

1 JOINT FEDERAL SUBSISTENCE BOARD
2
3 SOUTHEAST ALASKA FEDERAL SUBSISTENCE
4
5 REGIONAL ADVISORY COUNCIL MEETING
6
7 PUBLIC MEETING
8
9 VOLUME II

10
11 Juneau, Alaska
12 March 22, 2012
13 9:00 a.m.
14

15 FEDERAL SUBSISTENCE BOARD MEMBERS:

16
17 Tim Towarak, Chairman
18 Anthony Christianson
19 Bud Cribley
20 Sue Masica
21 Beth Pendleton
22 LaVerne Smith
23 Gene Virden
24

25 COUNCIL MEMBERS PRESENT:

26
27 Bertrand Adams, Chairman
28 Timothy Ackerman
29 Michael Bangs
30 Michael Douville
31 Merle Hawkins
32 Donald Hernandez
33 Harvey Kitka
34 Floyd Kookesh
35 Frederick Nielsen
36 Cathy Needham
37 Patricia Phillips
38 Frank Wright
39 John Yeager
40

41
42 Regional Council Coordinator, Robert Larson
43

44
45 Recorded and transcribed by:
46 Computer Matrix Court Reporters, LLC
47 135 Christensen Drive, Suite 2
48 Anchorage, AK 99501
49 907-227-5312/sahile@gci.net

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

2
3 (Juneau, Alaska - 3/22/2012)

4
5 (On record)

6
7 CHAIRMAN TOWARAK: Good morning. I'm
8 going to call our meeting back to session. We left
9 yesterday at 5:00 with a presentation from our esteemed
10 elder Clarence Jackson. What I'd like to do is make a
11 little change on the agenda. Originally we had the
12 tribal and ANCSA consultation on ETJ scheduled right
13 before our recess to discuss recommendations to the
14 Secretary.
15 What I would like to do is move up after the sea otter
16 presentation is ask Kootznoowoo to give their
17 presentation and then we will go into the public hearing
18 throughout the day.

19
20 At this point we had the sea otter
21 presentation scheduled for 8:30 today. It was time
22 specific, so we're going to take a break from the
23 Kootznoowoo agenda. We had requested the Staff through
24 the Regional Advisory Council to give a report on the sea
25 otter issue. The Fish and Wildlife Service has the floor
26 at this point.

27
28 I've got a couple announcements to make.
29 Beth would like to make one announcement and then Pete
30 has an announcement also.

31
32 MS. PENDLETON: Thank you, Mr. Chair.
33 We're very grateful today at lunch that Central Council
34 and the Alaska Native Brotherhood will be hosting our
35 lunch. I do encourage our Federal employees and those on
36 the Federal per diem to make a contribution. You'll see
37 a little basket at the table when you come in for you to
38 make your contribution towards the lunch as you see fit.
39 So I just wanted to announce that and, again, thank you.

40
41 CHAIRMAN TOWARAK: Thank you. The
42 offering plate will be shared with everyone. Pete.

43
44 MR. PROBASCO: Thank you, Mr. Chair.
45 First, Mr. Brower, who lives in Barrow, has some family
46 issues and I know he's trying to get back today. From
47 Juneau to Barrow takes a little challenge. I'm not sure
48 if he's going to be here this morning or not, but he
49 wanted me to make that announcement.

50

1 In addition, the whole reason the sea
2 otter issue, Board members, is before you is that the
3 Southeast RAC has been dealing with this issue for quite
4 a while and they wanted the Board to hear this
5 presentation to provide the information on sea otters and
6 the issues around Southeast. This was inserted into this
7 agenda and we recognized that the extraterritorial
8 jurisdiction is an issue that's going to take a lot of
9 time. So this is an information opportunity. I don't
10 believe we're going to have public testimony on sea
11 otters, but an opportunity to share that information with
12 you as Board members.

13

14 Ms. LaVerne Smith from Fish and Wildlife
15 Service, there's some other opportunities that are coming
16 up shortly on dealing with sea otters that also there
17 will be the opportunity for the public to deal with, so
18 you might want to turn the mic over to LaVerne.

19

20 CHAIRMAN TOWARAK: LaVerne, let's go
21 ahead and get your introduction.

22

23 MS. SMITH: Thank you, Mr. Chair. The
24 Fish and Wildlife Service thanks everyone for the
25 opportunity to update the Board and the RAC and the
26 public on sea otters this morning. We've been trying to
27 have as much dialogue as possible in various forums in
28 Southeast to discuss sea otters and the concerns in
29 Southeast Alaska relative to management of the otters, so
30 we're
31 going to continue to do that. This will just be one of
32 many forums where we're trying to update folks and get
33 ideas and work in a collaborative way with the affected
34 parties.

35

36 I think when Verena talks this morning
37 she'll talk about some of the additional workshops and
38 things that are planned for the future, so there will be
39 lots of additional opportunity to talk about sea otters
40 in other forums as well as the update this morning.

41

42 This morning we have Verena Gill from our
43 marine mammal program who is going to do the presentation
44 on the biology and the update on how we're trying to work
45 with the different parties to manage sea otters. And
46 then Stan Pruszenski, our special agent in charge for
47 Alaska is going to be here to cover some of the
48 enforcement issues. So I'm going to turn it over to
49 Verena and Stan and we appreciate the opportunity.

50

1 CHAIRMAN TOWARAK: Thank you. I do have
2 one more short announcement. After this presentation
3 we're going to take about a 10-minute break. It's going
4 to take about 10 minutes to switch electronic equipment
5 to continue our discussion on Kootznoowoo's petition. Go
6 ahead.

7
8 Thank you.

9
10 MS. GILL: I'd like to thank LaVerne for
11 the introduction, Mr. Chair and the Board for inviting
12 Fish and Wildlife Service to present this information.
13 My name is Verena Gill, as LaVerne said, and I've lived
14 in Alaska for 24 years. I'm lucky enough to raise my 5-
15 year-old daughter here and I absolutely love this state.
16 I'm excited to work with partners on this issue.

17
18 MR. PROBASCO: If you don't mind, why
19 don't you introduce the other people at the table too.

20
21 MR. PRUSZENSKI: Mr. Chair. Good
22 morning. My name is Stan Pruszenski, as LaVerne said.
23 I'm the special agent in charge for the Fish and Wildlife
24 Service for the Alaska Region.

25
26 MR. DOHERTY: Mr. Chairman. Good
27 morning. My name is Phil Doherty. I'm from Ketchikan,
28 Alaska. I'm the executive director of the Southeast
29 Alaska Regional Dive Fisheries Association. After Verena
30 gives her presentation I'll give a short presentation on
31 the dive fisheries in Southeast Alaska and the impact the
32 sea otters are having on our fisheries in Southeast.

33
34 Thank you.

35
36 MS. NEEDHAM: Good morning, Mr. Chairman.
37 My name is Cathy Needham and I represent the Southeast
38 Regional Advisory Council and this morning after the
39 presentations I'm going to give a summary of Southeast
40 RAC considerations regarding sea otters that we've heard
41 over the years.

42
43 CHAIRMAN TOWARAK: Thank you. Welcome.

44
45 MS. GILL: So I'm going to talk to you
46 about sea otter recolonization and the management actions
47 Fish and Wildlife Service are taking in Southeast Alaska.
48 An outline of the presentation, I'm first going to talk
49 to you about the history of sea otters in Southeast
50 Alaska, some of the management actions the agency is

1 taking and some of the applied research that we're
2 involved with.

3

4 Just to give you an overview on the stock
5 structure of sea otters in Alaska there are three stocks.
6 The Southeast stock. It runs from Cape Yakataga down to
7 the border with Canada. The Southcentral stock. The
8 line for that divides down Cook Inlet. And then the
9 Southwest stock. The Southwest stock is the only one of
10 the three stocks that is listed under the Endangered
11 Species Act. It's listed as threatened. The
12 Southcentral and Southeast stocks are not listed under
13 the Endangered Species Act. Their protection lies under
14 the Marine Mammal Protection Act.

15

16 Moving on specifically to Southeast
17 Alaska. Prior to the fur trade sea otters ranged from
18 northern Japan all the way up to Russia, along the
19 Aleutians, throughout the southern coast of Alaska and
20 actually all the way down to Baja, Mexico. There are
21 estimated to be between 200 to 300,000 sea otters prior
22 to the fur trade.

23

24 After the fur trade there were just 11
25 remnant colonies left throughout their original range and
26 none of these remnant colonies were left in Southeast.
27 Sea otters have been completely extrapolated from
28 Southeast Alaska. Between 1965 and 1969 the State of
29 Alaska, the Department of Fish and Game decided that they
30 wanted to recolonize Southeast Alaska, so they removed
31 about 400 sea otters from some of the remaining remnant
32 colonies in the Aleutians and Prince William Sound and
33 took these 400 otters to six sites in Southeast Alaska.

34

35 Since that time there have been several
36 surveys of their numbers. The last wide range survey was
37 2002 and 2003 that was conducted by the U.S. Geological
38 Survey. In response to some of the comments we had been
39 receiving from the public and our stakeholders that sea
40 otters had really been increasing in Southeast we
41 conducted a stock-wide survey of the entire Southeast
42 stock in 2010 and 2011. I was the one that personally
43 flew the survey and I flew southern Southeast Alaska,
44 which is pretty much from Kake, Petersburg, down to Cape
45 Shakan in 2010 and in 2011 I flew Admiralty, Baranof, up
46 to Glacier Bay last summer and each survey took about a
47 month each, so two months worth of flying at 150 feet at
48 100 mile an hour. Lots of transects across bays counting
49 otters.

50

1 We don't just come up with a population
2 estimate by counting the otters that we see. We actually
3 have a correction factor for the otters that we would
4 have missed. So we fly along sea otter and correct for
5 how many we would have missed by flying a circle around
6 and saying, okay, there were three diving that I would
7 have missed, so I multiply that by three. This is an
8 estimate of the population, but it isn't just the number
9 that I saw.

10

11 So first in northern Southeast Alaska I
12 estimated since the last survey in '02 there had been a
13 4 percent per year increase and in southern Southeast a
14 12 percent per year increase since the survey in 2003.
15 How that translates is that the survey in '02 and '03
16 estimated there were 10,563 otters and the survey that I
17 completed the past two years I estimated there were
18 19,989 otters. So, from 10.5 to 20,000.

19

20 Just a quick note about the growth rates,
21 the 4 and the 12 percent. That also mirrors what they
22 saw in the 2002 and 2003 survey that otters in southern
23 Southeast Alaska are increasing at a faster rate than
24 those in the north. We're not quite sure, but I would
25 suspect it's just available forage and available habitat.
26 There's a lot more shallow area that otters like to --
27 they like to dive at about 100 foot and below for their
28 food. A lot of places, for example, along Admiralty is
29 a very narrow band at that depth.

30

31 Again, a note on the growth rate of
32 otters in other areas where they're recolonizing an
33 increase at 20 to 22 percent per year. So even though
34 we're seeing a big increase and we are seeing a lot of
35 otters in Southeast, they're not growing as fast as they
36 could be.

37

38 I wanted to just compare the densities of
39 sea otters in Southeast and compare them to other areas.
40 This addresses the question of carrying capacity. So the
41 bars on the left in the blue represent other areas in
42 Alaska, Kenai Fjords National Park, Kachemak Bay, Kodiak
43 and western Prince William Sound. The bars on the right
44 are areas in Southeast Alaska, so that you can see that
45 in general otters in Southeast Alaska are at lower
46 densities. There are fewer otters per square kilometer
47 than there are in other places, which suggests to us that
48 they have not yet reached carrying capacity optimal
49 sustainable population.

50

1 Now we've talked about numbers. Let's
2 talk about range expansion. There was an aerial survey
3 done in '87 and '89. That's on the far left. Compare
4 that to the 2002, 2003 aerial survey and you can see the
5 blue areas represent areas of expansion. So down around
6 the Barrier Islands they expanded, the Maurelle Islands
7 and up by Kake when you compare '87 to 2002. In the far
8 right graph shows the range expansion during the survey
9 that I conducted and again those same areas, Kake,
10 they've moved up to Admiralty now and it increased around
11 the Barriers and they've moved upward to actually meet up
12 with the Maurelle Island population. There's been no
13 range expansion in northern Southeast Alaska since the
14 late '80s, but definitely all the growth, range expansion
15 number increases have all been in southern Southeast
16 Alaska.

17
18 Just a closer look at that, the two black
19 circles represent what otters were released in 1968.
20 There were 55 released at the Barrier Islands and 51 at
21 the Maurelle Island. The area encompassed by the red
22 polygon represents the range of otters in 1988. The area
23 encompassed by the green polygon represents the range
24 expansion that occurred between '88 and 2003. Then the
25 orange polygon represents the further range expansion
26 that I saw in further surveys in 2010 in southern
27 Southeast, so now you can see there along the southern
28 edge of Admiralty, up Kake, and all the way down there to
29 Cape Shakan.

30
31 So moving on to resource conflicts.
32 Otters do change the ecosystem. An ecosystem with otters
33 is kelp dominated. You get a lot of herring and kelp
34 dependant fish, but an ecosystem without otters is urchin
35 and macroinvertebrate dominated. They are a keystone
36 species, so they definitely change the ecosystem and they
37 really do maintain the structure of the ecological
38 community. If they're present or absence, it really
39 changed the ecosystem, so it suggests that you really do
40 need to look at ecosystem-based management, just not
41 single species management.

42
43 So some of the things that the Fish and
44 Wildlife have been doing in response to the public and
45 stakeholders concerns about this increasing number of sea
46 otters in Southeast impacting subsistence resources and
47 commercial resources. We're trying to clarify hunting
48 regulations so that people are not afraid to hunt. They
49 know the regulations and we're hoping to actually get a
50 guidebook out to get into the communities so it's very

1 clear who can hunt and the regulations associated with
2 that. I'm going to talk about all these more in a little
3 detail.

4
5 We've drafted some guidance and we've
6 planned a co-management workshop to address the
7 significantly altered interpretation. We've been
8 conducting government-to-government consultations on co-
9 management with some of the tribes. We're looking at
10 protecting sensitive resource areas through local
11 management plans with our Native partners. We're open to
12 all sorts of ideas such as maybe acoustic deterrence to
13 sea otters in areas that are sensitive, and then we've
14 also been conducting collaborative research to collect
15 the data that we need to make future management
16 decisions.

17
18 So I'm going to go over each of these one
19 by one. This first one on sea otter hunting regulations
20 I'm going to turn the mic over to Stan.

21
22 MR. PRUSZENSKI: Good morning. My name
23 is Stan Pruszenski with the Office of Law Enforcement.
24 As we talk about the hunting regulations for sea otters,
25 step back and realize that the sea otters and other
26 marine mammals in Alaska, walrus and polar bear, are
27 protected by the Marine Mammal Protection Act. Under
28 that, all take, including harvest, is prohibited except
29 for the take of marine mammals for subsistence and making
30 of handicraft by Indians, Aleuts and Eskimos who reside
31 in Alaska.

32
33 So when Verena talks about the hunting
34 regulations there really -- it's fairly open in that the
35 harvest is open. There's no bag limits. There's no
36 harvest limits and there's no methods and means
37 restrictions. So when you look at the Alaska Department
38 of Fish and Game regulation booklets and talk about what
39 can you do, what you can't do, that's very prescriptive
40 and it's very detailed and there's dozens and dozens of
41 pages of what can be done and what can't be done. We
42 talk about the harvest of sea otters. There really isn't
43 that many regulations. The only two that are important
44 is, one, that they're not taken in a wasteful manner and,
45 two, that the harvest is reported to the Fish and
46 Wildlife Service within 30 days. Those are the two
47 regulations.

48
49 Where the Fish and Wildlife Service
50 Office of Law Enforcement again gets itself in this issue

1 is dealing with handicraft. The Board knows very well
2 the difficulties in trying to identify and define
3 handicraft and significantly altered. A couple years ago
4 when you dealt with handicraft and bear parts, very
5 similar. The language is very similar. We talked about
6 significantly altered and what does that mean.

7
8 For a Native artisan or harvester that
9 has taken a sea otter legally for them to sell it to a
10 non-Native, it has to be turned into a handicraft. By
11 definition, that includes significantly altered from its
12 original form. So the sale of sea otter parts is
13 illegal. You can't sell a part. In our view, a pelt is
14 a part. It has to be transformed into something else and
15 that transformation is into a handicraft.

16
17 So therein lies the rub and lies a lot of
18 the issue what is the level of alteration. What does
19 significant mean. We all have in our own mind's eye what
20 significant means, but when you put that on paper or when
21 you put that on the table, what does that really mean.
22 So our idea is that it has to be altered in such a way
23 that it's no longer a pelt, it's no longer a trophy, it's
24 no longer easily transformed back into that pelt, so
25 we're looking at the level of change to make it from a
26 pelt to a handicraft.

27
28 There's been a lot of discussion as to
29 how we deal with that. We understand that there are some
30 interpretation issues with the Fish and Wildlife Service
31 and National Marine Fishery Service. There's some
32 differences there. We also realize that the species we
33 are responsible for are different. Again, trying to make
34 this very general term significantly altered fit
35 everything from whales to sea otters in Southeast is
36 difficult and, as Verena just said, we're trying to work
37 with the group and other partners to clarify that.

38
39 There has been a lot of discussion I
40 understand yesterday and the last couple of days about
41 enforcement action by the Fish and Wildlife Service.
42 I've been doing this since 1990-91 and our focus even
43 back then is try not to be dealing with significantly
44 altered. Our focus of enforcement has tried to be
45 harvest by non-eligible participants, non-Native harvest.
46 We've worked several cases here in the last couple years
47 where we targeted non-Natives who were harvesting.

48
49 Also the sale of unaltered sea otter
50 pelts. That's been another issue for us. There has been

1 a lot of information about hides being sent overseas,
2 smuggled out of the country for the furriers and other
3 people in other countries who want raw pelts to make
4 their own handicraft and make their own clothing for
5 resale. So that's been another target of ours, is
6 actually the sale of unaltered handicrafts so we wouldn't
7 have to get into the fine detail of what is significantly
8 altered and what is not as we work through this process
9 to try to clarify it and try to make sure that everybody
10 both the regulated public and the regulators understand
11 what we're talking about.

12

13 The third one is to help Verena and her
14 folks, trying to help her increase compliance with the
15 30-day tagging requirement. As I said earlier, that's
16 one of the only restrictions on it is that the harvest
17 has to be reported to the Service within 30 days to help
18 her and her biologists and help her figure out where the
19 population is going. So those have actually been the
20 three main focuses of our enforcement efforts in
21 Southeast for quite some time.

22

23 MS. GILL: Thank you, Stan. So talking
24 about harvests of sea otters by Natives in Southeast, it
25 actually is tending towards increasing on average. Since
26 1993, 153 otters were taken per year and this is just in
27 Southeast Alaska. The last two years, 2009-2010, I
28 suppose it's not the last two years, but the last two
29 years we have data for because a lot of excerpts are
30 still coming into the office for 2011. The harvest has
31 been over 600 otters in '09 and '10. From the tags that
32 we're getting in 2011 it's going to look closer to 1,000
33 otters in Southeast Alaska alone. On average, it has
34 been 600 otters per year across the whole state. So what
35 was the usual for the whole state is now the harvest
36 numbers we're seeing in Southeast. So harvest is
37 definitely increasing.

38

39 So let's move to significantly altered.
40 We did draft guidance to address the significantly
41 altered interpretation. In fact, I did leave some -- we
42 sent some letters out to all of the Native tribes within
43 the range of sea otters in the state and I have copies of
44 those letters on the back table if anyone is interested
45 in looking. It had draft language on an interpretation
46 of significantly altered. We're asking stakeholders to
47 give us comments on that draft guidance and those
48 comments are due by the 31st of March to our office.

49

50 If the letters are all gone, please

1 contact someone from Fish and Wildlife Service here or
2 myself. I'll be happy to send you a copy of that letter.
3 We really are looking forward to looking at the comments,
4 helping us shape that interpretation.

5
6 Another avenue that we're taking with the
7 significantly altered languages that we're going to be
8 cooperating with the Indigenous People's Council on
9 Marine Mammals as part of our co-management agreement.
10 We're hoping to hold a workshop to exchange information
11 and have 30 to 40 hunters and handicraft producers attend
12 the meeting in Anchorage. One of the big topics of that
13 meeting will be to address the significantly altered
14 interpretation. We're going to ask the hunters and
15 handicraft producers for input on how to clarify
16 significantly altered definition and to help us with
17 language they feel comfortable with that addresses their
18 concerns. So there are two avenues to have input on that
19 particular issue.

20
21 Fish and Wildlife Service is now
22 conducting government-to-government consultations with
23 tribes in the range of sea otters. In 2011, we sent a
24 letter to all of the tribes within the sea otter range
25 and asked them if they would like to consult with the
26 Fish and Wildlife Service on co-management. Sixteen
27 tribes responded that they wanted
28 government-to-government consultations with us. Seven of
29 the 16 were from Southeast Alaska. So far we've
30 consulted with nine tribes, four in Southeast. We did
31 that in 2011. We'll begin to reinstate government-to-
32 government here within the next few weeks with the
33 remaining seven tribes.

34
35 But this isn't the end of government-to-
36 government relationship. This is just on one issue, on
37 co-management. If any tribe wants to consult on any
38 issue, they just need to get a hold of us and we'll be
39 responsive to all requests for government-to-government
40 consultation on any issue including the co-management
41 issue. This was just the beginning of the process.

42
43 Also local management plans. We're
44 really encouraging tribes to develop their own management
45 plans because they do have the ability to manage sea
46 otter populations and we're available to help consult the
47 tribes and provide technical and legal advice if that is
48 needed. For example, maybe you want to have information
49 from the survey that I flew on where otters seems to be
50 in your particular area. Maybe you just need some

1 biological advice and we're happy to help, so just
2 contact us. We are hoping to just encourage more of the
3 management plans. I know there are some on Prince of
4 Wales Island, for example, to really get that going this
5 year.

6
7 Finally, we've been conducting
8 collaborative research to help us inform our decisions.
9 We did receive some money from the North Pacific Research
10 Board as well as Sea Grant and Fish and Wildlife also
11 sponsored this research and organizations, Southeast
12 Regional Dive Fisheries Association and Petersburg Vessel
13 Owners Association have also helped to fund this project
14 to look at the impact of sea otter recolonization on
15 commercial fisheries in Southeast Alaska.

16
17 So I'm just going to run through quickly
18 a few of those results. The main person doing this
19 research, he's in this photo here, is Zac Hoyt. He's a
20 Ph.D student in Juneau and his Professor Ginny Eckert.
21 They are going to be continuing the project with us and
22 Sea Grant here for the next two or three years. So there
23 were four components to this research, the aerial survey
24 of the stock. That was mostly Fish and Wildlife's part
25 of this and we did conduct that and finish that project
26 last year. We're looking at foraging ecology and the
27 movement of survival of sea otters. We captured and put
28 radios in sea otters on the edge of their range and then
29 we want to look at the impact of sea otters on the
30 fisheries using Fish and Game catch statistics. Again,
31 this is all commercial fisheries rather than subsistence.

32
33 So just quickly onto the foraging aspect.
34 Zac and his team of volunteers have been out for the past
35 two years in southern Southeast and you'll probably
36 recognize this figure from my range expansion slide a few
37 slides ago. They've been to seven sites over the last two
38 years, sites that otters recently have moved into and
39 sites like the Barrier Islands where otters have been
40 since 1969 to compare foraging between those areas. So
41 there's seven sites and they've looked at over 3,000
42 foraging dives and examined 350 pounds of biomass that
43 have been consumed by otters.

44
45 This is a preliminary diet composition
46 pie chart. The pie represented by red is the
47 commercially important species and the pie in blue is the
48 subsistence species section. This graph is a little --
49 I wouldn't say misrepresented, but you can see that red
50 urchins make up 38 percent of that pie, so it looks like

1 all the sea otters are doing are eating red urchins.

2

3 Actually what happened was they went down
4 to the outer coast of Dall Island and otters, when I
5 surveyed there in 2010, hadn't yet reached far down the
6 island and it was a good red sea urchin -- a lot of good
7 beds still intact. In the time I have finished that
8 survey, between then and when they went down last summer,
9 sea otters have moved into the region and they were
10 eating 99 percent red urchin because they were easy to
11 get. So when they were doing their foraging watches,
12 that's all they saw them eating red urchins, so it skewed
13 it a little bit.

14

15 So that's why we have commercial
16 species. Otters eat 57 percent of commercially important
17 species if you include the red urchins. If you take the
18 red urchins out, because that sort of was an aberration
19 for one site that heavily weighted the data, it's about
20 19 percent. But 41 percent of their diet is important
21 subsistence species.

22

23 But this is all seven sites. Now there
24 are differences if you then break it down to sites where
25 otters recently moved into compared to sites where
26 they've been since the '60s. Basically the story there
27 is if they've been there a long time, they're mostly
28 eating clams and they're not eating commercially
29 important species. Of course, clams are important for
30 subsistence uses, but they're predominantly eating clams.
31 If you look in an area where they just moved into,
32 they're eating the easy, high fat, high calorie stuff
33 like dungeness crab and sea duck and gooey duck clam.

34

35 Once they've eaten those they don't move
36 on. As we see them with our radios, they don't actually
37 move on and go decimate somewhere else. They stay and
38 they just switch their diets to clams and then other
39 populations will move on to areas with these big, large
40 macroinvertebrate species that are still intact. So what
41 happens is they just switch pray.

42

43 So our movement study we tagged 30 otters
44 just outside of Kake and Keku Straits, Saginaw and
45 Security Bays, 16 males, 14 females, and we wanted to see
46 what they were eating and if they were going to move
47 beyond the edge of the range because they had just moved
48 into that area the year before. That will be ongoing for
49 the next two years. We have planes flying once a week
50 looking for these otters.

1 Here's a map showing with the stars where
2 we captured otters and then the circles show where they
3 have moved. You can see some of the otters have already
4 moved over to the southern edge of Admiralty and out to
5 Pinta Rock and actually a little bit beyond towards
6 Petersburg. So they are moving around. We also find big
7 differences in the winter. They are stacked up in
8 Saginaw and Security Bay. You'll get 600 or so in those
9 bays and in the summer they will disperse out.

10
11 Phil and Cathy and a few of us have sort
12 of formed a working group the past couple years. This
13 slide comes from a meeting that we had in January in
14 Juneau actually. Some of the research that we thought
15 was needed in the future, looking at the other roles of
16 sea otters in the ecosystem and maintaining the kelp
17 forest. Are there positive fishery impacts, for example.
18 Is the herring fishery -- will that improve, for example,
19 in Sitka where there's been otters for a long time and
20 they've cultivated this kelp. Will those fisheries
21 increase and are there positive impacts to tourism. Are
22 there areas without otters that are suitable for otter
23 habitat and allowing us to predict whether it will
24 expand, which will maybe help people plan. We believe
25 there needs to be an estimate of the standing stock
26 biomass of dungeness crab in the region. Nobody really
27 has a handle on that. Looking at the areas most
28 impacted. The subsistence areas most impacted by sea
29 otter recolonization because a lot of the work so far has
30 been commercial oriented. Changes in the fishery,
31 looking at the compression of dungeness fleet because the
32 fishery has been compressed into areas where otters are
33 not in order to make the catch viable. And then looking
34 at otter distribution abundance prior to the fur trade
35 and also looking at shellfish abundance at that time.

36
37 This is my contact information if anyone
38 wishes to get a hold of me. Of course, LaVerne and Pete
39 will be here for the remainder of the meeting and Jerry
40 as well. So I'm happy to answer any questions. I know
41 we don't have very much time for questions here, but
42 contact me. Contact me if you're interested in
43 government-to-government consultation. Stan, do you have
44 anything that you want to add?

45
46 MR. PRUSZENSKI: No.

47
48 MS. GILL: So I'm going to turn it over
49 to Phil Doherty from the Southeast Regional Dive
50 Fisheries Association and I'll run the slide show for

1 you.

2

3 MR. DOHERTY: Thank you, Verena. Thank
4 you for inviting me to this meeting. I'll reintroduce
5 myself. My name is Phil Doherty. I'm from Ketchikan,
6 Alaska. I'm the executive director of the Southeast
7 Alaska Regional Dive Fisheries Association.

8

9 We find ourselves in a position here
10 where oftentimes commercial fisheries and subsistence
11 fisheries work against each other and I'm sure this Board
12 and a lot of the people here are wondering why commercial
13 fisheries is going to be presented at this meeting here.

14

15 Well, because what we harvest in our dive
16 fisheries, and I'll be speaking mostly to the dive
17 fisheries because that's what I represent, but we won't
18 be going into a lot of the dungeness crab fisheries
19 information, but the dungeness crab fishery, both the
20 subsistence and the commercial harvest in Southeast
21 Alaska is being greatly impacted by the sea otters.

22

23 To give you a little bit of a background
24 on the association, we're a very unique association in
25 Alaska. We're the only commercial fisheries that was
26 formed by legislation that the divers have to pay an
27 assessment on their ex-vessel value. The gooey duck
28 divers pay 7 percent of the ex-vessel value of their
29 product. Sea cucumbers, they pay 5 percent of the ex-
30 vessel value and for red sea urchins again 7 percent.
31 That money goes back into the State of Alaska so the
32 State of Alaska can manage and research these three dive
33 fisheries. The money that's left over comes back into
34 the association so that we can go forward and do the
35 things that we need to do within an association.

36

37 The fisheries itself started in the mid
38 to late 1980s and when the Department realized at that
39 time that these fisheries were going to be growing, they
40 kind of put the brakes on the fishery, so that's when the
41 fishermen went to the state legislator and formed this
42 association. That's when the Alaska Department of Fish
43 and Game started to really actively manage these
44 fisheries.

45

46 My background, I was the area management
47 in the Ketchikan area during that time, so I've seen this
48 fishery start from -- there was no fisheries when I first
49 started working for the Fish and Game Department in 1978
50 and now this year the gooey duck fishery and the sea

1 cucumber fishery will probably have an ex-vessel value of
2 somewhere around 15 to 20 million dollars in Southeast
3 Alaska. So it's become the most important commercial
4 fisheries in the wintertime in Southeast Alaska.

5
6 I'm not sure how many folks in this room
7 know what these dive fisheries are about, so my next
8 series of slides will show you what we're harvesting out
9 there and what we're competing against on the sea otters.
10 The gooey duck clam is the largest burrowing clam in the
11 Pacific Northwest. There's gooey duck clam fisheries in
12 Washington state, British Columbia and now in Alaska.
13 They're about 2.5 pounds a piece. They're sold on the
14 live market. That's where the value lays. Most of the
15 product ends up going to Hong Kong. They're harvested in
16 about 30 to 40 feet of water. We work very closely with
17 the Alaska Department of Environmental Conservation on
18 water quality work and on PSP testing. If we don't pass
19 PSP tests, the gooey ducks do not get harvested.

20
21 The other important fishery is the sea
22 cucumber fishery. These animals mostly occur in the 30
23 to 40 foot depth, very vulnerable to the sea otters.
24 They're the second most impacted fisheries that we have
25 besides the sea urchin fishery. Sea cucumbers are
26 harvested. There's five longitudinal muscles inside the
27 sea cucumber. Again, they're largely an Asian market for
28 these things. The meat is sold and then the skin of the
29 sea cucumber is dried and sold largely on the Chinese
30 market.

31
32 Sea urchin fisheries is used for the roe
33 and, as Verena said, the sea urchin population is
34 impacted first and greatly by the sea otters. They're
35 the easiest thing for the sea otters to eat. There's a
36 picture of a sea urchin being brought to the dock in
37 Ketchikan and they'll be opened up, the roe will be
38 harvested from them and, again, it's largely an Asian
39 market for the sea otter roe, the uni.

40
41 As you can see, these fisheries have
42 grown in value, especially the gooey duck fishery and the
43 sea cucumber fishery. The sea urchin fishery right now
44 in Southeast Alaska is at a very low level due to world
45 markets and the inability to compete with a large Russian
46 harvest of sea urchins in the last several years. But
47 we've gone from an ex-vessel value down to 1, 2 million
48 dollars to the 2009-2010 season where we had an ex-vessel
49 value of \$5 million. This was based on an ex-vessel
50 value of about four to five dollars for the gooey duck

1 clams.

2

3

4 This year the gooey duck clams, for a
5 couple of openings we recently had, have been selling at
6 \$22 a pound on the market. So this year our ex-vessel
7 value of the fisheries could very well be 15 to 20
8 million dollars depending if we can harvest all of our
9 guideline harvest levels. We are having some problems
10 with the PSP levels in Southeast Alaska, but we're still
11 testing and we anticipate harvesting as much as we can.

12

13

14 So, again, the value of these fisheries
15 has gone up incredibly high and making them very
16 important fisheries especially on the west coast of
17 Prince of Wales to towns like Craig and Klawock.

18

19

20 The sea cucumber fishery again has
21 increased quite a bit up to \$4 million ex-vessel value.
22 This was based on the last few years of about \$3 or \$3.50
23 a pound. This year sea cucumbers were being sold at
24 \$6.50 a pound on the market. So, again, we're going to
25 see an ex-vessel value in Southeast Alaska of around
26 \$15 million for sea cucumbers.

27

28

29 The yellow line is the guideline harvest
30 level that the Alaska Department of Fish and Game has
31 come up and you can see over the last few years we're
32 starting to see a decline in our guideline harvest
33 levels. We've lost quite a number of areas that have
34 been closed by the Alaska Department of Fish and Game due
35 to sea otter predation. Both gooey duck clams and the
36 sea cucumber fisheries have kind of reached their peak in
37 terms of the guideline harvest level and now we're on the
38 downhill side of our fisheries.

