on the theme from Chairman Reakoff, as
16 we look towards Facebooking, which I understand Andrea is
17 already ahead of us on that, a lot of you may not be
18 aware of it, but we're testing today an audio live stream
19 of this meeting over the internet. Simply to find the
20 link you just need to go to alaska.fws.gov/asm. If this
21 works out, we're going to make this a common practice,
22 but we didn't want to launch it, recognizing my
23 experience with IT, information technology, that you have
24 a lot of hiccups before you get it right, so we're
25 testing it at this meeting and that's how you get on. Tom
26 Kron has been taking the lead on it. How many do we have
27 on it right now?

28

29 MR. KRON: My understanding was we had
30 half a dozen people on this morning.

31

32 MR. REAKOFF: What's the website again?

33

34 MR. PROBASCO: To find the link, go to
35 the subsistence website at alaska.fws.gov/asm and then
36 we'll, as a common practice, we'll start putting that in
37 our book as well.

38

39 Mr. Chair, may I ask Dr. Wheeler to come
40 up?

41

42 CHAIRMAN TOWARAK: Before I do that I
43 wanted to ask if there were any comments from the Board
44 before we close out Item No. 3 on the discussions with
45 the Regional Advisory Chairs. Go ahead.

46

47 MS. K'EIT: I had a few questions maybe
48 for elaboration by some of the Chairs that spoke this
49 morning. One of them was regarding the idea about making
50 sure that the Chairs -- well, the RAC Councils, that the

1 Councils are involved in the follow up of the Secretary
2 of Interior's review and if you would have any
3 suggestions on if we need to do that in any way other
4 than your regularly scheduled meetings, what might be
5 some ideas you would have for how we could keep you
6 involved in that process.

7
8 It was actually something we discussed
9 quite a bit at our executive meeting at the beginning of
10 the month. We were looking at how much we wanted to
11 attack the list of items in the Secretary's review and
12 prioritize those, but we also recognize that as
13 volunteers the Councils have a limited amount of time and
14 you do need to have quite a bit of advance time so you
15 can get through all the materials for each of your
16 meetings. So that was one question, any suggestions for
17 helping to keep you all involved.

18
19 And then the second one that Ms.
20 Ahtuanguaruak and Mr. Lohse both brought up was regarding
21 climate change effects. First, just as informational,
22 Department of Interior is collaborating with other
23 agencies, Federal, State, local communities and hopefully
24 more with tribes as well on something called landscape
25 conservation cooperatives, LCCs. There's one being put
26 in place for the arctic or it's actually pretty well on
27 schedule on the Arctic LCC and Western Alaska LCC and I
28 forget, there's a third one that's kind of like third in
29 line to being stepped up. But that could be an
30 opportunity for the RACs to get more information about
31 what different agencies are doing with regard to climate
32 change and its effect on habitat and subsistence
33 resources. So that may be an information route for you.
34 Perhaps we can see if some of the coordinators of those
35 LCCs could attend your RAC meetings, but, again,
36 recognizing you often have full agendas. It may be a
37 priority in some regions and maybe not quite yet in
38 others.

39
40 Thank you, Mr. Chair.

41
42 CHAIRMAN TOWARAK: Thank you. Any
43 response. Go ahead.

44
45 MR. LOHSE: Mr. Chair. Through the
46 Chair, back to Kristin. One of the things on the climate
47 change besides getting information out to the RACs, it
48 might be nice to get some information back from the RACs
49 from physical observations of changes that they've
50 noticed in the areas that they live in and that they

1 operate in. So from the standpoint of getting the
2 information out, I really hope that that's pursued so
3 that's at the meetings, but it wouldn't hurt to have it
4 as an ongoing question that the RACs could respond to at
5 all their meetings as to if anybody has actually observed
6 anything or noticed a change in things that they can do.

7

8

CHAIRMAN TOWARAK: Go ahead.

9

10 MR. REAKOFF: Mr. Chair, thank you. I
11 would suggest that that be a request from the Federal
12 Subsistence Board to be put on our annual report as a
13 question to the Councils to enumerate the various effects
14 on subsistence that climatic change is occurring and what
15 a few people feel are their concerns in the future. So
16 that would be one avenue is our annual report process.

17

18

CHAIRMAN TOWARAK: We have been having
19 problems all morning with our telephone, so as you see
20 our Staff coming up here off and on to work on the
21 system, we will continue the meeting.

22

23

Are there any other comments.

24

25

Go ahead, Walter.

26

27

MR. SAMPSON: Thank you, Mr. Chairman.
28 Through the Chair. Kristin, I think you raised two good
29 points there. RAC meeting involvement certainly is
30 critically important to all of us. Because of the fact
31 that we only meet twice a year, by the time information
32 gets to us it's pretty much old info sometimes.

33

34

I think what Jack raised is one mechanism
35 that you probably can look at in regards to bringing that
36 very issue to the Regional Advisory Council to address.
37 The other is an issue in regards to maybe addressing it
38 through all the Chairs, which means that we'd probably be
39 meeting on a quarterly basis rather than twice a year or
40 once a year, I'm sorry. If it can be addressed in that
41 mechanism or to increase the Regional Advisory Council
42 meetings because climate change certainly is going to
43 have a devastating effect more so in Northwest region
44 because of the permafrost issue.

45

46

I think it's critically important that
47 information is provided. Not only information be
48 provided but also some scoping meetings and information
49 is taken back from the areas that people live in because
50 they know the changes that's occurred the last 20 years

1 and they can provide you the necessary information as
2 well.

3

4 Thank you.

5

6 CHAIRMAN TOWARAK: Go ahead.

7

8 MS. AHTUANGARUAK: I also have concerns.
9 I have participated in many different ways over the years
10 and having to look for additional information has helped
11 me. If we can improve this process so we get information
12 out to our bodies to help us assess the information
13 that's being presented ahead of time, it's very important
14 for us to do so. We've got big issues on the table that
15 are affecting our communities right now and there's some
16 big discussions with lawsuits that are being out there.
17 We need information to our leadership so that we can be
18 informed to guide this discussion process and that's very
19 important. We need it timely and we need it
20 continuously.

21

22 Thank you.

23

24 CHAIRMAN TOWARAK: Thank you. Go ahead.

25

26 MS. CHYTHLOOK: Thank you, Mr. Chair.
27 One thing that would be helpful and we're trying to
28 practice this at our Bristol Bay RAC is to educate our
29 representatives, our board members, our RAC board
30 members. Like it was mentioned, we only meet at certain
31 times and with dual management and all this information,
32 regulations that come into place and to separate the RAC
33 from Advisory Councils that deal with State regulations.
34 I think it's very important to educate our Board members
35 under our RAC system because they are the eyes and ears
36 of our resources and they have the experience of the
37 changes, the climate changes that has been affecting the
38 Bristol Bay area, especially the last 10 years and more
39 so today. I encourage as much as we can to have like a
40 work session especially before our regular Board
41 meetings.

42

43 Thank you.

44

45 CHAIRMAN TOWARAK: Thank you. Pete's
46 been making notes on your comments and hopefully we will
47 have some formal follow up in the future and some
48 direction. Any other comments. Go ahead, Jack.

49

50 MR. REAKOFF: Mr. Chair. I wanted to

1 answer the first question, was how to attack the DOI
2 objectives for the Councils. I feel the MOU issue is a
3 very high priority item. I feel the Councils should
4 prioritize. We will be presented, I think, six items at
5 our meetings this spring and I feel the Council should
6 prioritize those to be addressed during our limited time
7 frames that we have. We also have to formulate game
8 proposals. I feel that the DOI papers slated the MOU as
9 a high-priority item. I feel that that should be number
10 one, should be addressed by the Councils. The Councils
11 should address, prioritize the other five items as time
12 permits.

13

14 Thank you.

15

16 CHAIRMAN TOWARAK: Thank you, Jack.

17 Walter.

18

19

20 MR. SAMPSON: Thank you, Mr. Chairman.
21 One other item I want to place on the table before you is
22 the issue in regards to maybe an educational type of
23 process where your new Board members can be educated
24 through the process of either going to regional
25 corporations or meeting with some of the regional
26 corporation CEOs to get some basis of knowledge of how
27 resources are utilized throughout the state. I think
28 that might be a good mechanism. Maybe quarterly I
29 believe the CEOs meet here in Anchorage. That would be
30 an ideal place to go to get some information from those
31 folks. At least the basic information. But if you
32 really want to find out, you're more than welcome to come
33 to Northwest Alaska to be educated of our region.

33

34

35

36

37 CHAIRMAN TOWARAK: Thank you. Go ahead,

38 Bert.

39

40

41 MR. ADAMS: Thank you, Mr. Chair. I'd
42 just like to reiterate the importance of the MOU, that it
43 should be really high on the next RACs meetings. You
44 know, we felt really left out when this MOU was signed
45 between the State and the Federal government and it
46 hadn't gone through the RAC process. I know it's been a
47 big issue of discussion in the past and I just really
48 feel, you know, that the RACs need to have an important
49 say on this MOU and you take our comments and so forth
50 and then go from there. But to pass up RACs, you know,
51 I don't think is really the right way to go, right
52 process.

1 Thank you, Mr. Chairman.
2
3 MR. SAMPSON: Maybe this is a question,
4 Mr. Chairman -- Walter Sampson -- for your solicitor.
5 Has the MOU been signed between the State and the Federal
6 agency?
7
8 MR. PROBASCO: Keith and I look at each
9 other. Mr. Chair. Mr. Sampson. Yes, the MOU has been
10 signed between the Federal Board members and the State
11 counterparts and that was signed.....
12
13 MR. SAMPSON: My follow-up question then
14 would be what good would it do if we should bring to the
15 table as Regional Advisory Council to discuss the content
16 of an MOU? Would it make any difference at all to go
17 through the process of reviewing for comments?
18
19 CHAIRMAN TOWARAK: Pete.
20
21 MR. PROBASCO: Mr. Chair. Mr. Sampson.
22 That is, indeed, the intent of both Secretaries as well
23 as this Board, even though the MOU is signed, to send it
24 back out to the Councils this spring for their review and
25 comment. And when we get to the point where Dr. Wheeler
26 can summarize the executive meeting, it will get at some
27 of the points that you and Mr. Reakoff and others have
28 laid out on what does the Board plan on doing for this
29 meeting. It might be appropriate to have Dr. Wheeler
30 come up.
31
32 MR. SAMPSON: Thank you very much, Mr.
33 Chairman.
34
35 CHAIRMAN TOWARAK: We'll move into the
36 next portion of our agenda then and ask Dr. Wheeler
37 for.....
38
39 MR. HASKETT: Wait.
40
41 CHAIRMAN TOWARAK: Oh, I'm sorry.
42
43 MR. HASKETT: This may be not the right
44 place anymore because you started out before asking for
45 comments on -- I actually do have one, but it's on
46 something separate. Is that okay?
47
48 CHAIRMAN TOWARAK: Go ahead.
49
50 MR. HASKETT: I wanted to comment I

1 really appreciated the comments from all the members here
2 earlier this morning. I was struck by how positive they
3 were in terms of looking at what this Board is trying to
4 do in the process. One of the things I was struck by was
5 over and over again I heard people express the importance
6 of the RAC and recognizing that the RACs need to be very
7 important and continue, and also recognizing that doing
8 that along with the tribal consultation, the government
9 consultation we're trying to do, so I was struck with
10 that as being very positive in terms of trying to move
11 forward on the new process we're trying to put in place,
12 but recognizing that the RACs are something very
13 important and works very well and make sure we don't lose
14 that. So I think that's what I heard from you all. I'm
15 seeing people nod.

16

17 I thought that was just very impressive
18 and I appreciated those comments.

19

20 CHAIRMAN TOWARAK: Thank you, Mr.
21 Haskett. Dr. Wheeler, the floor is yours.

22

23 DR. WHEELER: Thank you, Mr. Chair.
24 Polly Wheeler with the Office of Subsistence Management.
25 As many of the comments from the Regional Advisory
26 Council members this morning and again this afternoon
27 referenced the Secretarial Review items and we thought it
28 might be helpful to give the Regional Advisory Council
29 members that are here, the public, a summary of a meeting
30 that the Board had on January 5th. It was in executive
31 session. The specific purpose of the meeting was to go
32 over the Secretarial Review items.

33

34 As the public may or may not know, on
35 December 23rd the Secretary of the Interior sent letters
36 out -- long awaited letters, correct? Long awaited
37 letters to the Federal Subsistence Board actually
38 outlining the findings from the Secretarial Review. The
39 Board opted to -- excuse me. At the meeting on January
40 5th, present at the meeting were Tim Towarak, the Chair,
41 Sue Masica with the National Park Service, Julia Dougan
42 with Bureau of Land Management, Kristin K'eit and Gene
43 Virden with the Bureau of Indian Affairs, Larry Bell for
44 the Fish and Wildlife Service and Beth Pendleton with
45 USDA Forest Service. Staff in attendance at the meeting
46 included -- bear with me here, there's a little bit of a
47 list. Keith Goltz and Ken Lord with the Solicitor's
48 Office, Jim Ustasiewski with the Office of General
49 Counsel, Pete Probasco, myself, Gary Goldberg and Larry
50 Buklis with the Office of Subsistence Management, Nancy

1 Swanton, Sandy Rabinowitch and Dave Mills with the
2 National Park Service, Jerry Berg and Crystal Leonetti
3 with the US Fish and Wildlife Service, Glenn Chen and Pat
4 Petrovelli with the Bureau of Indian Affairs, Dan Sharp
5 with the Bureau of Land Management, and Steve Kessler
6 with USDA Forest Service. Pat Pourchot, special
7 assistant for the Secretary of the Interior for Alaska
8 was also in attendance.

9
10 There was no formal action taken at the
11 meeting, but the Board discussed six items from the
12 Secretarial Review including, one, developing a proposed
13 regulation to increase the membership on the Federal
14 Subsistence Board to include two additional public
15 members representing rural Alaska subsistence users. By
16 way of information, the Office of Subsistence Management
17 and Pat Pourchot's office developed a proposed rule to
18 expand the Federal Board to include two members to
19 represent rural Alaska subsistence users. That proposed
20 rule will be published in the Federal Register. We're
21 hoping for mid February. It will be a 60-day public
22 comment period. The Board will then take those public
23 comments and make a recommendation to the Secretary.
24 Keep in mind that that's a program structure change, so
25 that's actually in the purview of the Secretary of the
26 Interior and Agriculture or the Secretaries of Interior
27 and Agriculture, so the Board will make a recommendation
28 back to the Secretaries. So that's where that's at.

