

1 JOINT FEDERAL SUBSISTENCE BOARD  
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3 SOUTHEAST ALASKA FEDERAL SUBSISTENCE  
4  
5 REGIONAL ADVISORY COUNCIL MEETING  
6  
7 PUBLIC MEETING  
8  
9 VOLUME III  
10  
11 Juneau, Alaska  
12 March 23, 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  
26  
27 Southeast Chairman - Bertrand Adams  
28  
29  
30 Regional Council Coordinator, Robert Larson  
31  
32  
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P R O C E E D I N G S

(Juneau, Alaska - 3/23/2012)

(On record)

CHAIRMAN TOWARAK: Good morning.

(Pause)

CHAIRMAN TOWARAK: I'm going to call our meeting back to session, we're going to wait for the long distance phones to get connected before we actually get started. But just a real quick preview of our schedule for today. I'm going to call the meeting back to session. I had said the other day that we would start every morning with the ability to bring up non-agenda topics so if there are any out there that's going to be the next item on the agenda.

Are we all set for the long distance?

MR. LARSON: Yes.

CHAIRMAN TOWARAK: Thank you. I will call this meeting back to order. We had recessed yesterday so that the Regional Advisory Council.....

(Teleconference interruption)

(Pause)

CHAIRMAN TOWARAK: Now, we're ready.

(Laughter)

CHAIRMAN TOWARAK: Okay. I will call the meeting back to order. I'm going to open the floor for any public comments on non-agenda items.

(No comments)

CHAIRMAN TOWARAK: It doesn't appear to be any non-agenda items that need to be brought up.

Is there any information.....

MR. LECORNU: Mr. Chairman.

CHAIRMAN TOWARAK: I'm sorry, go ahead.

1 MR. LECORNU: Good morning, Mr. Chairman.  
2 Camai. My name's Andrew LeCornu. I'm (In Tlingit) Haida  
3 from Ketchikan, and I represent the Ketchikan Indian  
4 Community.

5  
6 We have a situation that you may have  
7 heard of that affects our eulachons back home, it's on  
8 the Unuk River and it has to do with the KSM goldmine and  
9 coppermining project in Canada that is dumping proposed  
10 billions of tons of earth and residue into the Unuk river  
11 and Ketchikan Indian Community is concerned enough that  
12 we passed a resolution, entitled;

13  
14 Resolution of the Tribal Council of  
15 Ketchikan Indian Community regarding the KSM Proposed  
16 Gold and Copper Mining Project owned by SeaBridge Gold of  
17 Canada. And we haven't had our eulochons come back to  
18 the local area in a long time. And the interesting thing  
19 is that they finally showed up a little bit last year,  
20 but they didn't go up the Unuk like they normally do, they  
21 went into Carol Inlet which is several miles away and  
22 that's where some lucky people were able to get some for  
23 the community. It was a very limited amount, it's almost  
24 as though they were avoiding the Unuk. We have a lot of  
25 whereases and I won't go into all that but I will give a  
26 copy of the resolution.

27  
28 But we're just talking about the ability  
29 of our tribal government to protect our citizens and our  
30 way of life and eulochons are a huge part of who we are.  
31 As you know eulachon grease and eulochons themselves are  
32 an integral part of our diet and our trade and commerce.

33  
34 The whereases speak to the limited number  
35 of jobs in Canada, it speaks to the waterways on this  
36 side of the -- American side being affected. But the be  
37 it resolved part reads that:

38  
39 We asked the State of Alaska and the  
40 State Department to require the  
41 Transboundary Waters Treaty of 1909 be  
42 followed in all aspects pertaining to  
43 mining projects along the  
44 Alaska/Canadian border.

45  
46 That proper government to government  
47 consultation be conducted on all matters  
48 regarding mining projects and their  
49 impacts on maritime species and  
50 subsistence way of life.

1                   This was signed December 15th, 2011 by  
2 our tribal council and I certainly can give a copy to  
3 your secretary to make copies.

4  
5                   But this is a concern that we have that  
6 we're not being consulted by Canada. It just seems  
7 they're given carte blanche to the mining companies in  
8 Canada and they're disregarding how it affects our way of  
9 life. So I don't expect, you know, this certainly isn't  
10 on your agenda but I'm thinking that at some future point  
11 it will be and -- because it's a mining project, I guess,  
12 going to continue for years down the road. So I just  
13 wanted to let you know that we have this and I'll make  
14 copies -- or I'll ask them to make copies and distribute  
15 them for your perusal.

16  
17                   Thank you.

18  
19                   CHAIRMAN TOWARAK: Thank you. Are there  
20 any questions of the Board on this issue.

21  
22                   (No comments)

23  
24                   CHAIRMAN TOWARAK: If you would give your  
25 paperwork to the Staff we will have it distributed.

26  
27                   MR. LECORNU: Thank you.

28  
29                   CHAIRMAN TOWARAK: Thank you. Go ahead.

30  
31                   MS. SYKES: Good morning. I just had a  
32 quick comment, Carrie Sykes from Tlingit/Haida Central  
33 Council.

34  
35                   I know that, you know, the Board  
36 considered the Saxman rural determination in January and  
37 Central Council went on record in support of their rural  
38 status. I know that it has been out for comment and I'm  
39 not sure how that process is going. I know that if there  
40 were enough negative comments about keeping that rural  
41 status that there might be some consideration of change,  
42 but I just wanted to reinforce that Central Council  
43 continues to support that rural status.

44  
45                   And I was also very curious about the  
46 possible retreat. At the January meeting there was  
47 discussions of the Federal Subsistence Board having a  
48 work session to consider the rural/non-rural  
49 determination criteria and so I was just kind of curious  
50 about what the status is on that and when tribes could

1 possibly provide some input. My customary and  
2 traditional work group has been looking at that criteria  
3 and we would like to provide suggestions or some kind of  
4 input at the proper time. So can I please get an update  
5 on the status.