39

40

41 In the areas where the Alaska Department
42 of Fish and Game does its surveys and they survey all
43 these species, cucumbers, gooey ducks and sea urchins,
44 prior to allowing us to go in there and harvest, so
45 there's a long time of the Department going in there and
46 doing the assessment work. A lot of these areas are now
47 being impacted by the sea otters. Twenty-eight percent
48 of the areas for sea cucumbers are impacted, 66 percent
49 of the areas are impacted in the gooey duck fishery and
50 57 percent of the sea urchin areas are being impacted by
51 sea otters.

52

53

54 This is a chart of Southeast Alaska. The
55 red area is the area being impacted by sea otters.

1 They're also the most productive areas for sea urchins,
2 sea cucumbers and gooey duck clams in Southeast Alaska.
3 We are seeing a huge increase. Some of the area have
4 been closed and we anticipate that those areas will
5 probably never re-open. As we look down the road, we
6 feel that our fisheries are very much in jeopardy here.

7
8 Recently we had a report through the
9 McDowell Group. The McDowell Group is based here in
10 Juneau. They're a research group. They go and collect
11 the information and report back to us. The source of
12 their information is the Alaska Department of Fish and
13 Game. My association didn't have much to do with this
14 report except to get the McDowell Group started on it.

15
16 I won't go through all of this, but the
17 picture that it is painting is an economic decrease in
18 the fisheries. For sea cucumbers from 1996 through 2011
19 we've lost approximately 3.2 million pounds of sea
20 cucumbers to sea otter predation at a value of about \$5.3
21 million. The estimated wholesale value, which is the ex-
22 vessel value plus everything else that's added onto that,
23 the processing, the shipping, paying of tenders and
24 people who work in the processing plant, is much closer
25 to \$9 million. In total, in the last six to ten years in
26 Southeast Alaska, the McDowell Group estimated that the
27 estimated wholesale value lost to sea otter predation for
28 cucumbers, gooey ducks, urchins and dungeness crab is
29 over \$22 million.

30
31 This is what we call a snapshot of the
32 fisheries. A number of active divers in this past season
33 was 69 divers. The average -- all these fisheries are
34 limited entry. If you were to go buy a limited entry
35 fishery for gooey ducks today, it would cost you a little
36 over \$81,000 to get into the fisheries. The permit value
37 I think was a reflection of the health of the fisheries.
38 It will be interesting to see how that permit value
39 changes here over the next several years.

40
41 The last season that we had, the 2010-
42 2011 season, was a \$5.9 million ex-vessel value. That
43 was based on \$6.67 a pound for gooey ducks. This year,
44 as I said earlier, we've reached upwards of \$22 a pound
45 for gooey duck clams.

46
47 This again is a snapshot of the sea
48 cucumber fishery. A lot more divers participate in the
49 sea cucumber fishery. The last season 180 divers were in
50 the water. To buy into the fisheries just to get the

1 permit would be a little over \$11,000. In the last year
2 we harvested 1.27 million pounds of sea cucumbers for an
3 ex-vessel value of 3.4 million pounds. That was based on
4 \$2.65 a pound. This year we're seeing an ex-vessel value
5 of \$6.50 a pound. So the ex-vessel value is going to go
6 up by about three times.

7

8 Again, just showing what we've lost for
9 the ex-vessel value and the loss to the communities, the
10 divers and the people that participate in any portion of
11 these fisheries, it continues to grow. We're losing
12 hundreds of thousands of pounds of sea cucumbers mostly
13 due to predation by sea otters.

14

15 I'll say that all of these figures are
16 available in the McDowell Group report. That report is
17 available on their website and is also available on our
18 website too if anyone wants to download the total report.

19

20 Again, we're obviously losing gooey duck
21 clams to the sea otters. This last year the Department
22 went out and did some surveys for gooey duck clams and
23 they've estimated that we're going to lose over 140,000
24 pounds of gooey duck clams to our harvest. That's not a
25 total loss of gooey ducks. That's loss of gooey ducks to
26 our harvest. We harvest on an annual basis about 2
27 percent of the gooey duck population within the beds in
28 Southeast Alaska.

29

30 While our sea urchin fisheries I said
31 earlier is not as robust as we'd like to see because of
32 world markets, if and when the world markets will -- we
33 can get back into the fishery, we're going to have lost
34 a tremendous amount of red sea urchins in Southeast
35 Alaska. Actually, if the markets change and we can go
36 back in, we may not even have enough sea urchins to
37 conduct the fisheries anymore in Southeast Alaska. The
38 last 10 years the Department has estimated that we lost
39 about 6.3 million pounds off of our guideline harvest
40 level due to sea otter predation.

41

42 What the McDowell Group came up with as
43 one of their final reports is that, in short, commercial
44 dive fisheries and large populations of sea otters cannot
45 co-exist in the same waters. In addition, once the
46 commercially viable biomass of crab and
47 macroinvertebrates such as sea cucumbers and gooey ducks
48 is gone, it will likely not return given sustained sea
49 otter predation.

50

1 Again, as Verena said earlier, there's a
2 tremendous population of hard shell clams in Southeast
3 Alaska that is not used for the commercial fisheries.
4 It's used for subsistence harvest. Once the cucumbers,
5 gooey ducks, sea urchins and dungeness crab are gone, the
6 otters will stay.

7
8 In closing, just the face of these
9 fisheries, we've gone from the largest fisheries in
10 Southeast Alaska in the wintertime to potentially, in the
11 very foreseeable future, these fisheries will be gone.
12 They cannot co-exist with sea otters. It helps the
13 communities, divers, go to those communities, Craig,
14 Klawock, especially on the west coast, they tie their
15 boats up there for months, they buy everything in the
16 communities. The loss of the dive fisheries in Southeast
17 Alaska, especially southern Southeast Alaska, is going to
18 have a huge impact on some of these smaller communities.

19
20 That's my last slide. I thank you for
21 your time. Again, I'll be here. If anyone has any
22 questions, I'll try to answer them.

23
24 Thank you.

25
26 MS. NEEDHAM: Good morning. Again, my
27 name is Cathy Needham. I represent the Southeast
28 Regional Advisory Council. We've been asked to give an
29 overview of the work that we have done regarding sea
30 otters over the past years. I'd like to mention that
31 this presentation is brief considering the amount of
32 information that we've received as a Council. In
33 addition, it's just slightly modified from a presentation
34 that Mr. Bangs, a fellow Council member, gave at the
35 Board of Fisheries meeting earlier this year.

36
37 As you know, the management of sea otter
38 harvest is outside the jurisdiction of the Federal
39 Subsistence Board. It's harvest of sea otters is
40 provided by ANILCA and the Marine Mammal Protection Act
41 and is managed by the U.S. Fish and Wildlife Service.

42
43 Resources that sea otters consume are
44 managed by the State of Alaska through commercial
45 fisheries and personal use and subsistence fisheries. I
46 wanted to mention that where the Southeast Regional
47 Advisory Council comes into play is that under Title VIII
48 of ANILCA we provide a venue and a record for communities
49 throughout Southeast Alaska and individuals to raise
50 concerns regarding subsistence issues that are important

1 to them. We often can bring these issues to light with
2 the Federal Subsistence Board and/or regulatory agencies
3 such as the U.S. Fish and Wildlife Service in this
4 particular case.

5
6 Regarding previous work to the best of
7 our knowledge, no one has actually tried to quantify the
8 impacts that sea otters are having on subsistence
9 resources or personal use users. I would like to
10 acknowledge that tribes and local communities have
11 traditional knowledge about the impact that sea otters
12 have on resources that are important to them. It just
13 has not been quantified in any kind of study, but
14 information may exist out there.

15
16 There has also been some work done to
17 quantify the harvest use and need of marine resources
18 that are used by local communities. This work was --
19 it's outdated, but was done through household harvest
20 surveys that have been looked at to quantify those
21 resources. Again, sea otters don't play into that. It's
22 just information about how important marine resources are
23 to local communities and tribal entities.

24
25 We'd also like to acknowledge that
26 Southeast Alaska tribes are working directly with U.S.
27 Fish and Wildlife Service on issues regarding sea otter
28 populations. This is outside of our venue, of course.
29 This is in the form of developing local management plans
30 regarding sea otters.

31
32 On our records, the issue of the impacts
33 to sea otters to marine resources was first brought to
34 light in 2004 by Dr. Dolly Garza, who was a member of the
35 Southeast Regional Advisory Council at that time and her
36 concern was centered around the diminishing resources in
37 nearshore environments, marine invertebrates, and she
38 believed that it was in direct competition with sea
39 otters.

40
41 Since 2004 a lot of the records that we
42 have and the testimony that we received revolve around
43 two issues that are separate but at the same time
44 interrelated. The first is the growing population of sea
45 otters and their impacts on the resources that they
46 consume. This is an ecological based concern and then
47 the second thing that we hear a lot of information on has
48 more to do with the regulatory concerns and that's the
49 challenges that qualified sea otter harvesters face in
50 being able to take animals out of a population in

1 Southeast.

2

3

4 We did a tabulation of all of the records
5 from the past meetings that are online since 2001.
6 Again, the first time it was mentioned on our transcripts
7 was in 2004. Since then the issue of sea otters has been
8 brought up 44 times. This doesn't speak to the extent of
9 that. That's just the amount of times that it's been
10 brought to us as an issue. It doesn't quantify or
11 qualify the amount of time that we've spent talking about
12 that issue once it's been brought to our attention. I'm
13 sorry, I said 44 times, but we've actually heard 64
14 testimonies and 44 of those are actually issues that
15 individuals Regional Advisory Council members have
16 brought forth in Council reports, sharing information of
17 what they've experienced as well as information that
18 they've brought back from their community in terms of
19 concerns.

20

21 Those numbers were what we presented to
22 the Board of Fish earlier this year. I wanted to
23 acknowledge that in our meeting these past couple of days
24 that we've heard six additional testimonies from public
25 members as well as seven Southeast RAC members made
26 comments in the transcripts, which are not part of the
27 original tabulation.

28

29 Since the spring of 2008, our records
30 also show that the Regional Advisory Council has received
31 regular presentations from the U.S. Fish and Wildlife
32 Service and had dialogue with Staff regarding issues on
33 sea otters and that information is also in our
34 transcripts.

35

36 So I mentioned that there were two main
37 themes of information that we've received, the ecological
38 aspect and the regulatory aspect. So concerns regarding
39 the resources that sea otters consume the testimony that
40 we've heard and issues that we've talked about is that
41 the subsistence marine resources that are mentioned the
42 most in our transcripts include clams, cockles, crabs,
43 abalone, sea urchin and sea cucumbers.

44

45 We've also heard the concern that the
46 overabundance of sea otters in nearshore environments are
47 in direct competition to subsistence and personal use
48 users. At our recent meeting a couple days ago and the
49 meetings in the past our chairman, Mr. Adams, has given
50 us a story or shared with us a story that he's gotten
from an elder and that is historically sea otter

1 populations existed more offshore than nearshore, so that
2 competition was potentially historically less because sea
3 otter populations were not in direct conflict with
4 resources that are nearshore and accessible to local
5 communities and marine resource harvesters.

6
7 An additional concern that we've heard is
8 the potential that sea otters have for habitat
9 degradation. This comes from how they forage for food
10 and disturb the bottom environments, so there has been
11 testimony that people are concerned that as primary
12 grazers are being removed from the system, algae blooms
13 on the bottom of the sea floor have helped smother it out
14 and reduce the amount of recruitment of new populations
15 of marine invertebrates.

16
17 Concerns that we've heard regarding the
18 regulatory aspect of things can be very complex and there
19 isn't a way to express the amount of and the diversity of
20 testimony that we've heard, especially from Alaska Native
21 tribes in Southeast Alaska. But, in general, the
22 concerns can be lumped into two subject areas. The first
23 is local law enforcement and their interpretation of what
24 is significantly altered when it comes to harvesting sea
25 otters. The second we've heard a lot about, the ability
26 and/or the cost of getting hides tagged and tanned.

27
28 To sort of summarize the information that
29 has been presented to the Southeast RAC, these are the
30 actions that we've been able to take since the issue has
31 been brought before us. We have requested and, as I
32 mentioned, we received reports from U.S. Fish and
33 Wildlife Service regarding the status of sea otter issues
34 that are being addressed in Southeast Alaska and we've
35 had that dialogue at our meetings since 2008. We've
36 raised the concerns that we've heard to the Federal
37 Subsistence Board. We mainly do this in our annual
38 reports where we summarize the type of testimony that we
39 get from local communities and subsistence users.

40
41 We've also made specific recommendations
42 regarding regulations of sea otter harvest by qualified
43 Alaska Native subsistence users to the U.S. Fish and
44 Wildlife Service. In April of 2010, we formed a
45 subcommittee that the Council approved some direct
46 recommendations of how to change regulations that might
47 make the harvest of sea otters a little easier. For
48 instance, one of those recommendations was to address the
49 significantly altered definition of the Marine Mammal
50 Protection Act to make regulations a little bit easier

1 for subsistence harvesters of sea otters.

2

3 I just want to close by saying that,
4 again, this was just an overview. The records that we
5 have actually incorporate hours worth of testimony. When
6 we present a number like we've heard 64 testimonies since
7 2004, that really doesn't do the justice in terms of how
8 the Southeast Regional Advisory Council knows the issue
9 is important throughout our region because I didn't do a
10 search or a tabulation by every time sea otters was
11 mentioned. I only tabulated one -- we only counted it
12 once and then sea otters may have been mentioned and
13 discussed for half an hour and talked about 60-some-odd
14 times just in that one discussion.

15

16 It's important and I'm sure that we're
17 going to continue to hear testimony from local
18 communities and continue to work through the challenges
19 of finding a way to address the issue. I'd like to close
20 by saying something that I put on the record and that is
21 one of the biggest challenges is we've been working on
22 this issue since 2004 and in the meantime since 2004 sea
23 otters are still doing what sea otters do with marine
24 resources. So that's going to continue to happen and I
25 hope that we can all find a diversity of solutions that
26 can eventually help take care of these issues and
27 problems.

28

29 Thank you.

30

31 CHAIRMAN TOWARAK: Thank you very much
32 for all of that information. I would like to use about
33 10 minutes or so if there's any burning questions from
34 either the Board or the public. We'll go with Mr.
35 Loescher.

36

37 MR. LOESCHER: Thank you, Mr. Chairman.
38 I've asked Carrie Sykes from the Tlingit-Haida Central
39 Council to join me. I'm the Chairman of the Alaska
40 Native Brotherhood Subsistence Committee. We have over
41 140 people who participate with us across the region on
42 subsistence issues. We have been working on this sea
43 otter business as well and I think after hearing the
44 presentation you just had, if we could take a few minutes
45 to give you a Native perspective, that might be a little
46 bit helpful for the Board. We certainly had a dialogue
47 with the RAC yesterday on this matter and I'd like to
48 make it brief with Carrie's assistance.

49

50 We do have a resolution which we have

1 been working on for a month or two in advance of our
2 tribal assembly meeting that's coming up in April. Our
3 effort is to try to get a leadership position, a
4 consensus of opinion and a mobilization of Native people
5 throughout the region with our resolution and we'd like
6 to share our resolution with the tribal governments
7 throughout the region and the actual hunters and the
8 people who utilize the furs at this time. We have quite
9 a group out there.

10

11 So our expression today is just a work in
12 progress. I think it's important -- you know, we hear
13 what the government is saying and certainly they have a
14 lot of initiatives that they're doing, but I'm not quite
15 sure that they're quite working or dialoguing with the
16 people who are involved in this issue, at least in the
17 Native community.

18

19 Let me give you a few thoughts. One is
20 subsistence is being impacted. Our resources are being
21 impacted by the sea otters. It's a very much concern of
22 the people throughout the region. The second thing after
23 the presentation I just heard this morning, I think I'd
24 be concerned about these fishermen as well. They're
25 impacting our subsistence resources as well when you talk
26 about \$15 million worth of benefit here and there and \$4
27 million here and there, this product and that product.
28 Those are the same products that we use for subsistence.
29 So we may be needing to look at the conservation
30 management as well what they're doing as to whatever the
31 sea otters are doing.

32

33 But we do have a problem. The thing
34 about the sea otter business is this. There are a number
35 of risks that we as leadership in the Native community in
36 our region are looking at. One risk is this. The
37 government doesn't seem to be able to work clearly
38 between the departments and the agencies on creating some
39 definitions of how we can use the sea otter pelt
40 products. We need to get to the bottom line on that. It
41 can't be that complicated.

42

43 I think from the records that I'm reading
44 or the people that we're talking to are working with the
45 sea mammal thing at their meetings in the last several
46 months, they're telling me that between the Department of
47 Commerce and the U.S. Fish and Wildlife we ought to be
48 able to come to an understanding on how the Native people
49 can use the sea otter pelts and the handicraft products
50 that they're lawfully allowed to make. I'm hopeful that

1 we can come to a conclusion on that.

2

3 You know, the government has an
4 indeterminable process of meetings and on and on and on,
5 you know, and it can't be that complicated to be able to
6 sit down and work with our people to figure out, you
7 know, what is significantly altered and how we can make
8 products. We have the notion that we want to be able to
9 make personal products, we want to make handicrafts for
10 tourism and we want to work with the fashion industry.
11 We need to change the thought pattern and whatever
12 regulation or guideline or handbook or whatever the
13 government has to focus in that direction. We believe
14 that we do have a market for these products. We do
15 believe that we want to have jobs in our communities and
16 we believe that the sea otters can help us contribute to
17 a better economy. So that's one of the thoughts that we
18 have a problem with and we think we're going to get to an
19 end on this and maybe with the Native leadership
20 involvement working with our hunters and our handicraft
21 people we can resolve that issue.

22

23 The other piece of business that we have
24 a problem with is the business of law enforcement. The
25 government speaks to us in two ways. One is a management
26 concern about the hunting and how many sea otters are
27 going to need to be hunted and how you handle them to
28 skin them out and tag them and take them to tanneries and
29 bring them back and make products with.

30

31 You know, the management side I think we
32 can work with, but the government dissects or splits
33 their business and they have law enforcement over here.
34 The law enforcement that we've been experiencing at least
35 within the Tongass Forest is pretty heavy handed and we
36 don't care much for that. They're violating the civil
37 rights of our people. They're violating a right that
38 Congress has given us that we have the ability to hunt
39 these sea otters as Native people and make them into
40 handicrafts. No other people have that right under the
41 law.

42

43 Somehow management program is split from
44 enforcement. We've got to bring this stuff together. We
45 have to make sure that the rules are understood, the
46 practices are understood, what Native people can do in
47 hunting and doing the handicrafts is understood not only
48 by the program people who are very undecided right now
49 about what's going on and then the enforcement people are
50 trying to enforce something that's undecided. We, as

1 Native people, see this as a risk. That's why we're not
2 shooting those darn things and we need to get a clear
3 understanding of what this law enforcement program is
4 going to be.

5
6 We prefer to have a program that's based
7 on education of what the law is and what the enforcement
8 responses will be if people break the law. I think if we
9 work together, I think we can accomplish that and
10 eliminate that risk.

11
12 The business of pelts. We appreciate
13 what Congress has provided to the Alaska Native people in
14 terms of the right to hunt the sea otter and put them
15 into products. We're not interested in extending that
16 opportunity to anybody else. We will oppose any law or
17 regulation which says that others may hunt these sea
18 otters. We think Congress was wise in trying to create
19 that opportunity and benefit for our people and we want
20 to maintain that opportunity for our people to be able to
21 do.

22
23 The business of the pelts, we're not
24 interested -- you know, I used to be in the timber
25 business and in the fish business for our tribe and
26 Sealaska Corporation. I don't know how many times
27 Senator Stevens took me to task on primary manufacturing,
28 whether I'd be sending a log or a round fish to Asia or
29 somewhere else, and he wanted me to primary manufacture
30 these things. Well, I believe the sea otters give us the
31 opportunity to primary manufacture those sea otter pelts
32 into products, into personal products, into fashion
33 products and handicrafts and we'd like to do that. I
34 think that could benefit our people.

35
36 So we're going to oppose any idea that
37 these pelts can be sold in raw, sent to Asia and then
38 come back to us and to our tourism market to compete with
39 us. We don't think that's right. It's not beneficial to
40 the people.

41
42 The last thing that's a risk to us and
43 something that we need help on -- well, two things. It's
44 not going to be the last thing. Two things. One is we
45 need help from the -- we don't care if you don't have the
46 authority, we want your help. It goes like this. You
47 represent the government and the agencies of the
48 government that have authority over these sea otters are
49 sitting at this table. But we need some help in
50 understanding the conservation balance between how many

1 sea otters there need to be and then the natural
2 resources that the sea otters feed on and also what we
3 feed on as Native people as subsistence. We need to
4 figure out where that balance is.

5
6 If you read our resolution, which I hope,
7 Carrie, you've given copies of, we see a very complicated
8 language about the optimum balance of how many otters
9 there have to be to the natural resources. Native people
10 think very simply that we need to find a level of balance
11 between these sea otters and their natural foods. We
12 need to find that formula as we look at reducing the
13 numbers of the sea otters. There's 20,000 of those
14 things or 24,000 by 2015. How many can we harvest? Can
15 we shoot and reduce 5,000 of them? Can we reduce 6,000
16 of them? Can we do it over a three-year period, six-year
17 period? We need to understand that before we mobilize
18 our people to undertake this enterprise.

19
20 We need science as a part of that
21 equation. We need the biologist understanding. They
22 have to be able to communicate and dialogue with the
23 Native community and give us confidence that we're doing
24 the right thing. The reason is, is this is a risk. We
25 watch how you folks manage wolves and you're not doing
26 very well, quite frankly, in terms of the world court of
27 public opinion. Native people do not want, among the
28 battles that we have to deal with the bureaucracy to talk
29 about handicraft, how you make them, how we shoot them,
30 how we take all the risk that we're taking right now with
31 the government, with law enforcement.

32
33 We certainly don't want to receive the
34 attack the PETA people and the conservation environmental
35 community because we engage with the government to move
36 forward on dealing with the sea otters. You have to
37 understand as Native leaders we're concerned about the
38 opinion of the PETA people and the environmental
39 community. We do not want to be out of step with them.
40 We certainly want to keep harmony as we move forward on
41 the business of dealing with the sea otters. That's a
42 very important point. I hope that the Board and the RAC
43 are listening to us because we don't want to put our
44 people in a bad position as we move forward.

45
46 The last point, Mr. Chairman, and I know
47 you have the power to do this and in your use of your
48 influence, but we have been working with the Department
49 of Agriculture and the U.S. Forest Service and our
50 Regional Forester and her people. The Native people have

1 a problem with the hunting of these sea otters. It costs
2 money for bullets and gasoline. It costs money to ship
3 those hides from the hunting grounds to the tanneries and
4 then bring them back. Then we have to hold them for a
5 while. That costs money. Then the business of putting
6 them into a handicraft form, which we would like to move
7 into the tourism and personal use and fashion industries
8 as products. All of this is going to cost money.

9
10 Based upon my years of business
11 experience, this can be a good business, an enterprise.
12 But if the government could help us and they have the
13 ability through -- the Forest Service has an economic
14 cluster development program. They have the Rural
15 Development Agency, we have the Small Business
16 Administration and we have the Economic Development
17 Administration. If we could get some help to develop a
18 business program that will help us facilitate the hunting
19 of the sea otters and getting them to the tanneries and
20 bringing them back and make them into products, that
21 would be a big help to us. We certainly have made that
22 request to our Regional Forester, but with the help of
23 the Board and our RAC an endorsement in that direction
24 would really be good.

25
26 My bottom line goal, Mr. Chairman, is to
27 get four sewing machines each for six communities in
28 Southeast Alaska. Let me tell you, we'll take care of
29 the sea otters.

30
31 Thank you very much.

32
33 CHAIRMAN TOWARAK: Thank you, Mr.
34 Loescher. I'm going to restrict public comments to Mr.
35 Loescher's portion with the understanding that we, as a
36 Federal Subsistence Board, have, I think, less authority
37 than the Fish and Wildlife Service. It's an issue that's
38 under their jurisdiction. We, as a Subsistence Board,
39 are limited in what we are able to do. And some of the
40 wishes that you would like to see is regulatory and Fish
41 and Wildlife Service has that authority. It does sound
42 like there's some mutual ground that people could share
43 from my understanding just listening to all of the
44 information that was put up up here and listening to
45 enforcement's position. It sounds like there's ways to
46 get people together and we will leave that with our Fish
47 and Wildlife Service agency at this point.

48
49 If there's anything we could do as a
50 Subsistence Board, we would do it through the Fish and

1 Wildlife Service Board member.

2

3 Go ahead, Pete.

4

5 MR. PROBASCO: Thank you, Mr. Chair. I
6 just want to support your comment that I know there's a
7 lot of people that would like to testify on sea otters,
8 but the whole purpose of this meeting is to deal with the
9 Kootznoowoo petition. We still have a lot of work ahead
10 of us. We still have a lot of public testimony from both
11 the public and the tribal and corporation entities. The
12 Southeast RAC has to complete their work by the end of
13 the today.

14

15 Thank you, Mr. Chair.

16

17 CHAIRMAN TOWARAK: Thank you. And we
18 hope you understand that. We are very tight with time
19 and in order for us to do our jobs -- we inserted this
20 sea otter issue into the public process just to get the
21 information out and we appreciate the information that
22 you folks have given us. Now more people know about it
23 and we would like to leave it there. I see your hand and
24 I would like to recognize you, but in the interest of
25 time and knowing my responsibility as a Chair to get the
26 work done on Kootznoowoo, I'm going to have to ask that
27 we take a 10-minute break so that the machinery could be
28 changed and we will get back to the Kootznoowoo issue
29 with a presentation by Kootznoowoo itself.

30

31 Thank you.

32

33 (Off record)

34

35 (On record)

36

37 CHAIRMAN TOWARAK: Good morning. I'd
38 like to get back to session if we could. We've asked the
39 Kootznoowoo Corporation to give a presentation. They are
40 the party that submitted the petition to the Secretary.
41 Once we hear from them, hopefully we will get done in a
42 reasonable amount of time, we will open it up to public
43 comment. With that I will turn the floor over to
44 Mr. Naoroz.

45

46 MR. NAOROS: Chairman Towarak, members of
47 the Council, members of the Federal Subsistence Board.
48 My name is Peter Naoroz. It's a huge honor to be in
49 front of you addressing you about Kootznoowoo's petition.
50 Just as a preliminary matter I've asked Bob Loescher to

1 sit with me today. He's a friend of Kootznoowoo and I'd
2 like to acknowledge him at some point in this
3 presentation, but with your permission if I could have
4 Mr. Loescher sit with us.

5

6

CHAIRMAN TOWARAK: Sure.

7

8

MR. NAOROZ: Thank you. Honored guests.
9 What we're going to do today is augment and supplement
10 the petition that we have filed with the Secretary. It's
11 now in the hands of the Secretaries. Some of this
12 information is based on the Staff report we've received
13 since we submitted our supplemental information. Some of
14 it's based on some of the things we've heard in the past
15 couple days.

16

17

With that, I'd like to just cover a few
18 things today and one is show a brief video. It's a most
19 excellent video prepared by the Forest Service in
20 collaboration with others that basically describes part
21 of what we're talking about here today. Then I would
22 like to add a couple comments about the petition itself
23 because it's a little bit more expansive than the simple
24 notion of ETJ and we'll get into that. The process to
25 date, and I realize as a preliminary matter, that this is
26 the first time we've done this, so it's one of the
27 reasons it's such a great honor for me to be here because
28 we're all learning. For me, personally, it's been a
29 learning process from day one.

30

31

The last thing I'd like to do is talk
32 about the future. Where do we go from here. What is it
33 that we're asking you to consider doing. What is it that
34 we're asking the Secretary and the Department of
35 Agriculture. So if I could start with the video, it's
36 loaded up, so it shouldn't take but a second.

37

38

(DVD playing)

39

40

MR. NAOROZ: Obviously this is Angoon and
41 then the waterworks in the background is Mitchell,
42 Favorite and Kanalku Bays. Our closest fishery is
43 Kanalku, which is just to the top and the right, just
44 slightly off the image right now, but I don't want to
45 back it up. I point this out because in the petition and
46 elsewhere you will hear us talking about the dangers
47 associated with crossing Chatham Strait, which you'll see
48 here in a moment. With no more to do, I'll let the film
49 run.

50

1 (DVD playing)

2

3 CHAIRMAN TOWARAK: Could we get the
4 lights back on, please.

5

6 MR. NAOROZ: Thank you, Mr. Chairman, for
7 allowing us to show that film. It's not only a beautiful
8 film, it covers a lot of the points that our petition
9 covers. I'd like to have that as part of the record with
10 your permission.

11

12 CHAIRMAN TOWARAK: (Nods affirmatively)

13

14 MR. NAOROZ: Mr. Chairman, in terms of
15 the petition itself there's some acknowledgements that
16 need to happen. I asked Mr. Loescher to join me here
17 because first and foremost we need to acknowledge the
18 work of Alaska Native Brotherhood and Sisterhood, the
19 many years they have spent working on this issue. I've
20 seen some of the literature surrounding the floor debates
21 during ANCSA. William Paul spoke about being afraid at
22 that time. The fear of losing his culture with the
23 passage of that law. It wasn't until ANILCA and many
24 years after that subsistence was addressed.

25

26 The question really before this group
27 today and before the Secretaries in the future is whether
28 subsistence rights do exist and what do they mean. Mr.
29 Loescher is the chairman of the subsistence committee and
30 I'd just like to acknowledge him and I give him my full
31 permission to butt in whenever necessary to enhance what
32 I may have missed in my testimony today.

33

34 I'd also like to acknowledge Lydia George
35 and Bessie Fred. They've both left us now. When I first
36 joined Kootznoowoo, they were the ones that told me that
37 my job was beyond sheer economics and profits. It was
38 really as a manager of our area, being Angoon. This was
39 something they taught me about. Under .506 of ANILCA,
40 another important provision of ANILCA to Angoon, there
41 were several property rights that we discuss in the
42 petition. Probably the most important is quiet
43 enjoyment.

44

45 Anybody who knows about property law
46 knows that quiet enjoyment is probably the highest level
47 of property ownership. Renters have it. Even landlords,
48 people who actually own the property, cannot disturb them
49 in that quiet enjoyment. Quiet enjoyment is articulated
50 under .506 along with subsistence recognition of Title

1 VIII, which everybody is familiar with. The Kanalku
2 stocks that we're talking about in our petition are from
3 the area that we have exclusive right to quiet enjoyment.
4 So this is something that Lydia and Bessie taught me.

5
6 I'd like to acknowledge and recognize my
7 board of directors who have allowed us to move forward.
8 Some corporation boards say we don't want you focused on
9 subsistence. Some tribes say we don't want you focused
10 on subsistence.

11
12 Three years ago when Secretary Salazar
13 said that subsistence was broken, we addressed the Grand
14 Camp. Kootznoowoo did. I had the honor to do that. We
15 talked about these property rights. If you had a bank
16 account and your bank account had \$100,000 in it and if
17 your corporation or tribe or an individual it would be
18 your responsibility to make sure that you accounted for
19 that. That's one thing. Two is that you're responsible
20 for making sure that it's safe. Individuals have a
21 different standard of care. Corporations have a
22 different standard of care. Trust managers have yet a
23 different standard of care.

24
25 Now I'm not here to lecture you about all
26 that, but what I'm saying is that it's important for
27 Kootznoowoo as manager and as the beneficiary of those
28 rights to speak. So, for the last three years we've
29 tried to learn as much as we can with the help of others,
30 including Commissioner Bedford, who I'd like to recognize
31 right now. I'll have a little bit more to say about
32 Commissioner Bedford because I had to do some research to
33 understand how we all could work together and there was
34 some testimony that he addressed Congress with that I
35 will speak to.

36
37 My board of directors understands their
38 responsibilities and it wasn't easy all the time. If it
39 wasn't for the leadership of -- about the only two
40 chairmen I've known there, Matthew Kookesh and Floyd
41 Kookesh, I might not be here today. If there's anybody
42 to blame, it's them.

43
44 I'd like to finally acknowledge the
45 tremendous support that we've received from the Southeast
46 tribes and the people of Southeast. This petition is
47 really the efforts of William Paul, the people of
48 Southeast, the people of Alaska, the rural residents of
49 Alaska wherever they are. So the question of whether
50 subsistence rights exist and whether they're meaningful

1 is really in front of us today and, as I said, it's an
2 honor to be here entrusting you.

3
4 We petitioned Secretary Vilsack and
5 Regional Forester Pendleton because we were frustrated
6 and we didn't see a process going forward. We did
7 everything that we were told we needed to do. We went to
8 meetings of the industry and the state managers. We went
9 to the Board of Fish with resolutions or proposals, which
10 are sort of like a petition. So we came with a proposal
11 to do this and to do that. Basically we were asked to
12 follow good management techniques and come up with
13 suggestions on how we could manage this fishery better,
14 so we did and we never heard back.

15
16 The petitions that are floating around
17 the room here that Central Council has been kind enough
18 to make available to others are not the complete
19 petitions, but the complete ones are on the site.
20 There's a letter we wrote to the state, to the governor.
21 It was actually five years ago last week she responded to
22 that. She said all the fisheries are important and they
23 were going to do what they could do.

24
25 We put two more petitions in, then we met
26 with the RAC. The RAC said they didn't have the
27 jurisdiction, so then we called up Pete Probasco and said
28 can we come to the Federal Subsistence. Well, you've got
29 to go through this process. It's just -- it's unruly.
30 It's time consuming and it doesn't really -- and maybe it
31 will work. But just the passage of time, the passage of
32 our elders, the passage of opportunities for our children
33 to learn. Yes, we had a good harvest last year. We talk
34 about that. But when you have 220 fish estimated to be
35 an escapement, what does that mean to the system?