29
30 The next item that the Board addressed
31 was expanding deference to appropriate Regional Advisory
32 Council recommendations in addition to the taking
33 decisions of the Board provided for under Section .805(c)
34 of ANILCA subject to the three exceptions found in that
35 section and the Board discussion finally landed on the
36 Federal Board will generally defer to Regional Councils
37 on customary and traditional use determinations, but
38 likely not on rural as the courts have ruled that rural
39 is an absolute term.

40
41 The Federal Board has not yet decided on
42 whether or not it will defer to RACs on the rural process
43 and just as a piece of information the Board is having a
44 work session on April 6th to discuss rural and that will
45 help the Board in making decisions down the road.

46
47 The next item, which is obviously of
48 interest to many of you here, is review -- these items
49 that I'm reading, these are directly from the letters
50 from the Secretaries to the Federal Subsistence Board.

1 So the charge from the Secretaries were to review with
2 Regional Council input the December 2008 Memorandum of
3 Understanding with the State to determine either the need
4 for the MOU or the need for potential changes to clarify
5 Federal authorities in regard to the Subsistence Program.
6

7
8 Where the Board landed with how to deal
9 with that is that basically the Board directed the
10 Memorandum of Understanding be presented to all Councils
11 at the winter 2011 meeting, so the meetings that start in
12 about a month, for review and comment. The Board is
13 looking for as specific comments as possible, so there
14 will be a Staff person there. The Memorandum of
15 Understanding will be included in all RAC books along
16 with a briefing, kind of giving some history for the
17 Memorandum of Understanding and the Board is looking for
18 specific comments, review comments on the MOU.
19

20 The next item from the Secretaries is
21 review with Regional Advisory Council input the customary
22 and traditional use determination process and present
23 recommendations for regulatory changes. The Board has
24 decided to ask with regard to the customary and
25 traditional use determinations, or C&T as we
26 affectionately call them, the Board is going to ask the
27 Regional Advisory Councils for their general input on the
28 C&T process. What do you think about the process? Is it
29 working for you? If not, what would you like to see
30 changed? But it's sort of a landscape level question,
31 not a change factor 6 to read differently kind of thing.
32

33 The next item is review with Regional
34 Advisory Council input the rural/nonrural determination
35 process and present recommendations for regulatory
36 changes. Again, going back to the deference point raised
37 earlier. The Federal Board will be holding a work
38 session on this process on April 6th and no further
39 action will be taken until after that meeting.
40

41 And then the last item is review the
42 Board's written policy on executive sessions and minimize
43 the use of executive sessions to those specifically
44 prescribed. The Board reviewed its own guidelines and
45 decided it will minimize the use of executive session.
46 It also intends to add a sentence to its guidelines
47 stating that formal report outs will be provided
48 following executive session. The document that I've just
49 provided to you represents the first formal report out of
50 the executive session of the Federal Board.

1 So, Mr. Chair, hopefully that will allay
2 some of the concerns of the Regional Advisory Council
3 members and also give everybody a heads up that at the
4 meetings that start February 15th, the first meeting is
5 the Seward Pen Regional Advisory Council February 16th
6 and 17th, I believe. We will start with all 10 Regional
7 Advisory Councils with reviewing the MOU and following
8 these other points too.

9

10 So, Mr. Chair, that concludes my summary
11 of your Federal Board's executive session.

12

13 Thank you.

14

15 CHAIRMAN TOWARAK: You might inform me in
16 my beginner's stage here the process that we use to get
17 that information out to the Chairs and the public.

18

19 DR. WHEELER: That would be at the
20 direction of the Federal Board, Mr. Chair. We can put
21 this summary on our website, we can include it in the
22 Regional Advisory Council books. All of the information
23 that I just outlined will be in the books. There will be
24 a summary in the Regional Advisory Council books and
25 those are also actually put on our website too. Any
26 other suggestions or we're all ears.

27

28 Mr. Chair.

29

30 CHAIRMAN TOWARAK: The reason I asked
31 that is as you were reading the decisions that we made at
32 the meeting, some of the Chairmen were hastily trying to
33 keep up with your comments and I think rather than having
34 them rely on their notes, if we could get that
35 information to them today or before they leave.

36

37 DR. WHEELER: Mr. Chair. I can't promise
38 today, but I can promise before they leave this meeting.

39

40 CHAIRMAN TOWARAK: I think that would be
41 soon enough and that would work.

42

43 MR. PROBASCO: Thank you, Mr. Chair.
44 Thank you, Polly, for that briefing. One thing I would
45 like to add is that April 6 work session, so you guys can
46 look at your calendars. We will be asking the Chairs or
47 their representative to be in attendance at that meeting
48 as well. So that's April 6th here in Anchorage at the
49 USFWS Building.

50

1 CHAIRMAN TOWARAK: Any questions. Go
2 ahead.

3
4 MR. SAMPSON: Thank you, Mr. Chairman.
5 Through the Chair. Polly, thank you very much for that
6 information. It's certainly critically important to all
7 of us. I guess to the solicitor. What is the process?
8 Do any of this stuff then get to the CFR at some point in
9 time?

10
11 MR. GOLTZ: If the change is regulatory,
12 it will. Some of the things we know have to go through
13 the regulatory process. The change in the number of
14 Board members. If there are substantive changes to C&T,
15 that will have to be processed, regulatory process.
16 Rural will have to be. Some of the others, like the
17 executive session, could be done through policy
18 statements.

19
20 MR. SAMPSON: Thank you very much.

21
22 CHAIRMAN TOWARAK: Any further questions.

23
24 (No comments)

25
26 CHAIRMAN TOWARAK: We're then ready to go
27 into Item No. 4 public comment period on non-agenda
28 items. We had a sign-up process. Go ahead, Pete.

29
30 MR. PROBASCO: Thank you, Mr. Chair. As
31 I said prior to lunch, this is the opportunity for the
32 public to make testimony on non-agenda items. If you're
33 here representing a tribe or you want to testify on the
34 fishery proposals that are going to be coming up after
35 the tribal consultation, please hold your comments until
36 that point. So the names that I have for non-agenda
37 items, we'll start out with Mr. Ragnar Alstrom from the
38 Yukon Delta Fisheries Development Association.

39
40 Mr. Alstrom.

41
42 MR. ALSTROM: Thank you, Mr. Chairman.
43 My name is Ragnar Alstrom. I'm the executive director of
44 the Yukon Delta Fisheries Development Association, a
45 community development quota group representing six
46 villages on the Lower Yukon. I was born in the village
47 of Alakanuk, which is located on the south mouth of the
48 Lower Yukon and I've lived there all my life. I believe
49 the Federal Subsistence Board and the RACs need to start
50 the process of defining what constitutes a significant

1 commercial enterprise in regards to customary trade
2 between rural residents and others.

3
4 A definition of a significant commercial
5 enterprise should be the same for and applied to the
6 entire river, I'm speaking of the Yukon, and not be
7 different based on which Regional Advisory Council you
8 happen to be located within. Without a definition, there
9 is no threshold amount that can be enforced and potential
10 abuses of customary trade may occur.

11
12 Thank you, Mr. Chairman.

13
14 CHAIRMAN TOWARAK: Thank you. Any
15 questions for Board members.

16
17 (No comments)

18
19 CHAIRMAN TOWARAK: Thank you, Ragnar.

20
21 MR. ALSTROM: Thank you, Mr. Chair.

22
23 CHAIRMAN TOWARAK: And I apologize if I
24 call you by your first name. I really should use a
25 formal, but I'm not yet used to it, especially with
26 people I know. Go ahead, Pete.

27
28 MR. PROBASCO: And I slipped up too and
29 I apologize in advance. Also, if I mispronounce your
30 name or who you represent, I apologize. Next is Mr.
31 Solomon Atkinson from Metlakatla Indian Community. Mr.
32 Atkinson.

33
34 MR. ATKINSON: Thank you, Mr. Chairman.
35 My name is Solomon Atkinson representing the Metlakatla
36 Indian Community. I've been with the tribal council now
37 since 1975 having served as a council member and also as
38 the mayor/city manager of Metlakatla. To give you a
39 little briefing on where Metlakatla is, I know my brother
40 here from Yakutat represents Southeast Alaska, but in all
41 my 35 years of serving on the tribal council I've never
42 really -- we've never really been invited to this type
43 meeting on subsistence. But it just so happened when an
44 item came up that we were very interested in and one of
45 my good friends is chairman of the Aboriginal Rights
46 Committee, Mr. Tom Lang, will talk a little bit later,
47 but this affects us so much.

48
49 Metlakatla is the only reservation left
50 in the state of Alaska with 1,498 members and we live on

1 an island called the Annette Islands. The island
2 measures 10x21 miles approximately containing 87,000
3 acres. As I say, we're all Federal land. We're a
4 reservation and we have everything on the island, the
5 same thing as any municipality. We have our tribal
6 government, a 12-man council, we've got our own power and
7 light company, we've got our salmon cannery, we've got
8 our cable TV, we've got a police department, court
9 system, et cetera. Anything that a municipality has, but
10 we're an Indian reservation.

11
12 So it's taken many years to work with the
13 State legislature to have them realize that, yes, we are
14 still citizens of the state of Alaska. So we've done
15 that and we've worked with the State pretty well now and
16 we work with the Federal government. We have to lobby
17 back and forth to Washington, D.C. to talk to our
18 senators, our congressmen to help educate them on what
19 we're all about. We are a self-supporting community. We
20 try to be. We continuously work to better the lifestyle
21 of the community members. Our heavy emphasis is for our
22 children today to make sure they can get out and get a
23 good education. So we do our best to support the member.

24
25 We would like one thing. As I said, I
26 represent the 12-man council, the mayor/city manager. We
27 are requesting membership on this Regional Advisory
28 Council. We think it's very important and I think that
29 we've got our own fisheries biologist and we do the best
30 we can to support our herring fishery and salmon fishery.
31 We've got our own coal storage plant and I think on
32 subsistence issues, since our tribe dates back we can
33 look back 15,000 years as to how they survived over those
34 years. We can trace every area where they fished not
35 only in the state of Alaska but in Canada. Rumor has it
36 they even took one of their longboats over to Hawaii on
37 a trip. But I believe with the experience and the
38 research that my people have done that they can add to
39 the knowledge of the Federal Subsistence Board.

40
41 So I'm here to make that request that can
42 be taken into consideration. I know there's an
43 application period that ends on February 18th so we will
44 be submitting our request to have one of our members be
45 seated on the Regional Advisory Council. With that,
46 thank you very much for listening.

47
48 Thank you.

49
50 CHAIRMAN TOWARAK: Thank you, Mr.

1 Atkinson. Bert.

2

3 MR. ADAMS: Thank you, Mr. Chair. Mr.
4 Atkinson, I really appreciated the comments that you just
5 made. I always wondered, you know, about Metlakatla and
6 why they weren't a part of the system and I'm glad you're
7 making this request and I hope it comes through in a
8 positive way for you.

9

10 I have relatives in Metlakatla and we've
11 had several meetings in Ketchikan and Saxman areas over
12 the past few years and I've always let them know that I
13 was going to be down there, I'd like to see them, but
14 that we were going to have these meetings as well. I was
15 just kind of hoping maybe some of your people would come
16 over there and attend some of those meetings to see the
17 process. Hopefully we'll see you down there in the
18 future and hopefully a member of your community on the
19 RAC. So I just wanted to make that comment. I
20 appreciate your comments.

21

22 Gunalcheesh.

23

24 CHAIRMAN TOWARAK: Any other questions.

25

26 (No comments)

27

28 CHAIRMAN TOWARAK: If there aren't any,
29 the next.

30

31 MR. PROBASCO: Thank you, Mr. Chair.
32 Before I announce the next person, Gary, we lost our
33 connection again. Our next person that I have and I'm
34 assuming that this person would like to speak on non-
35 agenda items, is Frances Hess. Frances Hess.

36

37 MR. HESS: Thank you, Mr. Chairman. You
38 know, when President Obama became president, he had
39 millions of people supporting him and I think when he
40 became a chairman of the Federal Subsistence Board, there
41 would be a lot, thousands of people out there from the
42 village supporting you. I'd like to congratulate you for
43 taking that task. It's something I hope the Board, how
44 hard or how easy that they decide that you guys be
45 reasonable. That's something that, you know, we'll all
46 understand and work together for.

47

48 You know, as Mr. Sampson knows, there's
49 always a brighter side of life during our days, in our
50 days. Lester told me years ago how God made an Eskimo

1 and if you haven't heard it, I'm going to tell you. When
2 God made a white man, he was too white, no objections,
3 and then he turned around and made a black man and he was
4 too dark, so he turned around and tried to make an Eskimo
5 and it was just right.

6

7

(Laughter)

8

9

MR. HESS: I tell my gussuk friends when
10 God made an Eskimo, he knew what he was doing. He gave
11 us all the stuff we have. You know, some of this stuff
12 we don't even know we had it until now. I am proud to
13 mention that there's no cuss word in my Eskimo language.
14 I think the dirtiest word we ever hear is shit, you know.

15

16

But, you know, I just wanted to point out
17 that the fish that, you know, comes out from the Yukon
18 all the way up to Canada, as you know from growing up
19 when you became old enough to work, you work. You work
20 on fish, handle fish, do fish. Nowadays you don't see
21 that like we used to back then. It's too hard for them.
22 I'm going to be 64 years old and I've been handling fish
23 all those years. It just seemed like just recently I
24 used to go out with my uncles and get the fish when they
25 first come in. We go out every year and get the fish and
26 this is just for subsistence.

27

28

And the word in our language, fish is
29 nakaw (ph). If you look it up, it means food. We take
30 it for our food for our family. In my lifetime I've
31 never seen any of my uncles or aunties sell, you know,
32 commersary trade. I haven't seen that, but they do trade
33 with other people for other stuff, you know, other food.

34

35

I'd like to congratulate you again for
36 being Chairman for pretty tough -- for the Federal
37 Subsistence Board. I didn't even know there was such a
38 thing as a Federal Subsistence Board. I always thought
39 it was just State. I know the State people are here.

40

41

When they came to Mountain Village, I
42 stood up and told them -- I said, listen, you're the
43 Chairman of -- you're the big shot in the State
44 concerning our fish. I was telling him actually what it
45 is to be a Chairman or a boss. I told him you've got
46 more authority than God himself to do whatever you want
47 with the fish. I hope some of you look at it that way
48 when you make decisions that's going to affect, you know,
49 us, our family and their kids and kids and further on
50 down. I hope -- like I said earlier, I hope you guys

1 will be reasonable.

2

3 Thank you.

4

5 CHAIRMAN TOWARAK: Thank you, Mr. Hess.

6

7 MR. PROBASCO: Thank you, Mr. Chair. The
8 last person I have to testify on non-agenda items, which
9 doesn't include those that signed up for fishery
10 proposals or tribal consultation, is Mr. Carl Atwalker
11 (sic).

