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1 KODIAK/ALEUTIANS FEDERAL SUBSISTENCE  
2 REGION ADVISORY COUNCIL

3  
4 February 25, 1997 - 9:00 a.m.

5  
6 Kodiak Borough Assembly Chambers  
7 Kodiak, Alaska

8  
9 VOLUME I

10  
11  
12 Members present:

13  
14 Mark E. Olsen, Chairman  
15 Alfred B. Cratty, Jr., Vice Chairman  
16 Gilda M. Shellikoff, Secretary  
17 Randy Christensen  
18 Melvin Smith  
19 Ivan D. Lukin  
20  
21 Cliff Edenshaw, Coordinator

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P R O C E E D I N G S

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3 CHAIRMAN OLSEN: Good morning, at this time we would  
4 like to call this meeting to order, if you will, please. I  
5 know we're running just a hair behind but we're also trying to  
6 catch up on a few other things as we start here. We will be  
7 having on air here with the radio station at 10:00 o'clock, so  
8 we need to move ahead here and get these preliminaries out of  
9 our way here.

10

11 First of all I'd like to have Gilda call roll, please.

12

13 MS. SHELLIKOFF: Okay. Mark Olsen.

14

15 CHAIRMAN OLSEN: Here.

16

17 MS. SHELLIKOFF: Vince Tutiakoff.

18

19 (No response)

20

21 MS. SHELLIKOFF: Alfred Cratty.

22

23 (No response)

24

25 MS. SHELLIKOFF: Thomas Everitt.

26

27 (No response)

28

29 MS. SHELLIKOFF: Ivan Lukin.

30

31 MR. LUKIN: Here.

32

33 MS. SHELLIKOFF: Gilda Shellikoff is here. Randy  
34 Christensen.

35

36 MR. CHRISTENSEN: Here.

37

38 MS. SHELLIKOFF: Patrick Kozoloff.

39

40 (No response)

41

42 MS. SHELLIKOFF: Melvin Smith.

43

44 MR. SMITH: Here.

45

46 CHAIRMAN OLSEN: I did have word that Al was departing  
47 Old Harbor at 9:00 this morning, he couldn't get out last night  
48 due to the weather but he should be joining us here soon.

49

50 MS. SHELLIKOFF: So we do have a quorum.

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1 CHAIRMAN OLSEN: Thank you, Gilda. I would like to  
2 take this time to introduce, I guess we pretty much have a lot  
3 of folks here that all know each other, but for those that  
4 don't, certainly we have Cliff Edenshaw, Coordinator for the  
5 Kodiak/Aleutian Regional; Joe Kolasinski, did I get that right?

6  
7 MR. KOLASINSKI: All right. Thank you.

8  
9 CHAIRMAN OLSEN: Thank you. The reporter; Tom Eley,  
10 staff with the Fish and Wildlife; Ida Hildebrand with the BIA  
11 for the Federal Board; Greg Siekienic, the Izembek Refuge  
12 Manager; Robert Willis, Fish and Wildlife Biologist; Rachel  
13 Mason, the U.S. Fish and Wildlife Anthropologist; Craig Mishler  
14 with the ADF&G, am I correct?

15  
16 MR. MISHLER: (No audible response)

17  
18 CHAIRMAN OLSEN: Robert Stovall with the U.S. Fish and  
19 Wildlife here in Kodiak, the Subsistence Division; and we've  
20 got our chief of planning and public involvement, Taylor  
21 Brelsford from the Anchorage office. Did I miss somebody that  
22 I'm not aware of? So anyway, welcome to you folks here this  
23 morning, I'm sure that we are going to get some feed back here  
24 as the day moves on.

25  
26 We have next here the review and adoption of the  
27 agenda.

28  
29 MR. CHRISTENSEN: Move to adopt.

30  
31 MS. SHELLIKOFF: Second.

32  
33 CHAIRMAN OLSEN: It's been moved and seconded. Those  
34 in favor, aye.

35  
36 IN UNISON: Aye.

37  
38 CHAIRMAN OLSEN: Opposed the same.

39  
40 (No opposing responses)

41  
42 CHAIRMAN OLSEN: The agenda adoption is adopted. The  
43 minutes of September 17th and 18th of our meeting in Sand  
44 Point, have you all had a chance to go over those?

45  
46 MS. SHELLIKOFF: I'll move to adopt the minutes.

47  
48 MR. CHRISTENSEN: Second.

49  
50 CHAIRMAN OLSEN: Moved and seconded. Those in favor,

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1 aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN OLSEN: Those opposed.

6

7 (No opposing responses)

8

9 CHAIRMAN OLSEN: Moved. Here we have an open floor for

10 public comments on the Federal Subsistence Management Program.

11 This will be kind of continuing throughout the meeting.

12 However, as I had mentioned, we will be taking on air calls

13 here starting at 10:00 o'clock this morning, which will be

14 covering a few overviews on both the subsistence and the

15 regional draft proposals and along with the elk proposals that

16 we have had on the table for some years now, basically since

17 inception. So I guess at this time we'll just have an open

18 floor for public comments.

19

20 (Pause)

21

22 CHAIRMAN OLSEN: Hearing none at this time here we will

23 go into old business. I see here first here is the

24 implementation of the Federal Subsistence Management update.

25 Taylor, did you want to kind of start on that now or.....

26

27 MR. BRELSFORD: Thank you, Mr. Chairman, since we have

28 some extra time perhaps we could go ahead with the portion of

29 the presentation concerning the environmental impacts of

30 extending Federal jurisdiction into subsistence fisheries.

31 This was the part I mentioned to you that had some overheads,

32 so it's going to be a little tough to do on the radio, but we

33 should be able to wrap that up before 10:00 o'clock when the

34 radio folks would be here.

35

36 CHAIRMAN OLSEN: That would be great with me.

37

38 MR. BRELSFORD: Then we could make use of the time and

39 move on through the agenda.

40

41 CHAIRMAN OLSEN: Yes, please do.

42

43 MR. BRELSFORD: Okay. These are the two items that I'm

44 going to be using so, (indiscernible - away from microphone

45 passing out paperwork).

46

47 Mr. Chairman, this is found at Tab P for you. The

48 overheads on the top and some of the speaker's notes are found

49 just below. There are a few additions and deletions, we

50 thought we'd actually use an example from the Kodiak/Aleutians

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1 area not from the Seward Peninsula for this region.

2

3 So the purpose of this presentation is to talk with you  
4 about the court ordered extension of jurisdiction by the  
5 Federal Subsistence Board into certain waters for certain  
6 subsistence fisheries. And we have two things going on, part  
7 of it will be regarding the environmental impact and another  
8 part will do in a few minute on the radio, will concern the  
9 proposed rule or a very early draft version of subsistence  
10 fishing regulations under the Federal Subsistence Program.

11

12 I'd like to point out that the environmental assessment  
13 portion of the environmental review is intended as information  
14 only, there's no action required on the part of the Council, no  
15 comment deadline. It's basically so we don't hit you cold with  
16 the final product sometime in the summer. It's kind of, you  
17 know, and early insight into the status of this environmental  
18 investigation.

19

20 In contrast, the second item concerning preliminary  
21 draft proposed rule that we'll do later on the radio, that is a  
22 discussion item and we're soliciting comments from the  
23 Councils. The cover letter that you have in your packet  
24 actually refers to a March 3rd deadline, so we will have a very  
25 high interest in the comments that the Council might make on  
26 those proposed regulations and in the comments from the public  
27 from the radio presentation.

28

29 I'd like to start by sort of situating this a little  
30 bit with a couple of key milestones, much of this is familiar  
31 to you. We've tried to sort of do this in steps rather than  
32 all in a one time presentation, but the Federal expansion,  
33 extension of jurisdiction into subsistence fisheries begins as  
34 a result of the Ninth Circuit Court decision in a case known as  
35 the Katie John case.

36

37 It started in the Copper River Basin, it concerns an  
38 Ahtna elder and originally it was filed under State subsistence  
39 programs, it has to do with providing for a traditional  
40 subsistence fishery in the Upper Copper River Basin. But it  
41 posed a very important question of law for the Federal  
42 Subsistence Program, and that question was when ANILCA says the  
43 Federal government will provide for a subsistence priority on  
44 Federal public lands does that include waters? And the answer,  
45 ultimately, is certain waters. I'll talk a bit more with a map  
46 in a second. Certain waters are part of Federal public lands  
47 and they should properly be under the jurisdiction of the  
48 Federal Subsistence Board.

49

50 That decision, the Ninth Circuit Court decision was

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1 actually taken up for possible appeal by the Supreme Court and  
2 the Supreme Court declined to hear that case, so this is the  
3 highest ruling of law, the Ninth Circuit Court decision on the  
4 Katie John case is the exhaustion of the legal interpretation,  
5 that's standing law for our program. We're directed by the  
6 court to extend jurisdictions.

7  
8           These are terribly complex and terribly controversial  
9 issues, they raise very important questions of states' rights,  
10 of the possibility of confusion in fishery management between  
11 commercial fisheries and subsistence fisheries and so on.  
12 Recognizing that difficulty or that dilemma, the Department of  
13 Interior decided to take this in several steps so the advanced  
14 notice of proposed rule making was a very early discussion with  
15 the public, there were a set of 11 public meetings held back in  
16 the spring of '96, April and May of 1996, and those public  
17 meetings looked only at the question of what waters would be  
18 affected, what changes in jurisdiction would follow from the  
19 Ninth Circuit Court decision.

20  
21           Now we need to think about some other things before you  
22 run a fisheries management program. We'll talk in a few  
23 minutes about board structure, council structure, fishing  
24 regulations on the ground seasons and area closures and so on.  
25 The jurisdictional items that were out for public review in the  
26 advance notice are not a complete package, they were a start on  
27 an early and especially controversial part of it.