36
37 So we were looking as part of this
38 petition for a resolution to that complicated and
39 frustrating process. We also looked for the USDA to
40 respect the rights of Angoon people as established by
41 ANILCA and ANCSA. In other words, a deal is a deal.
42 What is quiet enjoyment? What are these corridor lands?
43 What does it mean to consult and cooperate? Those are
44 all provisions that were negotiated in order for
45 Kootznoowoo to extinguish its aboriginal rights. So
46 we'll find out.

47
48 And we were looking for a relief from
49 oppressive regulations, citations, fines, extinguishment
50 of the way we were -- our way of life. That's not in

1 front of you all today, but we're looking for our fish to
2 return home. That is in front of you today. So
3 involving the Feds to honor their promise. That's why
4 we're here today and we appreciate the fact that so many
5 people are gathered, the State is here and the industry
6 is here. The best land managers in the world are here.

7
8 So our petition is about balance. We
9 show the fishery effort by the Angoon people in the
10 bottom left-hand photo and a mighty seining ship on the
11 right. So what is the proper balance. I think that is
12 the question in front of you all today, in front of all
13 of us today. I can tell you when this petition started
14 the balance was out of favor. I mentioned the number of
15 fish that were estimated to escape. Now it appears with
16 the numbers that we're getting back to a more reasonable
17 number.

18
19 There's a lot of regs underneath all
20 this. If there's one thing I would ask and I'm calling
21 on Congressman Young's quote about this is that when we
22 talk about science, when we talk about traditional
23 ecologic knowledge and when we talk about how do we make
24 a decision that we do not forget -- and when we look at
25 the regs, let's not forget that there is no logic pill
26 out there. He talks about the need to put a logic pill
27 in every single administrator and manager's mouth out
28 there. Because, yes, we might not have all the genetics
29 that we need or could possibly come up with. This is not
30 a case of CSI. This is a case of what makes sense and
31 how do you protect the preference and priority.

32
33 So we're asking you to right this
34 balance. Make sure that it's not precarious. It's
35 really the community's sense of balance that you all
36 represent. We think there's substantial evidence on the
37 record now to have this petition move forward with a
38 positive recommendation.

39
40 As we speak of balance, and I've alluded
41 to this, the question is who takes the risk of a bad
42 year. Is it the fishermen who have these mighty boats
43 that can move to other locations where the fish are or
44 should it be the community of Angoon that has protected
45 and unprotected waters around it? It can't pick up and
46 move. Those fish are coming home. So think about that
47 in terms of how you weight this balance. Where's the
48 risk and where's the harm.

49
50 At first I looked at OSM's report and I

1 said, boy, more likely than not, what does that mean. I
2 know people are going to struggle with that. Does it
3 mean that we continue to encroach on customary users
4 until the data comes back from genetic studies spending
5 \$300,000, I think I heard yesterday, three years. Do we
6 wait three years. This year is predicted to be a run
7 that's not going to be very strong. So let's wait three
8 years and then meanwhile it's wiped out. What happens if
9 we make a mistake.

10

11 In terms of balance assessments, there's
12 a lot of things that the people in this room need to
13 balance. The commodity prices of fish. What does that
14 mean to Angoon when the limit is 15 fish per household
15 per year? The global marketplace and the competition
16 that comes from farmed fish, what does that mean.
17 Weather and climate change. The ecosystem management.

18

19 I'd like to just stop for a moment there
20 and say that Angoon people did everything within their
21 means to protect their ecosystem so that these fish could
22 come back. The wilderness designation. These carve-outs
23 of ANILCA. So we believe that ecosystem management is a
24 shared responsibility among the industry, the rural users
25 and certainly the managers need to look at that. We're
26 asking you to think about that as you deliberate.

27

28 The question was asked yesterday about
29 the -- well, I'll talk about that later. It had to do
30 with the run forecast of the sockeye and we'll talk about
31 that in a moment. The risk of a voluntary closure, who
32 is that on? The only voluntary closures that have
33 occurred have been done by the people of Angoon to
34 protect this resource. In the meantime, over the past
35 three years, four years, the commercial effort has
36 increased. The very thing that we were trying to stop or
37 trying to push back on, moderate.

38

39 I'm told and I don't know this to be
40 true, but it may be. I'm sure there's people that I'm
41 speaking to today that know the answer, that the State
42 won't incorporate a weak stock management program. We
43 heard yesterday for the first time that there is data
44 available. We didn't know that before. What does it
45 mean when you have some of the data but not all the data
46 and should that data really be focused on the pinks as
47 opposed to us? I don't know. I'm not a fish biologist.
48 I don't know that. I'm just throwing out things that I'm
49 hearing about the management of this fishery that could
50 be resolved if this petition is acted favorably upon by

1 all the parties.

2

3 Finally, in terms of just a few of the
4 risks here. Who takes the risk of making it across
5 Chatham Strait in a 16 or 18-foot Lund? So the lawyers
6 tell us there's a preference in priority in our
7 subsistence foods in times of shortage and it's just a
8 balancing act as far as I can look at it. I'm not an
9 expert like you all are. So I think that's really what
10 we're asking for. Does that preference in priority exist
11 and how is the balance tilted.

12

13 So, to summarize, why the ETJ petition
14 and why am I here. There's not enough sockeye to go
15 around every year. Subsistence takes are restricted, low
16 and enforced. Seine management does not have subsistence
17 as part of the allocation or priority. It may have an
18 ANS for the Juneau area, but it doesn't have good studies
19 for the Angoon area.

20

21 So there's no positive action to date on
22 the Board of Fish proposals that we've brought forth,
23 169, 236 and 262. There's increasing difficulty for
24 residents of Angoon to live a subsistence way of life.
25 They are losing it, particularly when there's closures
26 that occur. I know one of the hot topics is the
27 hatcheries. Let me tell you, we don't think they're
28 helping. We don't have the evidence to say shut down
29 this hatchery. They might just shut down themselves.
30 What we hear is they're big whale feeding stations.

31

32 So this slide here is from September
33 25th, 2008 where I approached the RAC. The first time I
34 met Chairman Adams. He explained the process. We talked
35 about this particular fishery. Some of the things that
36 I would like to describe as concerns is yesterday I heard
37 that there was no migration information available and I'd
38 like to just point out some that is available to me.
39 This is a migratory route through Icy Strait. Basically
40 you come from the Pacific into Icy Strait, swim as fast
41 as you can across there to avoid some of the best
42 fishermen in the world and then you bounce into Admiralty
43 Island. You mill around trying to find your direction
44 and you go north and south. We've heard evidence of
45 that.

46

47 How do I know this? Because there were
48 studies done as far back as 1924 and I have them listed
49 on this slide here and I'd like for this slide be part --
50 this whole presentation be part of the record with the

1 Chairman's permission. These studies -- these are
2 distributions of adult salmon tagged in Icy Strait and
3 upper and lower Chatham Strait.

4
5 In 2011, this is a photograph of the
6 seine fleet. They're four abreast at Point Marsden. I
7 drew these lines in here. They may not be exactly. I
8 think it's actually closer to the shore than I drew
9 there, but I wanted to give everybody the benefit of the
10 doubt on that. They're two abreast near Point Hepler.
11 They're all swimming south towards Angoon.

12
13 I promised to talk about Commissioner
14 Bedford for a second because I have a lot of respect for
15 him and the Department. They're one of the best
16 fisheries management groups in the world. I've spent a
17 little time in the north Atlantic, the Mediterranean and
18 the southeast coast of the United States and I could tell
19 you it's incredible the amount of area they have to cover
20 and what they do with the budget they have. They also
21 have to deal with the Canadians or he does.

22
23 A couple things he said to Congress back
24 in 2005, about the time that we were having our problems
25 with voluntary closure, is that 50 percent of all U.S.
26 fishing is off the coast of Alaska. That's a lot. Fifty
27 percent of the jobs in Alaska are associated with the
28 fishing industry. That's a lot. So we know this is
29 important. We know that there's an impact here to what
30 happens. We just ask you all to think about -- well, you
31 know about this.

32
33 The management, he recognizes, is split
34 between the State and the Feds. That's the way he sees
35 it, the State and the Feds. We're going to suggest that
36 there ought to be one more party at the table and that's
37 the community. He talks about the Magnuson Fisheries Act
38 in 1976, how that was really the major turning point for
39 their department.

40
41 In his speech he says that Federal
42 management was an unqualified failure up to Statehood and
43 was actually one of the reasons that Statehood took place
44 and I respect that. In fact, Angoon was involved in
45 that. Kake versus Egan was about the fishtraps. But
46 things have changed and our reach is further south. We
47 have the Anadromous Fish Acts that talk about Federal
48 jurisdiction. We recognize local knowledge and local
49 control. This is from his speech. The importance of
50 local knowledge and control.

1 So we're pushing that to the communities
2 because our petition fits his thinking. What he says is
3 that you need to respect water rights and ownership
4 boundaries between parties between the State and the
5 Feds. Well, we're saying it's between the State, Feds
6 and in our case Kootznoowoo, so that concept is intact.
7
8

9 He includes in his management arguments
10 the importance of the bedrock concepts of local
11 involvement, including communities as I say. I say
12 science based is good, but it's a four-year student in
13 biology back in the early '70s, most of which I've
14 forgotten. I know there's limitations to science. To
15 get to where there's a statistically significant event
16 takes a lot more than we can do as a little community of
17 Angoon. We rely on the community standards to be
18 represented at this table to look beyond just the bare
19 data and to swallow that logic pill.
20

21 We say part of the logic pill is
22 traditional ecological knowledge. I mean if you look at
23 the maps that are in the petition that were prepared by
24 Goldschmidt and Haas, where were the fishtraps. They
25 were all where those fish were milling around. They were
26 at Point Augusto. We know all the hot spots. We don't
27 need genetic sampling to know the fish are there or to
28 distinguish between one or the other or do we. I mean
29 it's not really going to be what this petition turns on.
30 I appreciate the fact that the State came and said we're
31 going to offer this information. We do. We talked about
32 getting that information years ago, but is that what you
33 need to make a decision? I think not.
34

35 The other thing that Bedford suggested
36 was to call on everybody to work together. He was
37 suggesting in that particular speech the need to do
38 something like an environmental impact statement before
39 we make changes. I'm not going that far. I think
40 working together in this case means including Angoon in
41 the discussion. This petition, what it does, by acting
42 favorably upon it, it means bringing the States and the
43 Feds together and cooperating with the community, I
44 suggest that's enough reason to do that because we're not
45 going away. The State's not going away. The Feds aren't
46 going away.
47

48 So getting to our people's needs. There
49 was a question asked of me yesterday that I want to touch
50 on that came from the industry and I think it's

1 important. It's been the source of some confusion.
2 There's three source documents that we want to point to
3 that we want to ask each of the members of the Council
4 and the Board to look at. One is the Carter
5 Proclamation. Two is Section .506 of ANILCA and then the
6 third is the 1990 Act.

7
8 The 1990 Act, I'll just go in reverse
9 order, talks about Kootznoowoo being involved in the
10 management of the island. It also recognizes for the
11 first time in statute after ANCSA the involvement of the
12 community of Angoon. I'm proud to say there's members of
13 the tribe here and also the mayor of Angoon is here.

14
15 ANILCA .506 I touched on, but the Carter
16 Proclamation is an important source document because it
17 basically declared a monument. A monument in the middle
18 of a National Forest. It talked about a boundary, an
19 external boundary, that continues to exist. Some have
20 described it as administrative. Okay. We see this
21 slightly different. We see it as a boundary between what
22 the State owns and what the Federal government owns.
23 There's 491 square miles of saltwater within that
24 boundary and there's 31,555 acres of tidal zone. This is
25 all about what you have jurisdiction over and what you
26 don't.

27
28 So the ownership question is open. Judge
29 Holland is helping us in the Peratovich case and some
30 other decisions to sort this out, but that's not what
31 we're asking you to decide on. We're just saying that's
32 what we see. You can make a determination or the
33 determination can be made that extraterritorial means
34 from high tide out or it could be made that it's from the
35 boundary out or however. We want people to see this
36 because I heard somebody describe our petition as
37 frivolous. Well, I would suggest that almost 500 square
38 miles of saltwater is anything besides frivolous.

39
40 So the ownership question is open. We
41 think we know what the right answer to it is and I know
42 there are others who have looked at it very hard. You'll
43 have to talk to your Council I guess in closed doors
44 about this, what it means, but we wanted to show this
45 map. This map was prepared by the Forest Service at our
46 request.

47
48 Some of the objections to the process
49 that we've heard out there is the question of whether an
50 extraterritorial jurisdiction -- we're going to fight

1 this because this is a State versus Fed matter. Well,
2 that's just not the case. The Feds have jurisdiction on
3 these anadromous fish wherever they are when it comes to
4 subsistence.

5
6 We did not know until yesterday that
7 baseline data was available. How good it is and whether
8 it's genetic or not, I think that's an open question that
9 needs to be explored. I will tell you this though. We
10 didn't get all the data that we requested because there's
11 a confidentiality law in place that the State maintains.
12 Says that they can't provide boat data if there's so many
13 boats fishing within a certain area. So, until we get
14 that data, I don't feel we have everything we can provide
15 you, so you're going to have to get that from somewhere
16 else. The Secretary calls me up and says you're missing
17 this. Do I get an F because somebody else has it and
18 won't turn it over?

19
20 You heard yesterday and I won't dwell on
21 this too much, but the outlaws in our own land. That's
22 what you all can change. You can help honor the deal.
23 I know it's not entirely in your hands in that regard,
24 but a deal is a deal. We protected our monument, we
25 created areas of influence with respect to management.
26 We've attempted to effect those management decisions.
27 We've failed so far.

28
29 So getting to the OSM report. I would
30 argue that we do have enough knowledge to better manage
31 the subsistence priority for residents of Angoon. They
32 acknowledged that there was a more likely than not, that
33 those same boats were out there. I would suggest that as
34 fishermen, as people who know, that it's absolutely
35 certain that they're taking some of our fish. Can I tell
36 you what percent? No, but neither can a genetic study.
37 It can tell you around what percent. Then what do you do
38 with the fish that you take off the boat that from
39 Kanalku.

40
41 So we know from the tagging studies that
42 have been done, the sockeye bound for upper Chatham area
43 streams, including Kanalku, nearly all migrate through
44 Icy Strait and upper Chatham Strait mid June, July and
45 August. If there's not enough sockeye making it back to
46 the basin streams and upper Chatham, then in a
47 precautionary management system we should institute push-
48 back on the fleet.

49
50 The purse seine fishery needs to be

1 moderated in this highly mixed stock fishing area. If
2 the State doesn't want to do that through their process,
3 will we have to wait two years for the next cycle? It
4 seems to me like it's incumbent on you all to recommend
5 that the Secretary initiate a process to deal with that.

6
7 The run timing question I heard yesterday
8 on Kanalku took me back to my first meeting with the
9 ADF&G. You'll see a memo I prepared. Commissioner
10 Bedford asked me to come down and it was almost like a
11 subpoena. I thought maybe one of my fish reports weren't
12 complete or something. I thought I was in trouble.
13 Anyway, I came down and it was a great meeting. Industry
14 was there, managers were there, both Federal and State.
15 I thought I had walked into a bee's nest. I mean there
16 was so much conflict in there. How can this be? How can
17 somebody who just represented the seiners be in charge of
18 presiding over that meeting. I couldn't understand where
19 I had fallen off into.

20
21 I sat there and listened to testimony.
22 There was asked a question about run timing because our
23 people had talked about there's a late run in Angoon. So
24 the question was asked and the area manager says to me
25 Kanalku is just a puddle. There's a million fish almost
26 come back to Sweetheart. It could be mostly those fish
27 that are being caught on the western shores. And it's
28 probably true, most of the sockeye there that are caught
29 are coming from somewhere else. But what about ours.
30 Remembering back to my biology days I remembered that the
31 way you treated the weakest stream, the smallest stream
32 in your system is really how you treat your entire
33 system.

34
35 So I don't know about this conflict. I
36 know fishermen like to hide their spots and they like to
37 catch more fish than the next one, catch the biggest fish
38 and they tell stories about them at the end. I'm a
39 little light here, and I know it's an important part of
40 our economy, but the preference in priority to these
41 fish, some of which are caught by the same fleet, belongs
42 to the people, the rural residents of Angoon.

43
44 So how do we see the future. We see the
45 State of Alaska working with Angoon. We see us working
46 together with the Feds, the State and the industry. We
47 see local science based management, but we don't see
48 brain surgery as necessary. We think that logic can be
49 applied to this. We see subsistence being legalized.
50 Most anxiously we see subsistence being celebrated. I

1 heard a mention of youth conservation yesterday involving
2 our young people.

3

4 Gabe George, who sat on the RAC, one of
5 my shareholders, came in to talk about this last week.
6 Gabe said to me, Peter, all this means nothing unless we
7 get our young people involved.

8

9 Mr. Chairman, that concludes my
10 presentation. I'd ask my friend and brother Loescher if
11 he had a few comments.

12

13 MR. LOESCHER: Mr. Chairman. Bob
14 Loescher from the Alaska Native Brotherhood. I'd just
15 like to preface my comments by saying that I appreciate
16 and I'm honored that Kootznooowoo and Angoon people have
17 asked me to sit with them during their presentation. The
18 Alaska Native Brotherhood and Sisterhood Grand Camp are
19 here to support Angoon. That's our purpose. We're not
20 here to speak for Angoon. We have other testimony later
21 we'd like to present from our organization.

22

23 I think, Mr. Chairman, from reading
24 Angoon's petition and then having studied this issue for
25 the last year or so your recommendation to the Secretary
26 turns on a number of factors. One, what is a preference
27 and priority mean and is it being exercised here in a
28 time of shortage. I believe that the Angoon people have
29 clearly shown that over the last decade that there has
30 been a shortage of sockeye salmon coming back to the
31 streams and lakes in their area. They have voluntarily
32 restricted themselves in the taking of the fish in their
33 immediate area and have traveled across waters to other
34 lakes and streams in their traditional area to take
35 sockeye salmon and I think that's commendable on the part
36 of Angoon people.

37

38 They have gone to the State Board of Fish
39 and Game and to the RAC and they've sent this petition to
40 the Secretary and they've exhausted their administrative
41 remedies and so here we are. At the direction of the
42 Secretary, you folks have been asked to take the public
43 record, which we're doing today.

44

45 The other thing is, in reading Angoon's
46 letters to the Secretary, they were asked to follow up
47 and they had to supplement their petition because the
48 Secretary asked the Federal Subsistence Board and the
49 RACs to take the public hearing and give a recommendation
50 to the Secretary. In your guideline for the Federal

1 Subsistence Board for extraterritorial jurisdiction, it
2 says that the petitioner must supply and supplement the
3 record with the chronology of history of their issue.

4

5 Secondly, mitigation measures need to be
6 advanced by the petitioner. I don't believe it was the
7 intent of the Angoon people to get involved into the
8 mitigation issues at the beginning when they filed their
9 petition with the Secretary.

10

11 The reason I bring this up is because
12 you're going to hear in testimony today the State of
13 Alaska, the commercial fishermen and others complaining
14 about the mitigation measures that have been advanced by
15 the Angoon petition. I will point out that the Federal
16 Report that was presented yesterday has concurrently
17 identified that some of the issues that were identified
18 as mitigation issues in Angoon petition are the same
19 issues that have shown up in the statistics and in the
20 interception or the catching of the sockeye salmon at he
21 hatchery area and on the shores of Admiralty Island and
22 Chichagof Island and some of the other points that could
23 possible be considered as mitigation.

24

25 But I think the most important point, you
26 know, is not the mitigation issues because I think if the
27 Federal Subsistence Board can make a recommendation
28 favorably to the Secretary that extraterritorial
29 jurisdiction and the use of other authorities and
30 jurisdiction that the government currently has were
31 implemented as a result of the Angoon petition, that
32 mitigation measures can be dealt with over the next
33 several years, let's say the next three years, with all
34 the parties; the purse seine fishermen, the Angoon
35 people, the State of Alaska and the Federal government
36 agencies at the table under the leadership of the
37 Department of Agriculture could resolve these mitigation
38 matters.

39

40 The last point is this. All Angoon
41 people have been asking is that Federal and State law be
42 recognized and enforced. That there is a preference and
43 priority to Alaska Native people and rural people in
44 times of shortage and that's the law. We think that the
45 action of the Federal Subsistence Board in recommendation
46 to the Secretary and the Secretary ruling favorably in
47 favor of the Angoon petition will tilt the balance
48 towards what the law says and means both under Federal
49 State law and what needs to be done for the conservation
50 of the sockeye salmon and the balance of the taking of

1 the users, both commercial fisheries, subsistence and for
2 conservation escapement of that fishery.

3

4 That is the most important point that
5 your recommendation can do. The second most important
6 point is this, that Alaska Native people will be
7 recognized and have respect and be able to sit at the
8 table with the people who have to manage the resources
9 and balance the use among the users and enforce the law
10 as Congress has intended. I believe that if the
11 Secretary can help Angoon people do that, I think that
12 would be the justice both for the ecology and the social
13 justice and for the economic interests that are at stake
14 here.

15

16 Thank you very much.

17

18 MR. NAOROZ: Thank you, Bob. Mr.
19 Chairman, that concludes our presentation. We'd be glad
20 to take questions you may have or members of the Council.

21

22 CHAIRMAN TOWARAK: Prior to that, opening
23 the floor for questions, I'd like to point out the
24 process that we're going through right now. The Regional
25 Advisory Council will be listening to the public
26 testimony and all the reports and this afternoon we will
27 be recessing the Federal Subsistence Board for the
28 Regional Advisory Council to deliberate on what they've
29 heard so far so that they, in turn, could make a
30 recommendation to the Federal Subsistence Board. I want
31 to make sure that we give the RAC committee members an
32 opportunity to ask any questions you feel. The floor is
33 open. It's also open to Board members too.

34

35 Go ahead, Ms. Needham.

36

37 MS. NEEDHAM: Thank you, Mr. Chair. Thank
38 you, Mr. Naoroz. A question I asked of OSM Staff was
39 regarding Angoon's need for sockeye and whether or not a
40 need has been established. In the petition, that need
41 has been identified and I understand that this is under
42 the mitigation measures of 250 fish per household. Along
43 those lines I think one thing that we may be interested
44 in knowing is we assume the community's needs haven't
45 been met and that's why we're here discussing this today.

46

47 How many years has the community needs
48 not been met and when was the last time the needs of the
49 community have been met?

50

1 MR. NAOROZ: Through the Chair, Cathy.
2 Good question. I could tell you in the years of the
3 voluntary closure the community's needs weren't met. I
4 don't have an ongoing survey of needs. I don't think
5 anybody does. In terms of scientific evidence, I can't
6 provide that. In terms of anecdotal evidence and what I
7 hear when I talk to my shareholders that live in Angoon,
8 I could tell you that, as I said earlier, there's never
9 enough. As long as there's a 15-foot fish limit per
10 household, our needs aren't being met and they're not
11 even being considered in that number in my opinion.

12
13 What I'm learning is that -- what I
14 understand to be the case and this is one of the problems
15 with the current management system is that we're under an
16 area, much larger area that includes both urban and rural
17 communities. There's rivers and creeks that produce much
18 more fish that have other escapements or other permit
19 limits. I think you've seen evidence of that here. At
20 15 fish, based on my experience and knowledge with the
21 shareholders and the community members, it's not enough
22 and it's never been enough.

23
24 Just to follow up, we don't rely entirely
25 on just that one system as you know. It's documented
26 that there are other areas. It's not a case of when one's
27 bad the other is great necessarily, so they are met that
28 way, so we're not diversified that way. If the weather
29 is bad and we can't get across, we can't get the fish.

30
31 MS. NEEDHAM: Thank you. In follow up to
32 that in the mitigation measures that you were asked to
33 supply in your supplemental petition, you did identify a
34 number. You had to put a number to it apparently and
35 that number was 250 and I was wondering if you could
36 explain how the community of Angoon came up with 250 fish
37 per household. Was it just a guess or did you actually
38 put research or gathering knowledge into that?

39
40 MR. NAOROZ: Through the Chairman. We
41 did not guess. We polled some of our elders, we talked to
42 our community members. We also talked about -- things
43 have been slowly changing. Change almost never happens
44 all at once. That's why I made the comment about we need
45 to encourage our young people to get involved again. As
46 you know, I think everybody knows, our culture is rich
47 and the fish is pretty much central to that, so it's not
48 just personal consumption. There's cultural issues. We
49 can't have a party without offering the fish to our
50 friends and neighbors who attend. Things happen. You

1 lose your parents, you lose your loved ones and then
2 there's parties that are a part of that. So your needs
3 change depending on the circumstances in your own life.

4
5 I'm not an expert on how many fish. I'm
6 hopeful that there will be testimony on that subject.
7 But in terms of the petition itself and one of the
8 reasons I'm so thankful to the Alaska Native Brotherhood,
9 T and H and others who have helped gathering the data is
10 that we had friends who helped us. So if I would be
11 allowed to let Bob answer that, he was the one who did
12 the survey on the amounts needed.

13
14 MR. LOESCHER: Thank you, Mr. Chairman.
15 Just briefly, we did consult with our elders and people
16 who were active in putting up fish and catching them.
17 Basically when we talked to our people they say somewhere
18 between 60 and 500 fish. Then we started drilling down
19 on that in talking to the people and looking at the U.S.
20 Census Survey how many households we had. I noticed
21 there was a difference of statistics between what the
22 report said that you have in your hands and what we
23 found. We found like 145 households, so we calculated a
24 number of fish, 250 fish, and times it about 60 percent
25 of the households would be fishing. Under your report it
26 says 70 percent, but we're in the ballpark.

27
28 I think Peter is correct. You know, we
29 not only have a personal use and our own households, but
30 also we share with our extended family members within our
31 community, within our family houses.

32
33 Then lastly, which I notice in your
34 cultural and traditional customary regulations, it's not
35 well amplified and needs a lot of work, I believe, your
36 CFR for that. We utilize quite a bit of our fish to
37 share at potlatches and that's a very, very important
38 thing. It not only shares the fish throughout the
39 community and the various houses, but it's a part of our
40 cultural protocols and very, very important to the way we
41 do things and why we catch the fish this way.

42
43 Anyway, Peter, just to supplement your
44 comments there.

45
46 MR. NAOROS: Thank you, Bob.

47
48 CHAIRMAN TOWARAK: Go ahead.

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

1 was wondering about ANILCA. Angoon is working off a
2 system of Kanalku, but also has four other systems that
3 the community works off of on gathering fish. So I was
4 curious about -- I know that Kanalku has only a 15-fish
5 or 20-fish per season catch. I was just curious when a
6 customary and traditional area is being impacted. When
7 does ANILCA kick in saying that a subsistence fishery is
8 being depleted and then the seine fleet has to stop and
9 all the commercial fisheries has to stop before --
10 because under ANILCA subsistence is priority. So I was
11 just curious about, you know, Angoon is working off of
12 five systems and when does that kick in.

13

14 MR. NAOROZ: Do you want to try that,
15 Bob.

16

17 MR. LOESCHER: Yes. Mr. Chairman. I
18 think it's a good question. From our perspective and
19 looking at the record, it's kind of interesting. Title
20 VIII, I think it's under Section .804, it talks about
21 preference and priority and then, as you read the law, it
22 goes down into subsections and it talks about times of
23 shortage and then things kick in.

24

25 Certainly for the last decade the Angoon
26 people have identified that there's been a shortage, a
27 decade or longer, in the streams and lakes. Not only on
28 Admiralty Island but in the surrounding areas of Baranof
29 and Chichagof in the natural systems there. There has
30 been a regulation of a very small amount of fish being
31 allowed to the families of 15 fish per family per year up
32 to about 50 fish in some of the other areas.

33

34 If you look at the record, the Angoon
35 people made an effort to come to the State Fish and Game
36 Board with a couple of petitions raising these issues.
37 They've gone to the Forest Service and working with their
38 fish biologist have raised the issue with the Forest
39 Service and also with the RAC. So they have a record of
40 demonstrating that there's a problem here.

41

42 What they did not do is they did not
43 trigger the legal effect of implementing Title VIII of
44 ANILCA, which certainly would have caused what is
45 occurring now to be put on the table. You know, let's
46 exercise the authority of the government, Federal
47 government and consider conservation measures and
48 fisheries, commercial fisheries management, geography and
49 scheduling and all of that to be put into effect, but
50 they didn't do that, so now here we are.

1 From my understanding of the law, and I'm
2 just a layman, but then looking at the history and then
3 looking at the issues at hand, the Angoon people have
4 been very deferential to the State and to the commercial
5 fisheries industry and have been pleading their case, but
6 it was not done necessarily following what Title VIII of
7 ANILCA says.

8
9 MR. NAOROZ: Mr. Chairman. If I could
10 just add to the question now that I've had a second to
11 think about it. As I understand, you're asking we have
12 five systems there and when does ANILCA kick in. I
13 think, without being too coy, it's always there. It
14 doesn't just kick in. The question is, do you manage by
15 it. Do you manage with that in mind. Right now that's
16 not being done. We hear there's some baseline out there.
17 But in terms of how do you manage the seine fishery or
18 the trawl fishery or the hatchery fish, how do you do
19 that.

20
21 It's not being -- ANILCA is not a
22 guideline right now. We're not going to the community
23 and saying what is your needs, the question that
24 Ms. Needham asked. We're saying we're doing this at the
25 area level and that's just not good enough. So ANILCA is
26 there. I think one of the reasons Secretary Salazar said
27 it was broken is because when does it kick in. It's a
28 great question. I think for the purposes of our
29 presentation it kicks in when you say it kicks in.

30
31 When does ANILCA kick in and how is it
32 done. Not to complicate matters because I think I've
33 been pretty clear about it kicks in when you say it kicks
34 in, but .506 has a quiet enjoyment provision. That's
35 always there. Angoon has -- Kootznoowoo shareholders
36 have a right to quiet enjoyment. That's extended to the
37 community through the 1990 Act. Now the question of when
38 does ANILCA kick in over at Basket Bay? It's when you
39 say it does. When does it kick in at Eva? It's when you
40 say it does.

41
42 MR. WRIGHT: (Nods affirmatively)

43
44 MR. NAOROZ: So that's the process we're
45 in right now. That's why we're here. I think you'll
46 need to talk to your Council and to each other and after
47 discussions go tell us when it kicks in.

48
49 Thank you, Mr. Chairman.

50

1 CHAIRMAN TOWARAK: Did you have a
2 question? Go ahead. And then we'll get to you next.

3
4 MR. BANGS: Thank you, Mr. Chairman.
5 Looking at the Staff analysis, in the past the residents
6 of Angoon had up to like 60 commercial fishing permits
7 and now they're down to less than a handful. I'm
8 wondering were the subsistence needs supplemented with
9 commercial caught fish in the past, which is no longer
10 available?

11
12 MR. LOESCHER: Mr. Chairman. That was an
13 interesting point that was made yesterday in the
14 presentation by Dr. Fried and the other gentleman. The
15 Angoon people, I think they only have several commercial
16 trawler permits and sockeye salmon are not normally
17 caught by trawling. Years ago the Angoon people had more
18 than 10 commercial purse seine permits and vessels in
19 their community and they participated with the industry
20 with Chatham cannery and the Hawk Inlet cannery and they
21 were very good at that and knew the area well. Since
22 that time there are no commercial purse seine vessels or
23 licenses or permits attached to the community, so people
24 are not involved in that business.

25
26 One of the thing that I was a little
27 confused on yesterday was the connection that both
28 industry people and the government analysts were pointing
29 out that Native people could supplement their subsistence
30 by fish from the commercial catch. Well, I think it's a
31 bit unlawful because subsistence people can't take
32 subsistence fish and put into the commercial fishery. I
33 believe it's not proper or legal that commercial fishery
34 products or salmon can be brought into the community as
35 subsistence. So that is kind of a point that some of our
36 tribal members that came to me yesterday wanted to have
37 clarified. But that's our perception.

38
39 It's unfortunate that the Angoon people
40 don't have the opportunity now to have a commercial fleet
41 in their community and purse seiners particularly.
42 Hopefully in the next period of time we could work with
43 commercial seiners as they're reducing their -- they're
44 working to reduce the number of permits and licenses and
45 vessels in their fleet, that maybe we could do like what
46 they're doing up in the north, the community development
47 quotient, and have permits available to the community so
48 that they could participate in the commercial fisheries
49 and that would help balance out this equation between
50 subsistence and commercial impacts as well, but that's

1 for another day.

2

3 MR. NAOROZ: Mr. Chairman. Just to
4 finish up on that question. Several years ago an offer
5 was made by some of the commercial fleet to bring totes
6 of sockeye in, particularly from the area around the
7 hatchery. I honestly don't know who would have been,
8 quote, the decision-maker in that case, but I know that
9 talking to some of the leadership in the community --
10 Angoon people, I think they would say thank you to such
11 an offer and if they were starving, just like anybody
12 else, would probably take it up, but that's not what
13 subsistence is about, taking fish from a tote.

14

15 Subsistence is really the activities that
16 go around gathering. That's why we like the word
17 cultural and traditional because it's the methods, the
18 means, the activity, the working together, the putting it
19 away together. That's what it's about. Having a box of
20 fish or tote of fish, I'd be very grateful, but it's just
21 not the same thing.

22

23 CHAIRMAN TOWARAK: Go ahead.

24

25 MR. BANGS: Thank you, Mr. Chairman.
26 Well, the reason I ask is I'm looking at the numbers and
27 the 250 fish per household and the number of households
28 that are necessary or that feel that's necessary and you
29 add that up and it's 20-some-thousand sockeye. I'm just
30 not clear on whether those small systems adjacent to
31 Angoon can support that number, whether you could
32 physically get that many fish in those systems.