12

13 MR. WALKER: Hello, Board. My name is
14 Carl Walker. I'm an elder from Grayling. I don't know
15 if I'm right when I speak here right now on -- I guess my
16 idea is your consent agenda comes from evidence
17 supporting agenda, is that correct, or consent agenda?
18 You have to have evidence to have it on your consent
19 agenda, right?

20

21 CHAIRMAN TOWARAK: Go ahead.

22

23 MR. PROBASCO: Mr. Chair, if I may. We
24 have two proposals that are on the consensus agenda and
25 what that means is the entities, the Regional Advisory
26 Council, the InterAgency Staff Committee and the State of
27 Alaska are all in agreement on their proposal. So
28 everybody agrees on the recommendation of the proposal.

29

30 Mr. Chair.

31

32 MR. WALKER: That's the time to speak out
33 against something if we have to, right?

34

35 MR. PROBASCO: You can speak.....

36

37 MR. WALKER: If we don't agree with that
38 proposal, is this the time to hear it.

39

40 MR. PROBASCO: That would be.....

41

42 MR. WALKER: Okay. I'd like to oppose
43 some of the restrictions to portray into District 4 and
44 5. That's right. Very pathetic almost because it's
45 coming from another tribe and village. I don't believe
46 the Federal government had that in mind when they wrote
47 ANILCA. ANILCA law stands for everybody. You don't
48 restrict one tribe to another tribe in a proposal, to
49 restrict someone from subsistence fishing, you know what
50 I mean. That's why I'm opposed to that proposal in its

1 entirety.

2

3 It was never meant for villages to fight
4 each other over subsistence fish. You have to share with
5 everybody. But what I'm seeing here is they don't have
6 the numbers. Always restricting us because we have a
7 small village compared to the bigger towns below. I can
8 see their point in maybe why they proposed this because
9 of the customary trade abuse someplace down the line. I
10 can understand that. I could agree with that. But to
11 restrict another village that's very restricted already
12 from gear ratio compared to their gear ratio I don't
13 believe should even be considered as a proposal. I know
14 I'm not wrong when I say that's what I understand it.

15

16 I can go on and on, but I don't think I
17 have the time for that. It will come to you many other
18 times, I guess.

19

20 Thank you very much.

21

22 CHAIRMAN TOWARAK: Thank you, Mr.
23 Atwalker.

24

25 UNIDENTIFIED VOICE: It's Walker.

26

27 CHAIRMAN TOWARAK: For your information
28 -- who is it, the combined? All three of the
29 organizations, the Federal Subsistence Regional Advisory
30 Council, the Federal InterAgency Staff Committee and the
31 Department of Fish and Game have all opposed -- or
32 recommending that the Board oppose those proposals, but
33 deliberations will be done a little bit later on that.

34

35 Do you have a question in that regard?

36

37 MR. DEMOSKI: Yeah. I'm sorry, I'm new
38 to the process.

39

40 MR. PROBASCO: Ask him to come up.

41

42 CHAIRMAN TOWARAK: Please come up to the
43 microphone and give your name.

44

45 MR. DEMOSKI: My name is Peter Demoski.
46 I represent the Nulato Tribal Council. This is the first
47 time I've ever been to one of these meetings. I don't
48 understand the process or your procedures. When I signed
49 in to make public comments, I didn't know what I was
50 signing, whether it was for non-agenda items, regulatory

1 proposals or consensus agenda items. I didn't understand
2 the differences between the three issues.

3

4 Carl Walker got up and made his
5 presentation. I was going to address the same issues,
6 but maybe from a different perspective if you will allow
7 me to.

8

9 MR. PROBASCO: Mr. Chair. You did sign
10 up.....

11

12 MR. DEMOSKI: Yes.

13

14 MR. PROBASCO:and you signed -- go
15 ahead.

16

17 MR. DEMOSKI: I'm the one who brought in
18 the petition that each of you should have a copy of
19 signed by the Nulato Community members.

20

21 CHAIRMAN TOWARAK: The Staff has that
22 petition.

23

24 MR. DEMOSKI: I hand carried in 20 copies
25 as your Staff directed me to and they said they were
26 going to pass that out to each of you individual members
27 before the meeting started.

28

29 MR. PROBASCO: Mr. Chair. You may want
30 to take this opportunity to either take a break -- you do
31 not have these handouts at this time, but they are
32 available. So the wishes of the Chair.

33

34 CHAIRMAN TOWARAK: Let's take a couple
35 minute break and have the Staff distribute those
36 petitions to the Board.

37

38 MR. DEMOSKI: Will I be able to.....

39

40 CHAIRMAN TOWARAK: And we will reconvene.

41

42 MR. DEMOSKI: You can call me anything,
43 Peter, Pete, Shorty, whatever.

44

45 CHAIRMAN TOWARAK: Mr. Demoski.

46

47 MR. DEMOSKI: Okay.

48

49 (Off record)

50

1 (on record)

2

3 CHAIRMAN TOWARAK: Can we get Mr. Demoski
4 up to the podium. We were handed all of the handouts,
5 looks like for everything.

6

7 MR. DEMOSKI: Mr. Chairman. Can I
8 request another break until I'm done? (Laughs)

9

10 MR. PROBASCO: Mr. Chair, if I may.
11 You'll be receiving these handouts throughout the meeting
12 and I would just look at this as your first packet of
13 info, so expect more from the public.

14

15 Thank you, Mr. Chair.

16

17 CHAIRMAN TOWARAK: You have the floor,
18 Mr. Demoski.

19

20 MR. DEMOSKI: Mr. Chairman. First I'd
21 like to apologize to the people sitting behind me. I
22 don't like to give my testimony, especially when they are
23 the real subsistence users behind me. I should be facing
24 them and I apologize to them.

25

26 Sometimes fishermen on the Yukon River
27 submit proposals that are expressions of their
28 frustrations and anxieties that they experience as they
29 try to come to terms with declining numbers of chinook
30 salmon. The inability of these fishermen along the Yukon
31 River to come to agreeable sustainable harvest quotas
32 that will ensure perpetuation of the species is doing
33 more to endanger the survival of the species than
34 anything caused by nature; global warming, changes in the
35 ecosystem and environmental impacts.

36

37 The preservation of salmon for future
38 generations no longer seems to be the ultimate goal of
39 us, the fishermen. We are too busy arguing with each
40 other on how to harvest a declining resource in our
41 corresponding district at the expense of other districts.

42

43 Fish and Game has the task of monitoring
44 and managing this resource and Fish and Game rely on our
45 assistance to do this. The failure of us, the fishermen,
46 to come to oblique agreeable compromises for the harvest
47 of salmon while ensuring the preservation of the species
48 for future generations is clearly an example of us not
49 being able to work together to fix the problem.

50

1 If we cannot fix this dilemma, then Fish
2 and Game will do it for us. Fish and Game has set
3 subsistence windows for harvesting salmon that are
4 determined by the pulses of salmon migrating up the
5 river. Fish and Game has set commercial openings that
6 only benefits commercial fishermen. Fish and Game
7 implements rules and regulations based on its best
8 scientific knowledge and statistical data.

9
10 Fish and Game's ultimate goal is the
11 preservation of the salmon species for future
12 generations. Good intentions though does not translate
13 into happy fishermen along the Yukon River. We argue
14 about net mesh size. We argue about commercial fishing.
15 We argue about leaving pulse windows open or closed and
16 we argue about the reliability of sonar stations.

17
18 The numbers are declining because we
19 over-fish year after year. We are not allowing
20 sustainable numbers of spawning salmon to reach their
21 spawning waters. This can only mean that less and less
22 salmon will be returning to the Yukon River five or six
23 years later.

24
25 The solution is simple and obvious.
26 Close driftnetting for chinook salmon along the Yukon
27 River for a season. Seasonal openings and closures after
28 that can be for the resource and recommended. The Yukon
29 River has many other species of fish that we can harvest
30 and subsist on. Since when has chinook salmon been our
31 only source of subsistence from the Yukon River.

32
33 Driftnetting is the most effective means
34 for harvesting large numbers of chinook salmon. There is
35 no better method for ensuring a steady decline of the
36 species. Let's give the chinook salmon a chance to reach
37 their spawning waters.

38
39 This testimony does not come from me,
40 personally. I had a couple meetings with the fishermen
41 in Nulato. They know what I'm coming here to present the
42 Board of Fisheries with. I would not presume to make
43 these statements on my own without the support of the
44 community of Nulato.

45
46 Thank you.

47
48 CHAIRMAN TOWARAK: Thank you. Are there
49 any questions of Mr. Demoski from the Board.

50

1 (No comments)

2

3 CHAIRMAN TOWARAK: Thank you. We will
4 retain your testimony.

5

6 MR. PROBASCO: Thank you, Mr. Chair.
7 Again, for the public, this is your opportunity to
8 testify on non-agenda items. I have two people
9 remaining. The first one is Mr. Timothy Andrew from
10 AVCP. Mr. Andrew.

11

12 MR. ANDREW: Thank you, Mr. Chairman, and
13 congratulations. I know I will never forget your name
14 because my first name is Tim as well. For the record, my
15 name is Timothy Andrew. I'm the director of Natural
16 Resources for AVCP and I'm testifying before you today in
17 concern for the Yukon River chinook salmon just as much
18 as Mr. Demoski and Mr. Walker had testified to earlier.

19

20 This stock has never recovered since 1998
21 and continuing to decline to numbers that is really
22 starting to concern a lot of users, primarily the
23 subsistence user because this is our staple. This is our
24 food source that we've had for millennia.

25

26 In fact, there was a study back in 2004
27 by ISER that indicated that 60 percent of our diet in
28 Western Alaska is fish and 80 percent of that salmon. So
29 whenever you take out an element of salmon from our diet,
30 it affects our traditional way of life immensely. It's
31 not only occurring within the river systems but also
32 occurring in the Bering Sea as well in the trawl fishery.
33 This Board and the State Board of Fisheries and every
34 management regime has to take that into consideration and
35 effectuate change in the management of the Bering Sea
36 trawl fishery and other fisheries that intercept our
37 salmon.

38

39 We need protection from incidental
40 bycatch. We also need protection from the interception
41 of our salmon. It's sadly affecting not only us here in
42 Alaska but also our indigenous brothers and sisters up in
43 Canada as well. These continuing low returns is
44 extremely devastating.

45

46 The other thing I'd like to testify on on
47 a non-agenda item is the state of our Mulchatna Caribou
48 Herd. I know this is a fishery meeting, but that herd
49 out there in Western Alaska has been declining from a
50 high of 220,000 animals in 1996. Currently the

1 population is probably about 35,000 and probably
2 declining more and more and more. That herd needs
3 protection. Otherwise we're going to get to a point of
4 no return where we cannot sustain that herd anymore and
5 it's an important food source not only for people in the
6 AVCP region, but also people down in the Bristol Bay area
7 and eastern part of the Aleutian Chain.

8
9 The other thing I forgot to mention about
10 chinook salmon was symptoms of the Yukon River are
11 starting to fill into the Kuskokwim at the moment. We
12 have two river systems that consistently have not
13 achieved their escapement goals primarily down on the
14 lower part of the Kuskokwim River, the Kwethluk, and I
15 believe it was the Tuluksak. Those enumeration projects
16 have not achieved their escapement goal and if that
17 symptom continues to move up the river, the Kuskokwim
18 River is going to be in the same situation as the Yukon
19 River. The salmon there is equally or possibly even more
20 important than the Yukon River for the subsistence users.

21
22 I plea to this Board to take every
23 measure to protect our salmon resources and also our
24 caribou resources as well. I will extend my helping hand
25 if I can help in any way, if AVCP can help in any way.
26 We can work to try and address the situation.

27
28 Thank you, Mr. Chair.

29
30 CHAIRMAN TOWARAK: Thank you, Mr. Andrew.
31 Are there any questions of Mr. Andrew from the Board.

32
33 (No comments)

34
35 CHAIRMAN TOWARAK: Thank you for your
36 testimony. Pete.

37
38 MR. PROBASCO: Thank you, Mr. Chair. Our
39 last person to testify on non-agenda items is Mr. Gene
40 Sandone from Kwik'pak Fisheries. Mr. Sandone.

41
42 MR. SANDONE: Good afternoon. My name is
43 Gene Sandone, private consultant representing Kwik'pak
44 Fisheries. They're a subsidiary of Yukon Delta Fisheries
45 Development Association, which is a CDQ group for the
46 Lower Yukon six area villages.

47
48 Just a brief introduction if I may. I
49 worked 26 years with the State of Alaska. Most of that
50 was in association with the Yukon River. Starting in

1 1988 I was the Yukon River research biologist and then I
2 was the AYK Region regional research supervisor and then
3 the final eight years of my tenure with the State I was
4 the regional supervisor for the AYK Region. Just to give
5 you a little background, that I've been associated with
6 the Yukon for a while.

7

8 I'd like to speak on two things today.
9 First off I'd like to speak on the significant commercial
10 enterprise problem we're having with customary trade and
11 I'd like to also speak with subsistence use priorities or
12 lack of priorities.

13

14 I'm going to quote a little bit from the
15 document that you have in front of you, the Federal
16 Subsistence Board's meetings. I won't tell you what page
17 it's on, but if you want them, I can give them to you.
18 The Federal government says here regarding customary
19 trade: Any exchanges of subsistence-caught fish for cash
20 that rise to the level of significant commercial
21 transactions are not customary trade. Such commercial
22 level transactions are prohibited under current
23 regulations. The threshold for significant commercial
24 enterprise however has not been determined. Enforcement
25 of the prohibition remains problematic without a
26 threshold determination.

27

28 Now I really don't have any problems with
29 customary trade. I think it's a valid subsistence use.
30 What I'm concerned about is the abuse that goes on. I
31 think the RACs in general should insist upon a definition
32 of significant commercial enterprise, but it could also
33 be regional too. But I don't think that as one
34 alternative that the Federal government portrays in their
35 book is that it could be regional by RAC. I think it
36 should be encompassing to the whole Yukon River. If we
37 come up with a definition of commercial enterprise, it
38 should be for the whole river. If we come up with a
39 dollar amount for rural-to-rural transactions or rural-
40 to-other transactions, it should be for the entire river
41 because it is a conservation concern.

42

43 Things were hard when we went from
44 unrestricted mesh size to seven and a half. A lot of
45 people didn't like it and a lot of people still don't
46 like it, but it was the right thing to do. The right
47 thing to do now is to curb the abuses that is happening
48 specifically on the Yukon River by coming out and putting
49 a general sideboard on it for significant commercial
50 enterprise. Then you can go to the next step and look at

1 limitations between rural to rural or rural to others.