28  
29           What we've done since then is to begin some planning  
30 steps, the environmental review and the development of a draft  
31 proposed rule. That started in September, we had some  
32 conversation with the Councils in the fall meetings and now  
33 we're back with some more material in the winter meetings. The  
34 final milestone, the critical constraint here is that the  
35 Congress in the spending bill, the appropriations bill,  
36 established what's called a moratorium or a block on the  
37 spending of Federal money to implement the court's decision.

38  
39           That moratorium is binding on us. We can do some  
40 planning steps but we cannot go to full implementation, final  
41 regulation law, active subsistence fisheries management during  
42 the period of this moratorium, all the way through October of  
43 1997. So one way to think of that is it's kind of a tug-a-war.  
44 On the one hand the court says this is what the Federal  
45 Subsistence Program and the Board should do, this is the  
46 appropriate jurisdiction of the Federal Board.

47  
48           And on the other hand the Congress, the legislative  
49 branch, is saying, well, you can't spend Federal money doing  
50 that for now, we want to have some other review and some other

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1 opportunities to consult and see if there are other  
2 resolutions. The top of the page gets us going, the bottom of  
3 the page says only so far, okay?

4  
5 This next overhead makes a very simple point concerning  
6 timing. We've mentioned the two components, planning steps,  
7 environmental review and development of proposed regulations.  
8 Both of these are scheduled to take in the public comments from  
9 the Councils and so on, go to final -- write those up, take  
10 into account the additional input and then submit them for  
11 Washington review in April of this year, April 30th.

12  
13 The following steps are not yet scheduled. Normally  
14 what happens after that is there would be a publication of the  
15 Federal proposed rule, the draft regulations, the proposed  
16 regulations. That is not yet scheduled, so I want to kind of  
17 emphasize that what happens next -- there are certain steps  
18 that have to be met but when those are going to happen we can't  
19 tell you at this point.

20  
21 Again, there are very high level discussion between the  
22 administration, the Alaska delegation in the Congress, some of  
23 the lawyers, some of the interest groups, trying to work some  
24 -- there's still a lot of effort to reconcile this problem, to  
25 see if there's some way around or some alternative solution  
26 that would avoid the big turmoil of dramatic changes in  
27 subsistence fisheries management and in fisheries management  
28 throughout Alaska. So that's why the delay, it's for further  
29 discussion at a very senior policy-making level in Washington,  
30 D.C.

31  
32 I'll say a little bit more about the steps that we'll  
33 follow, but let me move on to talk a bit now about how this  
34 environmental impact assessment or environmental review is  
35 conducted. I think most folks are generally familiar with the  
36 fact that the overarching Federal legislation requires an  
37 environmental review of any significant action. And when they  
38 do that they're looking at literally environmental reviews,  
39 impacts on the natural environment.

40  
41 So what this slide shows you is that the team working  
42 on this, and Rosa Meehan, my counterpart in the Anchorage  
43 office is the team leader for the environmental assessment,  
44 they've organized the geographic units by drainages, by  
45 watersheds, not by Council boundaries, for example. And in  
46 some areas they kind of line up; Southeast is relatively  
47 discreet; Kodiak/Aleutians is something of a natural biological  
48 unit as well. But the big difference is in the Yukon-Kuskokwim  
49 Drainage, like that's three separate Councils, the Y-K Council,  
50 the Western Interior, the Eastern Interior, but it's one

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1 biological system, one ecological system, so the analysis will  
2 cluster those regions all together. The same thing is true in  
3 the Arctic.

4  
5 What this means is when you see the proposed -- the  
6 environmental assessment, when we draft up the document and  
7 send it out for review, you would find a chapter concerned with  
8 the Kodiak/Aleutians area. You would find that information  
9 would be gathered together. Or if you lived on the Yukon, you  
10 would read environmental information that tries to look at the  
11 whole watershed not just some fragment of the watershed.

12  
13 I sort of feel like reading an environmental impact  
14 assessment or an environmental impact statement is a character  
15 building exercise that every citizen ought to go through at  
16 some point in their life. They are typically very elaborate,  
17 very thick. What we're talking about here is actually a scaled  
18 down version, technically it's called a environmental  
19 assessment, but the reason I'm kind of teasing about that is  
20 they use a standardized format and environmental reviews under  
21 the National Environmental Protection Act, this Federal  
22 legislation, always analyze alternatives. And, you know, just  
23 so you know what's coming down the road, I wanted to point out  
24 here that there are Alternatives I, II and III.

25  
26 Alternative I is the no action case, where the Federal  
27 government would not extend jurisdiction. That's illegal. I  
28 mean, the courts have already interpreted the law to say that  
29 the Federal Board must move ahead, but for environmental  
30 purposes they want to look at a baseline, what are the fishery  
31 regulations; what are the populations; the run dynamics without  
32 any change in jurisdiction. And that way they can compare for  
33 Alternatives II and III.

34  
35 Alternative II is an alternative that respects the  
36 court's judgment about which waters are properly part of  
37 Federal public lands and generally speaking -- you might recall  
38 this from the advance notice, but basically we're talking about  
39 waters that are associated, run through or along side Federal  
40 conservation units, like the refuge, the Kodiak Refuge, or the  
41 parks are another example of the conservation unit. Or in  
42 Southcentral and Southeast Alaska the forests are an example.

43 So basically what the court said is that where those  
44 river systems, inland waters, run through land set aside for  
45 Federal conservation management, those waters should properly  
46 be managed as part of the subsistence priority, part of the  
47 subsistence program. We're not talking about marine waters  
48 with a very few special cases. For the most part the Katie  
49 John Federal subsistence fisheries are going to be inland river  
50 systems, navigable waters inland.

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1 In a second I want to get up and look at this map with  
2 you for the Kodiak area because Kodiak is the special case,  
3 there are marine waters, Womens Bay, Mark, we've been through  
4 some actions before the Federal Board concerning Womens Bay.  
5 And so you all might realize that that's been a part of the  
6 Federal Subsistence Program all along and continues to be so.

7  
8 So Alternative II treats inholdings a little bit  
9 different. The difference between Alternative II and III is  
10 the treatment of inholdings, and the most important category of  
11 inholdings inside the refuges or parks or forests, are Native  
12 corporation lands. I think most of you have seen these land  
13 status maps where you'll see the outside boundary of a refuge  
14 and inside of it you'll see a bunch of white land, those are  
15 private lands, or typically they are ANSCA corporation lands.  
16 Alternative II would leave aside waters associated with  
17 inholdings, private lands, ANSCA corporation lands where those  
18 occur inside of a refuge or a park.

19  
20 Alternative III would include waters throughout the  
21 refuge all the way inside the boundaries of the refuge, so  
22 inholdings would not be -- would not make a difference under  
23 Alternative III. And I'll talk in a second about some of the  
24 differences in river miles.

25  
26 Let me move to the map for a second just to see if I  
27 can make some of the points. Regional map is -- maybe on a  
28 break while we're organizing the radio program you guys could  
29 take a second to look at this map. It's actually a statewide  
30 map and what we've done is the conservation units are outlined  
31 and shaded; refuges are in pink; parks are in purple; so the  
32 Alaska Maritime Refuge, the Alaska Peninsula, Izembek,  
33 Kodiak/Aleutians -- Kodiak Refuge, those would be shown in pink  
34 in the area of interest to you all. Inside of those refuges,  
35 the rivers affected by the Katie John decision are mapped in  
36 red, so you can actually look and see what river systems are  
37 affected by the Katie John decision.

38  
39 Again there's some special circumstances in Kodiak and  
40 in the Aleutians. Some maritime waters have been included in  
41 the Federal Program all along. They are the, kind of,  
42 exceptional cases. That doesn't occur very widely, for the  
43 most part the only waters affected by Katie John are these  
44 inland navigable streams.

45  
46 The kind of analysis that's being done, we could talk  
47 here for a second about an example in the Kodiak/Aleutians  
48 Region. In Alternative I all of the river miles and streams  
49 remain under the State jurisdiction, that's the no action  
50 alternative. And, again, that's not going to happen as long as

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1 the court decision holds up.

2

3 Alternative II treats inholdings inside of the refuges  
4 in a separate way. The effect is 47 percent of the inland  
5 waters would be under Federal jurisdiction. And under  
6 Alternative III where inholdings are not treated separately,  
7 where they occur inside of a refuge, 63 percent of the river  
8 milage would come under Federal jurisdiction, so it gives you  
9 kind of the broad picture of the extent of Federal  
10 jurisdiction.

11

12 Randy, go ahead.

13

14 MR. CHRISTENSEN: Like you say, 47 percent and 63  
15 percent, and you say the river milage. Where does that  
16 actually end at? You know, is that from point to point at the  
17 mouth and who decides where the mouth is at?

18

19 MR. BRELSFORD: Well, I think there are actually some  
20 fairly technical decisions about when you're in maritime  
21 waters.....

22

23 MR. CHRISTENSEN: How did you come up with those  
24 numbers? That's what I'm asking.

25

26 MR. BRELSFORD: They're based.....

27

28 MR. CHRISTENSEN: As soon as you get down into a delta,  
29 you know, it gets pretty broad, you know, and so how do you  
30 come up with those actual figures of 47 and 63, and who decides  
31 where it ends, where it becomes -- and it goes right back to  
32 the navigable water case.

33

34 MR. BRELSFORD: Right. Well, I think you're going to  
35 head me off at that pass and point out that it's not easy to  
36 identify the navigable portion of a inland water from the  
37 maritime portion. There are technical definitions in law and  
38 there are a lot of disputes about it, actually. I mean, there  
39 are individual surveying problems that have to be ironed out on  
40 the ground. This analysis is based on electronic mapping where  
41 they've drawn the navigable waters in as part of managing the  
42 Federal waters.

43

44 MR. CHRISTENSEN: I guess that's my question, is where  
45 did you get that number from, I guess, is you're starting to  
46 answer that.