6

7 CHAIRMAN TOWARAK: Thank you. I will  
8 defer to Mr. Probasco.

9

10 MR. PROBASCO: Thank you, Mr. Chair.  
11 Good morning.

12

13 MS. SYKES: Good morning.

14

15 MR. PROBASCO: As far as the status as  
16 the Board goes down the path, as required, based on the  
17 2010 census and looking at rural determinations for  
18 communities, any time the Board would meet to discuss  
19 criteria, how they would develop a proposed rule, et  
20 cetera, would be done in public session. The, Board, at  
21 this time, has not set up any meeting, and it's still on  
22 their plate. The next step will be, as you just  
23 mentioned, the final rule that deals with the stay of the  
24 decision for those five communities. We will, the Office  
25 of Subsistence Management, will report to the Board on  
26 any comments we have received and then it's up to the  
27 Board to determine the next step.

28

29 MS. SYKES: Okay. Well, I'd just like to  
30 keep informed about that and like I said, I will be  
31 sharing that information with the tribes in Southeast and  
32 in my customary and traditional work group so that we can  
33 provide input and engage in the process.

34

35 Thank you.

36

37 CHAIRMAN TOWARAK: Thank you. It will  
38 be a public process.

39

40 Any further non-agenda topics.

41

42 (No comments)

43

44 CHAIRMAN TOWARAK: If not then we will  
45 resume -- I'm sorry.

46

47 MR. FLUETSH: Good morning. My name is  
48 Brad Fluetsch.

49

50 And what I'd like to address is special

1 Forest products, specifically blueberries. There's been  
2 a lot of development in blueberries, a traditional food  
3 source. There's a lot of problems -- the reason I bring  
4 this up now is because both the Forest Service and the  
5 Park Service is here, there's a lot of problems, you  
6 know, as the blueberry commercial harvest is developed  
7 the regulations between wilderness land, Park land,  
8 Forest Service land, BLM land, State land, Native  
9 Corporation land, there's no clear management structure;  
10 there's no clear promulgation of regulations; there is no  
11 cooperative effort between these various land types, and,  
12 that anyone out there harvesting either for subsistence  
13 or commercial use would need a GPS unit on them to know  
14 exactly what land they're on. And the permit process, as  
15 I discussed with the Forest Service here a couple years  
16 ago, is based on the problems that they've had in  
17 Washington and Oregon and the harvest of wild mushrooms.  
18 And that system of regulation is absolutely useless here,  
19 and burdensome beyond any reasonable means. And I don't  
20 know if it's really appropriate for the Federal  
21 Subsistence Board to be addressing, you know, but  
22 blueberries are a subsistence food, there are many  
23 Special Forest products that are subsistence foods.

24

25                   The other thing I would think about is  
26 Devil's club, a traditional medicine for the Tlingit  
27 people.

28

29                   So I encourage you to look beyond fish.

30

31                   I encourage the Federal agencies  
32 represented here to develop a coordinated effort for the  
33 management of Special Forest Products that encourage the  
34 development and utilization of these, both from a  
35 subsistence use as well as a commercial use. Somehow we  
36 need to get you folks on the same page working together.

37

38                   When I was at my meeting with the Forest  
39 Service, they had two fully armed, you know, body  
40 protection enforcement officials there, and they said  
41 that they would go out and arrest children for harvesting  
42 blueberries in wilderness lands. And I was speaking  
43 mainly about in the Kootznoowoo Angoon area, wilderness  
44 area. So we need a much better regulatory scheme. And  
45 using your authority, hopefully you'll be able to  
46 coordinate the Federal agencies to address this issue on  
47 Special Forest Products.

48

49                   Thank you.

50

1 CHAIRMAN TOWARAK: Thank you. And you're  
2 on record.

3  
4 MR. SANDERSON: Good morning, Mr. Chair.  
5 The rest of the RAC -- I mean, not RAC, the Federal  
6 Subsistence Board. Yeah, my name is Rob Sanderson, Jr.,  
7 I represent the Central Council. And my concern here  
8 this morning is to address the SeaBridge Gold Mining  
9 operations behind the TransAlaska Canadian Border, 76  
10 miles behind Ketchikan.

11  
12 The Unuk River, which had real strong  
13 runs of eulochons is pretty much gone. So there's plans  
14 to develop two large mines up there behind Ketchikan,  
15 and, as we all know British Columbia pretty much has been  
16 sold off to large mining companies.

17  
18 So I want to keep this real short, Mr.  
19 Chair, that the Central Council looks for balance in this  
20 area of mining, we don't oppose it but we do not support  
21 large scale mining that's going to hurt our river systems  
22 that's come out of Canada. I just want to put this on  
23 record.

24  
25 That's all I have.

26  
27 CHAIRMAN TOWARAK: Thank you. It has  
28 been brought up.....

29  
30 MR. SANDERSON: Yeah.

31  
32 CHAIRMAN TOWARAK: .....by other  
33 organizations also and that will be on future agendas, I  
34 believe.

35  
36 MR. SANDERSON: All right. Well, thank  
37 you.

38  
39 CHAIRMAN TOWARAK: Thank you for your  
40 time.

41  
42 MR. SANDERSON: You all have a good day.

43  
44 CHAIRMAN TOWARAK: Anything further.

45  
46 (No comments)

47  
48 CHAIRMAN TOWARAK: Not hearing any then  
49 we will go back to our agenda that we left yesterday.

50

1                   We had recessed so that the Southeast  
2 Regional Advisory Council would consider the Kootznoowoo  
3 petition and they were to make a recommendation to us and  
4 at this point I believe we are ready for that.

5  
6                   Mr. Chair.