33

34 MR. NAOROZ: You know, we realize that
35 the petition was close all the fisheries, close all the
36 hatcheries and come up with this number that's bigger
37 than we've seen, is going to get somebody talking.
38 Remember what Bob said a few minutes ago. We're trying
39 to be very specific in terms of responsive to the
40 Secretary.

41

42 One of the questions that came at me from
43 the very beginning was why are you doing this petition.
44 Why is Kootznoowoo doing this. They had looked at it and
45 said, oh, it's all about money. I'm here to testify it's
46 not all about money. There is a value in those fish.
47 People need to understand what the value, at least the
48 theoretical value that the community is not getting to.
49 So that's why we put those numbers in there because
50 they're required.

1 What I would say it's a good time to take
2 a logic pill as you read this. I'm asked the question.
3 The Secretary wants to know the answer. I have to give
4 him an answer. Monetize it, create a value. Fish at
5 Angoon is very valuable to the people who catch it. They
6 use every bit of that fish, the protein there. It's used
7 for a number of reasons. It's cultural, et cetera.
8 However, to somebody else who's catching it, it's all
9 about money.

10
11 So if you're going to talk to people, you
12 need to be able to talk their language sometime, so
13 that's what we're attempting to do there. That is a lot
14 of fish. Let me tell you, after reading this report to
15 OSM, there's a lot of fish caught out there. There's
16 5,000 fish caught more than the limit is in just one
17 little area.

18
19 So that's why the synthesis needs to
20 happen. Go ahead, Bob.

21
22 MR. LOESCHER: Just to supplement that,
23 Mr. Chairman. The objective, Mr. Chairman, is to
24 increase the natural escapement of the sockeye salmon
25 back into the streams and lakes in these areas. If the
26 fishermen are intensifying their fishery, not
27 withstanding the fact that the Native people and maybe
28 the State are working on conserving these sockeye salmon,
29 increasing their numbers in the streams, we're kind of at
30 an impasse here.

31
32 We believe that the capacity of the
33 streams and lakes are greater than they are and that the
34 numbers that are projected in Angoon's petition can be
35 satisfied over a number of successive years of good
36 conservation management and good management of the
37 commercial fisheries scheduled by geographic area and
38 harvest intensity.

39
40 I believe that in time the escapement
41 into the areas will increase and there will be enough for
42 subsistence and also for predation that occurs in the
43 streams. So I think that's a reasonable answer. We
44 believe that the natural environment will increase the
45 stocks.

46 CHAIRMAN TOWARAK: Did that answer your
47 question, Mr. Bangs?

48
49 MR. BANGS: Yes.

50

1 CHAIRMAN TOWARAK: Ms. Phillips, you had
2 a question.

3
4 MS. PHILLIPS: Thank you, Mr. Chairman.
5 Should this ETJ move forward, have you been given a
6 timeline and a process for this extraterritorial
7 jurisdiction?

8
9 MR. NAOROZ: We've been told what the
10 next step is for some time now, you know, what to do
11 next. In terms of timeline, I heard -- I think it was in
12 Ed Schoenfeld's report yesterday, was four to six weeks.
13 I'm not sure where he got it, but he's a great reporter,
14 so I trust what he says.

15
16 MS. PHILLIPS: Mr. Chair. Can we be
17 given a summary of what that timeline and process might
18 be if the extraterritorial jurisdiction moves forward.

19
20 CHAIRMAN TOWARAK: Go ahead, Pete.

21
22 MR. PROBASCO: Thank you, Mr. Chair. I
23 think the important thing is that the decision lies
24 respectively with the Secretaries, but the whole point of
25 doing this meeting at this time was to hopefully have
26 some form of decision by the time the salmon season
27 starts. That's not a guarantee, but that's the goal the
28 Board had.

29
30 Mr. Chair.

31
32 CHAIRMAN TOWARAK: Further questions. Go
33 ahead, Mr. Adams.

34
35 MR. ADAMS: Thank you, Mr. Chairman. I
36 was really interested, Pete, about your opening remarks
37 about .506 in ANILCA. My question is what is really
38 meant by quiet enjoyment. If you can elaborate on that
39 a little bit more.

40
41 Then I have another question here for
42 you. In previous testimonies that we've heard from the
43 Angoon people was the crossing of Chatham Straits to
44 reach these places where they fish, adverse weather
45 conditions was a real big concern to them. I was just
46 kind of wondering has there been any fatalities of
47 subsistence users going across the straits and
48 encountering bad weather that would adversely effect
49 their ability to go after their subsistence foods.

50

1 Then just a comment if I might. The
2 commercial industry or the commercial fleets to offer
3 totes of sockeye for the people of Angoon, as you alluded
4 to, is not the same as actually involving yourselves in
5 the subsistence way of life. I know this offer was made
6 in Sitka when we were trying to deal with the Makhnati
7 Island commercial fishery and that same offer was made by
8 the commercial fleet, that they would be willing and
9 happy to provide the herring roe to the people of Sitka.
10 Of course, they turned it thumbs down and so did we
11 because it's not really subsistence. I just wanted to
12 make that comment clarifying what you also said.

13

14 But if you don't mind answering what is
15 really meant by quiet enjoyment and the weather
16 conditions crossing Chatham Straits, please.

17

18 MR. NAOROS: Mr. Chairman. Thank you for
19 the question. I've only crossed Chatham Straits four or
20 five times. The days I've done it have been flat calm.
21 I've come down Chatham Straits in a 25-foot boat in bad
22 weather and I think it may have been the last time I got
23 in my boat it was so bad. I mean green waters coming
24 over the bow and I picked up some kelp and it just shook
25 me doing that by myself. So I know a little bit about
26 the feeling that I had.

27

28 To answer your questions though, I'm not
29 aware of any fatalities directly related to subsistence
30 as long as I've been here and that's only been since
31 2002, 2003, so I'm thankful to report that. There have
32 been fatalities before, but I don't know the specifics of
33 them. But it's dangerous open water in a Sea Sport and
34 I would think it would be much more dangerous in a
35 16-foot Lund, 18-foot Lund. I'm glad to report that I
36 don't know of any fatalities. There may be people in the
37 audience who can correct me on that.

38

39 With respect to quiet enjoyment, your
40 Council can advise you better than I can and I'm sure
41 will, but quiet enjoyment is basically what it says.
42 It's the ability to, in an undisturbed manner, enjoy the
43 use of land, apartment building, a rental space,
44 commercial building. It's a property right. When the
45 landlord, for instance, transfers land to a tenant, he's
46 transferring the quiet enjoyment. There's always an
47 ability to enter into a place afterwards. For instance,
48 to check to make sure the tenant is not doing any damage.
49 The landlord has basically, for all intents and purposes
50 given up the right to occupy and use that space.

1 So that's the same thing in terms of .506
2 provision. That was given to Angoon, the right to quiet
3 enjoyment there. That means they could occupy that
4 space. There is one limitation to it that I can recall
5 and that's subject to reasonable regulations the
6 Secretary may come up with for public access. These are
7 still public lands in the truest sense. I mean the
8 Forest Service owns the land, the submerged lands
9 according to Jimmy Carter that underlie there.

10
11 If you've got a beach seine out there and
12 you're a Kootznoowoo shareholder and Angoon person, you
13 have the right to occupy that space. When a plane flies
14 overhead and decides to land and stop your fishing
15 efforts and board your vessel, make you go to the beach,
16 count fish, that's disturbing your quiet. Is that a
17 reasonable disturbance of your quiet enjoyment? So those
18 are things that you have to think about. Of course the
19 government has a right to police and to make sure it's
20 laws are adhered to.

21
22 However, if the law is such that you get
23 15 fish, that's your limit, it's an unreasonable law, do
24 they have the right to come in there and disturb your
25 fishing activities? That's really kind of the
26 underpinning of this. Does that priority exist? Does it
27 exist in the management scheme? Does it exist in the
28 enforcement scheme? Does it exist with respect to the
29 allocation? Does it exist with respect to how other
30 users use that? We can't control the bears too much. We
31 can't control the eagles too much, the predation, high
32 water, low water. That we can understand and we can try
33 to fix maybe on the edges in terms of the quiet enjoyment
34 aspect.

35
36 I hope that answers the question
37 sufficiently.

38
39 MR. ADAMS: Follow up.

40
41 CHAIRMAN TOWARAK: Go ahead.

42
43 MR. ADAMS: I thank you for that
44 explanation. I feel the same way. I read .506
45 pertaining to Admiralty Island and we'll use that when we
46 go into our deliberations on this particular issue. My
47 view is that everyone has the right to ownership of
48 property and to benefit from it. In simple terms to me
49 that means quiet enjoyment of our properties. So thank
50 you very much for that.

1 Another thing I just want to make a
2 statement about is that up in our area we do have adverse
3 weather conditions and we have these various rivers up
4 and down the coast between Yakutat and dry bay where some
5 of our commercial fishermen and subsistence fishermen
6 would travel down by their 19, 20-foot skiffs and enter
7 into these rivers and streams to fish. In the fall time,
8 it gets pretty rough there. We have had several
9 fatalities over the past few years, young men just losing
10 their lives trying to make a living and trying to sustain
11 their lives.

12
13 In regards to interception, if I might
14 just mention that. In Yakutat, we've had some problems
15 with the sockeye coming in to the rivers and do their
16 business. I have a friend in Cordova. Some of you might
17 know him, Bob Henrichs, who is a real big-time commercial
18 fisherman up there. They set out 150-fathom nets off
19 Kayak Island and every time I see him I say, well, Bob,
20 how many Situk fish have you intercepted this year and I
21 get him into a real big, no, no, no, we don't do anything
22 like that.

23
24 We don't know whether they're doing that
25 or not, but I think there is a great amount of sockeye
26 that is probably intercepted that are heading to the
27 Yakutat area, so pretty similar to what you guys are
28 experiencing here right now.

29
30 Thank you.

31
32 CHAIRMAN TOWARAK: Mr. Ackerman, you had
33 a question.

34
35 MR. PROBASCO: One thing, real quick, Mr.
36 Chairman, Council members and the Board, we do have
37 people monitoring the phone lines and they ask that we
38 all speak directly into the mic. They're having problems
39 hearing us.

40
41 Thank you.

42
43 MR. ACKERMAN: Thank you, Mr. Chairman.
44 Kootznoowoo. Down there in White Water Bay there is a
45 historical cemetery and also, as I understand and read
46 about it, there is an old fishing village down there.
47 Quite a bunch of Tlingits resided in that area. You can
48 only go back and imagine hundreds of years ago when all
49 those folks were there. The amount of biomass of fish
50 that it took for these people to survive on in historical

1 levels. Really interesting to think that far back
2 because the population before the plagues and whatnot had
3 come into the area. Evidently there was enough fish to
4 sustain these people, if there were thousands of them or
5 even more than that. So that's another hundreds of years
6 ago to think about the levels of fish that it took to
7 sustain these people.

8
9 For you scientific folks out there, it
10 takes seven sockeye completely dehydrated to fill a one-
11 gallon plastic bag. We call it completely dried fish.
12 Interestingly enough, if all the fish intercepted on the
13 northern Lynn Canal area and the Chilkat area, we have
14 4,000 eagles and hundreds of bears and whatnot. Of
15 course, they don't complain. They just take the brunt of
16 the deal. But you can imagine the effects if all the
17 fish were intercepted on our side up there on the north
18 end. It's not only the people, it's the eagle, it's the
19 bears and the whole ecosystem, I guess you could say, is
20 affected by it.

21
22 Interestingly enough, the tote full of
23 fish that are offered when the Yukon fish got intercepted
24 up there, the dog salmon, and there wasn't enough to even
25 feed the dog teams up there, shortly thereafter it was
26 all quiet. I was up in the Fortymile country and I
27 noticed a couple State trucks with totes full of fish
28 heading up the Fortymile country to deliver the totes
29 full of dog salmon to the folks that didn't get their
30 salmon because they were intercepted at the mouth of the
31 Yukon River. Thanks.

32
33 CHAIRMAN TOWARAK: Go ahead, Mr.
34 Hernandez.

35
36 MR. HERNANDEZ: Mr. Chairman. Mr.
37 Naoroz. I really appreciated your remarks regarding the
38 Department of Fish and Game. I think we should
39 acknowledge they do have a tremendous amount of expertise
40 and they are probably the best in the world at doing what
41 they do. Along those lines I think what they have done
42 in terms of managing for that northern Chatham Straits
43 they've ensured that there is a fish stock that returns
44 to these local streams.

45
46 I think the question is, as you very
47 succinctly pointed out, is there enough. That's always
48 the big question. They probably feel they're doing their
49 job well, that there are runs continuing to return year
50 after year to these systems. The big question, is there

1 enough.

2

3 My question to you is do you feel that
4 it's necessary to have a complete closure in the seine
5 fishery in order that there be enough fish returning to
6 those systems?

7

8 MR. NAOROS: Through the Chair. Mr.
9 Hernandez. I'm not a fisheries biologist so that
10 question is an unfair question to ask me. I do
11 understand what I heard yesterday is that the quality of
12 the freshwater where these fish are born and the amount
13 of food available for those fish once they're born is
14 sufficient to have a lot more fish there. That's what I
15 heard.

16

17 That delicate balance between what you
18 close, are you talking about all the areas we identified
19 or just a total closure, that's for somebody much better
20 than I am in terms of answering the question. So I'm
21 going to defer to them.

22

23 Mr. Chairman, I'd like to be responsive.
24 You know, we spent a lot of time thinking about this
25 petition as we wrote it. We talked to people. There is
26 one little part that offends me about our petition that
27 I -- and I'm surprised that I didn't catch it as I was
28 writing it, but there's an area, and I'm looking at the
29 gentleman from Hoonah as I say this, that extends pretty
30 close to Hoonah. I thought I was stopping at Point
31 Augusta, which is our customary and traditional areas for
32 the Angoon people, but the area actually extends a little
33 bit further into Icy Strait.

34

35 Now I thought I had carefully looked at
36 the petition, but somehow in our discussions there were
37 notes taken and this and that, so I would say that the
38 petition stands as it is in terms of our petition, but if
39 there was any moderation on it, that would be the area
40 that I would moderate back to.

41

42 I just don't understand enough about the
43 lines and how they're drawn, but as long as we're
44 speaking about Point Augusta, that's one of the areas
45 that I was introduced to and it was termed a hot spot.
46 That used to be a spot where you would look at to manage
47 the area of the petition, which is that northern part up
48 kind of Area 12 or just the Hawk Inlet area. My
49 understanding about that fishery was that that's how they
50 were measuring the fish that were coming through and now

1 it's just a target area.

2

3 So I think things have changed and I
4 apologize if I offend anyone with the use of words I'm
5 making, but we understand the fish come from out in the
6 Pacific. Most of them migrate through Icy Strait and
7 then they make that turn either north or south. We don't
8 know a lot about that, but we know that they're caught
9 there. I showed you some photographs of it last year,
10 which was a record harvest.

11

12 When you think about it, the Statehood
13 question and the fishtraps and all that, I would dare say
14 that our seine fleet right now is more efficient, more
15 effective than the fishtraps that we fought over at
16 Statehood. So when you asked that question, you opened
17 a big door for me to walk through. What I would say is
18 that there are experts out there, but I don't think in
19 terms of -- we don't need genetic studies to know that
20 those fish are coming through there and how it's managed.

21

22 If it's managed for Sweetheart in a
23 900,000 fish return or whatever that number is and Angoon
24 is considered a puddle, the Kanalku system is considered
25 a puddle, you know, it's a decimal point, we don't have
26 to worry about it, we're doing it wrong. If we have to
27 fix it by shutting it down, then that's what we have to
28 do. But I think there's enough smart people in this room
29 that we can resolve this before that total shutdown.

30

31 CHAIRMAN TOWARAK: Mr. Hernandez.

32

33 MR. HERNANDEZ: It's interesting. One of
34 the discussions we've had kind of after-hours here kind
35 of pointed out the fact that technology has in many cases
36 outstripped our ability to manage. Technology increases
37 in efficiency has been tremendous in the fishing fleets.
38 I think I would agree with you that we could possibly be
39 more efficient than those fishtraps now with the
40 technology we have available. We have to keep up with
41 that. We have a management plan that Fish and Game has
42 instituted back 25 years ago. Has that kept up with
43 increases in efficiency and technology. That's a very
44 good question.

45

46 So my follow-up question is, in the
47 course of your testimony my understanding of the scope of
48 this petition is kind of changing here. You introduced
49 the idea of mitigation and Fish and Game talked about
50 being able to work together. I guess what I need to know

1 now is do you feel that it's necessary to have this
2 Federal involvement to ensure that any kind of mitigation
3 measures that are mentioned in the supplement will not
4 take place or can that happen without Federal
5 involvement.

6

7 MR. NAOROZ: Through the Chair. We need
8 Federal involvement. I say that because the Federal
9 government is already there. There's the North Pacific
10 Treaty and there's Canadians. When I saw the report and
11 read about the 5,000 fish overage, if you will, I
12 automatically assume, wow, there's a management system
13 here and I really appreciated your question yesterday
14 about that. So I automatically assumed it had to do
15 something with the Canadians because here we're talking
16 about sockeye, we're talking some number. Then I found
17 out through further research that was old law that
18 developed between the gillnetters and the seine fleet.
19 Where were we? I'm assuming that it happened prior to
20 the subsistence laws being passed, but I don't know that
21 for a fact.

22

23 But it's clear that there's good people
24 everywhere and the questions about how these fish need to
25 be allocated and there's changes in efficiency and
26 hopefully this petition will -- I don't see the Federal
27 government wanting to manage the near waters long term,
28 but if it's necessary right now to get this right, that's
29 what we need to do. I wouldn't spend your time or the
30 whole community's time on this subject if that wasn't
31 what we wanted to happen.

32

33 CHAIRMAN TOWARAK: Go ahead, Ms.
34 Phillips.

35

36 MS. PHILLIPS: Thank you, Mr. Chairman.
37 I appreciate that there's been an administrative record
38 built through this SERAC and the capacity of Councilman
39 Kookesh has increased as well as the knowledge of this
40 RAC as we deal with this issue. I'm reassured that
41 Kootznoowoo, Inc. is willing to work with all parties
42 that have been identified in your petition.

43

44 I would like to know how was the 15 fish
45 bag limit determined, do you know, and was Kootznoowoo
46 involved in that 15 fish bag limit decision.

47

48 MR. NAOROZ: Through the Chair. We have
49 suspicions on how it was developed. We've heard rumors
50 and anecdotal stories; however, I'm not comfortable

1 testifying on that. Second part, the answer is, no, we
2 were not involved.

3

4 MS. PHILLIPS: Mr. Chair. Follow up.
5 Can we have a response from Fish and Game on that? Would
6 that be appropriate now?

7

8 MR. PROBASCO: Thank you, Mr. Chair. Ms.
9 Phillips. I think what we need to do is save that
10 question and when we get through all the public testimony
11 and we collect further information, then we could bring
12 up whoever you would like.

13

14 MR. ADAMS: Mr. Towarak is gone right
15 now, so I'm kind of designated to take over here.
16 Anymore questions of the Council or the Board. We
17 haven't heard any comments from the Board yet. Beth, go
18 ahead.

19

20 MS. PENDLETON: Thank you, Mr. Adams. I
21 appreciated the testimony that's been given, Mr. Naoroz
22 and Mr. Loescher. I think yesterday Mr. Hepler from
23 Alaska Department of Fish and Game, his comment around
24 working together and improving the collaboration. That
25 certainly resonated in what I think both of you shared
26 today, the focus on balance, the focus on State, Federal,
27 commercial interest, the community of Angoon, the
28 corporation, but really sitting down and working
29 together.

30

31 A difficult question, but what do you see
32 that to look like? How might we improve in this difficult
33 situation our working together?

34

35 MR. NAOROZ: Through the Chair. Regional
36 Forester Pendleton. It is a difficult question because
37 I don't think we've been there before, so the question of
38 what it looks like I think is really wide open and
39 certainly we're not limiting it. This process has been
40 long and we're committed to going through with that.
41 Whatever it takes. Is that the answer? I think the
42 uncertainty about the process going forward helps all of
43 us in terms of really working together.

44

45 There's some issues, just to be candid to
46 everybody, our petition talks about property rights, it
47 talks about the allocation of the fish, it talks about
48 subsistence, it talks about -- as we know what that is.
49 But it was really the only next step we had. So this is
50 unchartered waters here we're going through. I don't

1 think there's big rocks under the hull. It is what it
2 is. It's really the long history and kind of the
3 Statehood question that kind of fuels a few people right
4 now.

5
6 We have a lot of resources in both the
7 Federal government and the State here. The community has
8 very few resources. So the industry has a strong
9 interest. So I think part of the public testimony here
10 following our presentation should be perhaps to talk
11 about defining that. What would they like to see in the
12 industry and the public in terms of an outcome.

13
14 I mean our process is dictated by your
15 rules and the rules of the Secretaries. We're committed
16 to completing that process. I appreciate Councilman
17 Hernandez's question about hearing a little tone
18 different. I appreciate what you're saying. At the end
19 of the day if we can't come to an agreement, Secretary
20 Vilsack in consultation with Secretary Salazar is going
21 to have to make a decision. I'm sure it will be in the
22 national interest. With half of the nation's fisheries
23 kind of on the balance, if you will, another balance, I'm
24 sure they're going to think hard about that and they're
25 going to be relying on your input.

26
27 Thank you.

28
29 CHAIRMAN TOWARAK: Thank you. Mr.
30 Nielsen.

31
32 MR. NIELSEN: Thank you, Mr. Chairman.
33 Let me enlighten you with the statement that Mr. Ackerman
34 made. Fifty years ago we had the most productive
35 fisheries in Southeast Alaska anybody could ever ask for.
36 Something happened and what happened was we had two pulp
37 mills. We used to have 17 canneries, now we have none.
38 The fisheries were decimated by loggers running logs
39 across streams and upsetting the ecology which the fish
40 thrive on. Now we have minimal returns.

41
42 In Sitka, we have fisheries that fish
43 hatcheries sustain. We have boats coming from Ketchikan,
44 from all over Southeast Alaska because they're just
45 starting to realize that, hey, they're productive. But
46 we've asked the Department of Interior give us something
47 to work with. Let's work on these streams and get them
48 back to where they were before where you can walk across
49 because there were so many fish there. Now there's
50 nothing. You can count on one hand the number of streams

1 in Sitka that are productive. To me that's sad.

2

3 Angoon is only one part of the equation.
4 The Japanese got away scott free because they took all
5 the timber. We had to force them into a court order to
6 stop running logs against the streams. That's what Mr.
7 Ackerman was talking about. Where fisheries were a
8 mainstay is now just a bystand. We have no more
9 canneries. We've got Sitka Sound Seafood. Minimal
10 returns.

11

12 This has cut the process of subsistence
13 strictly in three quarters. How do we get it back? We
14 need to reinstitute the fry in the streams to bring them
15 back. It will take several years. It's already been 45
16 years and we're still waiting. Waiting for what?
17 Waiting for something that will never happen.

18

19 Thank you, Mr. Ackerman.

20

21 I appreciate it.

22

23 CHAIRMAN TOWARAK: Thank you, Mr.
24 Nielsen, for your observation. We are going to break for
25 lunch. We've been invited to a community reception at
26 12:00 noon, so we're going to reconvene here at 1:15.
27 First on the list will be Sealaska and Mr. Thomas from
28 the Tlingit-Haida Council.

29

30 (Off record)

31

32 (On record)

33

34 CHAIRMAN TOWARAK: Good afternoon. I'd
35 like to get our session back in order. We have a busy
36 schedule this afternoon. First we're going to be taking
37 public comments regarding Kootznoowoo. Once that's
38 completed the Federal Subsistence Board is going to
39 recess and the Regional Advisory Council will take over
40 and meet for as long as they need to to come up with a
41 recommendation for the Federal Subsistence Board on the
42 Kootznoowoo issue.

43

44 We will restart our public hearing
45 process. Because there are so many people, in my mind,
46 I would like to see us complete with the public hearing
47 by around 3:00 o'clock. That would give the Regional
48 Advisory Council about three or four hours before 6:00 or
49 7:00 o'clock. We don't want them to be going too late
50 because of the length of today already and have them come

1 up with a recommendation.

2

3 At that point, I think the Regional
4 Advisory Council will be recessed, but the Chairman of
5 the RAC will report to the Board tomorrow morning at our
6 8:30 meeting. Are there any questions on the schedule.
7 Go ahead, Mr. Adams.

8

9 MR. ADAMS: Do you want to address the
10 time limits we're going to be putting on the presenters.

11

12 CHAIRMAN TOWARAK: We've got close to 20
13 people that want to testify and if we could keep it to
14 three minutes each we would appreciate that. I
15 understand that that's a measure the Board of Fish and
16 Board of Game use in their hearings and that seems to be
17 a good pattern. That would get us completed. So we will
18 reinstitute our public hearing process. Mr. Probasco has
19 a request. Go ahead, Mr. Adams.

20

21 MR. ADAMS: Mr. Chair. I have a comment
22 on this issue here. I've never been in favor of putting
23 time limits in our Regional Advisory Council meetings.
24 What I've asked -- and I do support what you're
25 implementing here, Chairman Towarak. However, I always
26 like to emphasize the fact that among our Native people
27 we always showed respect. It's called (in Tlingit) and
28 we show respect to everything. We have respect for one
29 another. We have respect for nature. We have respect
30 for environment. When we demonstrate respect, then
31 things turn out for the better for us.

32

33 I've asked my Council to respect the time
34 that we have to complete a certain part of the agenda and
35 they've always pretty well conferred with that and we've
36 always managed to finish on time. But I understand with
37 the amount of testimony and the enormous importance of
38 this particular issue, you know, I do agree with your
39 time limits, Mr. Chairman.

40

41 Thank you.

42

43 I just wanted to say that as a matter of
44 information for you.

45

46 CHAIRMAN TOWARAK: Go ahead, Mr.
47 Probasco.

48

49 MR. PROBASCO: Chairs, we're ready to
50 start with our first person to testify. Mr. Kookesh.

1 MR. KOOKESH: Mr. Chairman. This
2 concerns the time allotted for speakers because Mr. Adams
3 is right, we never at the Southeast RAC level put a
4 timeline on the discussion, but if people can keep from
5 being repetitive, I could condone three to five minutes.
6 At the same time, I don't know what your process is, but
7 we'll let the Federal Subsistence Board keep their three
8 minutes, but I'd like us to be able to hear what people
9 have to say and hopefully we can allow them to complete
10 their thought because we've never put timelines. So I'd
11 really like us to encourage people that there is a time
12 limit out there, but to not drag it on and on by
13 constantly saying and one more thing, and one more thing
14 and continuously carrying on. I'd like us to hear what
15 people have to say because to me this is an important
16 issue.

17
18 Thank you.

19
20 CHAIRMAN TOWARAK: I can understand and
21 in recognition of that I'm going to pass the Chair to the
22 Regional Advisory Council Chair and have him control the
23 hearing.

24
25 MR. PROBASCO: Mr. Chair, if I may, maybe
26 a good strategy following what Mr. Kookesh said and
27 respectfully the two chairs is ask the public to have a
28 goal, to make it short and concise, shoot for three
29 minutes and if we get close to five, the Chair will ask
30 you to wrap up and summarize your comments. Does that
31 sound reasonable?

32
33 MR. ADAMS: Yes.

34
35 MR. PROBASCO: And then I also want to
36 request, and that includes me, to speak much closer to
37 the mic. Our people online are having difficulty hearing
38 what we're saying. With that, if I mispronounce names,
39 I apologize ahead of time. From the Sealaska
40 Corporation, I'd like to ask Jaeleen and Ed Thomas to
41 come forward.

42
43 MR. ADAMS: One of the things, Mr.
44 Chairman, I'd like to say, and I've heard this many, many
45 times, is that you cannot expect a Tlingit to speak less
46 than five minutes. One time there was a limitation of 20
47 minutes. Even then that was too short for a Tlingit. So
48 we hope you do respect our request though.

49
50 MS. ARAUJO: Thank you, Mr. Chair. I

1 won't do the traditional Tlingit introduction because
2 that will use up all my time. My name is Jaeleen Araujo.
3 I'm the vice president and general counsel for Sealaska
4 Corporation. Coincidentally, I'm not here on behalf of
5 Angoon, but I am from Angoon, born and raised. I have
6 fished with my family in Kanalku many times, so I have a
7 lot of fond memories of that and how important that is to
8 our community and our culture.

9
10 I do want to acknowledge the Chair and
11 the Board and the RAC and thank you for the opportunity
12 to be here to speak on behalf of Sealaska. I want to
13 acknowledge also that I'm (in Tlingit) from the Dog
14 Salmon Clan in Angoon and I'm a child of the brown bear,
15 the Teikweidi. I want to acknowledge my Teikweidi
16 auntie, Jennie Jim, over there who is here from Angoon as
17 well to hear about this issue. To hear you all talk
18 about us basically.

19
20 The long and short of it is Sealaska is
21 in support of Kootznoowoo's efforts to protect their
22 subsistence right. We all know that the subsistence
23 priority is a Federally-recognized right in ANILCA. The
24 problem that we've had and continue to have is while it's
25 a Federally-recognized right, it's not always a
26 Federally-protected right.

27
28 We have the Federal agencies, and I speak
29 with all due respect, that are too quick to delegate or
30 give up jurisdiction to the State. Federal agencies
31 often simply adopt the State bag limits and harvest
32 limits without making their own determinations and
33 considerations. And you have Federal agencies not
34 asserting jurisdiction when there is an opportunity to
35 assert jurisdiction over certain waters. In particular,
36 inland waterways and submerged lands.

37
38 This Kootznoowoo petition gives you an
39 opportunity to be more proactive in protecting the
40 Federal subsistence priority for the community of Angoon.
41 It hopefully will lead to similar actions in other parts
42 of Southeast and Alaska.

43
44 The Staff now will ask three questions of
45 the Board and the Staff takes the position that a couple
46 of the answers are not very clear. I would say that if
47 you talk to the people from Angoon, the answer is clear.
48 The answer is yes to all three questions. Yes, there is
49 a Federal subsistence priority for the residents of
50 Angoon. Yes, the State management of the commercial

1 purse seine industry interferes with subsistence fishing
2 in Angoon. And, yes, this interference results in a
3 failure to provide the subsistence priority to the
4 residents of Angoon.

5
6 It's clear to us that our rural residents
7 can't exercise the subsistence that they -- as openly and
8 freely as they have for generations. They must limit
9 their activities or simply risk being cited for criminal
10 behavior because they need to have the amounts necessary
11 to feed their families. The limits in place in the
12 enforcement regime are making us criminals in our
13 homeland and you've heard this before and that shouldn't
14 be the case. There needs to be some parity between the
15 regulations and enforcement and the customary and
16 traditional way of life. As Peter Naoroz pointed out,
17 there needs to be some balance.

18
19 I don't want this testimony to be taken
20 as a statement that we don't support commercial seining.
21 I know there are some seiners in the room and this
22 certainly isn't a statement that we oppose commercial
23 fishing. I'm from Sealaska and we support economic
24 development in our regions for the livelihood of our
25 people, but we certainly have issues when there is a
26 commercial act that is detrimental to our way of life.

27
28 So we strongly urge you to exercise your
29 extraterritorial jurisdiction to ensure that the
30 Federally-recognized subsistence right is protected. The
31 Board should use whatever remedies are within their
32 power. Make the recommendations that are necessary to
33 ensure that this right in Angoon is protected so that my
34 family in Angoon and the community members of Angoon can
35 continue to harvest the sockeye the way they always have.

36
37 I also hope that the Federal Subsistence
38 Board and the agencies can be more proactive in
39 exercising jurisdictions and jurisdictional over waters
40 in Admiralty. I lived at the mouth of the waterways that
41 go up inside into Admiralty and those waterways go for
42 miles and miles. We know that these are -- for me, those
43 are inland waterways and those are submerged lands
44 because we are very mindful of the tides before we went
45 up in those areas otherwise you're going to be sitting on
46 the ground in your boat instead of on the water. So I
47 hope you can be more proactive in that area.

48
49 You heard from Clarence yesterday, so
50 those were part of Sealaska's comments as well. I guess,

1 in closing, I just want to say we do support the
2 Kootznoowoo petition and we hope that you'll use
3 everything in your authority and power to make sure that
4 those rights are recognized and protected in perpetuity.
5 So that's the conclusion of my statement and thank you
6 for the opportunity to provide our comments.

7

8 CHAIRMAN TOWARAK: Thank you. We'll
9 continue with Mr. Thomas.

10

11 MR. E. THOMAS: Thank you, Mr. Chairman.
12 My name is Ed Thomas. I'm president of Tlingit-Haida
13 Central Council. I'm going to speak on the issue of the
14 Kootznoowoo proposal -- or petition it's called.
15 Tlingit-Haida rises in support of the petition and its
16 concept and its intent.

17

18 When you look at this particular proposal
19 or this particular petition, it is very much what the
20 subsistence debate is about throughout the state if you
21 really look at it closely. For example, we have a debate
22 now on the Kuskokwim and Yukon that some of the fisheries
23 that take place in the Bristol Bay, Bering Straits area
24 when it's overly aggressive it diminishes the stock
25 available to go up into the rivers. If you have more
26 fishing on the Alaska Peninsula, it impacts the Bristol
27 Bay fisheries.

28

29 So dealing with the issue of the
30 migration of salmon is a very important component of the
31 management of the resources and the Kootznoowoo
32 presentation pointed out some of the historical studies
33 that were done in the migration of salmon in that part of
34 the country where Kootznoowoo is and where those streams
35 are being impacted.

36

37 When I was listening to the
38 presentations, I was very impressed that we're going in
39 the right direction, keeping in mind that there's a lot
40 of work to do yet. I felt that all three presentations
41 rolled into one might have been more informative than to
42 have three separate presentation.