47

48 MR. BRELSFORD: Yeah, the Federal agencies, the BLM has  
49 a large responsibility for management of Federal lands but then  
50 the individual conservation units also have realty programs and

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1 as part of that they map into electronic maps, they're called  
2 GIS maps, the inland waters, the waters under their  
3 jurisdiction. So these calculations were actually done  
4 electronically. You program the GIS database to select for  
5 inland waters inside of a conservation area and then compare  
6 that to all of the navigable waters. It's an electronic  
7 exercise that's done on kind of the basis of kind of rough cut  
8 information.

9

10 MR. CHRISTENSEN: Rough cut is the key word there then?

11

12 MR. BRELSFORD: Right. I think some of those.....

13

14 MR. CHRISTENSEN: Because like if you take into  
15 consideration a lot of small creeks and different outflows here  
16 and there, you know, that's going to -- those numbers are going  
17 to be greatly increased.

18

19 MR. BRELSFORD: I think it's a rough proportion, it  
20 gives you some idea of the general extent of Federal  
21 jurisdiction under one alternative or another. There are a lot  
22 of fine points on this that are not at all nailed down at this  
23 point in the process. It's a good caution, Randy.

24

25 The next section in the document will actually describe  
26 kind of the baseline circumstances, what's going on,  
27 environmentally, in the region at the present time. There's  
28 some information about species and stocks and run timing and so  
29 on. Of particular interest for you all is going to be the  
30 effort to describe the extent of commercial fisheries use of  
31 the resources. And then as an additional component the  
32 subsistence fisheries uses.

33

34 In this area much of that, perhaps most of that,  
35 actually, is in maritime waters, in marine waters and so the  
36 effect of the Katie John decision is going to be somewhat  
37 limited as a consequence. Subsistence fisheries are  
38 concentrated outside of the inland waters, the waters directly  
39 affected by Katie John. They recognize that the vast majority  
40 of all fishery activity is commercial rather than subsistence  
41 or personal use or recreational or sport.

42

43 The final section to draw attention to is the  
44 individual alternatives to be compared and contrasted. And the  
45 special circumstance in the Kodiak/Aleutian Region of these  
46 pre-statehood maritime withdrawals, Womens Bay and several  
47 others throughout the Aleutians, that will be laid out.

48

49 The team drew attention to one other kind of general  
50 point or special point and that is that Kodiak is a very, very

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1 large component, a single community, but a large component of  
2 all subsistence fisheries throughout the Kodiak/Aleutians  
3 Region, 20 percent is the effect of the single community.

4  
5 So again, what I'm offering here is just kind of  
6 guidelines, you'll see much more development of this  
7 information in the environmental assessment when it comes  
8 through, but this will give you some sense of familiarity about  
9 how it's organized.

10  
11 I'd like to touch on, again, the effort to inform the  
12 public and basically create a common understanding with people  
13 in the regions about a very complex legal and regulatory  
14 problem. So the advanced notice of proposed rule making  
15 hearings were held last spring, that was kind of a baseline  
16 step, first time out of the box. Those hearings were focused  
17 on the jurisdictional question. Some of you may recall they  
18 were very widely attended. There was very intense discussion  
19 at that time, and I think it's important to say that the public  
20 comment was sharply divided between some parties who opposed  
21 any extension of Federal jurisdiction. There were concerns  
22 about the State's legal rights under the Statehood Act and then  
23 the Submerged Lands act.

24  
25 There were concerns about failures in Federal  
26 management back in the territorial days, that this was going to  
27 create chaos and biological difficulty. Harm to resources as a  
28 consequence of new jurisdictional, so there was a body of  
29 opinion that was very strongly against the extension of Federal  
30 jurisdiction.

31  
32 There was sort of a middle group of opinion that said,  
33 well, what the court has suggested seems reasonable, that  
34 waters inside Federal conservation areas -- it seems  
35 commonsensical (sic) that those are part of the Federal public  
36 lands, they should be managed concurrently.

37  
38 Then there was another point of view that argued that  
39 the advance notice did not go far enough. There was a body of  
40 testimony, organized through a number of advocacy groups,  
41 subsistence advocacy groups, that said you can't manage one  
42 stretch of a river, you have to manage river systems as a  
43 whole. If the Federal waters only occur in the middle third of  
44 the river, activities at the head waters or at the mouth could  
45 totally counteract Federal subsistence protections in the  
46 middle course of the river. So there were some people who said  
47 this proposed -- this advance notice did not go far enough and  
48 that the Federal government should be asserting jurisdiction  
49 for subsistence protection, for subsistence fisheries,  
50 throughout the entire watershed.

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1 I just mention that to kind of, again, underline this  
2 idea that we're involved in intensely controversial and  
3 politically difficult questions. And that's why doing this in  
4 a couple of steps, trying to bring, you know, general awareness  
5 up about the kinds of ins and outs of this question, that's why  
6 we're doing it in a bunch of different stages.

7  
8 The Regional Councils -- sorry, go ahead, Randy.

9  
10 MR. CHRISTENSEN: I just wanted to, before I forget  
11 here, I was just going to ask, is this all done with a set  
12 navigable water description?

13  
14 MR. BRELSFORD: Technically how this works, the court  
15 sent the question of -- they outlined a principle of law, they  
16 said that.....

17  
18 MR. CHRISTENSEN: Navigable waters.

19  
20 MR. BRELSFORD: Yeah, the doctrine of reserved water  
21 rights, certain navigable waters should be part of the Federal  
22 public lands. They sent back to the district court and the  
23 district court sent back to the Federal agencies the mapping  
24 problem. You know, this is the principle in law, you guys go  
25 out and identify the waters that come under the -- that would  
26 be affected by that legal doctrine. So the advance notice, and  
27 some of the material you see today is a first cut at that, it's  
28 a stab at that, using the general definitions of navigable  
29 waters, the available map information, the map data.

30  
31 There are still potential error in that. Part of why  
32 we're going through this in a bunch of steps is to allow the  
33 public to serve as a backstop if there are errors in  
34 navigability determinations or other judgments about which  
35 waters are affected. The purpose of public review is try and  
36 catch those before it goes all the way to law, to legal  
37 regulation.

38  
39 So this advanced notice was a fairly significant step  
40 and it was trying to get at this idea of bringing people on  
41 board in a complicated policy problem. We met with the  
42 Regional Councils in the fall, a little bit for the same  
43 purposes, to just try and keep up the information base.

44  
45 Also in the fall we sent out a public -- a request for  
46 public comments. We drew up the same material that was  
47 presented to the Regional Councils in the fall meetings on a  
48 little flyer and the same four questions that you guys were  
49 asked about council structures, the regulatory year, some of  
50 that stuff, those were in the flyer and we asked for public

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1 comments. About 2,500 of those flyers went out and we got  
2 something just over 100 replies back. Again this is a -- to  
3 simply say that the effort of public outreach, trying to  
4 clarify and make sure people follow what we're doing has been a  
5 fairly significant effort.

6  
7 I'm near the end. There are a couple of hot buttons  
8 that remain in the environmental review process and the  
9 customary trade item is highlighted here because it could have  
10 some very big environmental consequence, depending on how the  
11 regulations are laid out. We'll talk shortly about the  
12 language in the regulations, but I raise it here because if its  
13 possible environmental impacts.

14  
15 Several important points are ANILCA provides for  
16 customary barter and customary trade of subsistence taken food  
17 or by-products. Barter means you trade a food for a food or an  
18 item for an item, it's material goods that are being exchanged.  
19 Customary trade generally refers to the idea that sometimes  
20 people exchange things in villages for small amounts of cash,  
21 it's local, small scaled and not of a commercially -- or a  
22 significant commercial nature.

23  
24 So there's provision in ANILCA to exchange for cash in  
25 that fashion, but if a lot of people were to basically treat  
26 that as a loophole and start to sell a significant amount of  
27 subsistence taken fish, that could have an effect on the total  
28 harvest, it could have a consequence for the commercial  
29 fisheries allocations as well. So that's the reason that it's  
30 being operated here.

31  
32 And the final point made there about -- you about ready  
33 to go, Cliff?

34  
35 MR. EDENSHAW: Yeah.

36  
37 MR. BRELSFORD: Okay. The final point is that the  
38 conservation purposes is no matter how the customary trade  
39 thing is handled, the conservation of healthy fisheries sources  
40 is a responsibility of all the agencies involved, so that's the  
41 bottom line on it.

42  
43 I think basically, Mark, that kind of walks us through  
44 the milestone of how we got to where we are right now, some  
45 general ideas about the environmental review looks like and  
46 some of the key regulatory questions, we just touched on here.  
47 So let me stop there and we'll get organized and look together  
48 at the actual regulation language, the draft reg.

49  
50 CHAIRMAN OLSEN: Yes, thank you, Taylor. I guess we

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1 are on the air, am I correct?

2

3 (No audible response)

4

5 CHAIRMAN OLSEN: And we are here, the Federal  
6 Subsistence Council, our regional meeting here in Kodiak. The  
7 number for call for comments or questions is an 800 number of  
8 1-800-478-5736. At this time we are having Taylor introduce  
9 some of the regulatory process on the fisheries and which will  
10 also be followed with Rachel on touching on the elk subsistence  
11 here, so if you will, Taylor, if you'll continue.

12

13 MR. BRELSFORD: Thank you very much, Mr. Chairman.  
14 I'll continue with a more specific discussion about the draft  
15 proposed regulations for Federal subsistence fisheries  
16 management. This is found in a handout, it reads at the top:  
17 Region 3, the Kodiak/Aleutians Region. Regional Council Review  
18 Draft. And this is actually the specific language. I'd like  
19 to draw your attention to some key issues. And I'll read  
20 through those for the benefit of the radio audience.