2

3 As we understand it, since there is not
4 a definition of significant commercial enterprise, then
5 we suspect that all sales of subsistence caught fish may
6 be allowed. Without a clear definition, there is no
7 clear line between sales that are allowed under customary
8 trade and sales that are not.

9

10 Last year there was two advertisements on
11 Craigslist selling Yukon River strips. Rumors and
12 hearsay abound about the very large sales of Yukon River
13 salmon strips in front of the AFN convention. On the
14 North Slope. Testimony by Western Interior and Eastern
15 Interior Regional Advisory Council members last year
16 indicate that the Yukon is unique regarding sales of
17 subsistence caught chinook salmon. We believe that the
18 Yukon River is fast becoming the chinook salmon strip
19 basket of Alaska. You can buy them in Ketchikan, the
20 North Slope. People on the Kuskokwim don't have time to
21 fish, so they buy their strips from the Yukon.
22 It's a uniquely prized fish and if you've never tasted
23 Yukon strips, you're really in for a treat when you have
24 them. Once you have them, honest to God, you really want
25 more. They are addicting.

26

27 Over the last decade, over the last
28 several years, concerns have been expressed over
29 potential abuses occurring relating to customary trade of
30 subsistence harvest salmon, primarily chinook salmon. In
31 response and in light of poor returns of salmon and
32 decreased opportunities for both commercial and
33 subsistence fishing, US Fish and Wildlife Service Office
34 of Law Enforcement initiated an investigation to document
35 potential violations. The investigation became public
36 when officers and agents conducted interviews in main
37 villages along the Yukon River, in Anchorage and
38 Fairbanks and other locations. Several search warrants
39 were served on individuals who may have been involved in
40 illegal sales.

41

42 Now this is important and please take
43 note. Documented violations include the sale of fish
44 caught from State waters, interstate sales to businesses
45 and sales of salmon strips in violation of State health
46 requirements. The investigation is ongoing. It doesn't
47 list any of the abuses. People can sell a lot of fish
48 and it appears that, at least in this investigation,
49 there was no citations for selling an excess amount of
50 fish. It was always something in the law that they could

1 nail these people on.

2

3 That concludes my testimony for that
4 topic. Shall I go on?

5

6 CHAIRMAN TOWARAK: Continue.

7

8 MR. SANDONE: Thank you. The other
9 testimony that I would like to talk about, the other
10 issue that I'd like to talk about, is subsistence uses
11 under ANILCA. Under ANILCA, the customary and
12 traditional uses by rural Alaskan residents of wild
13 renewable resources for direct personal or family
14 consumption as food, shelter, fuel, clothing, tools or
15 transportation, for the making and selling of handicraft
16 articles out of nonedible byproducts of fish and wildlife
17 resources taken for personal or family consumption, for
18 barter or sharing for personal or family consumption and
19 for customary trade.

20

21 Those are all the uses under ANILCA and
22 I'm taking this right out of the Federal book. Under the
23 State it's very similar. But under the State there has
24 been a general prohibition of selling subsistence-caught
25 fish. There is two exceptions. I think there's herring
26 roe on kelp and there's also finfish for Norton Sound.

27

28 However, under the Federal government,
29 and this is what they say, under ANILCA there is no
30 statutory or regulatory mechanism to prioritize among
31 uses. To date, the Federal Subsistence Board has not
32 distinguished or prioritized among recognized subsistence
33 uses basing its practice on the premise that all
34 subsistence uses as defined in ANILCA qualify for the
35 subsistence preference.

36

37 Similarly, under State law, there is to
38 date no effort by the Alaska Board of Fish to attempt to
39 define or differentiate between commercial and non-
40 commercial dog teams. Okay, maybe I went too far on that
41 quote. But there's no mechanism for prioritizing
42 subsistence. However, there's a regulatory exception to
43 this rule which requires that in the Yukon River drainage
44 chinook salmon must be used primarily for human
45 consumption and not targeted for dog food. This was a
46 State regulation which the Federal adopted, I believe.

47

48 So I think everybody agrees with that on
49 the Yukon. The chinook is too highly a prized fish to
50 feed to dog. Scraps are fed to dogs and heads and tails,

1 but not the entire chinook. I also believe that most
2 people in the Yukon and maybe even in Alaska would say
3 that personal human consumption of chinook salmon has a
4 greater priority than customary trade or maybe other uses
5 in ANILCA. I would like the Federal Subsistence Board to
6 consider prioritizing these uses.

7
8 I'd like to just give you a scenario of
9 a conundrum that I think happens in the Yukon. When the
10 Yukon chinook salmon run is low and you have a special
11 action that eliminates people fishing from other areas,
12 you have a rural only fishery for subsistence, you have
13 a subsistence use customary trade that takes these fish
14 and sells them outside the region. So that doesn't seem
15 to be a rural preference. You're prohibiting people in
16 Anchorage from coming out to the Yukon who possibly have
17 family on the Yukon, you're prohibiting them from fishing
18 on the Yukon, but yet you allow rural-to-other customary
19 trade to go on as a priority subsistence use.
20 Personally, I don't think that's right and I hope that
21 you consider prioritizing uses especially for chinook
22 salmon.

23
24 Thank you.

25
26 CHAIRMAN TOWARAK: Thank you, Mr.
27 Sandone. Any questions of the Board.

28
29 (No comments)

30
31 MR. SANDONE: Thank you.

32
33 CHAIRMAN TOWARAK: Does that conclude our
34 non.....

35
36 MR. PROBASCO: Mr. Chair. If I may, the
37 public raised their hand.

38
39 UNIDENTIFIED VOICE: I have a question
40 for.....

41
42 UNIDENTIFIED VOICE: Gene Sandone?

43
44 UNIDENTIFIED VOICE:Gene Sandone.

45
46 MR. PROBASCO: That's out of order, Mr.
47 Chair.

48
49 CHAIRMAN TOWARAK: You're out of order
50 for our meeting. There's nothing to prevent you from

1 asking the question directly to him. If there are no
2 questions of the Board, then we will continue.

3

4 MR. PROBASCO: Mr. Chair. That is all
5 the people that have signed up for non-agenda items. At
6 this time, I believe we're completed with Agenda Item 4
7 and would move into Agenda Item 5.

8

9 CHAIRMAN TOWARAK: We will proceed then
10 onto Item No. 5, tribal consultation on fisheries
11 regulatory process. Can we have an introductory of the
12 issue.

13

14 MR. PROBASCO: Yes, Mr. Chair. As
15 meeting the direction from the Secretary of Ag and
16 Secretary of Interior with tribal consultation, as the
17 Board members are aware, our process of developing
18 fishery proposals started about 10 months ago with the
19 proposed rule well in advance of the final direction from
20 the Secretary, so we're in a little difficulty here in
21 providing for tribal consultation as the tribes may
22 envision because we haven't had the opportunity to work
23 with the tribes yet to develop that.

24

25 So in order for us to get the proposals
26 through the process, we want to provide this opportunity
27 because it's so important that these regulations and
28 proposals are dealt with so that we can have our
29 regulations published and finalized by April 1st. If we
30 do not have our regulations finalized by April 1st, our
31 regulations drop off the books and we revert back to the
32 State regulations.

33

34 So I hope everybody understands why we're
35 inserting this opportunity at this point and this point
36 only for tribal consultation on the fishery proposals at
37 this point in time. This will not be our normal way of
38 doing business in the future. We're going to be working
39 that out on Friday and future meetings, but for this one
40 point in time dealing with the fishery proposals before
41 you, we want to provide the opportunity for the councils,
42 the Board does, so that you can have that dialogue.
43 Regional Advisory Councils, the Federal Board and the
44 tribes.

45

46 Mr. Chair.

47

48 Mr. Chair, at this time, and it's a
49 dialogue. We have people that have signed up. It's an
50 exchange back and forth. We have this vacated that you

1 can come forward. You're not limited to speaking just
2 once. So this is a new process for all of us, so bear
3 with us. We're learning as we go. If I may, Board
4 members and Mr. Chair, I'll call the first person up.
5 Remember, you're focusing on the proposals that are
6 before the Board at this time. They're in this booklet.
7 We'll go from there unless somebody else has a different
8 way of wanting to conduct this. Is everybody okay with
9 that? Councils?

10

11 So the first person I have signed up is
12 Bradley Jonas. He's from Chalkyitsik Village Council,
13 the first chief. Mr. Jonas.

14

15 CHAIRMAN TOWARAK: Chalkyitsik.

16

17 MR. PROBASCO: Thank you.

18

19 MR. JONAS: Hello, Board. My name is
20 Bradley Jonas. I'm from Chalkyitsik, Alaska. I'm
21 nervous. I'm the first chief of Chalkyitsik. I've just
22 been recently elected this month of January and I'm on
23 the Council of Athabaskan Tribal Governments as a board
24 member.

25

26 I'd just like to oppose against the
27 prohibited use of fishwheels to harvest salmon in Yukon
28 River Districts 4 and 5. I'd like to also compliment
29 Walter Sampson on his speech he made earlier, very
30 inspirational. And Jack too, Facebook. It's great.
31 Yeah, it's a resourceful way to get to people out in
32 rural villages and all that.

33

34 That's pretty much all I have to say.
35 Thank you, Mr. Chair.

36

37 CHAIRMAN TOWARAK: Thank you. Are there
38 any questions of Mr. Jonas.

39

40 (No comments)

41

42 CHAIRMAN TOWARAK: Next.

43

44 MR. PROBASCO: Mr. Chair. Before I call
45 -- and this is also an opportunity for the Council Chairs
46 or their representatives to ask questions as well and
47 back and forth, so it's not just limited to the Board.
48 The Councils as well. The next person I have is Stan
49 Sheppard. This may be -- Stan, you may want to talk
50 specific to a proposal, but I'm not sure. You're down

1 here for tribal consultation. Stan. Mountain Village.

2

3 Mr. Chair.

4

5 CHAIRMAN TOWARAK: Thank you.

6

7 MR. SHEPPARD - Good afternoon. My name
8 is Stanislaus Sheppard. I'm from Mountain Village and
9 Lower Yukon. I sit as a chair for the Mountain Village
10 Working Group. At this time I would just like to come
11 forward. The Mountain Village Working Group had met
12 twice prior before coming over here to attend this
13 meeting. We voted all in favor of pulling out those
14 proposals that were drawn up. During the process of them
15 being drawn up, there was misworded -- like, for
16 instance, on the fishwheel instead of regulated it was
17 written down as restricted.

18

19 So on behalf of the Mountain Village
20 Working Group, we'd like to pull the proposals that we've
21 drawn up. That will be Proposal No. 4, restrict the use
22 of fishwheels. Proposal No. 5, restrict customary trade.
23 Proposal No. 6, gillnet depth. Proposal No. 7, restrict
24 the use of gillnets.

25

26 That's all I have to say.

27

28 Thank you.

29

30 CHAIRMAN TOWARAK: What was the last one,
31 No. 7? I'm going to defer this to Pete to define the
32 process that we use.

33

34 MR. PROBASCO: Thank you, Mr. Chair. Mr.
35 Sheppard actually brought this to my attention earlier.
36 A proponent can pull a proposal any time prior to a
37 Regional Advisory Council acting on that proposal. Once
38 a Regional Advisory Council acts on a proposal it becomes
39 ownership of the Board. You've actually had the public
40 involved. So Mr. Sheppard, even though they're involved
41 in drafting this proposal has made that request, the
42 proposal still has to come before the Board and act upon.
43 The Board can act on the proposal. They can elect to
44 honor the wishes of the proponent. Everything is on the
45 table still, Mr. Chair. So even though Mr. Sheppard has
46 asked to pull the proposals, the Councils have acted on
47 them and we must proceed.

48

49 Thank you, Mr. Chair.

50

1 CHAIRMAN TOWARAK: What are the wishes
2 from the Council? Any recommendations from the -- Geoff,
3 go head.

4
5 MR. HASKETT: It seems to me, especially
6 when I look at -- I think most of them it's fairly
7 unanimous and mostly what people are planning on doing,
8 at least five, maybe some of the other ones, I guess I'd
9 be inclined to allow them to pull it if that's an option
10 that we can have occur.

11
12 MR. PROBASCO: Thank you, Mr. Chair. Mr.
13 Haskett, as a Board member, there is a point of order.
14 Your recommendation would occur once the proposal is
15 brought forth on the table. We shouldn't act on the
16 request at this time.

17
18 Mr. Chair.

19
20 MR. HASKETT: Sorry, Mr. Chair. I
21 misunderstood. I thought we were calling for discussion
22 on it now.

23
24 CHAIRMAN TOWARAK: That's why I asked
25 earlier for a proper explanation of the process that we
26 need to use before we go any further. It's a new glitch
27 for me anyway and perhaps we can get another explanation.

28
29 MR. PROBASCO: Mr. Chair. This is a
30 public announced meeting and we're in the process now of
31 tribal consultation. So you may have public or Regional
32 Advisory Councils that want to weigh in on the proposal.
33 So your opportunity is to act upon it once the proposal
34 is officially read into the record and to act
35 accordingly. To act on it at this time in my opinion --
36 I could look for the legal counsel, but my opinion is
37 that you need to act in its proper format because it's a
38 public announced meeting.

39
40 Mr. Chair.

41
42 CHAIRMAN TOWARAK: Go ahead, Geoff.

43
44 MR. HASKETT: So, Mr. Chair, I pull what
45 I just said then. You said you made it a glitch. I made
46 it worse.

47
48 (Laughter)

49
50 CHAIRMAN TOWARAK: Go ahead, Mr. Sampson.

1 MR. SAMPSON: Thank you. Mr. Chairman,
2 I think the proponents that have devised the proposed
3 regulations for adoption is certainly something that's
4 been reviewed by the Regional Advisory Councils and I
5 think because this is a tribal consultation what can
6 occur, as I see it, is that we can listen to the views of
7 the individuals on those things, but when it gets down to
8 the deliberation of those very proposals, because the
9 proponents are asking to be taken out, then you can
10 possibly defer those at that point in time when you act
11 on the very proposals for future meetings.

12
13 CHAIRMAN TOWARAK: Are there any
14 questions of the Board on his recommendation? Does it
15 seem to be a reasonable approach to handle this
16 situation?

17
18 (No comments)

19
20 CHAIRMAN TOWARAK: We will proceed in
21 that manner then on the points that Mountain Village
22 Working Group have commented on.

23 MR. SAMPSON: Mr. Chairman. Can I get
24 clarity here. I guess Pete had made a statement to the
25 fact in regards to the involvement of the Regional
26 Advisory Council. We're getting involved at this point
27 or during deliberations?

28
29 MR. PROBASCO: Thank you, Mr. Chair.
30 Both. You can ask questions at this point of Board
31 members or the tribal representative for clarification,
32 et cetera. So it's a dialogue between all three
33 entities.