7  
8                   MR. ADAMS: Thank you, Mr. Chairman.  
9 Members of the Board. Particularly our new Board  
10 members. I was really impressed with Mr. Christianson  
11 yesterday when he gave his short talk during the  
12 luncheon, and I know you're going to do well.

13  
14                   Mr. Chairman, are you going to put a time  
15 limit on me?

16  
17                   (Laughter)

18  
19                   CHAIRMAN TOWARAK: No.

20  
21                   (Laughter)

22  
23                   MR. ADAMS: Thank you. I do have, you  
24 know, a couple of statements to make before I go into the  
25 presentation. So what I'd like to do, though, first is  
26 introduce myself in my own language.

27  
28                   (In Tlingit)

29  
30                   I told you that my Tlingit name was  
31 Kadashan. I was named after my great-grandfather, John  
32 Kadashan, who hails from Wrangell. And the elder  
33 Kadashan was one of the three Tlingits who guided John  
34 Mear all up the Inside Passage into Glacier Bay as a  
35 young man. And so even though John Mear might get  
36 credit, you know, for discovering Glacier Bay, now you  
37 all know who took him there.

38  
39                   (Laughter)

40  
41                   MR. ADAMS: Anyhow, as a young man he  
42 traveled all over the country and learned, you know, as  
43 a young man did, you know, how to live in the wilderness,  
44 and as an elder he was known as a peacemaker. When I  
45 began to write columns for the Juneau Empire I went to  
46 three elders that I highly respected and I asked them  
47 if it would be okay if I could use my Tlingit name as my  
48 pen name, and they all gave me the same advice.

49  
50                   They said you could use your great-

1 grandfather's Tlingit name but we caution you not to use  
2 your editorial muscle by damaging the reputation of other  
3 people for whom you write about. And I have honored that  
4 ever since that counsel was given to me. I know I could  
5 have made a lot of money becoming a Native-American  
6 journalist as a muck-rucker but I chose not to do that.  
7 And if you read any of my writings you'll find that they  
8 are always uplifting and ending with the can-do idea that  
9 we can accomplish much in our lives. I honor that and I  
10 will do so right up until the day I leave this life.

11  
12 I also told you that I was a Raven from  
13 the Sockeye Clan, and that my tribal house was (In  
14 Tlingit) or Boulder House. When Raven created the two  
15 mountains in between -- well, let me see Raven, you know,  
16 was the Creator and he created (In Tlingit), Mt.  
17 St. Elias, and then he created (In Tlingit), which is Mt.  
18 Fairweather. And in between the mountains -- as the  
19 mountains grew in between them, that was their children,  
20 and so the more children they had, the further and  
21 further those mountains drifted apart until they are now  
22 200 miles away from each other and the only time they can  
23 see each other, you know, is on a real nice clear day.  
24 After he had created this area for the Tlingit people to  
25 migrate to, he was flying in between the two mountains,  
26 you know, admiring his creations and he saw out in the  
27 ocean this object that was bobbling up and down on the  
28 waves and as he flew out closer to it he realized this  
29 was a large canoe that had a house on top of it and in  
30 further investigation he saw that inside that large canoe  
31 were all of the animals and the birds and the fish and  
32 all of the wildlife, so what he did is he flew to the  
33 mainland and he carved out a long staff that was  
34 fashioned after the arms of an octopus, it even had those  
35 little suckers on it, and then he reached out and he  
36 snapped onto that large canoe and he began to pull that  
37 large canoe to shore. And when he got it up to the  
38 mainland he let out all of these animals and the birds  
39 and the fish and all of the wildlife. And that is how  
40 that particular area was populated with the foods that  
41 the Tlingit people were going to migrate to. He also  
42 took that large house off of the top of that large canoe  
43 and he placed it about halfway up the Akwe River and that  
44 was the very first tribal house, and it was called (In  
45 Tlingit), Far Out House, because he pulled it in from far  
46 out on the ocean. And when they began to do the migrate  
47 -- when the migration started taking place he left -- and  
48 this is, you know, I'm leading up to the real important  
49 part of the story, he left them with some very important  
50 values to live by.

1                   One of them was to always have reverence  
2 to the Creator.

3  
4                   The other was to show respect to  
5 everything, and we call it (In Tlingit), and it's a  
6 principle or a value that I always like to share with  
7 people in forums like this. And I've done it at the  
8 beginning of other meetings and it always has set the  
9 pace, you know, for how the meeting was conducted  
10 throughout that meeting period. To have respect for  
11 everything.

12  
13                   And what he meant by respect for  
14 everything is that you have to have, not only respect for  
15 yourself, or yourselves, but you should respect all of  
16 the resources around you, the animals, the birds, and the  
17 fish and all of the wildlife. You should respect the  
18 environment. You should respect everything that you  
19 benefit the land from. The Tlingit people believe that  
20 there was life in everything. There's life in this table  
21 here; there's life in this bottle; there's life in the  
22 trees; there's life in the rocks. And when you treat  
23 those things with respect, then nature will begin to  
24 provide the things that you need for yourself.

25  
26                   And then here is the punchline, Mr.  
27 Chairman, that if you show disrespect to these resources  
28 then bad things happen, they will be taken away.

29  
30                   And so as a Native people we have always  
31 used those values in our lives and we taught them to our  
32 children, I teach it to my family.

33  
34                   And the other two issues, you know, he  
35 said that we should always do was to -- no, actually  
36 three, is:

37  
38                   Don't take more than what you need;

39  
40                   Don't waste; and

41  
42                   To share.

43  
44                   There's a whole bunch of other values  
45 that we follow but these are, you know, three or four  
46 that I wanted to share with you today, to share, and that  
47 is a real big tradition in our Native culture.

48  
49                   You've heard testimony, you know, over  
50 the past few days how people shared with one another, and

1 that's a very important principle that we value. When  
2 you share, you know, things come back to you, you know,  
3 the good things come back to you.

4  
5 And so I just wanted to share that with  
6 you, Mr. Chairman, Members of the Board.