21

22 Generally speaking the regulations treat four areas,  
23 they are in parts, part A, B, C and D. And just so we have  
24 kind of a general picture, Subpart A talks about the authority  
25 and the scope of the Federal Subsistence Board, the Federal  
26 Subsistence Management Program. So in this instance where  
27 we're talking about a court ordered extension into some  
28 navigable waters, creating a new program of Federal Subsistence  
29 Fisheries Management on navigable waters inside the Kodiak  
30 Refuge, for example, those waters are laid out. Those  
31 authorities are laid out in Subpart A.

32

33 The second part of the regs is Subpart B, and it talks  
34 about the structure of the Federal Subsistence Program, how the  
35 Federal Subsistence Board will operate and how the Regional  
36 Councils, like the Kodiak/Aleutians Regional Advisory Council,  
37 are structured and what responsibilities the Board and the  
38 Councils have.

39

40 The third part, Subpart C, talks about baseline  
41 determinations, the rural determinations in order to be  
42 eligible as part of the Federal Subsistence Program and the  
43 customary and traditional use determinations.

44

45 And then the fourth part, Subpart D, is kind of the on  
46 the ground regulations with subsistence fishing seasons,  
47 permitted gear types, areas, closures, things of -- the sort of  
48 practical subsistence regulations.

49

50 So that's the overall structure. Looking quickly at

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1 some of the specifics. If you'll turn to the second page  
2 you'll see some shaded portions that identify all of the  
3 Federal conservation units in Alaska. And, again, the waters  
4 affected by the Katie John decision, the waters where the  
5 Federal Subsistence Program would exercise some jurisdiction,  
6 those are navigable inland waters inside Federal conservation  
7 units. And the purpose of this section in the regulation is to  
8 list those conservation units.

9  
10 For the benefit of the radio audience, let me mention  
11 again that the Federal Board is involved in this question of  
12 extending jurisdiction as a result of a court order, a Ninth  
13 Circuit Court of Appeals order in the Katie John case that  
14 requires the Federal Board to go forward. At the same time the  
15 Congress has established a moratorium on implementation of  
16 Federal jurisdiction through the current year, through October  
17 of 1997, so we are involved in some planning steps with the  
18 Councils and with the public right now, but there will be no  
19 change in seasons and bag limits on the ground until after the  
20 Congressional moratorium were to be lifted. We are not allowed  
21 to go all the way to implementation of new Federal subsistence  
22 management.

23  
24 I'd like to move kind of quickly on to Page 7. At the  
25 bottom of the page you'll see the reference to Subpart D and  
26 the program structure. The shaded portion at that part begins  
27 the regulations treating the question of extraterritoriality.  
28 This is an item that's been of great interest to many fisheries  
29 interest. The question here is the definition of  
30 extraterritoriality is that under certain circumstances the  
31 Federal government has the authority to regulate activities off  
32 of Federal lands or Federal waters if it is proven, if it's  
33 demonstrated, those activities are affecting -- are restricting  
34 the ability of people on Federal lands or waters to meet  
35 subsistence needs.

36  
37 So the key point is the Federal government does not  
38 take over other waters, it can only act to protect -- it can  
39 act off site, off of Federal waters if that necessary to  
40 protect the subsistence use on Federal waters or in Federal  
41 waters. That idea is referred to as extraterritorial  
42 jurisdiction. It is a longstanding legal tool available to the  
43 Federal government, there's no new law, no new legal ground  
44 work being laid here.

45  
46 What I wanted to draw your attention to in the  
47 regulation is the statement that the Secretaries of Interior  
48 and Agriculture retain their existing authority to restrict or  
49 eliminate hunting, fishing or trapping activities which occur  
50 on lands or waters in Alaska, other than public lands, that is

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1 outside of Federal lands, when those activities interfere with  
2 subsistence fishing, hunting, trapping on the public lands to  
3 such an extent to result in a failure to provide the  
4 subsistence priority.

5  
6 The person making decisions about this is the Secretary  
7 or the two Secretaries of Interior and Agriculture. This is  
8 not an authority that would be exercised directly by the  
9 Federal Subsistence Board. And that's a question that was  
10 posed very vigorously last spring when the first round of  
11 public discussion about Federal subsistence fisheries was  
12 raised.

13  
14 Again, the Secretaries of Interior (sic) retain the  
15 final decision making authority in any exercise of  
16 extraterritorial regulation.

17  
18 Randy, go ahead.

19  
20 MR. CHRISTENSEN: Where did you get your main  
21 opposition from?

22  
23 MR. BRELSFORD: Well, I think it's fair to say that  
24 this is precisely the question that drew the most concern from  
25 some of the intercept fisheries. The Area M fishery, for  
26 example, occurs outside of the waters affected by Federal  
27 subsistence jurisdiction, but some of the user groups upstream  
28 or further on.....

29  
30 MR. CHRISTENSEN: Mainly from commercial interests or  
31 sport interests?

32  
33 MR. BRELSFORD: Generally, yeah, I think that's fair to  
34 say. There was a strong legal opposition to this that's based  
35 on kind of general idea of retaining State management over  
36 fisheries as much as possible. But as far as interest groups  
37 that were directly worried about turmoil in their fisheries,  
38 the False Pass disputes, Area M and Yukon-Kuskokwim, Norton  
39 Sound dispute that you're all familiar with, that touches on  
40 this whole question of extraterritoriality.

41  
42 The upstream user groups, Norton Sound, Bristol Bay,  
43 Yukon Delta, they could raise a question or raise a problem  
44 about a failure to meet subsistence uses and ask that the  
45 Federal government then go off of Federal waters, over to Area  
46 M and regulate that fishery enough to protect the subsistence  
47 users. That was kind of the dispute.

48  
49 What has occurred at this point is that the authority  
50 is going to say with the Secretaries of Interior and

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1 Agriculture, this is viewed as a national matter. When  
2 jurisdiction is going to be exercised off of Federal lands onto  
3 lands and waters managed by the State, that's not going to  
4 happen locally or in the state of Alaska, that's going to be  
5 viewed as a very significant regulatory question with  
6 consultation at the national level, so the authority is  
7 retained by the Secretaries of Interior and Agriculture.

8  
9 MR. CHRISTENSEN: Can I ask him one more question?  
10 Where's this consultation going to come from mainly?

11  
12 MR. BRELSFORD: Well, let me -- let's go one more step  
13 and I'll show you the other part of the picture. On Page 8 at  
14 the bottom of the page you'll see a shaded portion, it's Roman  
15 Numeral xvii, if I remember how to read those right. What is  
16 says is that this -- these are listing of duties for the  
17 Federal Subsistence Board, and it says the Federal Subsistence  
18 Board will evaluate whether hunting, fishing and trapping on  
19 waters or lands in Alaska, other than public lands, whether  
20 those activities off site are interfering with subsistence  
21 hunting, fishing and trapping, on public lands, on the Federal  
22 lands to such an extent to result in a failure to provide the  
23 subsistence priority.

24  
25 Continuing, the Federal Board, after consultation with  
26 the State of Alaska, Regional Councils and other Federal  
27 agencies would make a recommendation to the Secretaries for  
28 their action.

29  
30 So the Federal Board would receive a request or a  
31 complaint or an issue of this sort, they would evaluate the  
32 facts, consult with parties in Alaska and then forward  
33 information and recommendations to the Secretary of Interior  
34 and Agriculture. So those are the steps involved in how any  
35 decision of this sort would ever be made.

36  
37 Again, it is recognized as a very significant matter  
38 not to be done lightly. It requires a clear demonstration in  
39 the scientific basis for an action. And the decision authority  
40 is vested at the very highest level with the Secretaries of  
41 Interior and Agriculture.

42  
43 Let me stop for a second, see if that's made sense to  
44 people.

45  
46 CHAIRMAN OLSEN: Certainly, Taylor, if I might. As I  
47 listen to the process here, here again, it concerns me that  
48 when we had such problems as the fish on the Yukon, would this  
49 be effective enough to protect the resource as it happens? In  
50 other words, will this process take too long that the salmon

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1 run only lasts a certain amount of time. Will it happen within  
2 the year of the fisheries? Do you understand what I'm trying  
3 to ask?

4  
5 MR. BRELSFORD: Yeah. Mark, I would respond with two  
6 points. One, the emergency closure authority -- the  
7 conservation responsibility of the Federal Board are strong and  
8 immediate. There are authorities to close public lands for  
9 resource protection purposes in very short order, that's not  
10 lengthy with delay. That's treated as an urgent matter where  
11 that occurs.

12  
13 The problem in Western Alaska, the intercept fisheries,  
14 different species that have had, you know, rising and falling  
15 population levels, what has happened there is that there is a  
16 fairly significant scientific dispute. That question has been  
17 aired at great length in the courts and before the Alaska Board  
18 of Fisheries, and there's quite a lot of difference of opinion  
19 about the stock identification, about the basic biology of the  
20 fish runs, what effects are being -- what impacts are occurring  
21 in Area M and what the downstream effects are for returns in  
22 Norton Sound and elsewhere.

23  
24 I guess the point I would make is that there are no  
25 short cuts in the Federal Program to a hugely complex  
26 scientific and regulatory problem with that. If the Federal  
27 Board were to be involved they would have to do the same kind  
28 of scientific investigation, the same careful consideration of  
29 evidence, of biological evidence before they could recommend a  
30 course of action to the Secretary.

31  
32 So I think nobody should be disappointed or alarmed.  
33 The exercise of extraterritorial jurisdiction is not going to  
34 come over night and so it's not going to be a short cut  
35 solution to the kinds of controversies that have plagued the  
36 Western Alaska salmon fisheries for many years, maybe a decade  
37 or more. It brings some new players into the process, the  
38 Federal Board and the Secretaries of Interior and Agriculture,  
39 but the same issues are trying to figure out the biology and  
40 the regulatory solutions, the allocation solutions, all the  
41 same steps basically have to be gone through.