34
35 Mr. Chair.

36
37 MR. SAMPSON: Thank you.

38
39 CHAIRMAN TOWARAK: Mr. Wilde.

40
41 MR. L. WILDE: Thank you, Mr. Chair. The
42 YK RAC voted to oppose both of the proposals that were
43 brought forth. We felt that it took us a long time to be
44 able to try and get the system on the river to try and
45 pull together to work out a resolution to the problem
46 that we have with the chinook up there and we didn't feel
47 that -- we felt that by passing these proposals that rift
48 would be drawn further apart and that is one thing that
49 we would like to ask the Board members to consider in
50 their deliberation. This is very important to the Yukon

1 River and the people that depend on the resource for
2 subsistence.

3

4 Thank you, Mr. Chairman.

5

6 CHAIRMAN TOWARAK: Thank you, Mr. Wilde.
7 Any other comments. Mr. Adams.

8

9 MR. ADAMS: Thank you, Mr. Chair. I
10 think this is a real classic example of how perhaps
11 tribal organizations or governments are not included in
12 the process. If they were to go to their Regional
13 Advisory Council meetings and help with the process and
14 everything, then this kind of a situation wouldn't be
15 coming up to you. It would go through the Councils and
16 then, you know, up the latter. So I just wanted to
17 emphasize that it's a real good example of how tribal
18 governments are not being represented and how they can
19 play an important part in this process.

20

21 Thank you.

22

23 CHAIRMAN TOWARAK: Thank you, Mr. Adams.
24 I think that's a good point that we could reiterate and
25 clarify that in the future we recommend that all tribal
26 organizations through their proposals, even if working
27 through the regional fishing groups, have the option of
28 approaching the Regional Advisory Councils to get their
29 blessings and their evaluation of the proposal. That's
30 my understanding.

31

32 Mr. Reakoff.

33

34 MR. REAKOFF: Mr. Chairman. Those
35 proposals named by Stan Sheppard affected the Western
36 Interior Council. We took position on those proposals.
37 I appreciate Mountain Village Working Group pulling the
38 proposals. I didn't look at the proposals with
39 animosity. I looking at the proposals as showing the
40 frustration of people on the Yukon River with the weak
41 returns and the ensuing bickering that we have to deal
42 with. So I didn't take animosity to those proposals. I
43 just looked at them as an expression of frustration. So
44 as you move through those proposals I wanted to comment
45 to Mr. Sheppard on his statement there.

46

47 Thank you.

48

49 CHAIRMAN TOWARAK: Thank you, Mr.

50 Reakoff.

1 MS. AHTUANGARUAK: I also have concerns.
2 There were a lot of comments that led to developing these
3 proposals and it seems that there is concerns to the
4 wording of the proposal versus the need to regulate and
5 that's something we need some better understanding.
6 There was a lot of work that went into putting this
7 process together but getting the process back and forth
8 may not have ensued adequately to get a proposal that can
9 be worked upon. I have concerns that pulling these
10 proposals is still going to leave the need for assessing
11 this doc in considering regulations. That's not being
12 presented here.

13
14 Thank you.

15
16 CHAIRMAN TOWARAK: Mr. Sampson.

17
18 MR. SAMPSON: Thank you, Mr. Chairman.
19 Walter Sampson. I think there is a process in place that
20 can certainly address the very issue that's been put on
21 the table. We've heard the proponents that made the
22 proposals, drafted the proposals, which in turn was
23 reviewed by the Regional Advisory Council. Because of the
24 very fact that these came from the tribal entity, then
25 they were supported. But if the proponents are asking to
26 withdraw those things, then what the Board can do then
27 when you get to those proposals, you can defer those
28 proposals until such time that review is done by the
29 proponents as well as the Regional Advisory Council.
30 Then in the future you can make that decision based on
31 what the wishes of the proponents and the Regional
32 Advisory Councils are.

33
34 CHAIRMAN TOWARAK: That seems very
35 reasonable to me being on the Board. Mr. Adams.

36
37 MR. ADAMS: Thank you, Mr. Sampson, for
38 making those comments because I fully agree with that.
39 However, you know, in the future we -- you know, I
40 emphasized that before. Let's get, you know, the people
41 in the community and tribal leaders involved in the
42 meetings and so forth so that those proposals will reach
43 the RACs and come to you fully developed to the
44 satisfaction of everyone involved. I just wanted to
45 emphasize that again. I think it's really really
46 important that people in the community and tribal
47 organizations be fully involved in this process. This
48 meeting is hopefully going to accomplish that.

49
50 Thank you.

1 CHAIRMAN TOWARAK: Thank you, Mr. Adams.
2 Any other thoughts. I assume we have notes being taken
3 and we will review this whole discussion and especially
4 with the Mountain Village withdrawal and come up with a
5 plan for future references.

6
7 If there aren't any other comments on
8 those issues, then we will continue with additional
9 testimony.

10
11 MR. PROBASCO: Thank you, Mr. Chair. I
12 think it was a good discussion. I was going to call a
13 point of order because I think we were getting pretty
14 close to deliberations on the proposals, but we can bring
15 them back up when we come to those specific proposal
16 numbers.

17
18 Mr. Chair, the next person is Mr. John
19 Andrew from the Organized Village of Kwethluk. Mr.
20 Andrew.

21
22 MR. ANDREW: Good afternoon, Board.
23 John, unfortunately, had to go out and I'll go ahead and
24 stress these proposals that we are in opposition to and
25 we'll get to deliberate on those as well on Friday. In
26 regards to those proposals on.....

27
28 CHAIRMAN TOWARAK: Excuse me. Would you
29 state your name and your position.

30
31 MR. ANDREW: Oh, sorry. Martin Andrew,
32 Organized Village of Kwethluk, president.

33
34 CHAIRMAN TOWARAK: And you're speaking on
35 behalf of John Andrew or in his place?

36
37 MR. ANDREW: Yes. He had to step out.
38 Like I said, we'll go ahead and get with you guys on
39 Friday as well in regards to these. In regards to the
40 Proposals 11-05, 11-08, 11-09 and 11-01, we wanted to
41 stance that we're in opposition of those proposals and
42 we'll get together on Friday and we'll get to consult
43 more on those proposals.

44
45 Thank you.

46
47 CHAIRMAN TOWARAK: I think you might have
48 a misunderstanding of the process here.

49
50 MR. PROBASCO: Thank you, Mr. Chair. Mr.

1 Andrew, your opportunity to testify on behalf of your
2 tribal organization on the proposals is now. Friday is
3 going to be discussing how we envision the future for
4 tribal consultation. So as soon as we're done with this
5 section discussing with the tribal organizations, we will
6 go into the proposals themselves.

7

8 Thank you, Mr. Chair.

9

10 MR. ANDREW: Okay. For the record, those
11 proposals that I've stated, in opposition to those
12 respective proposals. So we'll go ahead and stance on
13 those.

14

15 Thank you.

16

17 CHAIRMAN TOWARAK: Thank you. Molly.

18

19 MS. CHYTHLOOK: Thank you, Mr. Chair. My
20 understanding of what is happening right now is because
21 there was no chance for a tribal consultation we are
22 pulling people in to do that? Is that my correct
23 understanding of this?

24

25 MR. PROBASCO: Thank you, Mr. Chair. Ms.
26 Chythlook, that is correct. As I stated, our fishery
27 proposal process started a little over 10 months ago and
28 that was prior to the Secretaries directive on enhancing
29 tribal consultation, recognizing that our regulations
30 will expire by April 1st. We need to insert tribal
31 consultation in this process and this is our only
32 opportunity to do that.

33

34 Mr. Chair.

35

36 CHAIRMAN TOWARAK: Thank you. Does that
37 clarify your question?

38

39 MS. CHYTHLOOK: That's what I thought it
40 was. I guess because we won't have any chance to go back
41 and talk to our tribal representatives, we want to pull
42 in whoever, whomever is here from the villages to testify
43 or make comments on these proposals.

44

45 Thank you.

46

47 CHAIRMAN TOWARAK: Yes, that's the
48 intent. We will still have opportunities later on on the
49 actual proposals.

50

1 MS. CHYTHLOOK: Thank you.

2

3 CHAIRMAN TOWARAK: Polly.

4

5 DR. WHEELER: Mr. Chair. If I could just
6 add to this a little bit. Again, Polly Wheeler with the
7 Office of Subsistence Management. This is new, so it
8 seems a little -- we're going into new territory so maybe
9 it's not as structured as the Board process often is.
10 But just so that everybody knows, we sent out letters to
11 every Federally-recognized tribe in Alaska prior to
12 Christmas inviting people to this meeting to consult
13 specifically on the fisheries proposals, but also on
14 Friday to consult on the Federal Subsistence management
15 program in general. So invitations were extended to
16 every Federally-recognized tribe.

17

18 Now I recognize people get a lot of
19 mail. I heard from Anvik. One person said, well, I got
20 a bunch of mail at Christmas, I put it in my woodstove.
21 I recognize that people do get a lot of mail. We're
22 trying this new process. Any input that people can give
23 us as to how it might work better, we're all ears. But
24 we did send these letters out. We also sent them to the
25 ANCSA Regional Corporations inviting people to come and
26 talk to he Board.

27

28 Again, it's consultation between the
29 Regional Councils and the Board, not with OSM, about the
30 fisheries regulation specifically, but then the
31 regulation process in general. So invitations were
32 extended, so I don't think it's entirely random that
33 people are here. I think that people could come and I
34 think some people felt like maybe they weren't going to
35 come on the 18th, but they for sure were going to come on
36 Friday. So we may have a bigger crowd here on Friday.
37 I'm not really sure. We did provide people an
38 opportunity to phone in. Obviously we've had some
39 technical difficulties, so hopefully that hasn't
40 alienated too many people.

41

42 But just to provide some background there
43 that people were officially invited. Tim didn't
44 personally sign the 300-plus letters that went out, but
45 we have a signature stamp for him, so they were to
46 individuals, the heads of these different tribal
47 organizations and they were signed by Tim. So just to
48 give everybody some background on that.

49

50 Mr. Chair.

1 CHAIRMAN TOWARAK: Thank you, Dr.
2 Wheeler. I apologize for the awkward baby steps we're
3 taking here, but hopefully this will be the only time
4 that we'll have to go through this. I think after Friday
5 we should have a process in place after listening to
6 recommendations from the tribes on how we should be
7 handling this.

8

9 Mr. Andrew, take the floor.

10

11 MR. ANDREW: Thank you, Mr. Chairman. I
12 hope I'm not out of order, but I would like to comment on
13 the tribal consultation. AVCP is a consortium of tribes
14 within the Lower Yukon, Lower Kuskokwim area. We have a
15 total of 56 villages that we represent and the tribal
16 consultation is really essential, especially in the area
17 of subsistence for the people in our villages and
18 especially for the tribes because this is something that
19 we have inherited from our ancestors even before the
20 United States government was ever established, even
21 before the state of Alaska, before the Federal
22 Subsistence Board.

23

24 Our subsistence way of life is extremely
25 essential, therefore tribal consultation should be a
26 natural element of the Federal subsistence management in
27 Alaska. I look to each and every one of the agencies
28 that makes up the Federal Subsistence Board to consult
29 with the tribes.

30

31 Mr. Haskett has come out to our small
32 communities and talked with the tribal councils in the
33 community of Marshall within this past year and I really
34 really appreciate that. If other agencies were to mirror
35 that, mirror what Mr. Haskett has done, it would greatly
36 improve the management process, I believe. There would
37 be better understanding between the management agencies
38 and the tribes as well. The meeting that he came out for
39 was a fishery issue.

40

41 I realize that there's over 220 tribes in
42 Alaska and the number of the agencies that manage the
43 resources is pretty varied all across the state of
44 Alaska, but tribal consultation is extremely essential
45 and I look forward to Friday's discussion.

46

47 Thank you, Mr. Chairman.

48

49 CHAIRMAN TOWARAK: Thank you, Mr. Andrew.
50 For your information and for the information of the rest

1 of the people, we hope to have more resources available
2 to us on Friday. There's other agencies that have gone
3 through the process. I heard from Elizabeth Hensley in
4 the Department of Interior's office in Washington, D.C.
5 and I think she's going to be on the phone with us on
6 Friday. I think she has been working with other agencies
7 and with other Native and Indian liaisons in Washington,
8 D.C. that are also going through the process and
9 hopefully they will have suggestions to us on how we
10 should do it most efficiently.

11
12 We're trying to reach out, but we don't
13 want to create confusion. We want it to be as smooth a
14 process as possible and any suggestions you have for us
15 on Friday in doing that and reaching that goal and still
16 make the tribes feel that we're consulting with them
17 before we make our decisions along with the RACs, then we
18 hopefully will have accomplished the mandate that we
19 received from the Secretary of the Interior.

20
21 President Obama asked all the agencies to
22 have a tribal consultation process and we're trying to
23 work it out. A little bit awkwardly at the beginning,
24 but hopefully it will smooth out to be a smooth process.

25
26 Mr. Sampson.

27
28 MR. SAMPSON: Thank you, Mr. Chairman.
29 I think not to complicate things, but hopefully to
30 reinforce what's been said earlier. I think Member Adams
31 Sr. there alluded to the fact of a process that's in
32 place where the Regional Advisory Councils have an
33 opportunity to review proposals that come before us.
34 Those proposals that come from the tribes or whoever it
35 may be, should have an opportunity by the tribal
36 membership during the process of our RAC meeting.

37
38 That's why Member Adams raised the issue
39 with regards to hopefully getting some tribal members at
40 the Regional Advisory Councils when we have our
41 discussions and deliberations during that process so we
42 can get their views before we make the decision and the
43 recommendations going to the Federal Board. But that
44 doesn't mean that the tribal entity is done at that point
45 in time. The tribal entity will have an opportunity then
46 before your deliberations to comment during public
47 comment at that point in time. They can give their input
48 at that point in time as well so it doesn't stop them for
49 any additional input. So there will be additional input.
50

1 I think what's happening here is sort of
2 confusing a little bit in regards to -- because of the
3 President's direction to have tribal consultation, which
4 is good, but it also can create confusion. But I think
5 the process is already in place where the Regional
6 Advisory Councils can coordinate efforts to talk to the
7 tribal entities in discussing these very proposals. Once
8 these proposals go from the Regional Advisory to the
9 Board, then the tribes can also have another opportunity
10 when a public comment period is placed on the books.

11
12 So I think what we will go through is
13 certainly something that will reinforce our process as a
14 Regional Advisory Council. If there's issues that the
15 Regional Advisory Councils maybe didn't address, then
16 those things can be reconsidered and taken back to the
17 Regional Advisory Councils for additional input from the
18 tribes if that's what it takes. I think that's why we
19 need to look at the broad picture of how the Regional
20 Advisory Council fit into the Federal Board, which means
21 possibly additional dollars to hold additional meetings
22 for the Council. So I think you have a process in place.
23 It's just a matter of refining how that process will
24 work.