7  
8 I'm going to go into now the  
9 recommendation that the Southeast Regional Advisory  
10 Council has provided for me to present to you today. As  
11 we speak, Mr. Larson is preparing a cover letter which  
12 will accompany the recommendation. I'd like to just  
13 share with you a little bit about the process that we  
14 went through to come up with this recommendation.

15  
16 It wasn't an easy task. Because after  
17 you went into recess we went into session, I think that  
18 was about 5:00 o'clock last night or thereabouts, and we  
19 didn't -- I know I didn't leave here until a quarter to  
20 11:00. So within that period of several hours, I, for  
21 one thing, as the Chairman of the Board, had no idea, you  
22 know, where should we start with this process, I mean it  
23 was a difficult thing to try to get the discussion  
24 started so that we can proceed in an intelligent manner  
25 in how to address this issue. However, as I told you  
26 before you adjourned, that I had a lot of confidence in  
27 my Council and that I knew that if we started putting  
28 things out on the table and, you know, as matters of  
29 discussion and thought that they would come together and  
30 they would come out with a proposal that we could all,  
31 you know, abide by. And we went through this  
32 recommendation paragraph by paragraph, sentence by  
33 sentence and made changes here and there and it was done  
34 all by consensus, I mean everyone had to agree, they all  
35 had to have their input and I really do, you know,  
36 appreciate those Council members for the hard work that  
37 they put into it and the thought. And as a result of  
38 that we do have for you a recommendation from the  
39 Council.

40  
41 I'm going to read it, I suppose you all  
42 have a copy of it by now and as I said Mr. Larson is  
43 preparing a cover letter to accompany it.

44  
45 Let me also say that after we had heard  
46 from the State people, and we spent most of the time, you  
47 know, questioning them. They sat here and we sat over  
48 there and every member of the Council had an opportunity  
49 to ask questions and get as much information out of them  
50 as to how they would like to, you know, be a part of this

1 process. And as we listened to them, you know, we  
2 decided that we were going to do what I'm going to share  
3 with you in a little bit. But I'd like to read the  
4 recommendation to you at this time.

5  
6 The recommendation on Kootznoowoo  
7 Petition for the ExtraTerritorial Jurisdiction by the  
8 Southeast Alaska Regional Advisory Council, March 22,  
9 2012.

10  
11 Introduction.

12  
13 Recommendation on Kootznoowoo Petition  
14 for Extraterritorial Jurisdiction

15  
16 Southeast Alaska Subsistence Regional  
17 Advisory Council March 22, 2012

18  
19 Introduction:

20  
21 The Council met in concurrent session  
22 with the Federal Subsistence Board to hear the staff  
23 analysis and public testimony regarding the Kootznoowoo  
24 Inc. Petition for extraterritorial jurisdiction into  
25 Chatham Strait. The petitioner contends that management  
26 of commercial fisheries by the State of Alaska has  
27 interfered with sockeye salmon escapements and  
28 subsistence harvests in systems fished by residents of  
29 the City of Angoon, including the Eva, Hasselborg,  
30 Kanalku, Kook, and Sitkoh drainages, to such an extent as  
31 to result in a failure of the subsistence priority.  
32 The following comments are the Council's interpretation,  
33 summary and recommendations for action by the  
34 Secretaries.

35  
36 Petition Requests:

37  
38 The Kootznoowoo petition of May 10, 2010,  
39 requests Federal assertion of extraterritorial  
40 jurisdiction to restrict or close commercial fishing in  
41 marine waters of:

42  
43 1) reserved Federal waters within and  
44 immediately surrounding Admiralty Island  
45 within the boundaries of Admiralty  
46 Island National Monument and Kootznoowoo  
47 Wilderness Area

48  
49 2) reserved Federal waters three miles  
50 distant from the continental mainland

1 and islands of Admiralty, Chichagof and  
2 Baranof  
3  
4 3) all marine waters and lands  
5 encompassed by "Angoon Territory," the  
6 defined boundaries of which are based on  
7 past use and current ownership  
8  
9 The petition supplement of June 15, 2011,  
10 requests:  
11  
12 1) reducing the harvest area adjacent to  
13 Hidden Falls Hatchery  
14  
15 2) closing all fishing districts in  
16 Chatham, Icy, and Peril Straits during  
17 June, July and the first two weeks of  
18 August  
19  
20 3) that "Kootznoowoo's rights, interests  
21 and quiet enjoyment of Federal lands and  
22 waters within Admiralty Island" be  
23 acknowledged, maintained and protected  
24 and that any current and continued  
25 enforcement efforts contrary to these be  
26 dismissed and discontinued.  
27  
28 Office of Subsistence Management  
29 Identification of Issues  
30  
31 Has State management of the commercial  
32 purse seine fishery interfered with subsistence fishing  
33 on Federal public lands and associated waters to such an  
34 extent as to result in a failure to provide the  
35 subsistence priority to Angoon residents. This issue can  
36 be separated into three distinct questions:  
37  
38 1. Is there a Federal subsistence  
39 priority for Angoon residents?  
40  
41 2. Does State management of the  
42 commercial purse seine fishery interfere  
43 with subsistence fishing on Federal  
44 public lands and associated waters?  
45  
46 3. If there is interference, does it  
47 occur to such an extent as to result in  
48 failure to provide the subsistence  
49 priority to Angoon residents?  
50

1 Council Findings:

2  
3 There is no doubt that some sockeye  
4 salmon bound for streams used by residents of Angoon are  
5 intercepted by the commercial seine fishery operating in  
6 Chatham Strait. That is a reasonable conclusion because  
7 commercial fishery openings occur at the same time and in  
8 the same area where sockeye salmon of local origin are  
9 expected to migrate.