42  
43 CHAIRMAN OLSEN: Thank you, Taylor. One moment here,  
44 if I can, please. I would like to mention that we are here on  
45 the air, the Federal Subsistence Council and staff for any  
46 questions or concerns or matters on these issues that we are  
47 discussing as to the implementation of the Federal fisheries on  
48 Federal lands. The number to call is 1-800-478-4736. Once  
49 again 1-800-478-5736. Thank you.

50

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1 Will you continue, please, Taylor?

2

3 MR. BRELSFORD: Okay. Thanks. So what we've done so  
4 far is to touch on the jurisdiction and scope question, the  
5 waters, the conservation areas that would be affected. Then we  
6 looked at Subpart B, where the questions of Board authorities  
7 are laid out. And a topic that I highlighted for your  
8 attention is this question of extraterritoriality.

9

10 One more item under Board structure, under subsistence  
11 management structure, the Federal Board, under these  
12 regulations, would be able to delegate to field officials, area  
13 agency field officials, opening and closing authority. This  
14 would allow the flexibility that you're familiar with in the  
15 State fisheries management system for emergency openings. That  
16 authority currently doesn't exist in the Federal regs, this  
17 would allow us to operate with the same kind of on-site  
18 flexibility.

19

20 As with the State, the Board would lay out the window  
21 but the on-site managers would monitor return timing and run  
22 strength and they would have some very quick authority,  
23 emergency order, style authorities. That's a new addition to  
24 the Federal program, but it's one that you guys are all  
25 familiar with.

26

27 That's really all I wanted to draw your attention to in  
28 Subpart B, so that would take us to the third part of the regs,  
29 which you'll find on Page 16. And what you see in the table  
30 there is a set of c&t determinations for customary and  
31 traditional use determinations. These decisions or  
32 determinations are a pretty rough baseline. The Federal Board  
33 has not been involved in subsistence fisheries management so  
34 they haven't done much work in this area.

35

36 What you see here are the determinations that were made  
37 by the State through 1989 when the State Subsistence Management  
38 Program was still in compliance with the Federal law, with  
39 ANILCA requirements. We think there's probably a lot of room  
40 for updating, that there are likely to be some other species  
41 that are used for subsistence purposes. Again, our program  
42 would only operate on inland waters, the navigable waters,  
43 generally not in maritime waters except the special cases. In  
44 the Kodiak Refuge, Womens Bay is a key example, and there are  
45 some others in the Aleutians.

46

47 This is probably an area where we're going to need to  
48 buckle down and look a little closer at some point at which  
49 waters are affected and, therefore, what species and which  
50 communities use those species. So I just highlight that for

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1 you. If you have some insight on this, it's an area where  
2 comments and input from the Council would be very helpful  
3 Again, we were hoping to kind of wrap up this round of  
4 consultation by receiving public comments prior to March 3rd.

5  
6 If there are no questions or comments on that part  
7 we'll go to the last section, the kind of on the ground rules  
8 of subsistence fishing regulations.

9  
10 Mark, did you have something before we proceed?

11  
12 CHAIRMAN OLSEN: Yes, just a minor, here, it looks like  
13 a typo here under the areas in the Kodiak area, it says, Kmuya,  
14 I think that should be an I, Imuya Bay.

15  
16 MR. BRELSFORD: Okay. Duly noted.

17  
18 CHAIRMAN OLSEN: Once again I'd like to welcome the  
19 listeners here to the Federal Subsistence Regional Council  
20 meeting here. We are discussing the implementation of the  
21 Federal fisheries for subsistence and we will also be  
22 discussing the elk.

23  
24 The number to call for concerns or questions is  
25 1-800-478-5736.

26  
27 Thank you. Taylor.

28  
29 MR. BRELSFORD: Thanks. Let's look together as Subpart  
30 D, I'll highlight a couple of key points. This is the part  
31 that specifies the gear types that are authorized for  
32 subsistence fishing and some of the areas. It's kind of the  
33 specifics of subsistence fisheries regulation.

34  
35 The first item I'd like to draw to your attention is  
36 found on Page 19 in about the middle of the page. This is a  
37 portion that talks about methods, means and general  
38 restrictions and it identifies a whole listing of legal types  
39 of gear for subsistence fishing.

40  
41 You all may recall that the State Subsistence  
42 Management Program generally tried to distinguish some gear  
43 types, that some gear types were subsistence fishing gear types  
44 and some were not. So rod-and-reel was for many years, by  
45 definition, not a subsistence gear type under the State  
46 regulations. That is not the case in the Federal Subsistence  
47 Management Program.

48  
49 And so what these regulations say down about the middle  
50 is the rod-and-reel is a legal gear type for subsistence

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1 purposes. It's a small change but it was pretty aggravating to  
2 some people over the years.

3  
4 I think a more significant item to bring to your  
5 attention is found on Page 20, up at the top of the page. And  
6 I apologize, there's no highlighting here, so it doesn't jump  
7 out at you, but sections -- those paragraphs numbered (xi) and  
8 (xii) address the question of customary trade. And I'd like to  
9 reemphasize a general point and then look at the specifics.

10  
11 The intent there is that ANILCA recognizes and requires  
12 accommodation for small scale, local, customary trade, exchange  
13 of strips for small amounts of money, or roe for small amounts  
14 of money. The key thing is those are -- customary trade is  
15 less than a significant commercial enterprise. And there have  
16 been some court cases in Southeastern Alaska that have tried to  
17 define kind of the boundary line between small scale customary  
18 trade and a kind of misuse of customary trade where a lot of  
19 sale was occurring and it appeared to be a significant  
20 commercial enterprise. It appeared to be a way of trying to --  
21 kind of a loophole around the limited entry system to take fish  
22 under subsistence opportunities and sell parts or product.

23  
24 So that's the question, to make allowance for small  
25 scale customary trade, but somehow avoid abuse, where it would  
26 take on the character of a significant commercial enterprise.  
27 The courts in those earlier cases actually struggled with a  
28 dollar threshold, that above a certain amount it was a  
29 commercial enterprise, below a certain amount in a year, it was  
30 a small scale customary trade. And they used some figures,  
31 7,000 and \$10,000.00 per year were figures used in some of  
32 those early cases.

33  
34 When we talked to the Regional Councils in the fall  
35 meetings they was pretty strong reaction to this dollar  
36 threshold idea. People felt like that was pretty restrictive  
37 and, in particular, that not all the regions were the same.  
38 What might be appropriate in one part of Alaska may have, you  
39 know, bad consequences in another portion. So the general  
40 message we got back in the fall time was to make room for  
41 regional solutions on customary trade for definitions or  
42 regulations that would recognize regional differences.

43  
44 That brings me to this Paragraph Number (xi), it reads:  
45 No person may buy or sell fish, their parts or their eggs,  
46 which have been taken for subsistence uses except as provided  
47 for by the Federal Subsistence Board. That's kind of a  
48 bookmark that the Board has to come back with some regulations  
49 that would lay out the opportunities that would provide for the  
50 customary trade and again the intention here is to have

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1 regionally appropriate regulations. Dollar thresholds might  
2 work in some area, they were not popular in the Councils'  
3 responses in the fall time. There may be other ways to go  
4 about it that Regional Councils and the public can help us  
5 figure out in different parts of the state.

6  
7 The risks and the histories of problems with this are  
8 very different from one part of the state to the other. So  
9 what we're going to try and do is find an appropriate  
10 regulatory solution with the circumstances of each region.

11  
12 The next part, Paragraph (xii) kind of sets up a fire  
13 wall or a wall between customary trade, local, small scale and  
14 so on, and access to large commercial channels. The one we're  
15 going to provide for but allowing subsistence take in fish to  
16 enter into large scale commercial distribution or commercial  
17 sales, that is out of bounds. And so what Paragraph (xii) says  
18 is: persons licensed by the State of Alaska to engage in a  
19 fishery's business may not receive for commercial purposes or  
20 barter or solicit barter for subsistence take in salmon or  
21 their parts.

22  
23 We take that -- what that means is that licensed  
24 buyers, commercial fisheries' buyers, cannot buy subsistence  
25 take in fish under the guise of customary trade. It's to try  
26 and really vigorously separate the local small scale uses  
27 exchange sales of strips, sale of roe, keep that all outside of  
28 the commercial channels, the canneries, the buyers, the  
29 distribution channels to big markets, that's kind of the wall  
30 between the two and so that's the approach so far on customary  
31 trade.

32  
33 I see that the time is kind of rolling, I want to leave  
34 some time for Rachel Mason to provide a bit of information on  
35 the elk proposal, so I actually only have one more thing I  
36 wanted to direct your attention to. If you'll turn with me to  
37 Page 22 you'll see some strikeouts. This actually kind of  
38 carries on a comment that Randy made earlier that, you know,  
39 we're working with kind of rough cuts here on which waters are  
40 affected. So these are maritime waters that we think are not  
41 eligible for the Federal Subsistence Program. They were in the  
42 baseline regulations that we're working from and revising. But  
43 we're pretty certain that a lot of these maritime fishery areas  
44 will not be affected by the Katie John decision, so those are  
45 -- they're shown here with knockout, a bar all the way through  
46 the text. You'll see some of the other examples and we may  
47 have missed some. Again, it's an item where public input kind  
48 of, you know, helping us as a backstop would be very valuable.

49  
50 This portion we've looked at so far was on fin fish,

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1 there are some comparable season and bag limit regulations  
2 concerning shellfish, but I don't think there's any real hot  
3 buttons in there to kind of draw to your attention.

4  
5 So I would like to conclude by saying just a bit about  
6 what happens next. This version of regulations that you have  
7 in front of you now is a prepublication version, it hasn't gone  
8 in the Federal Register, there's some later steps. This is  
9 early consultation with the Councils. Comments are due back by  
10 March 3rd, if you would. There's a cover letter in your  
11 meeting notebooks that outlines the comment period.