25
26 Thank you.

27
28 CHAIRMAN TOWARAK: Thank you, Mr.
29 Sampson. In my mind, if I were to suggest a way to do
30 it, I would suggest that the tribes in each community,
31 each tribal organization, has a public meeting to discuss
32 with their members on a proposed or a group of proposals.
33 The village in turn would go to the regional organization
34 and give their community's opinion and thoughts on the
35 proposals. From there the Regional Councils would go to
36 the statewide board in some fashion in that order, but
37 with the proviso that perhaps in every level if there's
38 an objection to the recommendations of the first entity
39 being the village council or at the regional level the
40 RACs, if there's objections by one person on their
41 decision, they still have the capability of asking for a
42 reconsideration.

43
44 Bert, you had your hand up.

45
46 MR. ADAMS: What you just got through
47 saying I couldn't have said better myself. I think it
48 would be worthwhile to talk about and understand where
49 does a proposal begin. It could start from an
50 individual, you know. In our RAC we've had a lot of

1 individuals submit proposals and some of them didn't make
2 it, you know, and there's one or two that I know of that
3 came all the way to the top.

4
5 Organizations can make proposals. In our
6 region, other than Sitka Tribe, I haven't seen very many
7 tribal governments submit proposals. I think, you know,
8 that's really critical. If tribes are going to be more
9 and more involved in the process here, then they ought to
10 be in a better position to listen to their tribal members
11 or their communities and develop proposals of their own
12 and then submit it to the RACs.

13
14 When I look at a proposal, I always look
15 at who is submitting it. If it's an organization, I
16 think that that's more powerful than one an individual
17 submits. I always look at public process. Was there a
18 public hearing on this. You know, I think that's
19 critical as well because the more that you get the
20 information out to the community and get their input and
21 it's documented in that proposal, then that proposal is
22 really strengthened for our consideration. Of course, we
23 look at all the different criteria on those individual
24 proposals.

25
26 Public comment and participation is very
27 important and I think we need to get the word out. Hey,
28 tribal governments, you're representing your tribal
29 members. Somebody in your organization have a problem
30 with subsistence issues, you should listen to them and if
31 you need to develop a proposal, then do so. I think
32 that's where the power of tribes can really play an
33 important part in this process.

34
35 Thank you.

36
37 CHAIRMAN TOWARAK: Mr. Andrew first and
38 then Mr. Sampson.

39
40 MR. ANDREW: Yeah, thank you, Mr.
41 Chairman. I really appreciate the RACs, the way the
42 meetings run in the RACs, in the YK RAC. I'm pretty sure
43 it's basically the same in the various other RACs where
44 tribal organizations and tribes are given the actual
45 opportunity to comment on proposals that come before the
46 RACs. That is a really good consultative process,
47 especially when the RACs meet in the villages. Recently
48 they've been meeting in Bethel. Unfortunately, I guess
49 it's due to some regulatory or some kind of a law that
50 they could not go out and meet in the villages due to the

1 absence of per diem rates for those villages. But when
2 they did go out to the villages, there would be a lot of
3 input from not only the local people but also the tribes
4 as well on the regulatory proposals.

5
6 One thing I failed to mention earlier was
7 several years ago within the community of Marshall the
8 Fish and Wildlife Service issued permits for non-resident
9 -- not for non-resident, but for an outfitter to operate
10 within the close proximity of the community. Because the
11 Service did not consult with the tribe it sparked a lot
12 of controversy. In fact, this past fall within the
13 community of St. Mary's there was an issuance of
14 operating permits within close proximity of the community
15 without even consulting either the corporation or the
16 tribe itself. I look to the agencies to please, please
17 consult with the tribes when you are issuing these
18 permits because they are taking the resources that are in
19 close proximity to their communities.

20
21 Additionally, some of the permitted areas
22 that were issued were in extreme close proximity to
23 Native allotments and some of the trails and other areas
24 that people utilize in the area were likely utilized and
25 trespass likely had occurred. So it's really important
26 that tribal consultation not only occurs within this
27 process, the RAC level, but also with the agencies as
28 well. Everything out there affects our way of life,
29 whether it's Fish and Wildlife Service, BLM and Park
30 Service and other agencies. I encourage people to work
31 with the villages. I think it will be a smoother, better
32 process once tribal consultation -- an effective tribal
33 consultation mechanism is there.

34
35 Thank you.

36
37 CHAIRMAN TOWARAK: Thank you, Mr. Andrew.
38 Any questions of the -- Mr. Sampson.

39
40 MR. SAMPSON: Just a quick comment. I
41 don't mean to try to take time off others. I think, Mr.
42 Chairman, we do have a process in place that allows for
43 Regional Advisory Councils input. You also have
44 allowances by the State. You also have allowances for
45 public in written form to address those proposals. But
46 I think the process that you have in place can be refined
47 after the Friday meeting in which we'll define in regards
48 to how that process will be put in place.

49
50 In regards to the issue of the

1 individuals addressing on a permitting process, that's a
2 whole different gamut which the agency can look at and
3 through a prime process which certainly needs to start at
4 a grassroot level because the impacts and effects that
5 will have on the way of life of those individuals or
6 those groups at regional level. So I think the issue in
7 regard to the permits and whatnot can be addressed
8 through a plan and process.

9

10 CHAIRMAN TOWARAK: Thank you. Contrary
11 to what someone else earlier told us that we had the
12 power of God, you've straightened us out, I think.

13

14 (Laughter)

15

16 CHAIRMAN TOWARAK: We do not have that
17 power. We won't get into permitting processes, but focus
18 for this Board will be subsistence and our relationship
19 between the tribes and this Board. Kristin.

20

21 MS. K'EIT: Mr. Chair, thank you. I just
22 wanted to make a couple comments, one that might be
23 clarifying, that it is clear that right now while we're
24 doing more formal tribal consultation with our tribal
25 governments that they will still have opportunity to
26 comment on proposals when we deliberate on each, either
27 the consensus agenda or each specific proposal. So just
28 to make sure that's clear for folks if they do need to
29 come back or if someone has left and they need to come
30 back later.

31

32 Also I think it would be good to make
33 sure we're using the same terminology as folks are
34 consulting and to make sure that we on the Board and the
35 RACs also understand that involving the tribes through
36 the RAC process as they're reviewing proposals and making
37 decisions on their position of the proposal, it's a
38 fantastic idea to make sure the tribes are involved at
39 that level.

40

41 But I think that we need to be clear on
42 the Board side of things and the agency side of things,
43 that that's not exactly government-to-government
44 consultation or tribal consultation. So to make sure
45 that the Board and the agencies represented here are not
46 -- we're not going to be released from that
47 responsibility to still do our tribal consultation. But,
48 yes, let's make every opportunity available for tribes to
49 be involved.

50

1 Thank you, Mr. Chair.

2

3 CHAIRMAN TOWARAK: Thank you. Mr.
4 Sampson.

5

6 MR. SAMPSON: One last comment, I hope.
7 You know, if it's such that there's an issue in regards
8 to tribal consultation, what I would suggest to the Board
9 then is to look at maybe regionalizing a Federal Board
10 meeting so that way the tribes in the village can go to
11 a Federal Board meeting. For instance, if there's some
12 issues from the Northwest Arctic in regards to tribal
13 consultation, I would suggest that the Federal Board meet
14 in Kotzebue so the other 10 villages, if there's
15 representation from the tribes, can come to Kotzebue to
16 raise issues to give their input on the proposals if they
17 wish to do so, can have an opportunity at that point in
18 time. So I just wanted to bring that to the table for
19 the Federal Board to consider.

20

21 CHAIRMAN TOWARAK: Next.

22

23 MR. PROBASCO: Thank you, Mr. Chair. Our
24 next person will be putting on a different hat, is Andrew
25 Firmin. Andrew.

26

27 MR. FIRMIN: Hi. I'm sitting here on the
28 Eastern Interior RAC, but now I'm here to represent Ft.
29 Yukon and the Gunchyaa Zhee Qwich'in Tribal Government as
30 well as the Council of Athabaskan Tribal Governments,
31 which is a consortium of 10 villages in the Yukon Flats
32 and surrounding uplands.

33

34 I guess I'd like to start off by thanking
35 Mr. Sheppard in the Mountain Village Working Group for
36 attempting to withdraw their proposals. The Tribal
37 Council of Fort Yukon strongly oppose any proposals
38 targeting any one user group and they oppose proposals
39 11-01, 2, 4, 5, 6, 7, 8 and 9.

40

41 As for the customary trade, it's the
42 opinion of the tribal council that we agree in part with
43 Mr. Alstrom and Mr. Sandone as they said earlier that
44 there needs to be a clear definition of a significant
45 commercial enterprise. There's not a lot of customary
46 trade that goes rural to nonrural in a lot of our Yukon
47 Flats villages, but there is too much grey area that's
48 being exploited by a few bad apples that's making it bad
49 for the rest of the communities.

50

1 A big reason though that the tribal
2 governments disagree with these customary trade proposals
3 is that you need to keep in mind that there are a lot of
4 people in the villages that are widows, single mothers,
5 elders that don't have any means or people to fish for
6 them out there, so that's their only way of getting fish
7 is buying it. That's basically when you restrict some of
8 those or make it illegal that you're a part of that, it
9 would make a criminal out of my 80-year-old grandfather
10 that doesn't have any other way to fish other than
11 depending on his grandkids. But what about other people
12 that don't have grandkids or even children left to fish
13 for them or they may live in a different community or
14 they may not fish at all.

15
16 I think some of the customary trade does
17 need to be addressed. Just like I said, I urge you to
18 keep in mind elders, widows and single mothers, that
19 that's their only means of getting salmon. For instance,
20 I think in '09 I was fire-fighting all summer, so I
21 didn't get a chance to go home and fish, so that would be
22 the only way that my mother would have got fish, is
23 buying it from her neighbors.

24
25 It goes back to that barter system. When
26 you talk about the barter system, that just means my
27 mother and my grandmother have to go pump gas for
28 somebody, so, you know, what's the difference. I do
29 believe that there is a big grey area though that's being
30 exploited by certain peoples, but none of those people
31 are from the Yukon Flats as far as we know of and when
32 they do, they are dealt with by the tribal government on
33 a local level currently.

34
35 On a footnote, I guess the Yukon River
36 can't feed the whole world. It's having a hard enough
37 time feeding the residents that live along the river and
38 that's just one thing to keep in mind as we move forward.

39
40 Thank you.

41
42 CHAIRMAN TOWARAK: Thank you. Any
43 questions of the RACs or the Board.

44
45 (No comments)

46
47 CHAIRMAN TOWARAK: Thank you for your
48 testimony.

49
50 MR. PROBASCO: Thank you, Mr. Chair. The

1 next person is Evelyn Thomas from Crooked Creek
2 Traditional Council. Evelyn. Evelyn Thomas.

3

4 UNIDENTIFIED VOICE: She had to leave
5 she'll be back on Friday.

6

7 MR. PROBASCO: She'll be back on Friday?
8 Okay. Thank you. The next person I have is Mr. Thomas
9 Lang, Sr., Metlakatla Indian Community.

10

11 MR. LANG, SR.: When we address the
12 Council or any other thing like that, it's customary to
13 stand. Forty-five years ago when I was a young man like
14 him first elected to Council, an old elder on the Council
15 told me if you want to be heard, you have to stand up and
16 speak loud, so that's what I've learned to do, stand up
17 and speak loud.

18

19 I'm Tom Lang, Sr. I'm a Tsimshian.
20 That's my tribe. I'm a double eagle in the clan and I'm
21 an elder from Metlakatla, Alaska. As you met earlier,
22 councilman Atkinson appointed me to chair. They have a
23 standing committee, the Tsimshian Tribal Rights
24 Committee. Anything to do with the tribe they include me
25 to represent the tribe. I represent the elders and the
26 people. I'm just appointed by the council.

27

28 So we're here because of the eulachon
29 issue. If any of you know anything about Tsimshian, you
30 know we're three-quarter eulachon up to here. All the
31 rest is salmon. We're river people and we're also ocean
32 people.

33

34 Prior to Russia and England and Spain and
35 German and even American contact in Alaska, the northern
36 boundary of the Tsimshian territory started at the Unuk
37 River, ran through the straights of both Ketchikan, below
38 Wrangell, over to Queen Charlotte Island, 30 miles out to
39 the Azee (ph) Islands. That was the northern boundary of
40 Tsimshian territory before they sold Alaska to America
41 and put that new boundary. They split the northern
42 boundary of Tsimshian Territory off of it. The reason we
43 have those deals because we're river people, the Unuk,
44 the Nass, the Skeena, all the way down to British
45 Columbia, halfway down to Seattle was Tsimshian Territory
46 mainland because of the river, because of the eulachon.
47 We're eulachon people.

48

49 We were thinking about when I first moved
50 here -- we just got here yesterday. Today, when I came

1 in here, is the first time I seen the proposal. A one
2 paragraph proposal of closing down eulachon altogether on
3 the Unuk. We've never been -- we're the eulachon people
4 for 15,000 years we lived on those rivers and we haven't
5 even been consulted. They said they sent out
6 invitations. We got one last month just to come to this
7 meeting and a little itinerary, but nothing about the
8 eulachon thing. Just a one paragraph thing that is --
9 there's a lot of misinformation in it and there's not
10 enough information in it. It's not the truth. What is
11 there should not verify for you to close down the river.

12
13 Now you keep saying that if we don't do
14 something right away the State is going to take over.
15 What are they going to do? They're going to close us
16 down. What is the difference to the Tsimshian if you
17 close it down or the State closes it down when you're not
18 even looking for the real answer -- what happened to the
19 Unuk. A lot of things happened to it and we know what
20 happened to it, but you haven't consulted with us. We
21 haven't been invited to anything.

22
23 The Forest Service that was running that
24 district had seven meetings prior to it, not including
25 one Native issue in that area, including the Unuk River.
26 In fact, I think if we went up there now we'd get
27 arrested just like the man did up there, the old 70-year-
28 old man up north went into Park Service territory. They
29 arrested him even though he lived there for thousands of
30 years.

31
32 So rather than asking for you to -- my
33 original thought when I first seen the thing was to ask
34 you to table the issue until you consult with us, until
35 I can talk to my tribe and Saul can talk to his council.
36 We have attorneys too, just like you have all your
37 attorneys here to take care of you, and we can go through
38 the whole issue again and try to find out what the real
39 answer is before you shut it down. That's what I'm here
40 for now.