43

44 When I looked at the State presentation,
45 the comment was made that it was pretty hard to determine
46 cause and effect. When you look at a commercial fishery,
47 what is the cause and effect on the stocks within the
48 streams that are being talked about. I shudder when I
49 hear that because I'm one of those that started fishing
50 in the early '60s when the salmon stocks were quite low

1 and there was a lot of things happening to create the
2 cause and effect.

3
4 Let me give you one quick example. We
5 were fishing out in Wise Island area, which is Area 4,
6 and we almost started the last two weeks in June because
7 that's when the sockeye went by and you always had a good
8 start on the season and not only that you had 4th of July
9 spending money. But we always started at that time. Lo
10 and behold we got into a negotiated treaty with Canada
11 and so they would come in and say, well, you're catching
12 our sockeye. Lo and behold the State of Alaska says,
13 okay, now you're not going to fish in June anymore. They
14 closed our area down. That's a long ways away from
15 Canada, but they were using the principal of cause and
16 effect.

17
18 Let me give you one more example. One of
19 the biggest and most successful fleets was out of Hoonah.
20 The reason they were so successful is because they were
21 expert fishermen. I remember when I went up there I had
22 a day I got 5,000 fish and I was pretty proud of myself.
23 I went over to the Karen Jean (ph) and said how did you
24 guys do. Oh, I think we got about 28,000. That just
25 gives you the local knowledge and expertise in the
26 fishing that was taking place during that era in the
27 inland islands area. When they closed it down, it was
28 very devastating on the Hoonah fleet. Nobody really
29 cared too much about that. We weren't worried about
30 cause and effect then.

31
32 I think when I was fishing during those
33 years a lot of Chatham Straits was closed down period.
34 We had Icy Straits and fished all the way to Point
35 Adolphus and along homeshore. Icy Straits was closed
36 down during those times when the stocks were very low.
37 We didn't start fishing again until we'd get down to
38 Kingsmill shore on Kuiu Island.

39
40 The point is that there were times when
41 the fishing areas were regulated to restore stocks and
42 I'm not sure that I can site each and every place. I'm
43 just telling you the ones I'm familiar with. I think in
44 this case there's also an opportunity to set boundaries
45 that are in line with the shorelines that feed these
46 particular streams in a limited amount of time.

47
48 When I say limited timeframe, what I mean
49 is that I like the data on what the percentage of the
50 catch was in those particular regions, but on an annual

1 basis doesn't give you much of a tool to manage the
2 resources because you need to have the data broken down
3 into weeks. If you know that the bigger sockeye catches
4 that feed those streams are earlier in the month or the
5 particular month you're measuring, you can regulate it
6 better and the Fish and Game does that. When I used to
7 seine, we used to read our weekly catch in the Ketchikan
8 Daily News where the various catches were higher and by
9 species and I think you still can do that. All you have
10 to do is go to tenders and find out.

11
12 So I think they're capable of breaking
13 the data down by weeks. You can determine which months
14 you're catching more sockeye than pinks or dog salmon.
15 One thing I hope you don't get too much into is the daily
16 ratio of the Hidden Falls hatchery fishery because I
17 think it's one of the more important fisheries for the
18 seine fleets. If we get into that battle, then I think
19 we will find ourselves getting more opposition to what
20 you're trying to accomplish than to try to find some
21 common ground. If you look at the amount of sockeye
22 caught during that fishery, it's very small, about 3,500.

23
24 Needless to say we still need to think
25 not only about the streams around Angoon, but we also
26 need to think about the problems that are created in Gut
27 Bay along that Baranof Islands shore to the south. So I
28 think there are ways in which we can come up with some
29 common ground on management that will not be an all or
30 nothing.

31
32 I think when we start to building these
33 things we always talk in terms of is it going to be no
34 commercial fishing and just subsistence. I don't think
35 that's a good place to start. I think a good place to
36 start is say we need more data to find out when we're
37 going to keep an area closed and when we're going to open
38 it because it has more impact on the sockeye fishery. I
39 think you can do that. I'm pretty sure you can.

40
41 As I mentioned, I was a commercial
42 fisherman. I fished that way for about 26 years. When
43 I was growing up, everybody either was on a seine boat or
44 a trawler or working in the cannery. Now we have very
45 few of the local people in the community I grew up that
46 are involved in the commercial fishery. We don't have
47 that many more seiners, so those that are successful
48 don't live in Craig anymore. They moved out and live
49 somewhere else.

50

1 I think if you were to look at the Hoonah
2 fleet, the depletion, the number of boats remaining, the
3 number of boats in Angoon, I thought there was one left,
4 but I think that one got sold, and Kake. Those are gone
5 now. We don't have that high dependance on the -- not
6 only high dependance, we don't have the high utilization
7 of the commercial fishery in those communities, so the
8 subsistence commodities are very, very important for
9 those communities and we really need to be very wise as
10 we walk through the management of those fisheries. I
11 think the data you have can be refined and I think we can
12 do a better job in management if you have the heart to do
13 that.

14

15 The question that needs to be asked as
16 you work together now does the State really want to have
17 this particular subsistence fishery survive for the long
18 term where people are more happy or not happy. Are we
19 just going to fight about it because we feel we have
20 jurisdiction. Alaska is very good at separating
21 ourselves over the issue of jurisdiction rather than
22 practical solutions and I hope that we can get beyond
23 that in this case because I think it's a good model
24 whereby we can see some positive action and I think we
25 should look at those presentations as I did. I see some
26 real good data that could be worked out so that this
27 really could work if people had the mindset to do so.

28

29 I thank you for the opportunity to make
30 my comments. That was 3.5 minutes.

31

32 CHAIRMAN TOWARAK: We're on Indian time.
33 Any questions of the commentators.

34

35 (No comments)

36

37 MR. E. THOMAS: Thank you for the
38 opportunity.

39

40 CHAIRMAN TOWARAK: Thank you for your
41 time.

42

43 MR. PROBASCO: Mr. Chairman. We will now
44 move to a person online that would like to testify and
45 that's Diane McKinley.

46

47 MS. MCKINLEY: First of all, I would like
48 to acknowledge a former Federal Subsistence Staff member
49 Niles Cesar and his family and friends. I appreciated
50 his hard work and dedication on upholding ANILCA.

1 (Indiscernible). I want to thank the Federal Subsistence
2 Board for making the process with Southeast and getting
3 it closer to the (indiscernible). The program
4 (indiscernible) why Southeast should be separate and
5 follow the (indiscernible).

6

7 I would just like to support the
8 Kootznoowoo petition. After listening to yesterday and
9 today (indiscernible) is very appropriate.

10

11 MR. PROBASCO: Diane, are you still
12 there?

13

14 OPERATOR: It looks like she dropped out
15 of the cue. She may have disconnected. One moment.
16 Yes, her line disconnected.

17

18 MR. PROBASCO: Mr. Chair. I would
19 suggest that if Diane comes back we give her the
20 opportunity to complete. Our next person at this time is
21 Alfred McKinley, Sr. Alfred.

22

23 MR. MCKINLEY: Good afternoon. My name
24 is Alfred McKinley, Sr. My residence here is in Juneau,
25 Alaska, but I was born in Hoonah, Alaska. I went fishing
26 1944 in Icy Straits and I was scared of water. My dad
27 taught me how to fish in the inland islands when I was a
28 little boy. Today I still go out and fish there.

29

30 First I'll tell you which way the
31 sockeyes come in. The sockeyes come in through Douglas
32 Bay, if you know where Douglas Bay is, and when they get
33 past the island there, Shelter Island, they come in
34 through Point Adolphus. Point Adolphus, they start
35 moving in straight to go on the shore and some in the
36 middle, some on the Excursion Inlet side. That's how the
37 sockeyes get in. When they keep on moving, they go to
38 Point Augusta, around there. Some go Point Augusta and
39 go toward Angoon and some go toward this area.

40

41 UNIDENTIFIED VOICE: Deshu (ph)

42

43 MR. MCKINLEY: Yeah. That's how the fish
44 run. They run by the tides by the way. Haatkut (ph).
45 The Tlingit call it haatkut. Can you say haatkut?
46 Haatkut. That's the tide. First of all, I'll confine my
47 remarks to our food. The food that we consume is the
48 black cod, halibut, red snapper, salmon, shellfish
49 deer, mountain goat, seal, grouse, herring, herring eggs,
50 clams, cockles, wild berries, porcupines, seaweed and sea

1 ribbons. Those are the food that we actually eat. We
2 don't eat the rib steaks like we do here now, you know.

3

4 Anyway, that's how first I'll go back and
5 confine my remarks to the herring eggs. We used to have
6 the herring eggs in a spot over here in Auke Bay. This
7 is my country by the way too. I'm eagle shark. Auke
8 Bay, that's where we get our herring eggs. Then the Fish
9 and Game managed it. When they manage it, there's no
10 more herring eggs. So that's how we used to get herring
11 eggs. When we were done we had to go to my brother's
12 country, Sitka, to get the herring eggs. That's how they
13 go. So we'd get those herring eggs for our potlatches.
14 We have four-day parties, customs that we have and we
15 invite the other clan and we feed them. That's our
16 culture. That's our culture the way we feed our people.
17 If you don't have a potlatch, that's settled. After it's
18 settled, then it's over with. That's our way of life.

19

20 Anyway, that's how we use our food. We
21 don't consume all of it. Like, for example, we have our
22 salmon. We harvest about five to six hundred salmon.
23 After we use it, we smoke it, we salt it and when we salt
24 it, if we're going to eat that, we run water on it to get
25 the salt off it and then we boil the potatoes and that's
26 how we consume our food.

27

28 My brother, Jim Austin, Jr. told me after
29 they managed Auke Bay he told me, Al, what you do is have
30 the Fish and Game manage the mosquitos in Glacier Bay so
31 we could get rid of them. That's what he told me.
32 Usually we get Fish and Game biologists from Florida.
33 What they should do is actually go to the local people.
34 Local people have better knowledge than the fish
35 biologists that graduate from college. I graduated from
36 college too, but in finance. It's altogether different
37 what's going on, but today I know how to fish. That's
38 how we actually use our resources, our food. (In
39 Tlingit). That's our food.

40

41 Cecelia Cole (ph) that stays up by here
42 told me, come on, seine boy, tell those fishing people --
43 tell those people that subsistence -- it's our food. Go
44 tell them. But she died now. But I tell it too late.
45 She tell me go tell those people that's our food. She
46 said you don't treat other people like they take their
47 spaghetti away. The Germans, the Irish, we don't wear
48 the green, only on St. Patrick's Day, but the herring
49 eggs represent our lifestyle.

50

1 We have people that come from the State
2 that actually -- they don't know our culture, but they
3 come -- the culture and so forth. That's how we actually
4 live. But this is where our lifestyle is. We have a 40-
5 day party. We have our potlatch party. After we give
6 that way, my grandmother used to give about 300 of all
7 the donations and we used that for personal use. Then we
8 also use seine like Angoon. Some people come down and
9 help, help pull that seine and they'll take some just
10 like when they did in Angoon. That's the way we do the
11 same thing. That's our culture. And Tlingits say (in
12 Tlingit). To help each other. That's how our people
13 are.

14

15 My culture, I come from Hoonah but that
16 side. My grandmother comes from Angoon. (Indiscernible)
17 is where she was born. We had a tribal house in Angoon
18 too and I support what Angoon is going. When I go
19 hunting -- when I go hunting, I carry my rifle. My boys
20 run with me too. Help get that deer before it goes into
21 the State land. Shoot it before it goes to a State deer.

22

23 (Laughter)

24

25 MR. MCKINLEY: That's how ridiculous it
26 is about our people. It's a State deer. Don't shoot it.
27 But Federal government, shoot it. That's how ridiculous
28 this is today. When I served in the military, we shoot
29 any Korean move -- Korean person that moves, so that's
30 how I was trained. Kill or be killed. But today it's
31 ridiculous. I'll tell my boys shoot the deer before it
32 gets on State land. That's how it is done.

33

34 They introduced a bill up the hill over
35 here. It's called management -- let's see, it's called
36 -- it's House Bill 335. It has to do with management of
37 -- I forgot what you call the bill.

38

39 UNIDENTIFIED VOICE: Coastal zone.

40

41 MR. MCKINLEY: Yeah. Anyway, you should
42 actually look into that bill too because right now the
43 Federal government is managing the outer limbs of the sea
44 out there. Now the State wants to get control of that.
45 You ought to look into that. Will it effect our people?
46 If it does, then the Federal government should look into
47 that too and protect us. We still have our inherited
48 sovereignty. That's the one that the Congress of the
49 United States does not touch. You can ask one of these
50 officials from Washington. Inherited sovereignty. We

1 have that right yet. So that's what you need to look
2 into.

3

4 That's what Mark Jacobs used to make
5 reference to, but now the State government have the
6 constitution where they can't -- they have to treat
7 everybody equal.

8

9 Gunalcheesh. (In Tlingit) Thank you for
10 listening to me for these three minutes, but I just
11 confined my remarks to our (in Tlingit). I went to two
12 years of college after I came back from New Mexico to
13 pick up our language. Now I know my language, I know my
14 culture.

15

16 Gunalcheesh.

17

18 CHAIRMAN TOWARAK: Thank you very much,
19 Mr. McKinley.

20

21 (Applause)

22

23 MR. PROBASCO: Next to testify is Mark
24 Vinsel.

25

26 MR. VINSEL: Thank you, Mr. Chairman. My
27 name is Mark Vinsel. I'm executive director for United
28 Fishermen of Alaska. United Fishermen of Alaska is the
29 largest statewide commercial fishing trade association
30 representing 37 commercial fishing organizations
31 participating in fisheries throughout the state in its
32 offshore waters and hundreds of individual fishermen.
33 Many of Alaska's commercial fishermen and UFA members are
34 also Federally qualified subsistence users of fish and
35 wildlife.

36

37 UFA has a long-standing policy of
38 supporting the Board of Fisheries process and we stand
39 united across the state in our support of the Board of
40 Fisheries process and State management in an opposition
41 to Federal intervention through extraterritorial
42 jurisdiction in any waters of Southeast Alaska.

43

44 Although this is a long, complicated
45 topic, especially concerning the Kanalku Lake sockeye
46 system, which had its first dynamic blasting for fish
47 passage in 1968, we would like to briefly make a few
48 points to clarify our position on the issue of
49 Kootznoowoo, Inc.'s petition.

50

1 Number one. There is no basis for a
2 claim. The State of Alaska manages State waters
3 fisheries, both the Chatham Strait purse seine fishery
4 and the local Chatham Strait subsistence fishery are
5 State waters fisheries. There has been no interference
6 with the Federal subsistence fishery.

7
8 Number two. The sockeye systems in
9 Chatham Strait have been in good shape in the past decade
10 with the exception of Kanalku early in the decade, but
11 which has experienced the most robust rebound to the two
12 largest years that have ever been counted in the history
13 of Angoon in 2009 and 2010. Years 2009 and 2010 provided
14 excellent examples of why the seine fleet harvest isn't
15 an issue with the health of Kanalku or other sockeye
16 streams in Chatham Strait. In 2009, the same fleet
17 fished one of the highest boat days ever in the Angoon
18 region. In 2010, the same fleet fished zero days in
19 Angoon region. The return to Kanalku both years exceeded
20 3,000 sockeye. Clearly the intensity of seine effort in
21 the area that did not affect the return of Kanalku
22 sockeye.

23
24 Number three. There has never been a
25 single Kanalku sockeye tagged or otherwise marked
26 identified as having been harvested by a seiner.

27
28 Number four. The U.S. Forest Service
29 permitted logging to the creek at Kook Lake. A recent
30 survey found that stream side erosion associated with
31 logging had caused a large log to fall into the creek and
32 completely block passage of sockeye.

33
34 Number five. The Kanalku system needs a
35 fish ladder. The U.S. Forest Service has documented that
36 up to 70 percent of the sockeye die in some years between
37 the creek and the lake. Obviously years of lower
38 hydraulic pressure, such as 2009 and 2010, result in less
39 fish loss than the years of higher water flows, but there
40 is still a major need for fish passage. The Forest
41 Service aptly documented this with a study in 2011.

42
43 Ironically, just as Kook Lake fell --
44 this is number six. Just as Kook Lake fell victim to a
45 log blockage of the cavern because Kook Lake services an
46 underground sockeye stream that could be entirely blocked
47 by logs or woody debris, Kanalku also had a major log jam
48 issue about a decade ago. Local residents claim it took
49 over a year to remove the log that was blocking sockeye
50 passage.

1 This is a specious and confrontational
2 petition without merit. UFA asks that you dispose of
3 this issue and move along to other management or social
4 issues on which we can work together in the great
5 Tongass. Until the Board of Fisheries decisions are
6 shown to interfere with Federal subsistence priority,
7 there s simply no legal basis for bypassing State
8 management in Alaska s salmon fisheries.

9
10 The Commissioner of the Alaska Department
11 of Fish and Game has the authority to make emergency
12 orders to change the regulations promptly during the
13 season or to make changes for the future. Only after the
14 State's authority and ability to manage its fisheries has
15 been scientifically proven to interfere with the
16 subsistence fishing priority would justification exist
17 for Federal intervention. Such Federal intervention
18 would be likely to effect hundreds or even thousands of
19 individuals who work in fishing and seafood processing
20 jobs in the effected area.

21
22 United Fishermen of Alaska believes that
23 there's no compelling factual or scientific reason at
24 this time to justify the unprecedented and drastic
25 imposition of Federal extraterritorial jurisdiction.
26 Extraterritorial jurisdiction is an extreme measure to be
27 considered only as a last resort when all other measures
28 to ensure subsistence harvest have failed.

29
30 Alaska's system of fisheries management
31 has an unsurpassed reputation and serves as a model for
32 the world. As the world leader in fisheries management,
33 the State of Alaska should be given deference to manage
34 its resources until it has been proven to have failed in
35 its obligations to Federal subsistence users.

36
37 Thank you for the opportunity to provide
38 our comments on this most serious issue. I have copies
39 of this for both panels.

40
41 Thank you.

42
43 CHAIRMAN TOWARAK: Thank you very much.
44 Any questions of Mr. Vinsel.

45
46 (No comments)

47
48 MR. PROBASCO: Next, Mr. Chair, is Jeremy
49 Jensen.

50

1 (No comments)

2

3 MR. PROBASCO: I'll put Jeremy at the
4 back of the pile and call him once more at the end. Next
5 is Steve Reifenhstahl.

6

7 MR. REIFENSTUHL: Thank you, Mr. Chair.
8 Board members and RAC members. There's been several
9 comments that I'm not a biologist up here today. I guess
10 it's like when you're in court you'll be asked questions
11 and, well, I'm not an attorney, but -- so I just wanted
12 to let you know I am a fisheries biologist and I'd be
13 happy to answer questions.

14

15 My name is Steve Reifenhstahl. I'm
16 general manager of Northern Southeast Regional
17 Aquaculture Association. NSRAA operates the Hidden Falls
18 Hatchery. You might expect we're opposed to the petition
19 to shut down Chatham, Peril Strait fisheries and the
20 Hidden Falls Hatchery. I represent about 400 seiners,
21 470 gillnetters and 972 power trawlers. That's the
22 majority of limited entry permit holders in Southeast
23 Alaska.

24

25 I would like to provide my testimony in
26 chronological order. In 1977, I moved to Hood Bay,
27 subsisted off the land and lived in a small cabin. I
28 also substitute taught in the Angoon schools that winter.
29 Even know, 30 years later, I see my former students in
30 Sitka. NSRAA has employed at least one of their
31 offspring at the Medvejie Hatchery in Sitka.

32

33 I have lived in rural communities all my
34 life. I understand the trials and pleasures of living
35 off the land and I have endeavored to help and provide
36 whether I have lived or worked in Angoon, Kake, Wrangell,
37 Thorn Bay, Pelican, Hoonah or Sitka. These places are
38 part of Southeast and I am part of that larger community
39 and feel deeply for the hardships we endure.

40

41 NSRAA began operating the Hidden Falls
42 Hatchery in 1988, producing a combination of chinook,
43 coho and chum salmon. During many of those years NSRAA
44 has given adult coho to the communities of Angoon and
45 Kake. From 2008 to 2011, NSRAA provided 4,017 adult coho
46 to Angoon and Kake equal to approximately 28,000 pounds
47 of salmon flesh. During its 24 years of operation at
48 Hidden Falls NSRAA also worked with Angoon school system
49 on salmon education projects, including sending live eggs
50 for use in the biology classroom. Angoon schoolchildren

1 have visited Hidden Falls and participated in salmon
2 activities. We have also employed Angoon residents at
3 Hidden Falls.

4
5 Currently Whalers Cove Lodge on Killisnoo
6 is the largest private employer of Angoon residents and
7 the lodge sends boats, crews and clients to Hidden Falls
8 to harvest chinook and chum salmon in the summer and coho
9 in the August through fall season. Shutting down Hidden
10 Falls as proposed would have a devastating effect on the
11 largest employer in Angoon.

12
13 There is no merit to the proposal to
14 close State fisheries. In fact, if enacted, it would
15 hurt the very people that it purports to help. There is
16 no Federal management plan for Kanalku or Federal
17 fisheries in place. The majority of Kanalku sockeye
18 caught for subsistence is conducted in State waters via
19 gillnet and beach seine with perhaps five percent sockeye
20 caught in fresh water passing through Federal lands.

21
22 This raises a couple of questions. What
23 has been done to establish Federal fisheries at Kanalku.
24 Have recent limnology studies -- that's the study of
25 lakes, freshwater lakes. Have recent limnology studies
26 been conducted to establish Kanalku's true productive
27 potential considering the euphotic zone model, that's the
28 Keening's (ph) model developed in the late '70s or late
29 '80s that has been largely proven unusable.

30
31 Sockeye may indeed be caught in Chatham
32 and Hidden Falls seine fisheries; however, without stock
33 identification data it would be arbitrary and capricious
34 to shut down fisheries. The proposed action would cause
35 significant and lasting harm to Hoonah, Juneau, Kake,
36 Sitka, Wrangell and Petersburg, all communities with
37 processors that employ Alaska Natives and non-Natives
38 alike. The economies of Southeast are struggling as it
39 is. Abolishing major fisheries would be like kicking a
40 crutch from a recovering hip replacement patient.

41
42 The proposal to close Chatham and Peril
43 Strait fisheries, shut down Hidden Falls Hatchery is a
44 radical idea with no foundation for taking such action at
45 this time.

46
47 Now I've been involved with sockeye
48 supplementation and enhancement at Redoubt Lake, Chilkat
49 Lake, Chilkoot Lake. In closing, I would like to offer
50 NSRAA's expertise and support in helping rehabilitate

1 Kanalku to reach its full production potential.

2

3 Thank you very much for your time and I'd
4 be happy to answer any questions.

5

6 CHAIRMAN TOWARAK: Any questions of the
7 Board or RAC members. Go ahead, Mr. Kookesh and then Mr.
8 Ackerman.

9

10 MR. KOOKESH: We submitted proposals to
11 the Board of Fish asking them to make adjustments to the
12 fishery for Angoon and the proposals were basically
13 ignored. What would you do if you were in that position
14 where you followed public process and your proposals were
15 basically ignored and you're asking for a correction to
16 the fishery?

17

18 MR. REIFENSTUHL: I would want to have
19 good data on Kanalku Lake and understand why it isn't
20 producing as many fish, whether it is the fishery or it's
21 the production potential of the lake, which is likely
22 inhibited by a barrier falls that was attempted to be
23 blasted in the '60s, as you heard earlier, was looked at
24 in the '70s when I visited there and the choice was to
25 not do anything at that time. A time when the Forest
26 Service between the '70s and late '80s did some 30 or 40
27 fish ladder projects throughout Southeast Alaska. I
28 would want to see that information. If I were on the
29 Board of Fisheries, I would ask that a taskforce be set
30 up to look at that and I think the Department is doing
31 that on their own.

32

33 CHAIRMAN TOWARAK: Go ahead, Mr. Kookesh.

34

35 MR. KOOKESH: When we followed the Board
36 of Fish process, the vote was either we support it or we
37 don't. There was never at any point in the process where
38 they said we needed more data. They just voted the
39 proposal down and ignored it and forced us to go back to
40 the drawing board and come back whenever the next cycle
41 of Board of Fish proposals was being asked for. Nothing
42 was ever done like you're saying, asking for more data.
43 It was just a yes or a no. Just ignore the proposal or
44 just kill basically. It doesn't go with what you're
45 saying basically.

46

47 MR. REIFENSTUHL: Mr. Chair. May I
48 respond?

49

50 CHAIRMAN TOWARAK: Sure.

1 MR. REIFENSTUHL: Well, what I've seen at
2 the Board of Fisheries on these very contentious issues
3 that a lot of this comes out in committee work, I would
4 suggest that you try again. And I would also suggest
5 that we are willing to try to help. I mean I'd be
6 willing to come over and look at it and make
7 recommendations of what I think we can do.

8

9 CHAIRMAN TOWARAK: Mr. Ackerman, you had
10 a question.

11

12 MR. ACKERMAN: Yeah. The Chilkoot and
13 Chilkat areas are the regions where I represent up there.
14 I was just wondering for our information what you did in
15 Chilkoot Lake. You mentioned you had something to do
16 with the fisheries up there. Could you answer, please.

17

18 MR. REIFENSTUHL: Mr. Chair. Yes, we
19 provided the money to do studies the limnology studies at
20 Chilkat and Chilkoot Lakes during the '80s. We spent
21 about \$20,000 a year to do limnology studies and that is
22 so we could understand the biology and if there was a
23 limiting factor at the lakes. So the lake you're asking
24 about, Chilkoot, is a very -- you know, low productivity,
25 raises very small fish, the fish leave the lake at
26 roughly two grams in size and the determination of the
27 limnology studies showed that there was not an
28 opportunity to do enhancement at that lake. It's really
29 dependent on the spawning area, which is limited in
30 Chilkoot, although a very productive lake generally.
31 It's not rich in resources. That's why the fish leave in
32 such a small size at age one fish, whereas Chilkat is
33 really on the opposite end of the spectrum in terms of
34 productivity, in-lake productivity.

35

36 Thank you.

37

38 MR. ACKERMAN: I was a tech three fish
39 biologist up there in the late '70s and probably like
40 into '81 there. We were some of the first successful
41 through the ice trapping of fry in the Chilkoot and
42 Chilkat drainages there. So I was just wondering. I'd
43 never seen you up there before. So thank you.

44

45 CHAIRMAN TOWARAK: Any further questions.
46 Go ahead.

47

48 MR. WRIGHT: Thank you, Mr. Chairman.
49 You said something about NSRAA would be interested in
50 helping Kanalku, is that what you said, at the end of

1 your statement?

2

3

MR. REIFENSTUHL: Yes, that is correct.
4 Because of our experience with sockeye enhancement at
5 Redoubt Lake and work we've done at Chilkoot and Chilkat.
6 I'm not saying I know what we could do, but I'm saying we
7 are willing to help where we could. I would be willing
8 to volunteer to be on a work group with the Department
9 and people of Angoon to discuss this further and see what
10 can be done there.

11

MR. WRIGHT: My second question was going
12 to be what would you do, so if you don't know, then I
13 hope you can help them.

14

15

Thank you.

16

17

CHAIRMAN TOWARAK: Mr. Virden, did you
18 have a question? No. Anybody else.

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

MS. CURRY: Members of the Federal
Subsistence Board and Southeast Regional Advisory
Council. It's an honor to be able to testify in front of
both bodies today. I've never attended a Regional
Advisory Council meeting or a Federal Subsistence Board
meeting, so it's great to be able to cross you both off
in one swoop.

My name is Julianne Curry. I'm the
director of the Petersburg Vessel Owners Association, a
multi-gear, multi-species membership group of over 100
vessels and businesses operating primarily in Southeast
Alaska including the same trawl and gillnet salmon
fisheries. Many PVOA members are also active sport,
subsistence and personal use fishermen who depend on
sustainable management of Alaska's fishery resources.

PVOA was founded in 1954, a few years
prior to Alaska becoming a state and asserting management
authority over salmon. As a state, Alaska has a small
amount of control over many of our resources. Fish,
timber and other resources all have overreaching

1 management authority by the Federal government. Although
2 ADF&G doesn't get management right 100 percent of the
3 time with salmon they do an amazing job with what they
4 have.

5
6 Salmon is a pulse fishery with runs
7 coming through Southeast at different times throughout
8 the summer and taking different routes each year in short
9 bursts that can last just a few days for the peak of the
10 run.

11
12 Salmon are counted in the air, in
13 streams, at processing plants and by other methods to
14 gather accurate information on abundance, run strength,
15 escapement and harvest. Managers are in constant contact
16 to gather information necessary for sustainable fisheries
17 management.

18
19 The response to the extraterritorial
20 jurisdiction petition in front of you details clearly
21 that there are alternatives to Federal management. The
22 Federal Subsistence Board could raise household limits of
23 sockeye, which would help promote a more accurate
24 reporting of harvest, providing a clearer picture of
25 overall harvest, which furthers Alaska's reputation for
26 sustainability.

27
28 The FSB could also choose to close
29 Federal waters to other users, which would help protect
30 subsistence users and further Alaska's commitment to a
31 subsistence priority. Aside from FSB solutions, the
32 State is and can work on other solutions to this issue.
33 The State is currently fully engaged in a joint project
34 with the Fed for the weir on Kanalku providing important
35 information on sockeye stocks.

36
37 Past blockages of sockeye streams have
38 significantly impacted sockeye stocks in the Angoon
39 region. Federal monitoring of sockeye passages could be
40 improved. We are in the process of asking for
41 legislative funding for genetics research in northern
42 Southeast. There's a similar project in southern
43 Southeast currently. We are also asking for funding for
44 increased stock assessments and an in-lake enhancement
45 project for Kanalku.

46
47 Another issue is the loss of commercial
48 salmon permits in Angoon with 60 permits held in 1990 and
49 only two held in 2010. The harvesters who traditionally
50 brought commercial catch to their households and

1 neighbors now no longer access subsistence fish in the
2 quantities that can be attained through a commercial
3 vessel harvest.

4
5 The State has an amazing program for
6 communities to help bring permits back to rural Alaska.
7 This is through a low interest loan program for vessels
8 and permits. We can also come together as harvesters in
9 the purse seine taskforce meetings held each year to find
10 solutions throughout Alaska, but even more so in
11 Southeast. We need to work together as neighbors to find
12 solutions to issues we face. In the past 10 years,
13 Southeast lost more residents than any other region in
14 Alaska. Southeast Alaska is bleeding young residents to
15 the urban centers and the Lower 48. Lack of economic
16 opportunity in rural Alaska is causing the younger
17 generation to leave in search of greener pastures.

18
19 Fishing is the mainstay of our local and
20 regional economy and it helps build bonds between
21 Southeast communities. Taking away fishing opportunities
22 creates a barrier to the next generation taking over
23 fishing operations. Although Petersburg holds more
24 commercial fishing permits than any other community in
25 Southeast, we lost more residents than any other large
26 southeast community in the last 10 years.

27
28 We have to travel farther to the salmon
29 grounds than any other large fishing fleet. We depend on
30 our resources and sustainable management for our food and
31 our livelihood. The petition in front of you should be
32 seen as a last resort. Adoption of this petition divides
33 communities and user groups and unnecessarily pits
34 neighbor against neighbor.

35
36 Federal control should be a last resort
37 for the people of this state. Let us work together to
38 achieve common goals. The easiest way to drown the local
39 voice and knowledge is to turn management authority to
40 the Federal government. We only need to look at sea
41 otters to see how slow, cumbersome and non-logical the
42 Federal process can be.

43
44 In closing, we are committed to
45 sustainable fisheries management and fully recognize that
46 we all live in a world of finite resources. We are
47 committed to finding a balance between Southeast people
48 who depend on fish for food and livelihood. This
49 petition isn't the answer. We have alternatives. As the
50 Fed laid out, the Federal Subsistence Board can restrict

1 other users on Federal lands and waters. The Federal
2 Subsistence Board can also raise the household limit. We
3 can also request that the Fed do a better job of
4 monitoring passages to the lake, allowing sockeyes to
5 reach their rearing grounds every year.

6
7 The State already offers a low interest
8 loan program for fishing vessels and permits. We are
9 currently seeking State funds for genetic sampling in
10 northern Southeast. We're seeing State funds for stock
11 assessments and an in-lake enhancement project, but it
12 would be great to have other people seeking funds as
13 well.

14
15 As neighbors, we can all come together at
16 a yearly purse seine taskforce meeting to work on common
17 issues.

18
19 Thank you, Mr. Chair.

20
21 CHAIRMAN TOWARAK: Thank you, Ms. Curry.
22 Any questions of the Board or the Council.

23
24 (No comments)

25
26 CHAIRMAN TOWARAK: Thank you for your
27 testimony. Next.

28
29 MR. PROBASCO: I'm going to apologize
30 ahead of time on trying to pronounce this last name. Mr.
31 Brad Fluetsch.

32
33 MR. FLUETSCH: Good afternoon. My name
34 is Brad Fluetsch. I'm an ANB executive committee member,
35 former Grand president, former Grand treasurer and former
36 president of ANB Camp No. 70.

37
38 It seems obvious to reasonable people
39 that Angoon is not getting sufficient sockeye. The
40 residents of Angoon have suffered harm because of the
41 lack of subsistence sockeye from forgoing harvest for a
42 number of years to a ridiculously low limit of 15 fish
43 per household.