12  
13 The next step would be publication as a proposed rule  
14 in the Federal Register and that's triggers a whole more formal  
15 public involvement step, we would hold meetings throughout  
16 Alaska on those regulations. It's currently not scheduled,  
17 it's still sort of the consultation process in Washington going  
18 on so we don't have a day for publication of the proposed rule  
19 or these next step of public meetings. But when these regs are  
20 published in the Federal Register as a proposed rule there will  
21 be additional public meetings in time for comment.

22  
23 And the final step, as you know, is the publication of  
24 the final rule. That's way in the future. The moratorium set  
25 up by the Congress prohibits us from publishing a final rule or  
26 actually on the ground implementation through October of 1997,  
27 so any on the ground changes in fishery regulations would have  
28 to occur after of October of 1997.

29  
30 I thank you all for your patience for kind of going  
31 through the specifics here and I hope that will help you make  
32 sense of what's coming and offer some helpful comments back to  
33 us. Thanks again, Mark.

34  
35 CHAIRMAN OLSEN: One thing here Taylor, if I could,  
36 please. A question here. Under -- let's see, the following  
37 locations are closed to the subsistence taking of salmon, we  
38 have here a line through all waters of Mill Bay and those  
39 waters bound by a line from Spruce Cape identifications. Now,  
40 that means then under the proposed rule that these waters will  
41 be open to subsistence.

42  
43 MR. CHRISTENSEN: Regulated by the State.

44  
45 MR. BRELSFORD: Right. What these regu -- these  
46 regulations are exclusively about Federal subsistence  
47 regulations on waters that would come under Federal  
48 jurisdiction under the Katie John decision. They have no  
49 effect on waters managed by the State and on the regulations in  
50 place, the subsistence fishing regulations by the State, so

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1 Randy's point, when it's drawn -- if something is taken out of  
2 Federal regulations that doesn't mean there's no regulation, it  
3 means that the State regulations apply.

4  
5 CHAIRMAN OLSEN: Understood. Thank you. Once again we  
6 are here with the Federal Subsistence Council. Any questions  
7 or concerns will certainly be appreciated. The number to call  
8 is an 800 number at 1-800-478-5736.

9  
10 We have just heard from Taylor Brelsford the  
11 implementation of the proposed rule on the Kodiak/Aleutian  
12 Regional that is coming up for review. Next we would like to  
13 hear from Rachel Mason and she'll give us an overview on the  
14 proposal here for the take of elk on the subsistence basis. So  
15 welcome, Rachel.

16  
17 MS. MASON: Thank you, Mr. Chairman. And first of all  
18 for the benefit of the radio audience and everybody here I want  
19 to say how happy I am to be in my former home town, Kodiak,  
20 especially on such a beautiful day.

21  
22 I'm going to be hitting some of the high points of the  
23 elk proposal, it's my understanding that the Council will come  
24 back to this later for deliberation and action on it, so I'm  
25 just going to describe what the main features of the analysis  
26 are and we'll see that later.

27  
28 Today the Council will consider a request for a  
29 positive customary and traditional use determination for elk in  
30 Unit 8 for the residents of Unit 8. And there's currently a no  
31 subsistence customary and traditional determination for elk  
32 here.

33  
34 The request for a positive c&t determination has been  
35 presented to the State Board of Game several times, most  
36 recently in March of 1993, at which time they again considered  
37 and rejected a proposal for a positive c&t. And the major  
38 argument presented then was that this was an introduced species  
39 and so should not be considered a traditional animal.

40  
41 I going to put up an overhead to show you some of the  
42 things that I'll be describing. Proposal 37, and that's where  
43 -- it shows where most of the elk are. The issue of the  
44 customary and traditional use of a species that's not  
45 indigenous to a region invites comparison with other species in  
46 areas. And of particular interest is the fact that there is a  
47 positive c&t for deer in Unit 8 that was adopted by the Board  
48 of Game in 1987. The deer were introduced to Kodiak Island in  
49 1924, which is just five years before the introduction of elk  
50 to Afognak Island.

1           There are a couple of differences, of course, with the  
2 deer situation, one is that the deer population has expanded in  
3 the Kodiak area to an extent that the elk population never has.  
4 And another difference is that elk are not indigenous to  
5 anywhere in Alaska, where as Sitka deer are native to parts of  
6 Alaska.

7  
8           The Federal lands that are involved in this proposal  
9 are all in the Kodiak National Wildlife Refuge and as you can  
10 see in the overhead there is -- in the area that is inhabited  
11 by the elk, which is essentially on Afognak and Raspberry  
12 Islands, there is a small portion in the northwest corner that  
13 is refuge lands.

14  
15           The circumstances of their introduction was that eight  
16 Roosevelt elk, five cows and three bulls were shipped from the  
17 state of Washington and first they were released on Kodiak  
18 Island at Kelsin Bay in 1928 and in 1929 they were transferred  
19 to Afognak Island, apparently because they were perceived to be  
20 competing with the local beef cattle for forage.

21  
22           And ADF&G, Division of Subsistence has conducted  
23 interviews with the former residents of Afognak where the first  
24 Kodiak area residents to encounter the elk as their population  
25 began to expand. Apparently after the elk arrived on Afognak  
26 Island local residents first saw them as a nuisance. Later as  
27 the elk became more plentiful and more visible first some  
28 illegal harvest began and then later after a permanent hunt was  
29 initiated in 1950 some illegal and legal harvests were done.

30  
31           Since 1970 the hunting for elk in Unit 8 has been by  
32 permit only, either by drawing permit or by registration  
33 permit.

34  
35           I have a lot of data on the amount of elk hunting  
36 effort and harvest by residents of different communities on  
37 Kodiak Island, I think I'll save that for later on in the  
38 agenda and just for this short presentation here I'll say that  
39 residents of the communities nearest to the elk populations on  
40 Afognak and Raspberry Islands have hunted elk since soon after  
41 the introduction of the animals to the area, which was in 1929.

42  
43           Some of the current residents of Port Lions and  
44 Ouzinkie represent the third generation of elk hunters since  
45 the residents of Afognak first encountered elk. And while elk  
46 is not a species that was historically used by Alaska Natives  
47 in this area it has been harvested, processed, hunted and used  
48 in a manner that is consistent with traditional subsistence  
49 harvesting for Kodiak area Natives.

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1           Generally the patterns of use of elk have been  
2 comparable to patterns to the use of deer which is a customary  
3 and traditional species. And upon looking at the data on  
4 harvest as well as ethnographic data and information from  
5 interviews we concluded that a consistent pattern of use was  
6 most well established for the residents of Port Lions and  
7 Ouzinkie. There's a higher percentage of households in those  
8 communities who use and harvest elk than any other communities  
9 in Unit 8 and although Kodiak City residents recorded  
10 numerically more harvests of elk, as a percentage of households  
11 that use it there's a lower percentage of Kodiak City  
12 households that use it than those in Ouzinkie or Port Lions.

13  
14           It should be noted, too, that there have been regular  
15 harvest by Old Harbor residents that have occurred on a regular  
16 basis since the mid '80s and these have been largely as a  
17 result of joint hunting trips with friends from Port Lions and  
18 Ouzinkie. And there have also been some elk hunting efforts  
19 and harvests by other -- residents of other communities on  
20 Kodiak Island, notably Akhiok and Larsen Bay and some by remote  
21 rural residents.

22  
23           Also there have been some -- since 1990 there have been  
24 elk harvest by residents of new communities, have been  
25 established on Afognak Island, notably Aleneva which is a  
26 Russian Old Believer community as well as residents of logging  
27 communities, Danger Bay and Concor are marked there. And  
28 residents of those settlements have in recent years harvested  
29 elk and recorded elk harvests.

30  
31           So our preliminary conclusion was to support the  
32 proposal but with the modification that there's a positive  
33 customary and traditional use determination only for the  
34 residents of Port Lions and Ouzinkie and that's on the basis of  
35 the historical ties of the residents of those communities to  
36 the resource, they're proximity to the location where they were  
37 first introduced.

38  
39           So I'll stop there and see if there's any questions  
40 that come in from the air or from the Council members.

41  
42           CHAIRMAN OLSEN: Thank you. Once again, I guess, we'd  
43 like to remind the public that we're on the air here with the  
44 Kodiak/Aleutians Regional Subsistence Council. Questions can  
45 be addressed to 1-800-478-5736.

46  
47           One question that I might have, Rachel. I know we will  
48 not deliberate on this probably until tomorrow, but we wanted  
49 to give it some air time. You mentioned we have the lower  
50 household usage here in Kodiak, is that based on per capita?

0028

1 MS. MASON: Actually there would be a lower per capita  
2 but higher numerical because Kodiak is so much larger than any  
3 of the other communities. There are more elk harvested by the  
4 city of Kodiak, but if you divided among all the population of  
5 Kodiak it comes down to a much lower per capita harvest here.

6  
7 CHAIRMAN OLSEN: I understand, thank you.

8  
9 MS. MASON: You bet. Yeah.

10  
11 MR. CHRISTENSEN: Yes, Rachel, who's the author of this  
12 proposal?

13  
14 MS. MASON: It incorporates some backlog customary and  
15 traditional proposals that came in from Melvin Squartsoff, Pete  
16 Squartsoff and the Kodiak National Wildlife Refuge. And it was  
17 put forward by your Council last year as a customary and  
18 traditional proposal but then it got deferred by the  
19 subsistence program and so it's come forth again this year, but  
20 it was based on those backlogs.

21  
22 MR. CHRISTENSEN: Okay. As I remember it, though, I  
23 just kind of -- to go back to the bartering question, too, but  
24 as far as leaving out the other four villages that are  
25 indigenous to Kodiak Island also, I'd like to see all four  
26 village be eligible for subsistence harvest, at least to some  
27 degree.

28  
29 MS. MASON: Yeah, that's what the Council did.