10  
11 The total number or proportional  
12 contribution of sockeye salmon from these stocks to the  
13 Chatham Straits commercial fishery harvest is unknown.  
14 While the genetic stock database is generally complete,  
15 the commercial catch is not sampled for wild stock  
16 contributions.

17  
18 The sockeye salmon streams in the local  
19 area are generally small in size with limited potential  
20 to provide for subsistence needs. In recent years,  
21 escapements in each of these five streams have likely  
22 been less than required to allow for returns within the  
23 natural range of sockeye production. Low estimates of  
24 sockeye fry densities and high estimates of prey species  
25 in the lakes support additional adult escapements. It is  
26 also likely that the demand for a 250 sockeye salmon per  
27 household annual limit for subsistence users will remain  
28 unfulfilled when adequate escapements are attained.

29  
30 The geographic distribution of these  
31 streams force residents of Angoon to travel long  
32 distances over open waters to access the terminal areas  
33 of the five sockeye systems in question.

34  
35 Subsistence fishing at these five systems  
36 occurs primarily in marine and intertidal waters near the  
37 mouths of these streams. There is little evidence of  
38 significant harvest in streams above the high tide mark.  
39 It appears that in addition to vagaries in natural  
40 production, management of the State mixed stock  
41 commercial seine fishery has the greatest effect on the  
42 State managed subsistence fishery in the terminal areas.

43  
44 Critical habitat needs to be identified  
45 and addressed. Streams should be monitored each season,  
46 prior to sockeye returns to ensure that any blockages are  
47 removed. The Council supports the planning process  
48 currently in place to modify the natural barrier at  
49 Kanalku Lake. The falls will be altered to facilitate  
50 passage of sockeye salmon into the lake. Spawning areas

1 need to be evaluated for quantity and quality. Some  
2 spawning areas are in need of rehabilitation.

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4 Response to Questions Posed by the Office  
5 of Subsistence Management:

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Question 1:

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Question 2:

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The commercial purse seine fishery in Chatham Strait is a mixed-stock fishery; sockeye salmon system specific harvest data is limited, but based on Kanalku Lake and Kook Lake sockeye salmon escapements and seine harvest diagrams (Figures 4A, 4B, 5A, 5B, 5C from the staff analysis) the staff report summary states, "It appears more likely than not that the commercial purse seine fishery is reducing the number of sockeye salmon returning to Federally managed waters". The Council supports this conclusion.

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Question 3:

Sockeye salmon migrate to spawn within the exterior boundaries of the Tongass National Forest. Federal nexus extends into the marine waters of Southeast Alaska. Sockeye salmon subsistence fisheries at Eva, Hasselborg, Kanalku, Kook, and Sitkoh Lakes have historically occurred primarily in State waters and these fisheries are managed by the State. Subsistence sockeye salmon fisheries occur adjacent to Federal public land and on Federal public land. Sockeye salmon rear and return to spawn on Federal public land. Although there is interference, the proportion of fish

1 harvested on Federal public land and the  
2 extent of this interference to the  
3 Federal fishery has yet to be  
4 determined. Based on public testimony,  
5 subsistence needs by the residents of  
6 Angoon are not being met at Kanalku Lake  
7 and this condition has failed to provide  
8 for the subsistence priority of Angoon  
9 residents.

10

11 Conclusion:

12

13 The Council suggests that the resolution  
14 of ownership of marine waters is not a requirement to  
15 address the question of whether there is a meaningful  
16 subsistence priority for the harvest of sockeye salmon on  
17 Federal public land by the residents of Angoon.

18

19 The Council feels strongly that the  
20 resolution of the questions and concerns contained within  
21 the petition is not a Secretarial responsibility alone.  
22 The ultimate solution will require cooperation between  
23 the State of Alaska, the Federal Subsistence Program and  
24 local communities.

25

26 Recommendation:

27

28 Defer extending Federal jurisdiction into  
29 waters of Chatham Straits, as recommended by the  
30 petition, for three years. Deferring action by the  
31 Secretaries to extend Federal jurisdiction into the  
32 marine waters of Chatham Strait will provide an  
33 opportunity for the State of Alaska, the Federal  
34 subsistence management program, and local residents and  
35 organizations to achieve the following milestones and  
36 management actions. The Council believes these actions  
37 will address the issues raised by Kootznoowoo Inc. and  
38 facilitate a solution developed at the local level.

39

40 Amend the Northern Southeast Alaska Seine  
41 Fishery Management Plan and the Hidden Falls Hatchery  
42 Management Plan to include accommodations for the State  
43 and Federal subsistence fisheries.

44

45 Close the commercial seine fishery areas  
46 in regulation that have been closed by State Emergency  
47 Order near Basket Bay and Kootznoowoo Inlet.

48

49 The Federal subsistence program and the  
50 Alaska Department of Fish and Game will assist the

1 community of Angoon in developing a regulatory proposal  
2 for the State Board of Fish at the next regular cycle to  
3 change the Amounts Necessary for Subsistence finding to  
4 a community level rather than a Juneau management area  
5 designation.

6

7                   It is advantageous for evaluation of the  
8 success of the management plan if escapement goals for  
9 Kanalku, Kook, Sitkoh, Hasselborg, and Eva Lakes are  
10 developed. Genetic stock identification programs and  
11 escapement goal studies by the State of Alaska in  
12 cooperation with the Federal subsistence management  
13 program will be implemented within three years.

14

15                   The Federal subsistence program contact  
16 and cooperate with Kootznoowoo Inc. concerning the  
17 application of ANILCA.

18

19                   The Council requests the Secretary  
20 provide annual progress reports to the Council and the  
21 Subsistence Board regarding these recommendations.

22

23

24                   Mr. Chairman, that's the recommendation  
25 of the Southeast Regional Advisory Council. And I can  
26 try to answer any questions you might have although I  
27 still carry that policy that I do not answer hard  
28 questions. And if I get into a problem where I'm not  
29 familiar with, I'm going to ask Mr. Larson if he would be  
30 able to come up and assist me.