41
42 Instead of tabling it I'm asking you to
43 withdraw it because if you table it, we're just tabling
44 an issue that's going to end up in closure anyway.
45 You're not looking for the answer by closing it. So I'm
46 asking you to withdraw this issue rather than just
47 tabling it. Asking you to please consult. Oh, went
48 round and round and round and round about consulting.
49 This isn't a consultation.
50

1 When I saw that deal this morning, it's
2 the first time I seen it. It's new business. You know
3 when you're doing new business you put in your
4 committees, you go over it again and again and you meet
5 again and if you want to change it, you meet again. You
6 cannot make a decision according to me about my rights to
7 have that eulachon on that river without asking me and I
8 have to give you permission to it. You can't take this
9 right away. You didn't give me this right. Neither did
10 Federal government, neither did the State. Nobody can
11 give the Tsimshian the right, what they were born to for
12 the last 15,000 years and you can't take it away from me
13 without consulting me or going to war with me and beating
14 me or killing me. That's what's happening here.

15
16 This is our first session here we've ever
17 had with you and here you are cutting the very heart of
18 what the Tsimshian is out, closing down a eulachon river
19 and letting in sport fishermen, airplanes can go in,
20 bring in to look at bears and hunters can go in there
21 with guides, tourists can go up there, but no Indians
22 allowed. I don't understand that, so I'm going to
23 request that you withdraw it, this issue, for now, until
24 you consult with the Tsimshian.

25
26 Thank you.

27
28 CHAIRMAN TOWARAK: Thank you. Any
29 questions from the front table.

30
31 (No comments)

32
33 MR. LANG, SR.: Thank you.

34
35 MR. PROBASCO: Mr. Chair. I have a
36 clarification. Mr. Christopher Beans are you here on
37 behalf of tribal?

38
39 MR. BEANS: Yes.

40
41 MR. PROBASCO: Please come up. Mr.
42 Christopher Beans from Andreafsky.

43
44 MR. BEANS: Thank you, Mr. Chair and the
45 Board. Christopher Beans, Yupit of Andreafski. We do
46 have a couple proposals here I'd like to consider. One
47 being Federal Proposal 11-01, restriction depth of
48 gillnets. We would ask the Board to not consider this
49 proposal. We are already in depth restrictions. Right
50 now we just switched over to 7.5 and that don't take into

1 effect until March 2011, so it hasn't been in place yet
2 and this proposal should not be considered.

3
4 I did put out a couple papers. The other
5 one was for another proposal. Will I be able to cover
6 that now? That would be Federal Proposal 11-08 customary
7 trade. It states customary trade be prohibited when
8 chinook subsistence harvest are restricted. We are in
9 support of that. We didn't have any restriction for
10 years on chinook subsistence harvest. It started out in
11 the '80s, maybe '70s, we're restricted, no more
12 fishwheels after August 15. That's one restriction.
13 Another restriction, we were cut down to 45 mesh and that
14 was in the 1990s. Then another one came up, the windows.
15 That's further restriction on subsistence harvest of
16 chinook. Most recently the 7.5 inch. With those
17 restrictions in place, I'd like to support Federal
18 Proposal 11-08.

19
20 CHAIRMAN TOWARAK: If that's the end of
21 your.....

22
23 MR. BEANS: Yes.

24
25 CHAIRMAN TOWARAK:testimony, are
26 there any questions from the Board or the RAC Chairs.

27
28 MR. PROBASCO: Mr. Chair. Mr. Bean, you
29 also on your testimony had Proposal 11-09.

30
31 MR. BEANS: Federal Proposal 11-08.

32
33 MR. PROBASCO: Okay.

34
35 MR. BEANS: Thank you.

36
37 CHAIRMAN TOWARAK: Next testimony.

38
39 MR. PROBASCO: Thank you, Mr. Chair.
40 This is the last card I have. Again, this isn't the last
41 opportunity though. Mr. Willard Jackson from Grand Camp.
42 Mr. Willard Jackson.

43
44 MR. JACKSON: Good afternoon. My name is
45 Willard Jackson. I'm a tribal council secretary for the
46 Ketchikan Indian Community. I'm also the Grand Camp
47 executive officer. Was the past Grand Camp officer for
48 ANB. I am a Vietnam veteran. I'm sorry I'm late. I was
49 over at the VA hospital. I have some problems, but we
50 definitely have problems at this table too.

1 I'm a Tlingit Indian. My Tlingit name is
2 Klaywan (ph). It means the Old Man Watching the Side of
3 the Bay. We need our people to watch our own people
4 today. Education-wise, we're having problems in Indian
5 country. I made two trips to Washington, D.C. to visit
6 President Obama. One of them was last year with the 535
7 tribal leaders. I'm a tribal leader and I'm a tribal
8 clan leader for the Teikweidi Brown Bear.

9
10 President Obama in his first opening
11 statements last year when he spoke to us was subsistence
12 is broken. Since that time he's sent up Salazar. He's
13 come and met with us through AFN last year.

14
15 He sent Larry EchoHawk and you folks met
16 with Larry EchoHawk during the BIA providers conference,
17 which wasn't too long ago. Larry EchoHawk's comments
18 were something's wrong, I need to go back to my table.
19 Something's wrong, I need to go back to Washington, D.C.
20 Something's wrong. He needs to invite us to the table as
21 tribal leaders across this great land of Alaska.

22
23 I feel that in the process of talking
24 about my grandchildren, I have two of them living with
25 me. I have a dozen grandchildren. I've got one in
26 Lincoln, Nebraska going to college. At times I'll send
27 her her salmon. I'll mail it out to her in her seaweed
28 and the things that she needs to sustain her.

29
30 If you go into Prince of Wales in the
31 summertime, you'll see my Klawock brothers and sisters
32 subsistence fishery for the sockeye. When you go there
33 to witness them, you'll see about two or three men, maybe
34 two or three men and women, they both fish that fishery
35 in setnets. When they come in on that public dock,
36 you'll see law enforcement on the beach waiting for them.
37 But yet a finger away there's another dock where you get
38 your tourists come in with their halibut and their salmon
39 and they're not even checking them out.

40
41 Something is wrong with this system.
42 Something is definitely wrong with this system. There's
43 a gentleman, and you'll probably hear about him next
44 week. He's coming up to Anchorage to go to court in the
45 otter. Roger Alexander. Hunts Prince of Wales. Had 80
46 pellets. So many skins that he forgot to tag them and
47 he's now looking at a five year jail sentence in the
48 penitentiary for hunting his own wares to barter. I
49 think not.

50

1 I don't know how many of you folks have
2 been in jails or in prisons. I have. It's not a
3 pleasant place for our people to be when they're trying
4 to make a living on the water for themselves and their
5 family. As of today that gentleman has lost everything
6 he owns because law enforcement came in his house and
7 took all his wares. The gentleman will be up here next
8 week to go to court. Clay King is his lawyer.

9
10 I think across Indian country, as Grand
11 Camp president last year and looking at the numbers from
12 Robert Loescher there were 3,000 citations given out
13 across the state of Alaska to my Native brothers and
14 sisters.

15
16 In the future, we're going to have to get
17 permits to pick our own berries. Something is wrong with
18 this system. I have a 13-year-old grandson that lives
19 with me and he'll call me tonight and ask me what did you
20 do today, Grandpa. What did you do, ya ya. I said I
21 talked about you today. I talked about you. We're
22 making laws and regulations for children that can't even
23 speak for themselves.

24
25 Last year in Grand Camp I had the
26 opportunity to talk to Beth Pendleton, U.S. Forest
27 Service. We were invited to the U.S. Forest Service
28 office to talk to her and Harris Sherman. In looking at
29 the laws of the USDA, they are to take care of people in
30 Indian country and American Indians for the health and
31 well being living off the land and this is not happening.

32
33 I think and feel that looking at this
34 Board today and see the division in the house, my brother
35 sitting here, some of my other brothers sitting over
36 there. At this table sitting should be klay kah, Native,
37 klay kah, Native, white brother and sister Native, to
38 equal this out so you can hear how we feel in Indian
39 country. My brothers and sisters to the north should be
40 able to go across the tundra freely to get their wares
41 for fishing and hunting and eating.

42
43 The 300-mile limit is not being looked at
44 enough. Two years ago you shut down the major river and
45 these people could not fish. I eat fish every other day
46 at home. I was raised on salmon and halibut. The Juneau
47 area is looking at the streams and likewise with
48 Ketchikan.

49
50 I shared with the Chair just before I

1 left, I was over at the hospital, I'm suffering with
2 cancer. I feel if you're going to touch any of the
3 Native communities, I think you need to go to the IRAs,
4 which I'm a part of. They're the governing body. Your
5 tribal leaders are sitting behind me. They speak on
6 behalf of their tribal members. I feel if you're going
7 to touch bases with any of these IRAs, you need to send
8 one of your brothers and sisters or maybe two at a time
9 in these communities and communicate with them.

10

11 We're not going to come to your table.
12 We will share how we feel if you come to our table.
13 We're not somebody that just was left off here. We've
14 been here since day one, time immemorial. We've been
15 here. We know how to hunt the land. We know how to take
16 care of the land. I think most important of all we know
17 how to take care of one another as human beings. After
18 all, we are human beings.

19

20 In just a few weeks they're going to be
21 celebrating Elizabeth Peratovitch day. At one time,
22 prior us even getting where we're at today, there used to
23 be signs out no dogs or Indians allowed. That's how I
24 feel today, no dogs or Indians allowed. I shouldn't have
25 to go out and do my hunting with a gunny sack. Pride
26 comes with yourself as you hunt for your family and hunt
27 that deer or that caribou or that whale.

28

29 I think in the future this Board and
30 other boards what's going to merge from this board is
31 cooperation. You need to come into our villages and find
32 out what our needs are. These meetings that you have in
33 Anchorage are great gains, but they also need to be in
34 other smaller communities, not just here in this hub
35 area. I'm from a hub area and that hub area is in
36 Romanoff. Our tribe tells me our hub area is growing.
37 Two weeks ago we had a regular council meeting and I'm
38 the enrollment officer for our tribe and we're at 5,580
39 members now coming at the other villages to look for work
40 and look for food because they're not finding it in their
41 areas.

42

43 My brothers and sisters in Prince of
44 Wales shouldn't have to be approached by the law
45 enforcement officers while just down the next finger our
46 brothers and sisters are traveling up here, fishing the
47 charter boats are not even being looked at and reviewed,
48 yet my brothers and sisters are treated like they're
49 stealing. Something is wrong.

50

1 Thank you very much.

2

3 CHAIRMAN TOWARAK: Thank you, Mr.
4 Jackson. Are there any questions for Mr. Jackson from
5 this table. Mr. Sampson.

6

7 MR. SAMPSON: Mr. Chairman. First of
8 all, I want to thank you for your comments. I think this
9 is a process how venting is done. That's why I alluded
10 to the fact that to hear more of statement and views of
11 those that cannot speak in a public setting like this.
12 If this very Board can go out to the regional centers at
13 least to get some views from those that would love to
14 speak to you. Let's take that offer and look at what you
15 can do to provide an opportunity for those that cannot
16 travel to Anchorage.

17

18 Thank you very much.

19

20 CHAIRMAN TOWARAK: Thank you.

21

22 MR. ADAMS: Mr. Chairman.

23

24 CHAIRMAN TOWARAK: Mr. Adams.

25

26 MR. ADAMS: Mr. Jackson, this is Bert
27 here, I really appreciate you coming here and sharing
28 your thoughts with us. I wish I could have been at the
29 convention last year, but I had to go to Wrangell-St.
30 Elias Subsistence Resource Commission meeting. I heard
31 that subsistence was a pretty hot issue during that
32 convention.

33

34 Anyhow, I just wanted to acknowledge the
35 fact that what Mr. Jackson shared with us are really some
36 deep concerns among Native people and their communities.
37 I know we try our best to try to address those issues.
38 I just need to say that we do live under a pattern of
39 laws that sometimes I don't think are very just and those
40 laws sometimes become detrimental to subsistence users.
41 That's why I was saying earlier that a subsistence user,
42 when they have to live under a dual management system,
43 they're afraid to go out and do their business because
44 they're not sure whether they're going to break this law
45 or break that law because of the Federal and the State.

46

47 Anyhow, I appreciate Mr. Jackson's
48 comments. Again, I'll just say one of the things that we
49 are discussing quite a bit, Mr. Jackson -- I guess he
50 disappeared back there somewhere -- is the issue that you

1 brought up, that tribal governments really need to be
2 involved in subsistence issues and that's one of the main
3 parts of today's discussion. On Friday we'll have a
4 little bit better understanding where we go with the
5 tribal leaders. We're trying to make it possible for
6 tribal organizations to be more involved and hopefully
7 we'll be able to achieve that during this meeting.

8

9 Gunalcheesh.

10

11 CHAIRMAN TOWARAK: Thank you, Mr. Adams.

12

13 We've been going for quite a while.

14 We're going to request a 15-minute break.

15

16 (Off record)

17

18 (On record)

19

20 CHAIRMAN TOWARAK: Shall we get back in

21 session here. I asked the Board members to return.

22 We're on Item No. 5, tribal consultation on fisheries

23 regulatory proposals. I'd kind of like to wrap it up.

24 We've got two more people listed. We'll ask for their

25 testimony and then our attorney, Ken Lord, would like to

26 make a comment on some of the issues that were brought

27 up. So we'll continue with our deliberations.

28

29 DR. WHEELER: Thank you, Mr. Chair.

30 Actually we have just one for this afternoon. Johnny

31 Lind is here and he can speak to his specific proposal

32 concern tomorrow. That's what he said his preferred

33 option was. So the last person that we have here is

34 Timothy Andrew. Tim. He was here earlier.

35

36 MR. ANDREW: Sorry. I was just outside

37 there. Is this on fishery proposals?

38

39 DR. WHEELER: We're wrapping up the

40 agenda item for tribal consultation.

41

42 MR. ANDREW: Oh, okay. In that case I've

43 already stated my statement earlier. Thank you.

44

45 CHAIRMAN TOWARAK: Okay. Ken Lord had a

46 couple comments. I'd like to give him the floor.

47

48 MR. LORD: Thank you, Mr. Chair. Really,

49 it was only about one issue that several people raised

50 during this session and that had to do with significant

1 commercial enterprise and the need to define that phrase.
2 Eight, nine years ago we had a task force, a large task
3 force on the issue of customary trade. A number of
4 people in this room participated on that task force and
5 it brought together representatives from across the state
6 with Federal employees and a lot of people in the room.
7 The goal of that task force was to create regulations
8 that protected the customary trade practices across the
9 state while at the same time trying to balance that
10 against the prevention of the abuses that people mention
11 here.