30  
31 MR. CHRISTENSEN: And then the proposal, that's the  
32 only thing I'd like to see changed.

33  
34 MS. MASON: Um-hum. Okay.

35  
36 CHAIRMAN OLSEN: Yes, Mr. Malutin.

37  
38 MR. MALUTIN: Yes, my name is Iver Malutin and I'm a  
39 lifelong resident of Kodiak. And it seems to me that every  
40 time we talk about subsistence or anytime we talk about Native  
41 use, Kodiak always seems to be left out. And it just bothers  
42 me that this happens all the time.

43  
44 To give you a little history, we're talking about  
45 subsistence fishing at Mill Bay and Mission where Mission is  
46 located today, we used to subsistence fish there for years and  
47 years and years. And all of a sudden people moved into Kodiak,  
48 Kodiak got larger, sport fishing came in and all of the sudden  
49 the boundaries changed and then we moved into where the boat  
50 harbor now exists. And after that when development came in the

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1 harbor came in, then where we going to go? We moved out to the  
2 airport and at that time there were no such things as permits,  
3 this was not a state.

4  
5 Same thing, we moved and yet the people in the villages  
6 have had their subsistence lifestyle unchanged since day one,  
7 but because of development we had our changed. And now again  
8 today I'm kind of getting the picture that because I'm a  
9 resident of Kodiak, I'm a Native in Kodiak that I am being  
10 excluded from something and I just don't think it's fair and I  
11 wish the Board would reconsider in any of their subsistence  
12 uses for any Natives, include all the Natives on Kodiak Island.

13  
14 Thank you.

15  
16 CHAIRMAN OLSEN: Yes, thank you, Iver, that has been a  
17 big concern of ours since the inception here and we are trying  
18 to deal with it.

19  
20 Yes, Mr. Holem.

21  
22 MR. HOLEM: Thank you, Mr. Chairman. My name is Oliver  
23 Holem, I'm a resident of Kodiak. I first shot elk in Kodiak  
24 about 30 years ago, a little over 30 years ago and I've hunted  
25 them off and on. My family has participated in sharing elk and  
26 eating elk meat for five years in a row recently although I've  
27 never been drawn for a drawing permit.

28  
29 When the Fish and Game Advisory Committee, which I am a  
30 member of, reviewed the last proposal to make elk a subsistence  
31 animal, we rejected that. I probably won't be able to remember  
32 all the arguments, but we rejected that proposal partly because  
33 -- well, two main reasons, one thing the early hunting of the  
34 proposal was based on illegal hunting poaching, which actually  
35 was delaying the successful introduction spread of the elk.

36  
37 The other thing that under the State system Kodiak has  
38 such a small number of elk, the harvest level might 250-300  
39 animals at the most a year, that it was quite likely that  
40 Kodiak would be discriminated against because we're only eight  
41 mile further away, that was under the State thing which had  
42 geographical distance was a real important thing. So we  
43 rejected that because Kodiak residents had hunted elk legally,  
44 at least, just as long as Port Lions and Ouzinkie residents and  
45 some people had just as much history.

46  
47 What the Advisory Committee did under State regulations  
48 to ensure access to villagers because there's a small number of  
49 people and they -- anyone has only a limited chance to be drawn  
50 in the drawing permit, was to limit the number of permits on

0030

1 Afognak where the biggest -- where most of the elk are, to a  
2 small enough number so that almost every year -- and I think it  
3 has been every year that parts of Afognak would be open on a  
4 registration basis where anyone would just register and go  
5 hunting on the date that they open, after the drawing hunts are  
6 over, to ensure that local residents in the villages and in  
7 Kodiak would always have an opportunity to hunt elk. And we  
8 did that and I think we were fairly successful because most of  
9 Afognak has always had been reopened later on after the drawing  
10 permit so that local people could get a chance to hunt elk.

11  
12 And in addition this area a little bit bigger than the  
13 shaded area up there, it goes all the way from Melina Bay up to  
14 Discovery Bay and has been open on a registration basis, so  
15 anyone that wants to during the season, which is fairly long  
16 there, can go register with the Department, go hunting and not  
17 totally dependent on being drawn. I've hunted in that area and  
18 our parties have gotten elk there.

19  
20 In addition an area near Seal Bay will probably be  
21 added by the Board of Game to the registration hunt where you  
22 don't have to be drawn, so there'll be quite bit of opportunity  
23 for local residents to go elk hunting and get an elk.

24  
25 CHAIRMAN OLSEN: Thank you, Oliver. Once again here  
26 the Federal Subsistence Council is here, regional meeting here  
27 in Kodiak. The elk will probably not come up for deliberation  
28 until possibly tomorrow but we did want to give it some air  
29 time so that people of the Kodiak region here might hear us and  
30 address any questions or comments that they might have on these  
31 two major issues that we are covering during this meeting.  
32 Once again the number 1-800-478-5736.

33  
34 Did that conclude your.....

35  
36 MS. MASON: I don't have anything else at this time.

37  
38 MR. MALUTIN: I have one more comment.....

39  
40 CHAIRMAN OLSEN: Mr. Malutin.

41  
42 MR. MALUTIN: .....I'd like to make, if I may.

43  
44 CHAIRMAN OLSEN: Yes, certainly, Iver.

45  
46 MR. MALUTIN: Looking at this graph from the percentage  
47 of Natives -- excuse me, my name is Iver Malutin again and  
48 looking at this graph at percentage of Natives on Kodiak Island  
49 it is interesting to see that you only have 13 percent of the  
50 people in Kodiak are Native, but if you take 13 percent of

0031

1 6,365 as opposed to all these other high percentages of the  
2 other villages, you're going to see where the Natives really  
3 are on Kodiak Island. And that's why I strongly urge you to,  
4 please, in the future consider Kodiak with subsistence.

5  
6 Thank you.

7  
8 CHAIRMAN OLSEN: Thank you, Iver. Yes, Craig.

9  
10 MR. MISHLER: Are you also taking agency comments at  
11 this time or would you like to defer that until the proposal is  
12 discussed?

13  
14 CHAIRMAN OLSEN: I have no problem with it at this  
15 moment. Is there any objection?

16  
17 (No audible response)

18  
19 CHAIRMAN OLSEN: Hearing none, please feel free to  
20 speak.

21  
22 MR. MISHLER: I can do it now or whenever.

23  
24 CHAIRMAN OLSEN: Certainly we'd like to hear a comment,  
25 I believe, at this time, I hear no objection.

26  
27 MR. MISHLER: Yes, my name is Craig Mishler, I'm a  
28 Subsistence Resource Specialist with the Alaska Department of  
29 Fish and Game. When this issue came up a few years ago -- I  
30 want to preface my remarks by saying that the Department is  
31 taking a neutral position on the proposal. What I want to read  
32 into the record here neither advocating a positive nor negative  
33 finding on the c&t proposal, but we are trying to enlighten  
34 everyone as to what kind of history was associated with  
35 hunting.

36  
37 In the last few years I've done considerable amount of  
38 research in the Port Lions and Ouzinkie and one thing that came  
39 up numerous times was the fact that people said that the  
40 animals were introduced to Afognak for the purposes of  
41 subsistence for the Native people. And I decided to try and  
42 trace that belief down to its source and the source turned out  
43 to be John Nelson, Sr. which is Robert Nelson's father. And on  
44 December 10th, 1994, I did an interview with John Nelson, Sr.  
45 in his home in Port Lions and I'd like to read that into the  
46 record, if I may.

47  
48 I started out by saying: Were you born in Afognak?

49  
50 Yes. I was born in Afognak.

0032

1 What year was that?

2

3 1914.

4

5 And then you were involved in the transplanting of the  
6 elk?

7

8 Yeah.

9

10 Could you tell that story for me?

11

12 Yeah, well, like who was it now, Snipes? Snipes,  
13 Dennis Wynne, and that O'Malley. I forgot his first name.  
14 Well, anyhow it was so hard to get meat, you know. All they  
15 did is get the ducks and seals. That was all the meat that we  
16 could get there, you know. So they wanted the elk. They  
17 started with the elk first.

18

19 And that was 1926 or so?

20

21 Something around there.

22

23 Actually we know now it was 1929. I said, 1927?

24

25 He kept saying, something around there. They were  
26 talking about it, and they did get some elk on the ship to  
27 Kodiak, you know. And then to Kalsin Bay there. Then they had  
28 this farmer there. He had sheep and cows there, and then I  
29 guess the elk were a problem. Then I guess they didn't want  
30 them. The cows were scared of them, and the sheep were scared  
31 of them. They wanted them out. 'Cause they were going to  
32 bring half of them to Afognak Island and leave half in Kodiak.  
33 So they brought all of them to Afognak Island.

34

35 And right by the old village there?

36

37 No. They took them right into Litnik Bay.

38

39 Oh, into Litnik?

40

41 Yeah, right into Litnik Bay, right below where the  
42 bridge used to be.

43

44 And what was the reason they brought them there to  
45 Afognak?

46

47 They didn't want them around Kodiak, no.

48

49 'Cause they messed with the cattle?

50

0033

1           Yeah, on account of the cattle and stuff. Um-hum.  
2 Yeah. No, they didn't want them there. It was easy, though,  
3 nice and they wanted to bring them to Afognak, you know. So  
4 people on Afognak got together. They wanted them brought over,  
5 you know.

6  
7           Did the village ask for those animals, or did they just  
8 bring them?

9  
10          Well, this Dennis Wynne and those, they promised like  
11 that they'll bring them to the villages, so the people could  
12 have meat and stuff like that.

13  
14          That was for their subsistence?

15  
16          Yeah, it must have been for subsistence. And then  
17 later on the they brought some deer, but deer was already on  
18 Long Island. Who was it, Bennett? He had a fox farm, so he  
19 had deer there. He was using them for fox feed. But the deer  
20 was swimming across to Kodiak Island.