31

32                   CHAIRMAN TOWARAK: The floor is open to  
33 the Board for any questions that you might have of Mr.  
34 Adams or the rest of the Staff.

35

36                   Go ahead, Pete.

37

38                   MR. PROBASCO: Thank you, Mr. Chair.  
39 And, Mr. Adams, if I may, I'd also like to recognize the  
40 fact that members of our Board sat throughout your  
41 meeting as well and listened and had the opportunity to  
42 hear the discussion and debate as you developed that, so  
43 we actually had Board members that stayed as long as Bert  
44 did here.

45

46                   Thank you, Mr. Chair.

47

48                   MR. ADAMS: And so they had an idea of  
49 what my Council can do.

50

1 CHAIRMAN TOWARAK: I might point out,  
2 too, that I did not attend your session with the idea  
3 that I would like to come in this morning to be  
4 surprised.

5  
6 (Laughter)

7  
8 CHAIRMAN TOWARAK: In a sense I was  
9 surprised but in other senses I was not, either. I knew  
10 that your Council and the Staff that you had with you and  
11 the public concerns, you know, would all be weighed very  
12 well by your Council. And just based on what I've seen  
13 and what you just read to me, I think, you folks put a  
14 lot of good discussions, good thoughts and have come up,  
15 I think, with a recommendation that this Board could take  
16 and make a recommendation to the Secretary.

17  
18 MR. ADAMS: Thank you, Mr. Chairman. And  
19 I just need to reiterate, you know, the Council, when  
20 they -- you know, they would gather in little groups and  
21 they would talk and discuss and they would write, and  
22 after they had written all of the -- we required every  
23 member of the Council to write something down and turn it  
24 over to Mr. Larson and he would, you know, record it and  
25 it would be a basis of conservation and we began to  
26 deliberate and make change as well.

27  
28 But they're an amazing group, Mr.  
29 Chairman, Members of the Board. I have never worked, you  
30 know, with a group of men and women who are really  
31 serious about what they are doing but they're also  
32 effective in what they do. And, you know, it's a  
33 pleasure to be their Chairman.

34  
35 CHAIRMAN TOWARAK: Are there other  
36 questions or comments from the rest of the Board.

37  
38 Go ahead, Sue, first and then Ms.  
39 Pendleton.

40  
41 MS. MASICA: I won't belabor the point,  
42 Mr. Chairman, but my compliments to Chairman Adams and  
43 the entire Council, they did excellent work, I thought.  
44 Everybody was pretty tired last night but they stuck to  
45 it and were really diligent and making sure that every  
46 voice was heard and committed to keeping the solution as  
47 much as possible at the local level with all the parties  
48 engaged and I think that really came through in the  
49 finished product.

50

1                   So I just wanted to extend the positive  
2 words that others have said about the process and the  
3 product because I think it was truly a collaborative  
4 effort.

5  
6                   MR. ADAMS: Gunalcheesh, Sue. And I did  
7 miss my basketball game last night and that's how come I  
8 don't have a sore throat this morning.

9  
10                   (Laughter)

11  
12                   CHAIRMAN TOWARAK: Ms. Pendleton.

13  
14                   MS. PENDLETON: Thank you, Mr. Chair.  
15 Chairman Adams, I, too, appreciate your tremendous  
16 leadership and conduct with the RAC.

17  
18                   I was not there last night as well, I was  
19 briefed by Mr. Kessler this morning on the proceedings  
20 and in looking at the Council findings I just have a  
21 couple of questions to help my understanding as we move  
22 forward.

23  
24                   One of the questions I had relative to  
25 the Council findings on the second page was regard to the  
26 baseline data, and I understand, too, and appreciate that  
27 the State was able to work quite a bit with the Council  
28 last night in providing clarification, and I just wanted  
29 so that I have a clear understanding relative to the  
30 genetic stock database that we, indeed -- because as I  
31 recall hearing from Dr. Fried, from the Office of  
32 Subsistence Management, I had understood that we did not  
33 have a good baseline dataset but it appears that we do  
34 have some baseline data, if I understand the Council's  
35 findings, and that what's really needed now is that  
36 sampling of the commercial stock so that we can get a  
37 better understanding of the fish and the interception  
38 issues.

39  
40                   MR. ADAMS: Thank you, Beth. Yeah, I  
41 think you answered your own question there, partly, but,  
42 yes, there is a lot of data that still needs to be  
43 gathered, you know, and the State has committed  
44 themselves to making sure that everything is done in this  
45 particular discussion here to make sure that all of that  
46 information is provided to us.

47  
48                   MS. PENDLETON: Okay, that's helpful.

49  
50                   And I just had one other question.

1 MR. ADAMS: That was a pretty hard  
2 question.

3  
4 (Laughter)

5  
6 MS. PENDLETON: I'll try not to ask too  
7 hard of question but I have no doubt that there are folks  
8 here that can help as well.

9  
10 (Laughter)

11  
12 MS. PENDLETON: The second question has  
13 to do with -- on the back, the final page, on Page 4, and  
14 the statement on close the commercial seine fishery areas  
15 in regulation that have been closed by State emergency  
16 order near Basket Bay and Kootznoowoo Inlet. And it may  
17 be that I will need to look at a map to understand the  
18 closure area as well as length of time that that has been  
19 closed and I wanted to have an understanding that  
20 actually that closure has actually affected the -- or  
21 potentially affected the actual area that involves the  
22 Kootznoowoo Inlet and how long that closure has been in  
23 place.

24  
25 MR. ADAMS: Yeah, you know, I'm not  
26 really familiar with that area at all. But, you know, I  
27 think maybe Mr. Larson could come up and maybe answer  
28 that question better than I can.....

29  
30 MS. PENDLETON: Okay.