44
45 It seems obvious to reasonable people
46 that a large fleet of seine boats on an intercept path of
47 migrating salmon interfere and impact the number of
48 sockeye returning to their home streams, especially the
49 ones around Angoon. Angoon is a rural community where
50 the Federal government has an affirmative responsibility

1 to ensure that the rural resident subsistence sockeye
2 needs are met. State management has failed to protect
3 Angoon's subsistence sockeye. The time has come for the
4 Federal government to act.

5
6 Kootznoowoo has complied with the
7 bureaucratic maze for nearly a decade and I urge the
8 Federal Subsistence Board to recommend to the Secretary
9 of Interior and Secretary of Agriculture the time has
10 come to act. I would suggest in the next five years,
11 once you have adopted and recommended the adoption of
12 this extraterritorial jurisdiction that you limit the
13 opportunity for the seine fleet to intercept these
14 sockeye. I also suggest that you monitor closely the
15 harvest of those sockeye and actually conduct scientific
16 research.

17
18 I submit to you the lack of information
19 clearly demonstrates the State's inability, unwillingness
20 and neglect in the management of this fishery. They know
21 more about king salmon and how many are coming out of the
22 Columbia River than we know coming out of the sockeye
23 streams in Southeast. This is gross mismanagement by the
24 State. They've demonstrated it time and time again in
25 the last two days by their lack of information, either
26 scientific or any other wise.

27
28 I urge you, the Federal Subsistence
29 Board, to recommend that the Secretaries adopt this
30 extraterritorial jurisdiction.

31
32 Thank you.

33
34 CHAIRMAN TOWARAK: Thank you, Mr.
35 Fluetsch. Any questions of the Board.

36
37 (No comments)

38
39 CHAIRMAN TOWARAK: Not hearing any.
40 Thank you for your testimony.

41
42 Next.

43
44 MR. PROBASCO: Thank you, Mr. Chair.
45 Next is Mr. Bob Thorstenson.

46
47 MR. THORSTENSON: Thank you, Chairman.
48 Members of the Board and members of the Council. My name
49 is Bob Thorstenson. I represent Southeast Alaska Seiners
50 Association. I've fished the Angoon area purse seining

1 the vast majority of my adult life. Several of my kids
2 have been born while I was around the shores outside of
3 Angoon, but my kids were born about 1,000 miles away.

4

5 If you have an opportunity to see what we
6 submitted my president submitted from Southeast Seiners,
7 before we talk about that, if you have any questions
8 about that, jump in at any time.

9 There's one thing I think I'm pretty
10 remiss from not having had an opportunity to either
11 describe this to State officials or public officials, but
12 there's this gap in time between the 2006 and 2009 Board
13 of Fish cycles where Kootznoowoo, Incorporated seemed to
14 have difficult time or wasn't treated well or didn't have
15 their proposals come up well, but if you look back at the
16 record, from the Sitka meeting in 2009 and from the
17 Ketchikan meeting in 2006, the Board of Fish record. And
18 I guess the State folks could go find that for us at some
19 point if you guys have any questions about it.

20

21 Directions in 2006 were given for
22 Kootznoowoo, Incorporated to go and attend the Southeast
23 Purse Seine Taskforce, an interim, because the Board of
24 Fish only meets every three years. So if there was
25 another conservation concern, they could have gone
26 directly with an ACR to the Board of Fisheries. As I was
27 chairman of the Purse Seine Taskforce in 2006, 2007,
28 2008, 2009 and 2010, I never witnessed the presence of
29 anyone who worked with, for or was a member of
30 Kootznoowoo or any member of the community of Angoon, did
31 they attend any of those meetings.

32

33 They were sanctioned to be there by the
34 Board of Fish so we could work through the problems that
35 Kanalku's had. The problems that Kanalku's had, being
36 plagued for 44 years at least. The Forest Service went
37 in in 1968 and did some dynamite because there was some
38 problem with the falls. Well, that's 44 years ago. I
39 mean 11 sockeye cycles ago we were bombing the falls
40 because we had a problem.

41

42 So you've got to think that when the
43 State took over you have the 1960 sockeye cycle, 1964
44 sockeye cycle and 1968. I can't think those early
45 Statehood sockeye cycles were very robust and productive.
46 Otherwise nobody would have been down blasting out the
47 falls. Nothing has been talked about here, what type of
48 harvest existed here in the '60s and '70s and the '50s or
49 the '40s or the '30s.

50

1 Relative, not even anecdotal, but
2 certainly when they're going to blast out Kanalku Falls
3 in 1968 you've got to think there wasn't a lot of sockeye
4 getting back because they wanted to do something about
5 it. I mean if there was a robust fishery there, why blow
6 the falls up.

7
8 So that's one thing that's absolutely
9 stunned me about this whole issue the entire time that
10 the petitioners come in and I don't understand this whole
11 language, the land issues, and I understand there's a lot
12 of nuances to that about whether it's the Federal
13 government or whether it's a Native tribe has their
14 sovereignty and they own the land or whether it's really
15 State of Alaska or some borough. But can we fix the
16 fricking falls first? Let's get the fish in the lake and
17 worry about who owns it next.

18
19 I mean, you know, I don't think we need
20 extraterritorial jurisdiction to go reach out in the
21 State waters fisheries in the most purely unbelievably
22 precise fishery you could get. Now people say it's not
23 precise. Go find some other location where they have
24 commercial fisheries and see how less precise it is in
25 those places.

26
27 The basic issue of fish passage and
28 actually living there -- and the Forest Service, to their
29 credit, spend three, four, five years down there and
30 found that there were up to 70 percent mortality from the
31 creek going through the falls to the lake. We need to
32 act. I mean there's a quarter million dollar Forest
33 Service report that Chairman Thomas, the other body
34 across the hill over there, sent down and I've seen the
35 stack. It's about an inch high. I was here at the
36 Southeast RAC the other day and nobody here actually got
37 a copy yet. We ought to have a copy of the falls and the
38 solution to try to get these sockeye back. I mean that's
39 paramount.

40
41 Really briefly I'll give my -- I
42 represent the purse seine fleet in Southeast Alaska. We
43 were once proud to say that we represented the Angoon
44 seiners as well for several decades. I know there's not
45 seiners in Angoon right now. The last season that
46 seiners fished Angoon, Dennis Ames fished in 2006 and I
47 believe Peter Jack still fished that season. It wasn't
48 that long ago there were seiners in Angoon.

49
50 My group represent -- 20 percent of our

1 fleet is Tlingit and Haida and approximately one-third of
2 our membership are Federally qualified subsistence users.
3 We represent through dues paying 68 sport businesses and
4 30 percent of the owners of these businesses are
5 Federally qualified subsistence users.

6
7 As I look at this within the Native
8 community I guess a lot of our Native seiners right now
9 are fishing herring, fishing crab, they're all busy,
10 putting nets together, hiring crews. You know, it's a
11 seine boat and you've got five people running around and
12 it's hard to go to meetings. That's something we're
13 missing here as well. We really don't have the people
14 who are going to be impacted. Ironically they might not
15 be Angoon seiners, but they're going to be Kake seiners,
16 Hoonah seiners.

17
18 There's large impacts that we already
19 have to Hoonah seiners because the way the Fish and Game
20 manages we don't fish the first three weeks of July
21 because we let the sockeyes go by. So we let the
22 sockeyes go in. Last year -- if I may, through the
23 Chairman, I know the seiner on the committee here. How
24 many fish do you think you probably had to let go by
25 staying on the beach last year the first two or three
26 weeks of July, how many days?

27
28 MR. WRIGHT: First, we really don't start
29 fishing until about the 20th of June and then we probably
30 get 15 hours within a week and then they shut down and
31 then another 15 hours another week and that's how the
32 cycle goes until they move us somewhere else.

33
34 MR. THORSTENSON: So how many days, with
35 the run going by last year, as big a run as it was, and
36 your historical reference, how many days do you think you
37 would have missed?

38
39 MR. WRIGHT: Oh, probably about 20.

40
41 MR. THORSTENSON: And fish, the numbers
42 of fish?

43
44 MR. WRIGHT: Oh, I can't say that.

45
46 MR. THORSTENSON: You could make a guess.
47 That must be half a million pounds.

48
49 CHAIRMAN TOWARAK: Could you just make
50 your point, please.

1 MR. THORSTENSON: There's a point. Is
2 that we have a Federally recognized subsistence user from
3 Hoonah who is involved in the purse seine fishery and
4 under the State's current management he's making a
5 sacrifice which could have been up to 100 to \$200,000
6 this year by laying off those early parts of the season
7 and fishing really lightly or not at all. Why is he
8 doing that? He's doing that to pass.....

9

10 CHAIRMAN TOWARAK: How is that going to
11 affect Angoon?

12

13 MR. THORSTENSON: He's doing that to pass
14 the sockeye through already. He's making the sacrifice
15 already. He's making the sacrifice by not fishing in the
16 early part of the season when the sockeye are going to be
17 coming through.

18

19 CHAIRMAN TOWARAK: Okay. Those are the
20 kind of information we'd like to hear.

21

22 MR. THORSTENSON: The petition brings us
23 right up to Hoonah too. I mean it's not just going to be
24 related to a small box in Angoon.

25

26 We believe that in order to get to the
27 issues at hand that the Southeast Regional Advisory
28 Council and the Federal Subsistence Board need to
29 dispense with the full petition to exercise
30 extraterritorial jurisdiction and then we need to wrestle
31 with the issues as they've been laid out. We do not have
32 genetic stock identification. I've heard some people say
33 we don't need genetic stock identification. We can just
34 say what's likely. Well, that's hard to do, you know, to
35 say what's likely. It's not the way we operate. I don't
36 think it's going to be the way the State will operate.
37 If we are going to go get the best information to make
38 decisions on, that's going to be a tough impasse to
39 break.

40

41 The management of the fishery is already
42 in place. The sockeye come in early in June, come in the
43 first couple weeks of July, we start our fishery after
44 the sockeye come through. For those of you who are from
45 different parts of the state, if we were in Bristol Bay
46 and you saw a purse seine fleet want to go catch some
47 humpies on the 25th of July, you wouldn't think of that
48 as being a big factor to hurting your stock because you
49 know the sockeye stocks are in the bag by the 25th of
50 July. Almost universally.

1 CHAIRMAN TOWARAK: Could you please focus
2 on the Angoon issue.

3
4 MR. THORSTENSON: Yes.

5
6 CHAIRMAN TOWARAK: We're almost running
7 out of time.

8
9 MR. THORSTENSON: In the past two decades
10 the State of Alaska has drawn up corridors and boundaries
11 around Basket Bay as well as Kootznoowoo Inlet. This
12 accompanied by start time and (indiscernible) to avoid
13 the earlier mixed stocks, local channel sockeye, allow
14 the same fleet to begin the pink season once the sockeye
15 season is almost completely over. We'd like to use
16 science and not speculation, whether it's fishery time,
17 area closures and removals, that what introduces us to
18 our next topic, genetic stock identification.

19
20 Genetic stock identification. Will we
21 know more than we do today? Yeah, we will know more, but
22 we'll have more precision. But we do have a general idea
23 right now of what stocks are caught where and how, but we
24 need to have more precise, especially when we're looking
25 at a stock as small as Kanalku because it's too small a
26 stock to have already been in our bigger river
27 computations.

28
29 When I say too small a stock, and I heard
30 the reference to the reference to the puddle somewhere
31 and I hope that wasn't something that was -- I know that
32 was taken offense. I know the person that did that. I
33 don't think it was meant to be a mean type of thing, but
34 we do -- you know, my favorite little tiny creeks we call
35 them pisser creeks. I mean they're just little tiny
36 streams. They don't really have names. Just kind of a
37 spot you go. Those are kind of secret creeks. You keep
38 the names off of them so people don't know where they
39 are.

40
41 But I don't think that was -- and there's
42 no reference to the lake. There's no reference to that.
43 We have some of our famous spots and our best spots, our
44 smaller spots, some are medium, some are bigger. Just
45 the small spots could be the best spots. Whether they're
46 the best producer or not, that's beside the point. Those
47 are places we love, that's where we go, it's our home.

48
49 What I want to get to, I really feel GSI
50 -- without genetic stock identification, without having

1 a single tag, a single sample of knowing which fish is
2 which, any type of movement we take will be just a stab
3 in the dark. Obviously the places are close to Angoon,
4 close to Basket Bay. Those are already closed. They're
5 closed because where do you go for sockeye that goes to
6 Basket Bay, the first place you go is Basket Bay to see
7 if he's there. You don't go like 100 miles away and hope
8 he might be swimming by Hoonah. The same with Kanalku.
9 When you go fish Kanalku, you just go. We drew this big
10 nine-mile shoreline that's closed to Kanalku. So GSI has
11 to be done. We can't go forward without taking care of
12 the fish ladder and we can't go forward without taking
13 care of GSI.

14
15 I'll finish briefly here, but I've got
16 one example that I think is a standout example of what's
17 happened these last few years. If you look around
18 Southeast and the way sockeye stocks are doing right now,
19 they're not doing all that well down by where Don is.
20 They're not doing all that well a lot of parts of
21 Southeast.

22
23 If you look at the last three years
24 alone, probably the biggest growth of any sockeye stock
25 percentage-wise and even numbers-wise in some ways is
26 Kanalku. That's just how big it is. You look at the
27 books and you say 3,500. Gee, that's not Bristol Bay or
28 anything, but that's the biggest number we have in the
29 history of this country. Are you sure there was 5,000
30 there sometime 50 years ago? Hopefully, but we don't
31 know that.

32
33 We do know that in the early '60s when
34 they're looking at building a ladder in '68 we didn't
35 have many in the '60s, didn't have many in the '70s. Our
36 subsistence numbers started kind of popping in the '90s.
37 This is a long, long, long term rebuilding stock, problem
38 and issues. The good news is we're right up here. It's
39 crazy. It's like people shut the lights out. What
40 happened. You know, five years ago when we were at the
41 table in Kake I thought, gosh, a number like 200, a
42 number like 400, are we ever going to see 1,000. The
43 Federal biologist said, boy, if we get 1,500, then we'll
44 have something to start with.

45
46 So, you know, in 2009, 2010, both those
47 years were the same numbers, within a couple hundred.
48 3,500 and 3,250. There was one difference. There's very
49 few fisheries this could happen in. We were able to,
50 because we had such a poor freeze and such poor pink

1 salmon returning in 2010 we did not fish one day or one
2 set in the entire Angoon area, Point Marsten, we had a
3 tiny test fishery still in Point Augusta. They caught a
4 couple thousand sockeye there for the whole summer.
5 There wasn't another fishery anywhere else.

6
7 It was like a -- if you want to have a
8 scientific experiment, what happens if you keep the seine
9 fleet out there. Well, they'll still get the same number
10 of Kanalku sockeye back because that's just what
11 happened. In 2010 and 2008, both those years there was
12 no seine fleet. Zero. Zero harvest, zero nets, nothing.

13
14
15 In 2009, I ran down the shore and there
16 was like 24 boats from Parker Point out of the closure
17 area and then down below Killisnoo all the way to Danger
18 Point and down to Rocky Point and Distant and Caution.
19 Not Danger because Danger hasn't been open for 20 years.
20 I saw this fleet there and I called and said, man, you've
21 got a lot of boats here. He said, hey, sockeye has gone
22 by already. These guys are catching pinks. Inside
23 Kanalku they're already getting numbers. Inside Kanalku
24 it looks big. They didn't think it was going to be as big
25 as it was. Those two were super unexpected. I bet if we
26 did a pool around these Southeast RACs back five or 10
27 years ago, people would have said, you know, when is
28 Kanalku going to get to 3,000. They'd have said the year
29 2040? It was just like this complete -- how do you take
30 200 fish and make them into 3,000 with some kind of
31 terrible fishery out there that's killing them all the
32 way back. I mean those fish are sneaky how they get
33 through.

34
35 So we urge you to reject the petition.
36 I spent countless hours with my good friends. You know,
37 the petitioners, their office is right up by the Chinese
38 place. The State guys would have some work to I think on
39 GSI and different things. They're just right across from
40 Douglas there and my office is just right over here, this
41 blue building.

42
43 While there's some things that do
44 separate us and keep us from coming to task and whatnot.
45 I mean I firmly believe that if we can get rid of this
46 extraterritorial jurisdiction and just say this doesn't
47 meet it. We've got other problems though that we've got
48 to solve. I'm absolutely convinced that the locations,
49 our respective locations, that we can get together in a
50 meeting -- we can be five, ten minutes away, call a

1 meeting and we'll be right there because there's a whole
2 lot of issues that we've got to get done and we want
3 Angoon to thrive. We want to see young guys decide they
4 want to be seiners in Angoon and be great guys just like
5 Ronald Johns and Dennis Eames, Peter Jack and all the
6 great Angoon seiners. That's what we want more than
7 anything else.

8
9 In the meantime, we've got to get those
10 Kanalku fish. We were getting them on track, a lot of
11 fish were starting to come in even without the fish
12 ladder. Let's do better. They talked a little bit about
13 enhancement. One thing Floyd and I talked about is
14 knocking out that barrier in the next lake up there in
15 Hasselborg. That would be something the hatchery can do
16 because that would create three times more sockeye than
17 Kanalku, then people wouldn't have to brave themselves in
18 16-foot skiffs to go across to Basket Bay to give you one
19 more real major subsistence spot.

20
21 So there's a whole lot of things we'd
22 like to work on, but as soon as we can just dispend it.
23 I appreciate the ideas that came forth and the thoughts
24 that went in of sovereignty and the love for the land and
25 the things that have been so important to Southeast's
26 first people. We respect that and we feel all of our use
27 of resource no matter what it is we consider that to be
28 a temporary privilege as we're walking through time in
29 your land.
30 Having said that, we really feel strongly that you need
31 to reject the ETJ and then we'll solve the problems.

32
33 CHAIRMAN TOWARAK: You're basically
34 saying that there are options to ETJ that could find
35 solutions.

36
37 MR. THORSTENSON: Absolutely.

38
39 CHAIRMAN TOWARAK: Okay. Any questions.

40
41 MR. KOOKESH: Yeah. Bobby Thorstenson,
42 you mentioned that we didn't show up for your seiner
43 taskforce meeting. There's one thing you need to
44 understand is we never saw you come to Angoon either to
45 talk to us. I know the way the communication systems
46 work. We're just a phone call away just like you are.
47 But you make a comment that we're at fault for not coming
48 to your meeting, but you know where we live. When was
49 the last time you were in Angoon?

50

1 MR. THORSTENSON: In August of 2009.
2
3 MR. KOOKESH: I wanted to follow up too.
4 Ever since this petition has come out this is the first
5 time people have come forward to actually ask if they can
6 help us. We never had anybody ever come out to ask us.
7 It was always going to be status quo. That was all we
8 saw from this process. It took this petition to have
9 people come up and start saying we want to help Angoon
10 now.
11
12 Thank you.
13
14 CHAIRMAN TOWARAK: Any further questions.
15
16 (No comments)
17
18 CHAIRMAN TOWARAK: Thank you for your
19 presentation. Oh, I'm sorry. Go ahead.
20
21 MR. HERNANDEZ: Thank you, Mr. Chairman.
22 I know I'm kind of off in the corner here. Bobby, I
23 guess I'd be remiss if I didn't give you an opportunity
24 to explain, which we see in our staff analysis here the
25 year 2011 when those record-high sockeye numbers in
26 Kanalku went from over 3,000 down to 700. You failed to
27 mention the year 2001. Exceptionally high seine effort
28 and a drastic decrease in the Kanalku catch.
29
30 MR. THORSTENSON: I'm glad you asked that
31 question. Do I have time?
32
33 CHAIRMAN TOWARAK: Sure.
34
35 MR. THORSTENSON: Thank you. Because I
36 have -- if you look down on Page 3.
37 MR. HERNANDEZ: Excuse me, Mr. Chairman.
38 In our Council packets here from the Staff analysis it's
39 on -- I was looking at the back page of that.
40
41 MR. THORSTENSON: Oh, I see. If you look
42 at what I wrote, my organization's submittal, if you look
43 at Page 3 of that, you go down to 2011. It says there
44 will be some discussion here about how 2011 fell short,
45 but salmon biologist and fishery managers will not
46 compare year to year but cycle to cycle. Just because
47 '09 and '10 were off the charts means nothing for '11.
48 2011 returning adults would have been halfway around the
49 ocean in '09 and out by the Chain or 600 miles off Kodiak
50 by 2010.

1 But 2011 was the product of the cycle of
2 2007. 2007 wasn't a great cycle. One of the first
3 cycles that Ben Van Alen was out testing and I believe
4 the first year he got the worst response. I think it was
5 the highest water flow and the most kill. By 2011 you
6 had 725 escape, 175 or something like that for
7 subsistence, low subsistence this year, for a total of
8 just under 1,000 fish total. But you've got to look back
9 in 2007 when there really wasn't any fishery on them,
10 you've only got -- I don't have those numbers in front of
11 me, but I think it's about 500, 440. You go back to
12 2003, go back to the next parallel cycle, and then
13 you're, I think, in the 200 fish business.

14
15 Something happened in 1999 that was bad
16 weather, a log year or whether there was something that
17 just didn't work out, there was a couple of different
18 years a bunch of fish died in the falls. I'm not sure if
19 that was one that really hit them hard, but by '03 those
20 were low numbers. Terrible low numbers. Then '07 the
21 cycle went up to about 80 percent up and it increased
22 another 50 percent to the 2011 cycle. So we look at
23 something like that and we're going that's still a good
24 cycle for cycle. It's not really in the record with the
25 big cycles right now, but this one is starting to get
26 right up in that neck of the woods. We should be able to
27 have a fishery on this thing, a limited fishery.

28
29 So I mean that's when I was there for
30 that 15 fish limit first came out. We just came from the
31 Kake meeting and we were looking at numbers like 240 fish
32 total going to the weir. Fifteen fish to me sounded
33 pretty reasonable. In fact, the story that I heard is
34 that Angoon has three different tribal governments or
35 corporation, village, city, whatever. One of those
36 groups was not in favor of not having a higher limit than
37 that because the runs at that point were so down. Of
38 course, by the time they came back 2,600 escapement the
39 year I was fishing, if we'd have known that, we wouldn't
40 have put that high of an escapement goal and I think the
41 State probably would have let 500 more get harvested.
42 The run came back so fast and that 2009, 2010, I don't
43 know anybody in this process who expected that many fish
44 to get here.

45
46 I consider that a success when the fish
47 come back. I mean we still have the work to do, but I
48 consider in the big picture this is not a stressed
49 condition. This was a stressed condition six years ago.
50 It's not today.

1 CHAIRMAN TOWARAK: Thank you very much.
2 We let you seine past the closing period.

3
4 MR. THORSTENSON: Thank you.

5
6 CHAIRMAN TOWARAK: Next, please. Go
7 ahead.

8
9 MR. ADAMS: Thank you, Mr. Chairman. As
10 Chairman Towarak mentioned at the beginning of this part
11 of the session, we're going to try to be out of this part
12 of the testimony by 3:00 o'clock. We've got these many
13 here to go yet, folks. When I was talking about respect
14 and getting the Council and Board to demonstrate that, I
15 think maybe I forgot to mention that should be with the
16 presenters as well. We need our time to take care of
17 these issues after this meeting has been adjourned and we
18 go into deliberation. So I'm just going to emphasize the
19 fact that when you do make your presentations, please
20 respect our time and allow us to be able to take enough
21 information so that we can use that information to help
22 us in our deliberations. Thank you. The last gentleman,
23 you know, took up a lot of time. I hope you'll respect
24 our time as well as yours.

25
26 Gunalcheesh.

27
28 CHAIRMAN TOWARAK: Thank you. Next,
29 please.

30
31 MR. PROBASCO: Yes, Mr. Chair. In
32 addition to this pile I also have a few people online
33 that want to testify as well. I understand Diane
34 McKinley is back. Diane, would you wrap up your
35 testimony, please.

36
37 MS. MCKINLEY: (Indiscernible) location
38 and fishery, particularly Kanalku (indiscernible), which
39 is (indiscernible) help of Angoon. The petition
40 (indiscernible) to this problem. After all those years
41 (indiscernible) and people coming in to help
42 (indiscernible). (Indiscernible) at Kanalku and we
43 believe that they should not bear the brunt of
44 (indiscernible). They have to endure heavy-handed law
45 enforcement. (Indiscernible) get the attention if people
46 could work together and to (indiscernible) Angoon
47 (indiscernible) exhausted. I appreciate everybody
48 working with and I support the ETJ.

49
50 Thank you.

1 CHAIRMAN TOWARAK: Thank you, Diane. Any
2 questions of Diane.

3
4 (No comments)

5
6 CHAIRMAN TOWARAK: Thank you. Next,
7 please.

8
9 MR. PROBASCO: Next, Mr. Chairman, are two
10 people that want to testify together. We have Albert
11 Howard and Jeannie Jim. Jennie, excuse me.

12
13 MS. JIM: Good afternoon. This is Jennie
14 Jim from Angoon. I came to watch the ball game and I
15 heard everybody it's okay I can say a few words. I'm
16 listening in for a while and then I heard about Angoon
17 sockeye. It seemed like they just mentioning Angoon and
18 there's somewhere besides Angoon. I don't know why they
19 didn't want to mention that one. You know, they limit us
20 for only 25 for sockeye because we can't just get that
21 much for a lot of family. Them people got a lot of
22 family. Some are few. But some people don't know how
23 many we have even in Angoon. We make strips out of it,
24 dry fish, so we eat more than what they limit us.

25
26 Then we had -- somewhere besides the
27 sockeye there's somewhere subsistence for us. There's
28 lots in Angoon. You guys can go there and pick up some
29 of the stuff that you guys want. Up the bay where
30 they're talking about, that sockeye, my brother and I,
31 there's two of us living now, besides my grandchildren
32 and my children, there's -- they told us that we own that
33 place where they get the sockeye. My brother said they
34 can get it, they feed their children with anything what
35 they need, those kids what they wanted. So my brother
36 said they can get that fish from there.

37
38 There's some more places and then we have
39 some more subsistence. We have clams, we have cockles,
40 we've got deer, we've got seal, we got everything over
41 there. I used to go drag seining too myself when I was
42 young. I'm pretty old now. I'm 93 and I still can walk,
43 you know, and work a little bit at a time. That's what's
44 helping me. And I'm glad that I'm here too for that
45 subsistence. I don't know if -- I know I heard that
46 Kootznoowoo we're talking about, but I'm kind of hard
47 hearing too. That's why I just sit way over there.

48
49 So I knew that some other places and
50 people came. I met some down there when we went to eat.

1 So I thank you folks that I have to say a few words for
2 our hometown anyway. Well, the speed boats can go there,
3 go in there and take the fish from there, but not the big
4 like trawling boats. So we need it for the old people
5 too. There's some old people there to dry fish and pack
6 some away for winter.

7
8 The Tlingit live with Tlingit food.
9 There's lots, I know, but some live from the store. It's
10 not right. Some of the kids I seen. We really need that
11 subsistence, but not that much to give us 25. It's not
12 enough. So I hope you guys take it home and tell them at
13 the meeting too for us, all of you.

14
15 I won't talk too long, but my show start,
16 begin, so I have to quit now.

17
18 Thank you.

19
20 CHAIRMAN TOWARAK: Thank you very much,
21 Mrs. Jim.

22
23 MR. PROBASCO: Go ahead.

24
25 MAYOR HOWARD: Thank you, Mr. Chairman.
26 I'm actually mayor for the city of Angoon under the 1990
27 Act. I actually represent or community as well
28 concerning subsistence. This is my grandmother, my
29 mother's true aunt. She's the grandmother of the
30 Tukwyeidi. I'm also a grandchild of the Deisheetaan, the
31 original owners of Angoon's land. I am from the Sockeye
32 House, the freshwater in Hoonah. I follow my mother's
33 tribe. So you can see the connection here. It's
34 interesting we're talking about sockeye and I'm from the
35 Sockeye House.

36
37 I was born and raised and lived in Angoon
38 my entire life. I commercial fished with my father since
39 I was old enough to steer the boat for him. That's how
40 things work in Angoon. We couldn't afford auto pilots.
41 As I got older, my responsibilities became more. I went
42 from just steering the boat to actually helping them
43 clean fish and my responsibilities grew. I did this all
44 through high school. I joined the military like my
45 father and my older brothers have.

46
47 I came back home because this is where I
48 grew up. If you take a look at the maps that are being
49 kicked around here, I've heard our elders say our people
50 moved to these places because this is where the resource

1 was. It was easy to access. It didn't take much effort
2 to feed a large community. I heard a gentleman talk
3 about White Water Bay. History shows we take better care
4 of our resource than anyone else does. I'm a firm
5 believer and this has always been my favorite quote. The
6 best government for the people is the government closest
7 to the people.

8
9 So moving on to about Angoon. I live
10 there. I talk to the people that walk the streets. They
11 asked for this. When are you guys going to do something
12 to protect our resource. I have a 12th grade education
13 for crying out loud. People like to look down like this,
14 but in that education I learned to read and comprehend
15 what I'm reading.

16
17 The Forest Service came in and started
18 trying to figure out what's happening with our sockeye.
19 They did that with a grant through the tribe. Not the
20 State of Alaska. The tribe. Our local tribe got a grant
21 and is working with the Forest Service to do fish
22 monitoring. This is where the gentleman got all his
23 numbers from. He didn't get it from Fish and Game. He's
24 getting it from our tribe.

25
26 I also commercial fished once I got out
27 of the army seining for seven years and now I do charter
28 boats. The other gentleman says people from Angoon go to
29 the hatchery to fish their fish. If you come to Angoon
30 and ask us if that's what we want to do, we'll say no,
31 but we have no choice because the seiners are taking all
32 the fish that are coming our way, so we have to run to
33 the hatchery where they are. It's fish in a barrel. Our
34 guests laugh about it. We can't give you a true Alaskan
35 experience, but we have no choice.

36
37 You can hear one argument from one side,
38 but I've actually walked in both lives. I live the
39 subsistence lifestyle. Today I'm here supporting this
40 petition not only on behalf of myself but my children and
41 my grandchildren. These lives are put in place to
42 protect something that our elders saw important enough.
43 They give up a lot for this.

44
45 The seiners had the opportunity to fix
46 this a long time ago but the bottom line is they're going
47 to catch more fish. There's a 58-foot limit on the
48 seiner. There's no limit on how wide you can make a
49 seiner. The boat I fished on packed 130,000 pounds. Now
50 when a size limit on a seiner, there's no way those

1 seiners packed 130,000 pounds of salmon. Some of those
2 seiners are still in existence today. I'd be willing to
3 bet you they can pack 60,000 pounds, the bigger ones.

4
5 There's no guidelines restricting how
6 deep they can make their nets. The guy I worked for
7 every year for seven years we tried to make that net
8 catch more fish. We knew where the fish were running and
9 when they'd be there. There's a human side to this that
10 I see every day. Every day. These are the people I work
11 for.

12
13 I've taken my sons when the closure was
14 happening and we were talking about this. I've taken my
15 sons across Chatham in less than favorable weather and
16 people thought I was crazy, but I learned to do this from
17 my father. I didn't think anything of it. He said never
18 be afraid of the weather, but respect it. Your gut is
19 going to tell you when not to go. So by bringing my own
20 sons with me, they were two and five at the time. You
21 should see these young men. They can hunt by themselves.
22 They're now 12 and 15. They can hunt by themselves.
23 They know all the rules and regulations. They know how
24 to do things.

25
26 It's tough for me to sit here and listen
27 to less than honest members coming up. I've never been
28 in a fight that I had to cheat, that I had to hurt
29 another person. If I can't live by being honest, then
30 maybe they're right. But if you have to be less than
31 honest to win this fight, you're only going to hurt
32 yourself in the long run by hurting the resource.

33
34 They support hatcheries. Let them build
35 it in their own backyards. The gentleman said he's
36 fished around Angoon most of his life. Where does he
37 live? Here in Petersburg. He doesn't see the day to day
38 struggle we see at home. Where we choose between heat,
39 electricity and food.

40
41 This is also addressing our need to no
42 longer have to fight for our food. The chairman of the
43 board has been through this process and this is where it
44 has gotten us. This is your opportunity to keep us
45 believing in this process and something that we have
46 fought for and our elders have fought for a long time ago
47 because they saw it important enough.

48
49 We were taught to work for seven
50 generations ahead of us. Where are we going to be seven

1 generations from now? Is Southeast is going to be full
2 of hatcheries or we're going to be full of a natural
3 resource that we were given? We do help each other in
4 a small community whether we get along or not. We don't
5 let our own brothers and sisters struggle because they
6 don't have food.

7
8 I appreciate your time and I hope you
9 make the right decision for our people. Take into
10 consideration the time and effort it takes for them to
11 put their food away. They don't want someone coming into
12 town and say here's a tote of salmon. That's welfare.
13 I've been so fortunate to work with the city council, but
14 it's so frustrating. Over 80 percent unemployment. We
15 know what the problem is. The majority of the problem
16 lies with the State and the ability to help us and
17 they're not doing so.

18
19 Just to give you -- my capacity has
20 brought me down an interesting road. My life experience
21 has brought me to this point. I never thought a day in
22 my life I'd be talking about the impact of salmon on my
23 community when I was fishing for seven years. The guy I
24 worked for got over a million pounds a year of salmon.
25 You talked about 20,000 sockeye at Angoon. Where is
26 Angoon and the gillnetters and the seiners made an
27 agreement to catch only 15,000 sockeye when I went to
28 (indiscernible) shore? Was anybody at the table? No.
29 That isn't a subsistence priority. The State can say
30 what they want to. They don't have the numbers
31 supporting anything. Let's back up and fix it before it
32 does impact the seiners.

33
34 This could be a lot bigger problem than
35 just Angoon not having any sockeyes. We try to give away
36 some of the hatchery raised king salmon to our people at
37 home and, yuck, no thank you. There's something
38 genetically wrong with those king salmon. We want our
39 natural stock. That's why our people settled where they
40 did. We live in a wonderful place, but at times it seems
41 like they tie one hand behind our back and our ability to
42 take care of our own.