12
13 We recognize that what came out of that
14 task force was not perfect but it was the best that we as
15 a group could do. One problem we faced in preventing the
16 abuses was how to define significant commercial
17 enterprise. What's significant and what isn't. Well, we
18 knew that if we used words to define significant
19 commercial enterprise, we would still have the same
20 problem of people not understanding what those words
21 meant. So the best way to define it was by dollar
22 amount. Everybody would understand that if a sale that
23 occurred over that dollar amount in a particular year
24 that it would be significant and if it was under that
25 dollar amount would not be significant. That seemed like
26 the best mechanism.

27
28 What we heard in response from the people
29 around the state was that what is significant in one part
30 of the state might not be significant somewhere else.
31 There were regional differences in dollar amounts and
32 practices and customs. So what the Board did in response
33 to that was adopt regulations that invited each region to
34 submit a dollar amount and tell us what's significant in
35 your region. So rather than having the Board tell you
36 what's significant in your region, we're waiting for the
37 people on the Yukon to tell us what is a significant
38 commercial enterprise to you.

39
40 So there is this mechanism in place and
41 there is this invitation to people to tell us what they
42 think is significant. I understand the Yukon is a long
43 river and it encompasses several regions, but the process
44 would be for the Board to accept proposals from those
45 different regions and see if we could work out something
46 that works for everyone up and down the river.

47
48 Thank you.

49
50 CHAIRMAN TOWARAK: Thank you, Ken. Are

1 there any questions of Ken. Go ahead.

2

3 MR. FIRMIN: Were any dollar amounts
4 submitted from any region at that time?

5

6 MR. LORD: Yes. We got a dollar amount
7 from the Bristol Bay region, which I think is \$450 and
8 also for sales occurring in the Copper River area and
9 it's about in that same range of \$450. I think actually
10 there are different dollar amounts for different kinds of
11 transactions from Bristol Bay if I remember correctly.

12

13 MR. LOHSE: Mr. Chair.

14

15 CHAIRMAN TOWARAK: Go ahead.

16

17 MR. LOHSE: Mr. Chair. Having sat on
18 that working group back when that happened, one of the
19 things that we didn't want to do is we didn't want -- and
20 I think Ken will back me up on this -- we didn't want to
21 create problems where there were no problems. We said
22 that if a problem came up, that was the time to address
23 it. We have a tendency a lot of times to try to make
24 laws before there are no problems. But as an area
25 recognized a problem, as an area saw that this could
26 become an issue, then they could address it. Like you
27 said, certain areas could see that it was a potential
28 issue and addressed it fairly rapidly and other areas
29 haven't yet. So the door was open for an area to address
30 this if they considered it a problem.

31

32 MR. FIRMIN: Were any weights determined,
33 like to use weight instead of a dollar amount, like a
34 certain amount of poundage? Also I was wondering if this
35 were to go through, would this be like a chinook salmon
36 specific or just salmon in general? I mean some people,
37 like a dog musher, might buy 1,000 chum salmon but he
38 might only buy one king salmon. You know, I mean that's
39 just -- is there any delineation there?

40

41 MR. LORD: The idea was not to prevent a
42 rural Alaskan from -- or limit a rural Alaskan how much
43 he or she could buy. The idea was to limit how much
44 someone could sell out to outside entities or others. I
45 don't recall if we talked about using weights or not. It
46 seemed like the dollar amount was a clean way to do it.
47 I don't recall if we considered other options. Do you,
48 Ralph?

49

50 MR. LOHSE: I know that the option that

1 was considered in the Upper Copper was that you shouldn't
2 sell any more than your own family would consume. I mean
3 that was just within the boundaries of rural resident.
4 So from that standpoint there was no weight, but the idea
5 was that it was a subsistence activity first and you were
6 meeting needs that way and a surplus is then what you
7 would use. You wouldn't go out to purposely catch it for
8 that reason, but it would be a surplus from what you had
9 left over.

10

11 CHAIRMAN TOWARAK: Are there any other
12 questions. Go ahead, Mr. Sampson.

13

14 MR. SAMPSON: I think the very issue that
15 is being asked here will be probably I think maybe
16 appropriate to ask Friday so that way the input can be a
17 little bit more from those that would have some knowledge
18 in regards to what we're dealing with and what issue
19 we're dealing with. That way at least we'd have a real
20 tribal consultation here. That might be an appropriate
21 time to ask it too.

22

23 CHAIRMAN TOWARAK: Go ahead.

24

25 MS. CHYTHLOOK: Thank you, Mr. Chair.
26 Another thing that might be a good clarification probably
27 would be -- I know we have -- we're familiar with
28 government to government, and now this tribal
29 consultation. It might be a good idea if there's a
30 significant difference to define the two. When I first
31 heard the tribal consultation, I thought maybe because
32 government to government is working, they're coming up
33 with this other term. So it might be a good idea to
34 maybe define the two terms if they're different.

35

36 Thank you.

37

38 MR. SAMPSON: Mr. Chairman.

39

40 CHAIRMAN TOWARAK: Go ahead.

41

42 MR. SAMPSON: I think she's raising a
43 good point there because when you talk about a tribal --
44 when you talk about a tribe, those of us that's been
45 enrolled into a regional corporation, we're a tribe.
46 We're a tribe because we were asked during enrollment,
47 the blood quantum. So we are a member of a tribe. I
48 think what she's raising is certainly something that if
49 it's a government-to-government relationship, then that's
50 a little different than the tribal relationship.

1 MR. LOHSE: Mr. Chair.

2

3 CHAIRMAN TOWARAK: Go ahead.

4

5 MR. LOHSE: Correct me if I'm wrong. I
6 was under the impression that on Friday we would be
7 working on how to get more tribal involvement in this
8 process, but by that time all the proposals would have
9 been handled. So it wouldn't be appropriate to wait
10 until Friday to work on the proposal by seeking tribal
11 input on the proposal for -- for the proposal that's in
12 front of you on -- however you handle it, on subsistence
13 amounts or dollar value or anything like that. That the
14 two are two separate working groups or two separate
15 things.

16

17 CHAIRMAN TOWARAK: I agree. We need some
18 direction on how to review some of those issues that are
19 coming up that relate to -- in one instance I know that
20 the State of Alaska suggests making an amendment to
21 include a \$750 amount. I don't know what tribes think of
22 that.

23

24 MR. SAMPSON: Mr. Chairman. I think in
25 relations to the comment made by Ralph, if any tribal
26 entity or tribal member wish to make comment on any
27 proposal, they will have that opportunity to do that. So
28 there will be an opportunity for them to make known some
29 of the issues that they have some concerns on, the issue
30 in regards to the tribal consultation on Friday. Then at
31 that point in time you can address a variety of issues
32 and get some recommendations from tribal folks at that
33 point in time. But I think the issue in regards to the
34 tribes making comments on the proposal there is
35 opportunity for them to do that as I understand it.

36

37 CHAIRMAN TOWARAK: Mr. Wilde.

38

39 MR. L. WILDE: Mr. Chairman. We have a
40 unique situation on the Yukon River where we have three
41 different areas. We have the Middle Yukon, the Lower
42 Yukon and the Upper Yukon. The problem there being the
43 scarcity of chinook going up the river so that everybody
44 is able to meet their subsistence needs and it's hard for
45 any one area to really set a dollar amount. I think the
46 best idea for the Lower Yukon would probably be for the
47 three regional RACs on the Yukon to meet together to see
48 if they can come up with an amount that is comfortable to
49 all the whole region. If there is any way that can
50 happen, I would hope that the Board would make it

1 possible for the three regions or the three RACs to meet
2 just to discuss that purpose.

3

4 Thank you.

5

6 CHAIRMAN TOWARAK: Mr. Sampson, go ahead.

7

8 MR. SAMPSON: Mr. Chairman. I think you
9 have a process in place that would have an allowance for
10 that. If there's three Regional Advisory Councils that
11 don't quite have a grip in regards to coming up with a
12 proposals that they all can live with, what the Board can
13 do tomorrow is after your deliberations you can defer
14 that proposal and send it back to the three Regional
15 Councils and ask them to come up with a compromised
16 proposal that all three can live with and re-submit that
17 to the Federal Board.

18

19 CHAIRMAN TOWARAK: I think that's a good
20 suggestion. There will still be opportunities for the
21 public and others to comment and testify on whatever we
22 come up with and I would hope that it would satisfy most
23 everyone.

24

25 The only other point I would make on what
26 Mrs. Chythlook said in regards to Bristol Bay's rate,
27 there's no consideration for inflationary adjustments to
28 the number, it doesn't sound like to me at this point.
29 The price of gas a few years ago was maybe almost half of
30 what it is going to be two years from now. Is that a
31 consideration that we need to throw into the formula as
32 we ponder a process to consider.

33

34 MR. REAKOFF: Mr. Chair. That's exactly
35 what the Western Interior Regional Council deliberated at
36 our October meeting, is setting a price or value does not
37 take into account inflation. We discussed poundage
38 amounts that possibly could be used, as Mr. Firmin was
39 referring to. Our Council requested that two members
40 from each Regional Council be brought together to discuss
41 this whole customary trade issue. That's on the record.
42 So our Council is in favor of bringing all three Councils
43 together, hashing out looking at the differences. At
44 this point, I would like a call to all of the communities
45 along the Yukon River, send a call to them what is
46 customary and traditional amounts sold and incorporate
47 the tribal councils into the process and those responses
48 be brought to this tri-council meeting. That would be my
49 suggestion. Mr. Chair, thank you.

50

1 CHAIRMAN TOWARAK: I think that's going
2 to be coming up in our deliberations on those exact
3 proposals either tomorrow or tomorrow night.

4
5 (Laughter)

6
7 CHAIRMAN TOWARAK: Perhaps instead of
8 considering dollars, the way the world's economy is
9 going, maybe we should do it in yen.

10
11 (Laughter)

12
13 CHAIRMAN TOWARAK: Do we have anyone on
14 the telephone that would want to make any comments
15 regarding our tribal consultation on the regulatory
16 proposals.

17
18 OPERATOR: This is the coordinator. One
19 person is coming in with a question. One moment, please.
20 Our first question comes from Stan Zuray. Your line is
21 open.

22
23 CHAIRMAN TOWARAK: Go ahead, Stan.

24
25 MR. ZURAY: Yeah, hopefully you can hear
26 me. Maybe it's more of a comment. It seems like with
27 this whole idea of putting a dollar figure on customary
28 trade, I'm not arguing whether something like that should
29 be done or not, it's just that the idea of putting a
30 dollar figure on it, you're not considering -- there's
31 this thing that just stands right out to me when you're
32 looking at it like this is you're not considering the
33 issue of value added, which is very much an issue with
34 customary trade products.

35
36 If you sell a fresh whole fish, it's a
37 lot different -- you know, you might sell a fresh whole
38 fish customary trade for 50 cents or a dollar a pound or
39 something like that, whereas the value added when you dry
40 it into strips is a totally different issue. So it seems
41 to me that you should be approaching it -- what's at
42 issue here is the numbers of fish that are being taken in
43 the customary trade.

44
45 So it's the numbers of fish that should
46 be dealt with here, not a dollar figure, which is --
47 there's no way to relate a dollar figure on a fresh fish
48 versus strips versus dried strips or something. Again,
49 those are three different categories where the amount of
50 money that a fish or a pound of fresh fish is sold for

1 are totally different amount of money. We should be
2 dealing in terms of numbers of fish. That's all I've got
3 to say.

4
5 Thank you.

6
7 CHAIRMAN TOWARAK: Thank you, Stan.

8
9 OPERATOR: At this time I show no further
10 questions.

11
12 CHAIRMAN TOWARAK: Thank you, Moderator.
13 Are there any other comments before we recess our
14 meeting? I think our plans are to recess until 8:30
15 tomorrow morning when we will begin to discuss
16 specifically the proposals over and above what the tribes
17 have suggested today.

18
19 DR. WHEELER: Mr. Chair. If I could,
20 just two additional items that I just wanted to bring to
21 people's attention. You'll notice in the back of the
22 room there's an art contest, that green partition thing
23 with the art on it. The Federal Subsistence Management
24 Program has had a student art contest going on over the
25 past few months. We've received around 170 entries, 25
26 of those submissions are on display here today. We'd
27 like to invite everybody to take some time out during the
28 breaks to enjoy the artwork. The Federal Board and
29 Regional Advisory Council Chairs or their designees will
30 be given a form to select the grand prize and honorable
31 mention winners. The grand prize winner will have his or
32 her artwork published in the subsistence fisheries
33 regulations book. You're all familiar with that. We
34 have the handy-dandy, we've got the art contest winners
35 on that. The winners will be identified tomorrow
36 afternoon, so stay tuned. We just wanted to give
37 everybody an opportunity to make sure they looked at
38 that.

39
40 While we have a captive audience, we also
41 want to invite people to apply for Regional Council
42 membership. We have the applications out at the front
43 table. The application period goes through February
44 18th. Clearly there's a lot of people that are
45 interested and in the issues that are before the Regional
46 Advisory Council members and the Board, so we encourage
47 people to please put in their applications. If you have
48 any questions about anything, by all means, there's a lot
49 of Staff available. We can answer them. We highly
50 encourage you to put in your application and we'll even

1 help you do it. So just a few points on that score.

2

3 Mr. Chair, thank you.

4

5 CHAIRMAN TOWARAK: Thank you. How about
6 in relation to leaving materials in here.

7

8 DR. WHEELER: The doors will be locked,
9 so we can leave materials here unless you can't bear to
10 be without them, in which case you can bring them back
11 and forth everyday. The doors will be locked, so you can
12 leave them here.

13

14 Mr. Chair.

15

16 CHAIRMAN TOWARAK: Okay. Go ahead.

17

18 MR. FIRMIN: One final thing I forgot to
19 mention earlier when I was giving testimony for the Fort
20 Yukon Tribal Government was that I also have pretty much
21 a mirror image of this letter signed by 80 tribal members
22 and residents of Fort Yukon that I left at my hotel, but
23 I'll bring it in tomorrow morning.

24

25 Thank you.

26

27 CHAIRMAN TOWARAK: Thank you. We've had
28 a fairly full day and we'll have a full day tomorrow too
29 when we actually get into specific proposals on proposal
30 by proposal. So if we don't have anything further on
31 today's business, we will recess until 8:30 tomorrow
32 morning. The doors will be open a little earlier than
33 that. With that I will call for a recess until 8:30
34 tomorrow morning. Thank you for bearing with us today.

35

36 (Off record)

37

38 (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 Owner of Computer Matrix, do hereby certify:

THAT the foregoing pages numbered 2 through 95 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken electronically on the 18th day of January 2011, beginning at the hour of 10:30 a.m. at the Egan Convention Center, Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed under my direction;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 4th day of February 2011.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 9/16/14