31  
32 MR. ADAMS: .....if it's okay, Mr.  
33 Chairman.

34  
35 CHAIRMAN TOWARAK: That's fine.

36  
37 MR. ADAMS: Uh-huh.

38  
39 MS. PENDLETON: The other piece of that,  
40 maybe as Bob is coming up, is to, if there was any  
41 discussion or a better understanding of how that relates  
42 to the subsistence fishing on the part of the community,  
43 relative to the closures and where they're actually  
44 fishing.

45  
46 MR. ADAMS: Okay.

47  
48 CHAIRMAN TOWARAK: While we're waiting  
49 for Bob to come up, it might have been just a slip of  
50 your reading of the conclusion, but you skipped the

1 second paragraph that says:

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\*\*The Council feels strongly that the resolution of the questions and concerns containing within the petition is not a Secretarial responsibility alone. The ultimate solution will require cooperation between the State of Alaska, the Federal Subsistence Program and local communities.

MR. ADAMS: Yeah, I apologize for that. I was trying to hurry up.

(Laughter)

MR. ADAMS: But, anyhow, yeah, I apologize for that.

One of the things that we found out last night, too, was that if territorial jurisdiction was granted, you know, that we're only talking about freshwater right now, where Feds have jurisdiction, and what the petition is asking is that we take over management of those waters in question. And one of the things that I learned, and I haven't been able to confirm it, but the Secretary does not have the authority to manage, you know, and, so, they can only close so, you know, that was one of the cautions that the Council was really struggling with too, is, you know, is that what we really want to have happen. So I just wanted to show that.

Mr. Larson, thank you.

Would you remind repeating your question again, I think he was occupied over here.

MS. PENDLETON: I will, thank you, Mr. Adams, and, through the Chair.

My question has to do with the State emergency order closure near Kootznoowoo Inlet and, indeed, if that closure actually is a closure around that inlet, and how is that closure situated in relationship to where the subsistence users are fishing for the sockeye.

CHAIRMAN TOWARAK: Go ahead.

1 MR. LARSON: Mr. Chair. Ms. Pendleton.  
2 There is a closure and it has been in effect for a number  
3 of years, I believe it was first initiated in the  
4 mid'90s, possibly '94/95. It is designed to restrict the  
5 seine fisheries to provide for -- to minimize  
6 interceptions of sockeyes. In the Staff analysis there's  
7 a map, but I don't know what page it is, that describes  
8 the actual physical boundaries. Those boundaries have  
9 not changed appreciably since the areas were first  
10 identified as having a positive impact on the  
11 interception of those sockeyes, but the actual details,  
12 whether -- it's a little unclear to me about the history,  
13 but they are -- that's the, at least in the last 10 years  
14 or so they have not changed but it's been every year by  
15 emergency order, those things, the Council felt should  
16 not be left up to an emergency action every year but  
17 instead should be put into regulations because that's the  
18 expectation.

19  
20 MS. PENDLETON: The second part of the  
21 question, if you can address that, Mr. Larson, would be  
22 the closure in proximity to where the subsistence users  
23 are fishing.

24  
25 MR. LARSON: Mr. Chair. Ms. Pendleton.  
26 Yes, they are centered around the Basket Bay area, which  
27 the Basket Bay, Kook Lake and stream enters into Basket  
28 Bay. Basket Bay is the terminal area where the State  
29 subsistence fishery occurs. The area around Kootznoowoo  
30 is centered on the Kanalku sockeye system, the Kanalku  
31 sockeye system enters into the headwaters there of  
32 Kootznoowoo Inlet and that would be the sockeye stock of  
33 concern for that closure. The sockeye stock of concern  
34 for the closure on the west side of Chatham Straits is  
35 Kook Lake.

36  
37 MS. PENDLETON: Thank you.

38  
39 CHAIRMAN TOWARAK: Any further  
40 discussions or questions of the RAC.

41  
42 Go ahead, Mr. Cribley.

43  
44 MR. CRIBLEY: Thank you, Mr. Chairman.  
45 Chairman Adams, I guess I would also like to get in line  
46 and compliment you and the RAC for the work that they did  
47 last night.

48  
49 And also in that showing of appreciation  
50 I'd also like to thank the State and Mr. Hepler and his

1 folks staying here through the thick and thin of it last  
2 night to have an open and honest dialogue with the  
3 Resource Advisory Council [sic], answering questions for  
4 them and also more importantly the Council listening to  
5 them as far as their explanations of the management of  
6 the salmon fisheries in this area.

7  
8 I think that we created an opportunity  
9 yesterday and I think the RAC created an opportunity for  
10 furthering that dialogue in the future and it's not just  
11 for this particular situation but hopefully creating  
12 opportunities in other areas in the state where there are  
13 these similar subsistence issues, and the conflicts, or  
14 perceived conflicts that are occurring between the  
15 commercial fisheries and subsistence use. And I think it  
16 was significant what happened last night. And I think  
17 through that dialogue and the recommendation that you  
18 provided to this Advisory Council [sic] has given us a  
19 very good package to move forward with recommendations to  
20 the Secretaries and put them in a very good position to  
21 come up with a solution that won't create problems, it'll  
22 solve problems for everyone in the future, not only for  
23 this situation but for all subsistence users in Alaska  
24 and look forward to furthering that working relationship.

25  
26 And like I say the compliment goes to  
27 your leadership, your keeping your cool through the  
28 entire ordeal of making sausage. It's one of those  
29 things that everybody enjoys eating the sausage but not  
30 everybody wants to make it or see how it's being made,  
31 but the results of it are very beneficial to everybody  
32 and you guys took the task on and made it very successful  
33 for all of us and look forward and have created  
34 opportunities for the future for everybody. I just want  
35 to compliment everyone involved for that.

36  
37 Thank you.