43
44 You heard the seiners went 5,000 sockeye
45 over their limit with their agreement with the
46 gillnetters. What's the penalty for that?

47
48 CHAIRMAN TOWARAK: Mr. Howard, can I ask
49 you to focus a little more on the Angoon petition and
50 give us your opinion on that and hopefully wrap it up.

1 MAYOR HOWARD: Like I said before, I'm
2 here supporting the petition. The reason I'm doing so,
3 I believe our sockeye do run along the Admiralty shore,
4 but the State doesn't have any information and they're
5 supposed to. The seiners have no influence at the table
6 than the Angoon subsistence people. You don't see an
7 Angoon subsistence association. You don't see a
8 subsistence association at all. So I guess the bottom
9 line is I'm here supporting the petition on behalf of my
10 community, my kids and hopefully some day my grandkids.

11
12 Thank you.

13
14 CHAIRMAN TOWARAK: Thank you very much
15 for your statement. Are there any questions of Mr.
16 Howard. Go ahead, Mrs. Phillips.

17
18 MS. PHILLIPS: Thank you, Mr. Mayor. Are
19 your subsistence needs being met out of Kanalku or are
20 your subsistence needs being met overall?

21
22 MAYOR HOWARD: I don't think so, Mr.
23 Chairman. Our people are struggling. You've got to look
24 at the price of our food in the community. My son and I
25 maybe hunt more than we should because we're trying to
26 help other community members who can't afford to even buy
27 the gas to go hunting. The answer to that would be no.

28
29 MS. PHILLIPS: One quick follow up. How
30 much do you pay for a gallon of gas?

31
32 MAYOR HOWARD: I'd say right now it's
33 about 5.50 a gallon. Not everyone in our community can
34 afford the four stroke, so they're hodge-podging two
35 strokes back together so they burn a lot more fuel.

36
37 CHAIRMAN TOWARAK: Further questions.

38
39 (No comments)

40
41 CHAIRMAN TOWARAK: Thank you very much,
42 Mr. Howard.

43
44 MAYOR HOWARD: Thank you, Mr. Chairman.

45
46 CHAIRMAN TOWARAK: Next.

47
48 MR. PROBASCO: Thank you, Mr. Chair.
49 Next is Kathy Hanson.

50

1 MS. HANSON: Hello. My name is Kathy
2 Hanson. I'm the executive director for Southeast Alaska
3 Fisherman's Alliance. We're a multi-game, multi-species
4 group representing 300-plus members involved in salmon,
5 crab, shrimp and longline fisheries of Southeast Alaska.
6 Our membership contains gillnetters, seiners, and
7 trawlers who all participate in Southeast Alaska.

8
9 I'm probably in a somewhat unique
10 position as one of the very few individuals in this room
11 that has probably been at most of the meetings that are
12 mentioned in the petition. I was at the 2006 and 2009
13 Board of Fish meetings when the proposals are there. I
14 understand what happened and why. I was at the January
15 '07 meeting as the chairman of the Juneau/Douglas Fish
16 and Game Advisory Committee that is mentioned in the
17 petition and I've been at the purse seine taskforce
18 meetings when the Federal biologist has come in and given
19 his presentations.

20
21 I do acknowledge and respect that
22 subsistence is a priority both in State law and in
23 Federal law. While saying that, it also appears in
24 reading and listening that Angoon subsistence has always
25 been harvested from multiple sockeye subsistence, but the
26 concern and focus in this petition has been on Kanalku as
27 was just previously asked and I had written my testimony
28 before it was asked.

29
30 Between the multiple areas and different
31 species of salmon, has the subsistence need been met in
32 Angoon. Looking at the numbers provided in the
33 supplemental petition it looks like it's unlikely that
34 Kanalku itself will ever be able to meet the subsistence
35 needs for Angoon at 250 fish number.

36
37 The fish passage project to Kanalku that
38 was just permitted is as likely to help increase the
39 sockeye population as closing the commercial fishery for
40 the majority of their season. I think working together
41 through the Federal Subsistence Board, Board of Fish,
42 State of Alaska and purse seine taskforce we can achieve
43 hopefully more success and results than a long time in
44 confusing inflexible Federal extraterritorial
45 jurisdiction process.

46
47 I'm keeping my testimony very short. I
48 understand you're already way behind and I really believe
49 that more than listening to me it's important that you
50 have the time to talk to and get more information from

1 the Alaska Department of Fish and Game about how the
2 Chatham Strait fishery is actually managed.

3

4 The last thing I'll leave you with is
5 there's a processor in the room that's willing to answer
6 any questions you might have about the processing sector
7 here in Southeast Alaska, but due to your concerns about
8 time didn't bother to sign up to testify.

9

10 Thank you very much.

11

12 CHAIRMAN TOWARAK: I appreciate your
13 brevity. I hope it spreads. I do want to ask if there
14 are any questions of the Board.

15

16 (No comments)

17

18 CHAIRMAN TOWARAK: Thank you for your
19 statement. Next.

20

21 MR. PROBASCO: Thank you, Mr. Chairman.
22 Next is Jeremy Jensen.

23

24 MR. JENSEN: Good afternoon, Mr.
25 Chairman. Members of the committee. Appreciate you
26 giving me this opportunity to speak for a moment. My
27 name is Jeremy Jensen. I'm from Petersburg, Alaska and
28 I'm a commercial fisherman. I seine in the Chatham area.
29 I have for as long as I started fishing, 12 years now.
30 I see the ups and downs of the fishery and all aspects of
31 that area. It is unpredictable and hard to understand
32 what's coming back and the whole biology of it. I think
33 before we get to the point where we're eliminating whole
34 areas for fishing we need more research, more data and a
35 better understanding of what's happening. I understand
36 the needs for subsistence. I too like to gather food
37 from the land and subsist as much as I can. I understand
38 the importance. I just think before we take drastic
39 measures we can come to an agreement and maybe meet in
40 the middle and hopefully solve this problem. That's
41 about all I have to say unless anybody has questions.

42

43 Thank you.

44

45 CHAIRMAN TOWARAK: Go ahead.

46

47 MS. PHILLIPS: Thank you, Chairman
48 Towarak. I'm encouraged to hear that you're willing to
49 meet in the middle. What alternatives to Federal
50 management of subsistence resources and Federal

1 management of waters are you willing to consider or are
2 you willing to work towards to address Angoon's petition.

3

4 MR. JENSEN: That's a really good
5 question. I know there's several avenues we can go down
6 to try to enhance or to better populate these systems.
7 One of those is maybe enhancement, bringing fry or fish
8 into the areas of concern. Possible delays on fishing
9 time where stocks are low and maybe possibly more fishing
10 time when stocks are ample. Maybe we can go both ways on
11 it. I know there's several different ways we can go
12 about doing this without elimination of either their
13 subsistence or our industry.

14

15 CHAIRMAN TOWARAK: Was there other
16 questions.

17

18 (No comments)

19

20 CHAIRMAN TOWARAK: Thank you for your
21 presentation.

22

23 MR. JENSEN: Thank you for your time.

24

25 MR. PROBASCO: Next, Mr. Chair, is Floyd
26 Jim.

27

28 MR. JIM: You'll have to excuse my
29 throat. I've been yelling at the game. I see this issue
30 being thrown around about fish. I have a great concern
31 about them opening up in front of our community. Even
32 our children always ask why is the State of Alaska having
33 purse seine right in front of our backyard. I questioned
34 it to Fish and Game before. They said it wasn't supposed
35 to be open and yet it's open. They closed it down one
36 year. That's all.

37

38 When we talk about our elders that went
39 to Washington when ANILCA was being drawn up, they took
40 some elders from our community. They didn't know what
41 term to use. That's why they said subsistence. To us
42 it's a way of life in our community because of the high
43 cost. We don't just point out one thing that's fish as
44 subsistence. We also look at deer, our clams, our
45 cockles, our gumboots. Those are resources that we must
46 keep for our communities. That's our way of life, of
47 surviving, because of the high cost. To me it don't seem
48 right when everybody shouts out our name in vain when we
49 should be speaking on our own behalf.

50

1 I fished all my life with my dad. When
2 he retired, I gave it up. I hand trawled. When they set
3 a limit on this as subsistence users, I hear our mayor
4 talk about the seiners they don't have a limit, but we're
5 limited. When they come to our community, they always
6 say one permit per household. The one that brings it out
7 is Fish and Game from over here. They don't have to
8 survive on our resources. How many families are going to
9 survive on 15 fish when you go after it? Some of our
10 community members don't have boats to go after it. Some
11 of the others in the community step forward and go and
12 get the fish for us. They share it with our community.
13

14 The reason why I'm speaking, I guess, is
15 I didn't like what happened up north last year when
16 Bristol Bay because of their poor run. They shut down
17 subsistence to those people up there. When it's a
18 necessity for a community to put food on the table. When
19 the high unemployment rate in the communities are so hard
20 we have to survive off the land. If we had jobs there
21 like Juneau does where everybody can go look for a job
22 and work, that might be a different story.
23

24 Our way of life has been passed on from
25 generation to generation. I have a grandson who is six
26 years old. He loves subsistence food. I put a steak on
27 the table by him and I put deer meat on the other side.
28 He pushed that steak aside and went for that deer meat.
29 That's how much he loves our way of life. We can't just
30 come and say we only want one thing we're going to talk
31 about in subsistence fish. We've got a lot of resources
32 that we go after that we survive on. So we cannot just
33 limit our subsistence to only one thing, fish.
34

35 Some boats brought in those hatchery fish
36 trying to give it to our people and we said no. Now
37 they're talking about stocking our lakes. No. God is
38 the one that made those streams with a purpose. Not for
39 us to ruin it. When our stock were down low, our
40 community took that stand to go elsewhere so that our
41 resources will be there from generation to generation.
42 That's how we took it upon ourself. The whole community.
43 We said we won't go up there so the resource can come
44 back.
45

46 That's all I will say is that I don't
47 like them shutting down subsistence to rural communities
48 unless you're going to put food on the table for them.
49 Unless you're going to go there and pay for it. That's
50 the hardship our people go through. I saw it on the

1 statewide news when they shut subsistence up north and I
2 don't want to see our communities go in the same manner.
3 You see our community, how strong they were by stepping
4 aside and leaving that stream alone so it can build up
5 again. That comes from a community standpoint. We have
6 a lot of subsistence foods that we go after.

7
8 Fish and Game tried to come out with a
9 permit for clams and cockles when they had a convention
10 in our community. ANB&S convention. They voted it down.
11 They said no. Our people need this. You shouldn't be
12 putting permits out for that. Now they're talking about
13 seaweed. You are supposed to be here to protect our
14 resources for the future generation. That's the
15 standpoint Subsistence Board should take. Protect it for
16 our community and our future generation and the future
17 grandchildren that will be coming along. That's how we
18 should look at our resources. Not just talk for one, the
19 whole thing, on the Bush community and how they survive.
20 That's the standpoint I'd like the Subsistence Board to
21 take. Protect our resources for the Bush communities
22 that have hardship.

23
24 Thank you.

25
26 CHAIRMAN TOWARAK: Thank you, Mr. Jim.
27 Are there any questions. Go ahead, Mr. Adams.

28
29 MR. ADAMS: Thank you, Mr. Jim, for your
30 comment. I really appreciated your opening remarks when
31 you said you had a sore throat because you were yelling
32 at a ball game. My team is playing tonight and I would
33 sure like to go over there and get a sore throat for
34 yelling for my team. Hopefully we can get done before
35 that.

36
37 Thank you very much.

38
39 MR. JIM: Thank you, guys.

40
41 MR. LORD: Mr. Jim, just a quick
42 question. I may have misunderstood you, but I thought at
43 the beginning of your presentation you suggested that
44 some of the seiners continued to fish even during closed
45 periods. Did I understand that correctly?

46
47 MR. JIM: On the purse seine?

48
49 MR. LORD: Yes.

50

1 MR. JIM: They fished right out in front
2 of our community and I've been bringing it to the Fish
3 and Game and I said you should shut them down. The
4 little kids always look out there and say why do they
5 allow this. That's the future generation coming up.
6 They want it stopped. I'd like to see him fish right in
7 your backyard while you sit there and watch him. That's
8 why I speak like this is because it's our resources.
9 Every community should have it. They shouldn't have any
10 seining openings right out front their backyard.

11
12 That's protecting the resource.

13
14 MR. LORD: Thank you.

15
16 CHAIRMAN TOWARAK: Thank you, Mr. Jim.
17 Next.

18
19 MR. PROBASCO: Mr. Chair. We're getting
20 down the pile here. Just for the Board members we have
21 six left, I believe. Mr. Rob Sanderson.

22
23 MR. SANDERSON: Good afternoon, Mr.
24 Chairman. My name is Rob Sanderson, Jr. I am from the
25 Haida Nation. My Indian name is (in Haida). That means
26 talk too much in Haida. So I just want you to know that.

27
28
29 I serve as the executive vice president
30 of the Tlingit and Haida Central Council. I'm speaking
31 in favor of the Angoon petition today. I also serve in
32 other capacities. I serve as the KIC, Ketchikan Indian
33 Community, vice president. I serve on IPCON. I am the
34 chairman of the GOAC 3 out of Anchorage. I'm also a
35 member of Camp 14 in Ketchikan and I serve on the Tongass
36 Futures Roundtable and the list goes on. I have a pretty
37 good background in Southeast Alaska as I grew up in a
38 political family. I lived a traditional lifestyle. I do
39 not recognize that word subsistence. Sub means less. So
40 I just want to make that real clear.

41
42 Tlingit and Haida Central Council
43 represents 27,000 members, citizens in the United States
44 and throughout the world and Canada. Since time
45 immemorial our people have lived off this land. In doing
46 so, our ancestors, our grandparents, they were
47 conservationists. They knew what they were doing. If
48 one place was hurting, they'd move and try another. They
49 didn't try to go out and try to decimate one area, knock
50 it to nothing, close it down. That's not how we

1 operated. We did not operate like that.

2

3 My grandmother, Helen Sanderson, she was
4 the first woman mayor in Alaska. She was also ANS
5 president after Elizabeth Peratovich had passed away. My
6 grandmother worked very closely with her. She carried
7 the community of Hydaburg on her back for years as well
8 as Anthony Christianson's grandfather, Sylvester Peele.
9 That's the generation I grew up in. Those are the people
10 I looked up to. My uncle Claude Morrison, who just
11 passed away this last year at 100 years of age. We're
12 losing a lot of our elders and a lot of our knowledge.

13

14 Our Native people here in Southeast
15 Alaska have lived off of this resource and it's being
16 taken away from them. We are cited, we are jailed at a
17 high cost for even taking one fish over the limit.
18 What's up with that. Something seriously wrong with this
19 picture. Seriously wrong with this picture. I'm going
20 from the heart right now. I have a couple bullet points
21 I want to share.

22

23 The commercial sector. You can't even
24 compare the commercial sector compared to our way of life
25 and what we take, which I believe is less than one
26 percent of the natural resources in which we put into our
27 families' mouths. How do you compare that? You can't.
28 There's no way you can compare that. I've testified
29 before the North Pacific Fisheries Management Council on
30 bycatch. It kind of ties into this here. Tons and tons
31 and tons of bycatch are kicked off the side of the boat.
32 Nothing is done about it. King salmon, chinook, chum,
33 halibut.

34

35 Again, I go back to our Native people.
36 We take one fish, we're in trouble. What's up with that?
37 Is something going to be done to correct that? I
38 challenge you to look into this. Yes, I'm a young
39 leader. I have fished my whole life in Southeast Alaska.
40 I fished outside Dall Island, Noise Island, all the way
41 up, up towards Sitka. My grandfather, Ed Sanderson, I
42 went out on the boat when I was a young man. Nothing was
43 wasted. Nothing was ever wasted on the boat. When we
44 caught king salmon, we ate the king salmon heads.
45 Nothing.

46

47 I'm going to get to my bullet points and
48 thank you for just hearing me out on that. The Tlingit
49 and Haida people for time immemorial have hunted, fished
50 and gathered wildlife and natural resources for all

1 traditional ceremonies, not just for feeding our
2 families. It was used for ceremony, for memorial
3 potlatches, for one-year parties, to give to our families
4 who did not live in Southeast Alaska. It is our right to
5 share with our families that don't have access to the
6 resource here in Southeast Alaska. They don't.

7
8 One word has knocked our people to its
9 very core, to their knees. That one word is subsistence.
10 Sub means less. I said that earlier. We do not
11 recognize that word. It's a made-up word in our world.
12 The State of Alaska loves it. Oh, yes, they do. We ask
13 people who know where the fish come from and because of
14 the historic locations of these numerous fishtraps that
15 were set out in the early '20s and leading up later on
16 into the century, that was the decline of our salmon. It
17 took a lot away from us, fishtraps around my hometown of
18 Hydaburg. There's still remnants of it today. I've
19 heard the stories. This was before my time.

20
21 Our numbers of fish went down over the
22 years from the '20s on up into the '50s and the '60s, to
23 the point where a lot of people just gave up on salmon
24 fishing because there was nothing really there until the
25 salmon started to rebound here I believe in the early
26 '80s. We had some good years out there around Dall
27 Island.

28
29 I believe that our Native people were
30 knocked out of this business somehow, some way. Why did
31 our canneries mysteriously burn down throughout Southeast
32 Alaska? A lot of our IRA canneries are gone. Maybe
33 we'll never find an answer to that. Look at my hometown
34 Hydaburg. Two canneries burned down. One before my
35 lifetime and one during my lifetime. That held our
36 community together. That kept our people home.

37
38 Right now I'm using my community of
39 Hydaburg as an example. We've lost over 50 students in
40 that school. We're down to like 21 now. There's no jobs
41 there. The story goes throughout Southeast Alaska. The
42 gas prices, the food prices, the electricity prices.
43 What are you to do? What are you to do when we go out
44 and try to gather to feed our families?

45
46 What you call subsistence was our
47 traditional way of life. That was our economy. That's
48 how we moved and that's how we shook. Our way of life.
49 Historically we used between 60 and 250 salmon per
50 household, which was determined by family per year in

1 southern Southeast. I have grown up on Prince of Wales
2 Island. Donations, again, like I said, were made to
3 memorial services, elders families and those in need and
4 did not have access. I'm not going to go over that
5 again.

6
7 I'm going to talk about sharing. I grew
8 up knowing that you are never asked to help. If you
9 needed help, you just went in there and helped. You did
10 not stand on the sidelines and wait for somebody to help
11 you. You just went and did it and that's the same thing
12 you do with sharing. We share. We help out. That's who
13 we are as a Native people. The Native people were the
14 best conservationists. There was really nothing wrong
15 with our system until the Western world came our way.

16
17 I'll use the halibut hook as an example.
18 The smaller the hook, the smaller the fish. If you
19 wanted a midsize halibut, you used a midsize halibut
20 hook. If you wanted a large fish.....

21
22 CHAIRMAN TOWARAK: Mr. Sanderson. In the
23 interest of time, would you please focus on the Angoon
24 issue.

25
26 MR. SANDERSON: Okay. Yes, Mr. Chairman.

27
28 CHAIRMAN TOWARAK: Some of your
29 situations you're almost preaching to the choir in a
30 sense. A lot of us on this table are aware of
31 subsistence.....

32
33 MR. SANDERSON: I understand. I'll get
34 to the point then, sir.

35
36 CHAIRMAN TOWARAK: Thank you.

37
38 MR. SANDERSON: Thank you. I appreciate
39 that. I'm not going to go over a lot of the things that
40 I've read here -- or not read here. I'd like to say that
41 again many of our people in Southeast Alaska are being
42 pursued by heavy-handed law enforcement for taking just
43 one fish over the limit. I've said that before and I'll
44 say it again. Why?

45
46 Fishing markers have bene moved up to
47 terminal areas, closer to our streams. That's wrong.
48 There's a lot of room out there. Why move them so close
49 to the streams? Don't do it. It hurts us. The State of
50 Alaska enforces subsistence laws more strictly than they

1 enforce commercial laws. This isn't fair. To me that's
2 a form of genocide. Yes, I said it, genocide. We know
3 what that means.

4
5 Our people need their customary and
6 traditional foods in order to remain healthy and their
7 needs are not being fully met. Our people have a high
8 rate of cancer because they can't afford the nice produce
9 that is being sold at our grocery stores, you know. The
10 carbohydrate products are sold at a very cheap rate,
11 which they can't afford to buy in bulk. Our people can't
12 afford that.

13
14 Mr. Chairman, I'm going to close now and
15 I'm going to leave this Federal Subsistence Board and
16 this group here with some thought. We will not stand by
17 while we are culturally -- our genocide is being put
18 forth. Think about it. We are a people. We tie our
19 shoes just like you do.

20
21 Thank you.

22
23 CHAIRMAN TOWARAK: Thank you, Mr.
24 Sanderson. Are there any questions from the Board or the
25 RAC. Go ahead, Mr. Adams.

26
27 MR. ADAMS: Mr. Sanderson, thank you for
28 your testimony. Do you support Angoon's petition?

29
30 MR. SANDERSON: Absolutely. Central
31 Council.

32
33 MR. ADAMS: Thank you. That's what I
34 wanted to know.

35
36 MR. SANDERSON: Thank you, Mr. Chair.

37
38 CHAIRMAN TOWARAK: Thank you for your
39 time. Next, please.

40
41 MR. PROBASCO: Thank you, Mr. Chair.
42 Dora Jim.

43
44 MS. D. JIM: Good morning, Mr. Chair.
45 I'm from Angoon, Alaska. My mother is Jennie Jim. I
46 want to support the petition on the sockeye because there
47 are many of our people there that put up fish and there's
48 many of us that moved away from home. I know my mother
49 has brought me some jarred fish, dry fish and fish that
50 was frozen so we can have some of that taste too.

1 There's other of my family that live here too. Fifteen
2 fish is not going to support one family in the village.
3 Because some of you that are sitting up here with the
4 white people and I just can't believe that we have to be
5 sitting here like this here.

6
7 When I was growing up in Angoon, I was
8 born in 1956 and in 1966 I was 10 and we lived close by
9 the beach side and when we saw or grandpa coming in in
10 the boat it wasn't only the boys but the girls too, they
11 told us go down and help your grandpa bring the fish up.
12 Go down and help him bring whatever subsistence they
13 brought in on the boat. They didn't use motors at that
14 time. They used oars and that was a lot of work for
15 them.

16
17 It's really sad to see that we have to
18 sit here to discuss our subsistence because that was our
19 way of living before the white man came. Now we have to
20 sit here and discuss how much fish we should get. Now
21 you see charter boats with white people in there taking
22 our fish out of state of Alaska. That sockeye really
23 means a lot to the village people because they know how
24 to preserve that food. That 15 fish isn't even going to
25 make a week's meal. They preserve it for the winter.

26
27 When the grandchildren come home, come to
28 the grandparents, our great-grandparents home, they want
29 to taste that food too. They have to bring up their
30 store away for the winter. I see AFN when we go up there
31 to talk about subsistence I see a lot of angry Natives
32 trying to give their testimony about their subsistence
33 too and we're limited. All over we're limited. Not only
34 Southeast, but up north. All over. Down south. It
35 never used to be like this and it's really sad we have to
36 sit here and almost practically beg for what we need.

37
38 CHAIRMAN TOWARAK: Thank you for your
39 testimony. Next, please.

40
41 MR. PROBASCO: Thank you, Mr. Chair.
42 Next is Ms. Carrie Sykes.

43
44 MS. SYKES: I have some concerns about
45 people not being able to call in and I did receive
46 requests from Saxman and Sitka to read their letters into
47 the record because they weren't able to call in. I know
48 that even with Diane's phone call it was really hard to
49 understand her. I also did get a comment from Kake and
50 I know that they were on the line yesterday, but I hadn't

1 heard them yet today. Anyway, I'll be quick with these.

2

3 For Kake I got a comment from Mike
4 Jackson. He is with the Organized Village of Kake and
5 they support the Angoon ETJ. He said they have the same
6 problem at Get Bay, Falls Lake and the Bay of Pillars.
7 He wanted to make sure that concern was relayed. They
8 went on record for supporting that.

9

10 From Saxman I got a letter from Lee
11 Wallace, who is their tribal president. He says the
12 Organized Village of Saxman would like to publicly affirm
13 it is in full support of Angoon, Alaska's subsistence
14 traditional and customary salmon harvest.

15

16 The issues raised by Angoon are very
17 similar to many villages throughout Southeast Alaska.
18 Many of the fisheries managed by the State of Alaska have
19 created quandaries for tribal citizens. The community of
20 Angoon is but one example. It is apparent to our
21 community leaders that we view the fishery of Alaska as
22 a result of overcommercialization of the various species.

23

24 The commercial fisheries take is so much
25 more than the subsistence users yet the smallest
26 subsistence user group receives the heavy-handed law
27 enforcement. The smallest subsistence user group gets
28 cited for taking a few salmon over the limit. However,
29 the commercial harvesters take record limits much higher
30 in numbers.

31

32 Alaska Native people have managed our
33 resources in a responsible and protected manner for
34 generations before colonization. Village leaders have
35 capably managed and continue to manage our resources for
36 productivity in a responsible way. Why is that? Because
37 Alaska Natives have deep commitment and dedication to one
38 another for seven generations yet to come. We want to
39 count on our having resources available for future
40 generations to come.

41

42 When stocks are low and returns are low,
43 we've always lessened fishing or don't fish at all. When
44 Alaska Natives are our fishing, we are often fishing for
45 those homebound due to frailty and age or because of a
46 disability. Those without fishing equipment or aunties,
47 uncles, grandchildren and neighbors.

48

49 It is very disheartening to encounter an
50 enforcement officer approach our small vessels and cite

1 us for one or two fish over the limit. It seems as the
2 Alaska Native is targeted, perhaps profiled and
3 discriminated against because of taking one or two fish
4 beyond the limit while commercial harvesters haul in
5 massive amounts of resources we are traditionally
6 dependant upon.

7
8 Southeast Alaska Natives are deeply
9 reliant on salmon and harvesting salmon is a part of our
10 cultural, physical, spiritual and day-to-day experience.
11 We are taught to never take more than we need and we are
12 very respectful to life from the sea and land. It is
13 humiliating and bothersome to be cited from the State
14 when as indigenous people we reserve all that we harvest.

15
16 The Organized Village of Saxman would
17 like to enter on record that we are in complete agreement
18 with the recommendations of the Southeast Regional
19 Advisory Council. We are also in agreement with the
20 Kootznoowoo Extraterritorial Jurisdiction petition before
21 the Secretary and Regional Forester, which is to exercise
22 their authority under the law as prescribed in
23 50 CFR 100.10(a). That would provide preference and
24 priority to the Angoon citizens.

25
26 Thank you for your consideration.

27
28 Lee Wallace, president.

29
30 The next one is from the Sitka Tribe and
31 this is from their tribal president, who is Lawrence
32 Widmark. I write on behalf of the Sitka Tribe of Alaska,
33 tribal government for over 4,100 tribal citizens located
34 in Sitka, Alaska. As the tribal government, STA is
35 responsible for health, welfare, safety and culture of
36 citizens.

37
38 I write today to express STA's support of
39 Kootznoowoo, Inc.'s petition for extraterritorial
40 jurisdiction. STA has long supported the rights of all
41 Alaska Natives to live a subsistence lifestyle and their
42 rights to access subsistence resources. Unfortunately,
43 the community of Angoon's plight to meet its subsistence
44 needs is not an uncommon occurrence for communities that
45 subsistence harvest sockeye salmon in Chatham Strait.
46 All too often the stream systems in this region that can
47 support sockeye runs are closed midstream to help meet
48 escapement goals.

49
50 Subsistence harvesters have long been

1 good stewards of their resources and recognize the need
2 for closures, but the reality is their subsistence needs
3 are not being met due to circumstances outside of their
4 control. The Alaska Department of Fish and Game catch
5 data for Districts 109, 112 and 114 show that an
6 excessive number of sockeye attempting to return to their
7 native streams are being intercepted by the commercial
8 seine fleet. A significant reduction in interception is
9 needed to ensure escapement goals and subsistence needs
10 are met.

11
12 Kootznoowoo, Inc. has clearly and
13 repeatedly demonstrated that the subsistence needs of the
14 community of Angoon are not being met because of that
15 shortfall and the need for extending extraterritorial
16 jurisdiction into these waters. In light of overwhelming
17 evidence that a Federally recognized rural Alaskan
18 community subsistence needs are not being met, failure by
19 the Board to support the execution of extraterritorial
20 jurisdiction in this matter would indicate that the
21 Federal subsistence system is still broken and in need of
22 further revamping.

23
24 If you have any questions regarding this
25 letter or STA's stance, please contact resource
26 protection director Jeff Feldpausch. So that's STA's
27 letter.

28
29 Okay. Now my letter. Central Council is
30 in full support of Angoon as a rural community for
31 purposes of subsistence under ANILCA Title VIII. We
32 request that the Secretary of Agriculture and the
33 Secretary of the Interior exercise their authority under
34 ANILCA for this extraterritorial jurisdiction. This
35 would be to protect the escapement of the sockeye salmon,
36 stop the disproportionate commercial harvest and re-
37 establish subsistence harvest opportunities for Federally
38 qualified rural residents.

39
40 Central Council strongly advocates for
41 subsistence rights for our tribal citizens and stress
42 it's importance as a traditional way of life. As you're
43 aware, I do have a customary and traditional work group
44 and they've been working on these issues for quite some
45 time. We have been following the efforts of Angoon as
46 they've attempted to protect their traditional hunting,
47 fishing and gathering rights and to ensure their food
48 security. They've gone through the Federal Subsistence
49 Management Program, through the RAC and through the
50 Federal Subsistence Board and also through the Board of

1 Fish.

2

3 They have clearly demonstrated their
4 customary and traditional subsistence activities since
5 time immemorial and they have exhausted all
6 administrative remedies. We want to stress that this
7 decision is of utmost importance to the cultural survival
8 of the Angoon people as these traditional activities are
9 the basis for their religious, cultural, economic and
10 nutritional well-being and it's an integral part of their
11 livelihood, for their survival and for their quality of
12 life.

13

14 Specifically, Central Council recommends
15 that the ETJ petition be approved and we also recommend
16 that protective mitigation efforts are initiated over the
17 next three years and that they include the Forest
18 Service, State of Alaska, the commercial fishing fleet
19 and the Native community and that for these efforts they
20 start to implement working discussions for the
21 development of a more effective management program. The
22 third thing is that you enforce Title VIII of ANILCA in
23 the Tongass National Forest.

24

25 These recommendations would help ensure
26 a clear understanding of ANILCA and the required
27 preference and priority for Federally qualified rural
28 residents and to make sure all stakeholders have a seat
29 at the table when important decisions regarding
30 subsistence resources and their management, regulation
31 and enforcement are being discussed.

32

33 So a request that the Federal government
34 assert it's authority to preserve the subsistence rights
35 of the Angoon people and urge the Federal Subsistence
36 Board to approve the ETJ petition and implement ANILCA as
37 intended by Congress.

38

39 As a side note, I just wanted to state
40 that I've been working with the tribes for a very long
41 time. I've worked with Angoon for a number of years.
42 The Angoon people are very traditional. They really take
43 pride in their culture. They do some of the best
44 subsistence food. We have our customary trade as urban
45 Natives here in Juneau. Everyone gets very excited when
46 the Angoon food comes in and it goes very fast.

47

48 Today at the lunch it was kind of joked
49 a little bit about our subsistence food. Well, you know,
50 I'm an urban Indian and so I would have had to go figure

1 out how to get that subsistence food because I don't have
2 the rights of the rural residents. So that's just
3 another area that I keep on stressing, that it's just not
4 right that the urban Natives don't have the same rights
5 as rural Natives.

6
7 You know, the thing I was stressing
8 earlier about the Native way and how we share, I did this
9 big conference here a number of years ago and it was for
10 the American Indian Alaska Native Tourism Association.
11 The community of Angoon donated 200 pounds of coho for my
12 event. That goes to show you how much sharing we do. It
13 was an important event and they donated and it was very
14 willingly.

15
16 I also want to emphasize that we never
17 waste. When you talk about how many fish you need, we
18 don't really ever know. It depends on the celebrations,
19 it depends on different ceremonial events that come up,
20 so it's never really known. We always utilize all the
21 fish and it's never wasted.

22
23 I just had a comment about the totes. I
24 didn't like the idea of sharing a tote of fish. Those
25 totes of fish are not going to preserve our way of life.
26 It's not going to teach the customary and traditional
27 ways that we do things and how we've survived forever.
28 I was taught by my Nana and now I teach my grandchildren.
29 It's something that we have to teach and it's important.
30 It's a part of who we are. I just don't think a tote of
31 fish that's being delivered is going to teach that
32 traditional way. I really urge you to help protect
33 Angoon's traditional way of life.

34
35 Thank you.

36
37 CHAIRMAN TOWARAK: Thank you, Carrie.
38 Any questions. Go ahead, Mr. Nielsen.

39
40 MR. NIELSEN: Thank you, Mr. Chairman.
41 I want to follow through with the statement from Sitka
42 Tribe. Sitka Sound is the last stronghold of subsistence
43 herring fisheries, of herring egg spawn in Southeast
44 Alaska. For years we've lived the traditional way of
45 life not worrying about anything. Four months ago
46 British Columbia comes out with a blockbuster. They've
47 got a virus in the herring. They've got a virus in the
48 salmon. Washington, Oregon, they said, hey, we support
49 British Columbia. They can support whoever they want.
50 They're not part of Alaska. We share a different kind of

1 ecology in the ocean.

2

3 If a virus spreads, it will spread very
4 fast and very wide. British Columbia says we can control
5 it. I said I doubt it. It's a threat to our way of
6 life, subsistence, and it's something that we better put
7 a finger on or we'll be on the outside looking in.

8

9 Thank you, Mr. Chairman.

10

11 CHAIRMAN TOWARAK: Thank you, Mr.
12 Nielsen. Next, please. Any other questions for Carrie.

13

14 (No comments)

15

16 CHAIRMAN TOWARAK: Thank you very much
17 for your presentation.

18

19 MS. SYKES: One more point I wanted to
20 make. I was handed a note that said the Organized
21 Village of Kake is on the line, so I'm not sure if
22 they'll be testifying or not, but I did want to share
23 that comment.

24

25 CHAIRMAN TOWARAK: Thank you.

26

27 MR. PROBASCO: The next person to testify
28 is Ronald Leighton. Ronald.

29

30 MR. LEIGHTON: Thank you, both Chairs,
31 the Board and the Council. I'm Ron Leighton, vice
32 president of the Organized Village of Kasaan. I want to
33 get out first thing that Kasaan completely supports
34 Kootznoowoo's petition for extraterritorial jurisdiction.
35 We do it in its entirety.

36

37 I think that we're missing a big picture
38 here when you can sit down there and say, well, it's
39 commercial, it's this and that that's causing this here
40 fish not to come back. Setting all that aside and stuff
41 like that, the most important thing is they're not back
42 and we've got to do something about it. We've got to
43 work together and do something about it. Now I hear the
44 commercial fleet out there because they're afraid that
45 maybe something else is going to come down to further
46 restrict them, then they're jumping up and down and
47 saying we'll do this, we'll do that. That isn't in any
48 law. Is that a promise? I don't know. That could be
49 broken if you decide to turn this down.

50

1 Another thing you've got to look at is in
2 the State of Alaska's constitution there's a disclaimer
3 clause in there and that disclaimer clause came about
4 during the pre-Statehood Act where they were asked what
5 are you going to do when they were before the Insular
6 Affairs Committee.

7
8 The people representing Alaska was asked
9 what are you going to do with the lands claims or the
10 fishing claims of the Native people of Alaska and they
11 said we're not going to do anything. We don't want to do
12 anything right here. This here is just coming in for
13 Statehood Act. I think during a break or something like
14 that they came back and they said we have to do something
15 and they put the disclaimer clause in. That disclaimer
16 clause says that, we, the people of the state of Alaska,
17 and the State of Alaska will forever disclaim any right
18 over Native lands or the fishing and that we give the
19 ultimate authority to the Federal government.

20
21 That is today in the state's
22 constitution. Having that in mind together with Title
23 VIII, I think you have all the power in the word to come
24 forward with this. You can also work with the State to
25 go ahead and try to enhance these fisheries, but it's
26 important that you do that. Another area that gives you
27 the authority and we discovered this during our fight for
28 the high seas interception of our salmon. We formed sea
29 cops and during that time we discovered -- we were trying
30 to figure out how we could put an end to this here high
31 seas interception of our salmon on international waters.
32 What's going to give us authority. The Magnuson Act does
33 give us authority on anadromous species.

34
35 From the time they leave freshwater into
36 saltwater and return back to freshwater the Magnuson Act
37 protects them and that's Federal. So you've got several
38 opportunities there to exercise this here
39 extraterritorial jurisdiction. I don't like to see the
40 words where the commercial fishermen are fighting and
41 saying this and that. In a nutshell, subsistence had
42 priority. It has priority both on the Federal level and
43 on a State level. There is not a thing that anybody can
44 say different. I know that the State's own management
45 plans are the catch rate of commercial people. That's
46 how they manage their fish, by fish ticket receipts.

47
48 When they can sit down here and say they
49 have a good management plan, they don't. They don't have
50 a management plan. If a stream, such as the one in

1 Angoon, is low on salmon, they ignore it because they
2 don't want to have to restrict the other fisheries. So
3 this is part of the major problem.

4
5 Another thing that the State Board has is
6 ultimate jurisdiction, ultimate authority. They don't
7 even have to listen to their own scientists, their own
8 biologists. I've seen it happen several times where the
9 biologist and the State goes up against a proposal, don't
10 open this fishery, it will hurt it, and the State Board
11 of Fish does not have to listen to them. This, in
12 itself, could be damaging to subsistence.

13
14 That's basically all I have to say there.
15 We are in favor of the petition.

16
17 CHAIRMAN TOWARAK: Thank you, Mr.
18 Leighton. Are there any questions.

19
20 (No comments)

21
22 CHAIRMAN TOWARAK: Thank you for your
23 testimony. Next.

24
25 MR. PROBASCO: Mr. Chair. Next is Eric
26 Morrison. Eric Morrison.

27
28 MR. MORRISON: Board members and Council.
29 My name is Eric Morrison. I'm a staff member for the
30 Douglas Indian Association. We represent Auke and the
31 Taku people here in Juneau. We're here in support of the
32 Kootznoowoo petition. Our story is very similar. It's
33 one of many stories throughout Southeast.

34
35 Douglas was formed -- it was originally
36 a village. In 1888, the Senate Select Committee came to
37 Alaska. They started in Metlakatla, ended up in Douglas.
38 A year later the Indians were moved from along the Taku
39 Inlet into Douglas. There was a story about that. We
40 were hoping -- we were talking about economic
41 development, the initiation of reserves, which never came
42 about because of mining and the fishing efforts that were
43 going on in the Taku Inlet. Canneries started right
44 away.

45
46 The Indians of Juneau and Douglas both
47 petitioned for protection of indigenous rights in the
48 Taku Inlet. They hired William Paul, then an attorney,
49 in the '30s who fought through the '50s for
50 extraterritorial rights for the Douglas Indians in Taku

1 Inlet, which never came about.

2

3

4 In the '50s and '60s all through
5 Southeast Alaska the subsistence rights of Natives were
6 being taken away by the Forest Service and the Park
7 Service. Subsistence cabins were being burned, which
8 they later acknowledged doing.

8

9

10 In 1962 the village of Douglas was
11 burned. Back in 1944 we had petitioned the Office of
12 Indian Services to build a boat harbor for our Indian
13 fishermen of Douglas and the Corps of Engineers went and
14 got the money for it, but what happened with that money.
15 A causeway was built to an island that now houses the
16 Coast Guard. A boat harbor was never built, but in 1962
17 the City of Douglas said the Indians of Douglas were
18 squatters and they burned their houses while they were
19 fishing on the Taku Inlet. We're working on that claim.

19

20

21 It's something like Angoon who has so
22 many battles, so many stories and all we want is to be
23 able to feed our families and provide our way of life to
24 our children that we can pass down. We have gentlemen
25 and ladies that represent economic interests here,
26 hatcheries, fishermen and that's all very good. That's
27 a good, healthy fabric of Southeast Alaska. Who do we
28 have to represent the subsistence lifestyle of people.
29 We don't have an interest. We don't have a lobbying
30 interest. We are simply people who simple look to
31 preserve our way of life. We're fighting here in the
32 city, in the tribe of Douglas for our way of life much
33 like Angoon.

33

34

35 We may be urban. We may have lost our
36 subsistence way of life, but we will never give it up.
37 That's another reason why I'm in support of co-management
38 because it's so important. When we talk about commercial
39 fishermen and hatcheries, and they have offered us
40 hatchery fish here in Douglas and Juneau just like they
41 have in Angoon and Sitka and every other community. We
42 have one word for it that our elders like to say and it's
43 (in Tlingit). It's not an easy word to interpret, but if
44 you take a hot dog and throw it in a mud puddle and leave
45 it for a few days, would you want to eat it. That's the
46 way our elders look at hatchery fish. They don't want
47 this hatchery fish. It's not something we want to pass
48 down to our children.

48

49

50 We want to be able to provide them some
51 knowledge and some insight into who we are and what we

1 are. It's so important for the fabric of a Tlingit
2 person, whether it be man or a woman. For that reason
3 and that reason alone we are in support of Kootznoowoo.

4

5 Thank you.

6

7 CHAIRMAN TOWARAK: Thank you, Mr.
8 Morrison. Any questions of him.

9

10 (No comments)

11

12 CHAIRMAN TOWARAK: Thank you for your
13 testimony. Next.

14

15 MR. PROBASCO: Mr. Chair. We're down to
16 the last two. Mr. Paul Young.

17

18 MR. YOUNG: Thank you, Mr. Chairman.
19 Obviously you saved the best for last.

20

21 (Laughter)

22

23 MR. YOUNG: It's good to be here today.
24 It's good to see you here. These are the kind of things
25 that make this country great. We have people come
26 together to solve a common problems. (In Tlingit). My
27 Haida name is Kayaan (ph). I am killer whale. I am
28 Haida Tsimshian. I'm here today to speak on behalf of
29 the Alaska Native Brotherhood Camp 70.

30

31 ANB is in the forefront protecting the
32 Alaska Natives for many years. This year they celebrate
33 100 years. This is good. We're still here. We're still
34 talking. We're still bringing these issues up to the
35 forefront. We're in support of Kootznoowoo's ETJ
36 petition. When I first read this, I thought it said
37 extraterrestrial and I heard somebody actually use that
38 term earlier on.

39

40 (Laughter)

41

42 MR. YOUNG: As the center of this
43 petition is the subsistence priority for Angoon
44 residents. However, there are far-reaching consequences
45 relative to all Alaskan Natives. First of all, I want to
46 refresh your memory and understanding of the importance
47 of subsistence to Alaska Natives. I cannot adequately
48 begin to articulate the significance of subsistence to
49 the Native people of Alaska. Nevertheless, I will do my
50 best.

1 As far back as 10,000 years ago there's
2 evidence the Natives of Southeast Alaska had well-
3 established fisheries using fishtraps and other means to
4 harvest fish. Up until modern times the salmon was in
5 abundance. The Natives harvested and consumed what was
6 needed to sustain their families and to smoke and to dry
7 for winter. At that time, salmon was so abundant we were
8 able to develop a very complex society and a unique art
9 form. That's what we wear today to identify ourselves.

10

11 In Southeast Alaska, families or clans
12 control important fishing sites near their villages.
13 These were their historic and customary fishing places.
14 You heard testimony earlier that those sites had real
15 abundant fish and they continue to do that. These areas
16 were dramatically reduced with the introduction of the
17 commercial fishery.

18

19 The commercial fishery perceives salmon
20 as a commodity to be sold to the highest bidder and not
21 as a cultural resource. The fish priority and preference
22 policy is meaningless if there's no fish to harvest.
23 Native people recognize that fish and subsistence foods
24 are an integral part of everyday life. Fish is important
25 and a necessary element in every ceremonial event like
26 potlatches, totem poles, weddings, cultural gatherings,
27 funerals. We also share with those who have nothing.

28

29 At the core of our culture is
30 subsistence. For thousands of years we depended on fish
31 for survival. For that reason we would never jeopardize
32 this resource. Subsistence is our cultural tradition.
33 Why is culture important? Because there's unique
34 identity that bonds a people and the community together.

35

36

37 Now this Board is confronted with the
38 difficult task of managing the subsistence priority under
39 ANILCA. Keeping in mind that the Federal government has
40 a historic and unique relationship with Indian tribes.
41 Federal managers manage for the public good regarding
42 public resources. However, the United States has a
43 special relationship with tribes. The government has
44 made many promises. I hope those promises to the Indian
45 tribes and I hope the United States will honor those
46 promises.

47

48

49 The Board though must address the
50 inequities of the current distribution of the fishing
resources and bring the subsistence priority to the

1 forefront and correct this injustice.

2

3 In closing, I would only ask that this
4 Board act timely with wisdom and compassion in its
5 deliberation on this matter and find an equitable
6 solution to this complex dilemma.

7

8 Gunalcheesh.

9

10 CHAIRMAN TOWARAK: Thank you, Mr. Young.
11 Are there any questions of Mr. Young.

12

13 (No comments)

14

15 CHAIRMAN TOWARAK: Thank you for your
16 testimony.

17

18 MR. YOUNG: Thank you.

19

20 CHAIRMAN TOWARAK: Next, please.

21

22 MR. PROBASCO: Mr. Chair. The last
23 person we have is Mr. Bob Loescher.

24

25 CHAIRMAN TOWARAK: Mr. Young was right
26 when he said we saved the best for the last.

27

28 MR. PROBASCO: Mr. Chair. We just found
29 out that we do have somebody from Kake that wants to
30 testify. So after Mr. Loescher we'll have Mike Jackson
31 from Kake.

32

33 MR. LOESCHER: Mr. Chairman.

34

35 CHAIRMAN TOWARAK: The floor is yours.

36

37 MR. LOESCHER: Thank you, Mr. Chairman.

38 I'm here representing Alaska Native Brotherhood and
39 Alaska Native Sisterhood Grand Camp. We are here to
40 support Angoon people's petition for extraterritorial
41 jurisdiction request to the Secretary of Agriculture.

42

43 For the record, Mr. Chairman, I have
44 testimony, which I'd like to present as if it was read to
45 this hearing and I hope each one of you have a copy of
46 it. If you don't, we'd like to get it to you as I speak.
47 Is that acceptable?

48

49 CHAIRMAN TOWARAK: We will put your
50 letter in the record. We don't have copies of it in

1 front of us right now.

2

3 MR. LOESCHER: Mr. Chairman. I would
4 request that my testimony be distributed and I'd like to
5 ask Carry Sykes if she could do it. I'm not going to
6 read it. I think you can read it, but I would like the
7 RAC, as they're preparing their recommendation to you, to
8 thoroughly read our presentation. Many of us throughout
9 the region have contributed to this testimony and we
10 believe it's a fair representation of what we see and
11 what we recommend to you.

12

13 Mr. Chairman, if this hearing has done
14 anything, it's done a couple things. I believe that what
15 is most important to the Regional Advisory Council and
16 the Federal Subsistence Board to see and find is that
17 there needs to be a recognition of the Federal and State
18 law that there is a preference and priority for
19 subsistence before all other users as a general matter
20 and then in times of shortage it needs to be further
21 enhanced.

22

23 The second thing is that the Alaska
24 Native people are asking and wanting to have a seat at
25 the table. I believe that it's very important that
26 Federal intervention by the Secretaries of Agriculture
27 and Interior be put forward at this time. As you can see
28 from the testimony that's been provided in the record
29 that there is considerable acrimony between and among the
30 users of the sockeye salmon in the Chatham Straits area.

31

32 The commercial fishermen, as you can see
33 in their testimony, but for one person, did not
34 acknowledge that there is a preference in priority. They
35 did not recognize that there is a law that Congress has
36 enacted and also that the State of Alaska has enacted
37 under which they must operate. I think that's very
38 important. The second thing you saw, Mr. Chairman, is
39 that they're willing to talk about mitigation measures.
40 I think the Alaska Native community is willing to do that
41 as well. I think the Angoon petition outlined some
42 mitigation measures although they didn't say whether they
43 supported it or endorsed any of them, but they offered
44 them as a part of the response to the guideline request
45 of the Federal Subsistence Board.

46

47 I think that's hopeful for the future.
48 I honestly believe, Mr. Chairman, that your duty now as
49 a RAC and a Federal Subsistence Board is to make findings
50 and a recommendation to the Secretary. Among those

1 findings and recommendations the Alaska Native
2 Brotherhood at the back of our testimony we prepared a
3 rough draft, just a model or a draft, but findings and
4 recommendation that we would recommend if we were sitting
5 in your chair and you were advising the Secretary of
6 Agriculture.

7
8 Among those findings is that Angoon is a
9 traditional, customary community and the people utilize
10 subsistence as a way of life and for their food security.
11 They've testified to that today. The second thing is
12 that they've exhausted their administrative remedies and
13 are properly before you in this forum and to the
14 Secretary with their concerns over Title VIII of ANILCA
15 being properly implemented in the Admiralty Island,
16 Baranof, Chichagof areas and the waters they're in.

17
18 The other thing is they clearly in the
19 record have demonstrated that 15 fish per family per year
20 is not enough to meet their need. In fact, it's
21 ridiculous. Also they demonstrated and also your report,
22 which I believe and hope that you will look at again as
23 you deliberate, the RAC and the Board looks at the report
24 done by the Office of Subsistence Management and Dr.
25 Fried. We believe they got it right. It's kind of
26 written in a lot of bureaucrat-ese and it looks like to
27 me that the attorneys got to it and sanitized it a bit,
28 but we believe they got it right.

29
30 They basically say that needs aren't
31 being met and there's a high likelihood that the
32 commercial seine fleet is interfering and reducing the
33 fish escapement and impacting subsistence. We think they
34 got it right and I hope that you look at those words from
35 your Staff and your advisers and recognize that that's
36 very important to the record.

37
38 We think, Mr. Chairman, that the findings
39 -- there's enough there to meet the test of law. It's
40 not the burden of the people of Angoon or the Tlingit and
41 Haida people to prove that all of your findings are
42 correct, but they have put them forward to you as their
43 sentiment and their concern and their request for the
44 petition for extraterritorial jurisdiction exercised by
45 the Secretary.

46
47 The last thing I think you should find
48 and recommend to the Secretary that he should use his
49 authority under ETJ and also to recommend to the
50 Secretary that the Federal administration through the

1 Department of Agriculture and the U.S. Forest Service,
2 our Regional Forester's office and her people, her fish
3 biologist, her managers, her statistics people, all the
4 people that are there, they have a full complement of
5 people that can do this work, that they be responsible
6 for implement a mitigation program over the next three
7 years. We know that's a tall order, but the Alaska
8 Native community is willing to stand behind the Federal
9 Subsistence Board and the Secretary and the Regional
10 Forester in going to Congress to request the funds and
11 the program authority if necessary to undertake a
12 mitigation program over the next three years.

13

14 That doesn't mean that Federal
15 intervention is going to be, hopefully not, hard-handed,
16 but is going to work with the Alaska Native community at
17 the table with the State of Alaska at the table, the
18 commercial fishermen at the table, the hatchery people at
19 the table and the processors at the table and we can work
20 forward to find a solution or approach in the management
21 system that will ensure that Title VIII of ANILCA is
22 implemented properly. That would be our recommendation,
23 Mr. Chairman and members of the Board and to the RAC.

24

25 We thank you very very much for coming to
26 Southeast Alaska. I'd like to say to you that I was
27 involved in the Alaska Native Claims Settlement Act and
28 I was involved in Title VIII of ANILCA, both here and in
29 Washington, D.C. as working for our people and Central
30 Council and also for Sealaska Corporation, working as a
31 staff representative when these bills were being passed.
32 We knew that Title VIII of ANILCA was going to be a work
33 in progress. That we were going to have to work to make
34 it happen properly.

35

36 I believe that the Angoon people have
37 properly come before you and their petition is well
38 prepared. I know that the Alaska Native community in
39 Southeast Alaska will work with Angoon people and with
40 you all to participate and implement and make sure that
41 what we agreed to with the Congress to share our
42 resources in the future, to implement Title VIII for the
43 benefit of Alaska Native people in rural communities can
44 be done to the benefit of all Alaskans as well.

45

46 We pledge from the Alaska Native
47 Brotherhood and Sisterhood to work in that direction and
48 hopefully you'll come to a recommendation to the
49 Secretary that's positive, that will extend
50 extraterritorial jurisdiction, that the Federal

1 administration will move forward to undertake their
2 responsibilities to implement Title VIII of ANILCA and
3 work with all the parties that are involved.

4

5 So thank you for being here and welcome
6 to our house in Juneau. Gunalcheesh. Here's a copy if
7 you need it.

8

9 MR. PROBASCO: Mr. Loescher, I'll get
10 that from you when we break.

11

12 CHAIRMAN TOWARAK: Are we working on
13 getting a copy to the RAC?

14

15 MR. PROBASCO: Mr. Chair. I think the
16 Councils have it, but I know some of the Board members do
17 not, so we'll get it.

18

19 MS. SYKES: A copy of Bob's testimony is
20 included in the black packets that I distributed to
21 everybody.

22

23 MR. PROBASCO: Carrie, I'm looking at the
24 Board members. They don't have the black packet. The
25 Council members do, but I don't think the Board members
26 do.

27

28 MS. SYKES: I'll get that to the Board
29 members, the complete packets.

30

31 MR. PROBASCO: Thank you, Carrie.

32

33 CHAIRMAN TOWARAK: Thank you, Mr.
34 Loescher. We've got one more.

35

36 MR. HERNANDEZ: Mr. Chairman. I was
37 wondering could I ask a question of Mr. Loescher, please.

38

39 CHAIRMAN TOWARAK: Sure. Are you
40 available for a question, Mr. Loescher. Go ahead, Mr.
41 Hernandez.

42

43 MR. HERNANDEZ: Thank you, Mr. Chair.
44 Mr. Loescher. First I want to say I thank you for coming
45 to testify at our hearings. I have to say that I think
46 your input into these hearings have been most helpful to
47 me in trying to sort all this out. I've read through
48 your testimony, your written testimony here and you make
49 a number of very helpful suggestions and observations.
50 Concerning your suggestions that you've outlined for us

1 here I do have one question. Do you feel that you have
2 the support of the Kootznoowoo Corporation and the people
3 of Angoon in implementing some of the suggestions that
4 you have made to help resolve this whole situation?

5
6 MR. LOESCHER: Mr. Chairman. The Alaska
7 Native Brotherhood and Sisterhood are here to support the
8 Angoon people. The Angoon people can speak for
9 themselves. They included those mitigation measures
10 because of the guideline request of the Federal
11 Subsistence Board and the advice that we received from
12 the Office of Subsistence Management. I honestly don't
13 believe myself at this time that the Angoon people are
14 prepared to endorse any of those mitigation proposals,
15 but they identified them as possible mitigation
16 proposals. I think they have done a very good job in
17 identifying them and this hearing record probably will
18 advance some additional mitigation proposals.

19
20 So what I would say in response to your
21 question the Alaska Native Brotherhood and Sisterhood and
22 I believe the Central Council has represented that
23 they're prepared to work forward in the future to resolve
24 the issues surrounding the Angoon petition over a period
25 of time and certainly those identified mitigation
26 proposals would be a good place to start.

27
28 I believe though that we need somebody as
29 a mediator and the intervention by the Secretary of
30 Agriculture and the U.S. Forest Service Regional Forester
31 being that mediator through the extension of
32 extraterritorial jurisdiction authority will provide a
33 forum where these issues can be resolved in a timely
34 manner and also bring the proper technical and scientific
35 and management resources that are necessary to make this
36 happen in the future, but it requires Federal
37 intervention and I think we can accomplish it. Certainly
38 we will be here to work with Angoon people as they see
39 how this best fits their situation.

40
41 CHAIRMAN TOWARAK: Thank you, Mr.
42 Loescher. It creates a question in my mind if I could do
43 a follow up question. I'll give myself permission to do
44 it.

45
46 (Laughter)

47
48 CHAIRMAN TOWARAK: Is it possible to do
49 both, to begin the process of the ETJ process and then at
50 the same time work on mitigation plans by using the ETJ

1 as a backup?

2

3 MR. LOESCHER: Mr. Chairman. I want to
4 answer two ways and not get too complex an answer. One
5 is we need the help of the Federal government, the
6 intervention. We've exhausted all of our remedies to get
7 the attention and the respect and work forward to resolve
8 these issues. The Angoon people have done that through
9 the RAC, they brought it here, they brought it to the
10 Fish and Game Board several times and they've been in
11 litigation over this. We have not brought that into this
12 forum, the business of lawsuits against Native people for
13 doing what is traditionally and customarily -- they've
14 been doing for thousands of years and they've made
15 subsistence a criminal act.

16

17 We just feel at this point on behalf of
18 the Angoon people and for all people in our region that
19 we need Federal intervention to make this happen. You
20 have authority -- the Secretaries have retained authority
21 under the CFR to extend extraterritorial jurisdiction and
22 we believe that you should utilize it given the record
23 and the petition of the Angoon people.

24

25 The second thing, Mr. Chairman, I really
26 don't want to get into this too deeply, but the
27 Peratovich case has provided for the jurisdiction and
28 authority for the Secretary of Agriculture and the Forest
29 Service to extend -- to undertake the implementation of
30 Title VIII of ANILCA in the submerged lands and navigable
31 waters of the Tongass Forest within the interior
32 boundaries. This Board, Mr. Chairman, your Board is
33 bound by that court order of Judge Holland.

34

35 The Forest Service is about to come out
36 with a rule to identify the reserved waters within the
37 region where Title VIII needs to be applied. They're
38 first starting out with the identification of all the
39 military sites, Coast Guard sites and if you can believe
40 it all of the log transfer facilities before and after
41 Statehood. We are imploring the Regional Forester and
42 the Secretary as part of their rulemaking to identify
43 that all waters within the interior boundaries of the
44 Tongass Forest, all the waters within those boundaries
45 should be identified as reserved waters for the purposes
46 of Title VIII of ANILCA.

47

48 So the long and the short of it, Mr.
49 Chairman, we're not going to escape the notion that there
50 will be Federal management or Federal oversight or

1 Federal assistance for implementing Title VIII of ANILCA
2 within the waters of Southeastern Alaska. You
3 understand, Mr. Chairman, because I know you've followed
4 this for a long time now, the Katie John decision for the
5 last 10 years, all the Peratovich case is is an extension
6 of Katie John, the Federal authority over submerged lands
7 and waters, navigable waters for the purposes of Title
8 VIII of ANILCA.

9

10 So we believe that this Board will and
11 does have the authority and the jurisdiction. It's
12 agencies have that and we're asking you now to begin to
13 implement not only what the law is, but what Judge
14 Holland in his court has said. And on behalf of the
15 Angoon people Title VIII of ANILCA should be implemented
16 with all of the full force and authority of the United
17 States.

18

19 CHAIRMAN TOWARAK: Thank you. Go ahead,
20 Ms. Needham.

21

22 MS. NEEDHAM: Thank you, Mr. Chair. Mr.
23 Loescher, if the Regional Advisory Council were to
24 recommend to the Secretaries that they extend
25 extraterritorial jurisdiction and the Secretaries
26 exercise extraterritorial jurisdiction and the
27 conservation concern for a system such as Kanalku becomes
28 an established -- you know, there is a potential for a
29 conservation concern in that fishery, which would require
30 the Secretaries to close off fisheries related to that
31 system in order to address the conservation concern, all
32 fisheries being commercial, sport or subsistence
33 fisheries, is that something that you feel the petitioner
34 and the community of Angoon would be prepared or
35 accepted? Would they be prepared for that scenario and
36 would they accept that as a remedy?

37

38 MR. LOESCHER: Mr. Chairman. Certainly
39 that is a remedy and if I read the petitioners' two
40 letters correctly, they recommend that that may be a
41 possibility.

42

43 CHAIRMAN TOWARAK: Any further questions.

44

45 MR. LORD: Mr. Chairman.

46

47 CHAIRMAN TOWARAK: Go ahead.

48

49 MR. LORD: Mine isn't a question. It's
50 just a quick comment. Mr. Loescher, you mentioned early

1 in your presentation that you thought the lawyers had
2 gotten to the analysis, but had done the job right and I
3 don't hear that very often, so it's tempting to take
4 credit for that. In fact, the lawyers had nothing to do
5 with this analysis. It was done completely by the
6 scientists at the Office of Subsistence Management in
7 concert with the scientists at the Forest Service and the
8 other agencies. I had a chance to review it, but I didn't
9 make any changes.

10

11 MR. LOESCHER: Mr. Chairman. I
12 respectfully withdraw my comment about lawyers.

13

14 (Laughter)

15

16 CHAIRMAN TOWARAK: We have one more.
17 Thank you, if there are no further questions of Mr.
18 Loescher. I really appreciate your input into this
19 process.

20

21 Thank you.

22

23 MR. LOESCHER: Gunalcheesh.

24

25 MR. ADAMS: Mr. Loescher, gunalcheesh.

26

27 MR. PROBASCO: Mr. Chair. Our last
28 person is from Kake. It's Mr. Mike Jackson. He's online.
29 Mr. Mike Jackson.

30

31 MR. JACKSON: Yes, I'm here. Can you
32 hear me?

33

34 MR. PROBASCO: You're online.

35

36 MR. JACKSON: Thank you, Mr. Chair. We
37 listened the last two days and listening to all these
38 testimonies in regard to the extraterritorial
39 jurisdiction petition. The Organized Village of Kake
40 would like to go on record that we support the
41 Kootznoowoo petition and forward it on to the
42 Secretaries.

43

44 In regard to the sockeye fishery, the
45 Kake people fish the Baranof, the east Baranof shore for
46 sockeye. We have two lakes there that we've always
47 traditionally used. We've had villages there thousands
48 of years ago. We travel down Frederick Sound, across
49 Chatham, 45 miles to Falls Lake, we travel 65 miles down
50 to Gut Bay and then in Kuiu Island we have the Bay of

1 Pillars that we go to.

2

3 We face the same issues and we've talked
4 to a guy named Bill Davidson, Tara Schuminski (ph) of the
5 Sitka area in regard to the interception of our sockeye.
6 They've helped us a lot in regard to closing down and
7 stalling some of the salmon commercial seining along the
8 coast to allow our salmon to go through. We've also
9 compromised our fishing time and shut down Falls Lake and
10 we're traditionally trying to stay out of Gut Bay so that
11 it could rebound.

12

13 We know that it is not our customary and
14 traditional gathering. That's what we'd like to call it
15 here in Kake. I've heard the word used subsistence. We
16 do not like to use that word because it marginalizes our
17 existence here in our homeland. We believe in trying to
18 work with people, not to withhold information in regard
19 to scientific data. We've been working thanks to the
20 Federal Subsistence Board grants to index our sockeye
21 lakes, but what we're finding is that as much as we know
22 that the limnology of the lakes and the plankton and how
23 much it can support, we've always existed on those lakes
24 for sockeye to us.

25

26 We're willing to work with the Federal
27 and State people as charged by the Federal trust
28 responsibility to people here that are aboriginal, but
29 also to work with the State. Even working with Mr.
30 Reifentstahl and NSRAA has helped us exist in Kake with
31 their coho. We're not that proud to turn away anything
32 that would help us to exist in our homeland. We have
33 lost half of our population the last six years to Juneau,
34 Sitka, Anchorage and Seattle.

35

36 We exist primarily on 65 percent of what
37 we get from the land and part of that is on Admiralty.
38 I am a (in Tlingit) meaning that my father comes from (in
39 Tlingit). You've heard it referred to as Hood Bay. (In
40 Tlingit) killer whale/seal clan. They've worked along
41 with (in Tlingit), their brothers out of Angoon in that
42 area. We know about Basket Bay and the claims that has
43 the traditional use of them. We have always supported
44 one another in regard to land claims, ANILCA. Now our
45 way of life is being marginalized again by how many fish
46 we do get and how we are punished for getting two fish
47 over and paying \$500 fines for those two fish when it
48 cost us over \$500 to buy gas to go out on a 25-foot
49 little cabin cruiser and 16-foot Lunds to get across
50 there to get food for our family.

1 We are lucky that we have not lost
2 anyone, but we are more than willing to stand with the
3 Angoon people in regard to Section .810 of ANILCA. We'll
4 be forthcoming with the resolution of the Organized
5 Village of Kake.

6
7 We thank you, Mr. Chairman.

8
9 CHAIRMAN TOWARAK: Thank you. Are there
10 any questions.

11
12 (No comments)

13
14 CHAIRMAN TOWARAK: Thank you for your
15 testimony. We have come to the end of our public
16 testimony process. The next step is for the Federal
17 Subsistence Board to recess its meeting and turn the rest
18 of the time over to the Regional Advisory Council. With
19 that -- do you have one thing further.

20
21 MS. SYKES: Mr. Chair. I just wanted to
22 provide some clarification in the packet of information.
23 Bob Loescher's comments are in here and on the other side
24 there's a document called RAC recommendations, Angoon
25 petition. That goes with his comments.

26
27 Thank you.

28
29 CHAIRMAN TOWARAK: Mr. Adams.

30
31 MR. ADAMS: Thank you, Mr. Chairman. I
32 have to say that this is one of the most interesting
33 meetings that I've ever been involved in. I think
34 history has been made here, but I just need to find out
35 -- we're going to go into session here right after you
36 guys recess. I know my Council. They can put together
37 something really quick or maybe they want to take some
38 time, you know, to think about it. I know these guys.
39 So if we need to, I would like to go over and get my sore
40 throat this evening if I can. If need be, when are you
41 guys going to reconvene in the morning and would we have
42 time, you know, to maybe finish up in the morning with
43 our session?

44
45 MR. PROBASCO: Mr. Chair and Mr. Adams.
46 My understanding is that Mr. Larson has already checked
47 into if there are availability of housing if we go into
48 tomorrow for RAC members. I think that's going to be a
49 problem.

50

1 MR. ADAMS: Thank you for that. Am I
2 okay though?
3
4 MR. LARSON: You're okay.
5
6 MR. ADAMS: All right. So we're going to
7 finish up today and then we'll present our recommendation
8 to the Board tomorrow morning. When are you going to
9 reconvene?
10
11 MR. PROBASCO: Mr. Chair. I would
12 recommend we just take a short break here. I've got to
13 check with Ms. Pendleton. When you, the Southeast
14 Regional Advisory Council, give your recommendation to
15 the Board, it has to be done in a public session, so we
16 need to figure out how we're going to facilitate that.
17 I don't want to speak on the record until I figure that
18 one out.
19
20 Thank you.
21
22 MR. ADAMS: Sure. Okay. I'm in favor of
23 a recess if you want or a break.
24
25 CHAIRMAN TOWARAK: Cathy.
26
27 MS. NEEDHAM: You're not recessing right
28 now, are you?
29
30 CHAIRMAN TOWARAK: No. We're going to
31 wait for five minutes while our two heads become one.
32
33 (Off record)
34
35 (PROCEEDINGS TO BE CONTINUED)