38  
39 MR. ADAMS: Well, thank you, but let me  
40 say again, you know, I can't say enough about the  
41 Council, they are the ones who have made me what I am now  
42 and it's taken many, many years to develop the leadership  
43 that I have demonstrated here and I really appreciate  
44 them. Mr. Kookesh and I are always, you know, butting  
45 heads with one another but I really appreciate him  
46 because he has made me a better Chairman as well.

47  
48 So, thank you for that.

49  
50 And, you know, I just need to reiterate

1 again the fact that what Kootznoowoo did, what Angoon did  
2 -- made it possible for all of the people who are  
3 interested, the State, the Feds, various user groups and  
4 organizations to actually come together and start working  
5 together, which has been lacking before, and it'll be  
6 interesting to see, you know, how this develops in the  
7 future, and, you know, the State has three years to prove  
8 themselves.

9

10 MR. CRIBLEY: Well, I think it's also --  
11 the onus is on us and the subsistence users to be  
12 diligent in working with the State on this and following  
13 through. And on your other comment, I just thought you  
14 and Mr. Kookesh were making spicy sausage.

15

16 (Laughter)

17

18 MR. ADAMS: That's a normal procedure  
19 between he and I but we love each other.

20

21 (Laughter)

22

23 CHAIRMAN TOWARAK: Any further questions.

24

25 Go ahead, LaVerne.

26

27 MS. SMITH: Mr. Chairman. I would just  
28 like to add my thanks. I think that during the dialogue  
29 we heard lots of people offering to be part of the  
30 solution and I think the RAC was very wise in hearing  
31 those offers and I think you came up with a very creative  
32 approach and so I just would like to add my thanks on the  
33 part of the Fish and Wildlife Service.

34

35 MR. ADAMS: Well, thank you. And then  
36 I'll add this, you know, when we first started the  
37 deliberation process I had no idea how to start it, you  
38 know, it was difficult, you know, to get the discussion  
39 going and then I gave all of the Council members an  
40 opportunity to talk, you know, and express their views on  
41 this and what came out, more, than anything else, was  
42 that they had questions for the State, and it was a good  
43 thing that, you know, Mr. Hepler and his Staff were here  
44 and so as a result of that we allowed them to come here  
45 and it just, you know, blossomed after that, it came out  
46 very well. Although I missed my basketball game and I  
47 didn't get to bed until midnight but it was all worth it.

48

49 CHAIRMAN TOWARAK: Any further -- go  
50 ahead, Gene.

1 MR. VIRDEN: Mr. Chair. I would also  
2 like to extend my thanks for just being involved in this  
3 meeting down here and all the work that the RAC did and  
4 the testimony from the elders that clarified what's been  
5 going on here over the years.

6  
7 And I'd also like to add if, budget  
8 permitting, maybe not next year, but certainly the year  
9 after, if we can go, as a Board, to a RAC meeting,  
10 somewhere else and not run the meeting but just to be  
11 there. I think it's -- I've been to some RAC meetings  
12 and the testimony that you get outside of Anchorage is  
13 from the users, more of the users, and I think it's  
14 really helpful to hear what they have to say.

15  
16 Thank you.

17  
18 MR. ADAMS: Mr. Chairman. I'd just like  
19 to put my stamp of approval on that. I think we set a  
20 precedent here and the result, you know, has been great,  
21 and I think, you know, that's a very good idea if your  
22 budget -- you know, I know you have to do more with less,  
23 but if that's possible that would be a great idea.

24  
25 Thank you.

26  
27 CHAIRMAN TOWARAK: Thank you. And for  
28 your information we had a discussion regarding this  
29 during our retreat and one of the things we're at least  
30 going to take a look at is having Board members attend  
31 RAC meetings throughout the state so that we have  
32 firsthand knowledge of what the discussions taking place,  
33 just like we did here today, I think it's very helpful.

34  
35 Further discussions.

36  
37 (No comments)

38  
39 CHAIRMAN TOWARAK: Just procedurally we  
40 are going to adjourn this meeting and immediately after  
41 the adjournment the Board is going to get together to  
42 look at our recommendation to the Secretary of the  
43 Interior and we -- I want to make it clear that our  
44 recommendation is just that, a recommendation, to the  
45 Secretary, the Secretary will make the decision after  
46 listening to our recommendations. So we have no idea  
47 what that decision will be made until he makes it  
48 himself.

49  
50 So do we have a motion to adjourn this

1 meeting.

2

3 MS. MASICA: Motion made to adjourn,  
4 please.

5

6 MS. PENDLETON: Second.

7

8 CHAIRMAN TOWARAK: A motion has been made  
9 and seconded to adjourn this meeting.

10

11 Is there any objection to the motion.

12

13 (No objections)

14

15 CHAIRMAN TOWARAK: Motion passes  
16 unanimously. And I appreciate all the work that everyone  
17 did here in Juneau, the public, the RAC and the Staff.

18

19 Go ahead.

20

21 MR. PROBASCO: Thank you, Mr. Chair. I  
22 would recommend that we take a short recess because we  
23 develop the recommendation in executive session and thank  
24 the public and we move forward.

25

26 CHAIRMAN TOWARAK: Okay.

27

28 (Off record)

29

30 (END OF PROCEEDINGS)

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C E R T I F I C A T E

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

I, Salena A. Hile, Notary Public in, State of Alaska and reporter of Computer Matrix, do hereby certify:

THAT the foregoing pages numbered 218 through 244 contain a full, true and correct Transcript of the JOINT FEDERAL SUBSISTENCE BOARD AND SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL, VOLUME III, taken electronically by our firm on the 23rd day of March 2012 in Juneau, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed under my direction and reduced to print to the best of our knowledge and ability;

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

DATED at Anchorage, Alaska, this 2nd day of April 2012.

\_\_\_\_\_  
Salena A. Hile  
Notary Public, State of Alaska  
My Commission Expires:9/16/2014