21  
22          The deer came after the elk, or before?

23  
24          Well there was already deer on Long Island, you see.  
25 But the deer came after the elk. They bought -- I forget how  
26 many. Then, I guess. Ten or something like that. And then  
27 they brought a pair only to Afognak. 'Cause it was hard to  
28 handle them I think. So they let everything loose. They come  
29 in freighters.

30  
31          And then what did they do? Put them in skiffs, or --  
32 how did they bring the elk in there?

33  
34          Well, the way it was, you know. We all went. There  
35 was a bunch of us. We thought we would have to herd them, you  
36 know, and all that stuff. They were tame, so you could just  
37 take them and pet them. Got them down to the beach where there  
38 was a big skiff. I think it was 30 feet long. It's a big  
39 skiff and then the walls must have been five feet or more. And  
40 all they did was just put blinds to them from the stern of the  
41 skiff.

42  
43          Did they have to tie them up? Tie up the animals?

44  
45          No. No. No. They came just from petting them and  
46 feeding them on alfalfa hay, you know. Them few females, you  
47 know, they started to tease them, you know, started following  
48 them up the planks and the others followed.

49  
50          They just walked right on?

0034

1 Um-hum (affirmative). And got them out the same way.

2

3 And they didn't want to jump overboard, huh?

4

5 No. Unh-unh (negative). There was lots of feed for  
6 them there. They were feeding.

7

8 Were you on the skiff?

9

10 No. No. We had a boat called the Red Wing. That was  
11 the boat that towed the skiff. Yeah, when we got to Litnik, we  
12 took them up river there. Walked right off, you know?

13

14 And then when did you guys start hunting them for food?

15

16 No, we didn't touch them at all. We only just left  
17 them, and then they started making laws and stuff, you know,  
18 and nobody touched them. Well, somebody would go and kill one,  
19 you know.

20

21 There was some poaching?

22

23 Yeah, um-hum.

24

25 But you never did take very many.

26

27 No. Nobody bother them until they wanted them to be  
28 hunted. We weren't supposed to touch them, of course, until --  
29 there was only five does and three.....

30

31 Three bucks?

32

33 Um-hum (affirmative). Three bucks. But the breeding  
34 started from four does. One of them swam -- they usually have  
35 a cache -- he swam to Whale Island.

36

37 Oh really?

38

39 Um-hum (affirmative). Then yeah, there was a fox  
40 farmer there, and he didn't like them, you know. That buck, I  
41 guess he was tipping over the live boxes with the foxes and  
42 stuff like that, so I guess they went and shot him and got rid  
43 of him. He disappeared.

44

45 So how many was there left on the main island there?

46

47 There was only four does and three bucks.

48

49 And all that elk that's there today came from them?

50

0035

1           Yeah. Just from those four does. Then when the Army  
2 was there in Litnik there, they killed them just for their  
3 teeth. Yeah. They were taking their teeth and selling them  
4 for \$25.00 a tooth for the Lions and Elks Club, yeah.

5  
6           You said they brought them in there for the Natives for  
7 food.

8  
9           Yeah, um-hum (affirmative).

10  
11          But then they wouldn't let you hunt them, huh?

12  
13          No. Oh no. Not until they increased, you know.

14  
15          Do you know what year they started letting you hunt  
16 them?

17  
18          No, I don't.

19  
20          Was it in the '40s or '50s?

21  
22          I don't know. Then they had a season on them, and I  
23 don't remember. No, I never did kill an elk.

24  
25          You never shot one?

26  
27          No.

28  
29          (End of story)

30  
31          MR. MISHLER: So this puts some perspective, I think,  
32 on the reason that the elk were introduced in the first place  
33 and I did some research on the enabling legislation and the  
34 Governor's annual reports were 1926, '27, '28, '29 when this  
35 was discussed and there was never anything stating what the  
36 purpose of introducing the elk was. But pretty clear from this  
37 eyewitness who at the time would have been 15 years old what  
38 the stated purpose of the introduction was.

39  
40          And one other little piece of information that I  
41 thought would be of interest to the Council. Just this winter,  
42 January, I was in Ouzinkie and I was talking to some of the  
43 elders there about the elk and their use of them. And Floyd  
44 Anderson, Sr. told me that in around 1953 or '54 there were a  
45 number of crab fishermen who got stranded in Tonki Bay during  
46 the middle of the winter. And they were weathered in there for  
47 31 days with six other boats that were crab fishing. And they  
48 ran out of food.

49  
50          And there was a big ice pack in the bay that kept the

0036

1 boats from coming out. And they started eating their herring  
2 bait and they started eating the darkies and then finally they  
3 resorted to hunting elk. And it's pretty clear that their  
4 survival under those adverse conditions were due to their  
5 resourcefulness in hunting elk. And that was about the same  
6 time when the first permit hunts were allowed in the early '50s  
7 for sport hunting. But it's clear that they were using them  
8 for subsistence under -- at least under emergency conditions.

9  
10 So those are the only two things that I wanted to bring  
11 forward and mostly for informational background.

12  
13 CHAIRMAN OLSEN: Is there any questions here for Craig?  
14 I guess I answered my own question here when I wondered what  
15 the State might have documented on that but these were  
16 certainly transplanted even before Alaska become a state, so I  
17 guess it would be kind of difficult to trace back exactly what  
18 was in mind when these were planted. So that is the good  
19 testimony.

20  
21 MR. MISHLER: I'll give this to your recorder here for  
22 the record.

23  
24 CHAIRMAN OLSEN: Thank you, Craig.

25  
26 Is there any more that you have to add, Rachel?

27  
28 MS. MASON: I don't have any more at this time. I  
29 mean, I could present more information if there is time, but I  
30 think we've -- we're right on the dot of 11:00, so.....

31  
32 CHAIRMAN OLSEN: Right. Okay. I appreciate it. Is  
33 there any other questions here we have in house?

34  
35 (No audible responses)

36  
37 CHAIRMAN OLSEN: Well thank you then, Rachel. If  
38 nothing else at this time I would certainly like to call for a  
39 10 minute recess.

40  
41 (Off record)

42  
43 (On record)

44  
45 CHAIRMAN OLSEN: Excuse me, if we can we'd like to call  
46 this meeting back to order. I believed at this time we do have  
47 a person on the phone here with a question, so if we can give  
48 them the opportunity to speak to us I'd appreciate it. Thank  
49 you. Go ahead.

50

0037

1 MR. DECLAMEN (ph): Yes, good morning, this is Dave  
2 Declamen calling from Kodiak. I just would like a question  
3 answered. What is the intent and purpose of subsistence? And  
4 I thank you.

5  
6 CHAIRMAN OLSEN: What is the intent and the purpose of  
7 subsistence?

8  
9 MR. DECLAMEN: Right.

10  
11 CHAIRMAN OLSEN: Wow, that's a really a certainly a  
12 broad question there. I don't know, would somebody care to  
13 take that question on or would you.....

14  
15 MR. BRELSFORD: Mark, I guess I'll take a shot at this.  
16 This is Taylor Breslford from the Federal Subsistence  
17 Management Program. Our listener has asked in a very general  
18 sense what's the purpose of subsistence -- of the subsistence  
19 regulations? I think probably the best answer is to look a  
20 little bit historically and to say that with the Alaska Native  
21 Claim Settlement Act in 1971 aboriginal title was given up by  
22 Alaska Native people in return for some lands, for some  
23 compensation funding and for the organizations of the  
24 corporations.

25  
26 That aboriginal title included some hunting and fishing  
27 rights. Aboriginal hunting and fishing rights, those were  
28 given up at that time in '71, but very importantly at the same  
29 time the Congress said that they expected the State of Alaska  
30 and the Secretary of the Interior to look out or to protect the  
31 interests, the hunting and fishing interest of Alaska Native  
32 people. And it took another decade to get specific about that.

33  
34 In 1981 Congress passed another bill, the Alaska  
35 National Interest Conservation Lands Act, and they had a whole  
36 section of that law, it's called Title VIII, it was very  
37 specific about how to protect those hunting and fishing rights,  
38 those hunting and fishing interests. There was some  
39 compromises struck in order to allow the State of Alaska to  
40 manage a unified subsistence program. So the protection in  
41 ANILCA for subsistence is for rural residents. It is not  
42 limited, not exclusive to Alaska Native people, even though the  
43 origins back in ANCSA back in 1971 had referred to hunting and  
44 fishing rights of hunting and fishing interests of Alaska  
45 Natives.

46  
47 So the legal framework that we all operate under in the  
48 Federal Subsistence Management Program is Title VIII in ANILCA  
49 and again it establishes a priority for rural subsistence users  
50 over other taking -- over other hunting and fishing activities

0038

1 when there's not enough to go around. When all the needs can't  
2 be met then subsistence uses are given the priority.

3  
4 So I'm responding to your listener with a bit of a  
5 legal and historical reference, I think on the matters of how  
6 subsistence is important to people who have lived on this land  
7 for generations, maybe I'm not the best person to speak about  
8 that, the meaning of subsistence, I think the Council may have  
9 some comments along those lines.

10  
11 CHAIRMAN OLSEN: Thank you, Taylor. As I might want to  
12 add into that also for those folks who are basically new to  
13 Alaska, we are carrying on a customary and traditional  
14 lifestyle that has been Alaska since known to man, that we did  
15 not have industrial or commercial ways to provide a living as  
16 known today, but the people lived off the land, that was their  
17 means of existence.

18  
19 I know that the word subsistence has been controversial  
20 within our discussions, that if it was to be looked up under  
21 Webster's definition of subsistence, it infers to -- that, I  
22 guess, more in one word, poverty is brought into it a lot, to  
23 which subsistence has absolutely nothing to do with poverty in  
24 our culture, but only as a means of feeding and caring for the  
25 families with food and clothing.

26  
27 I hope that answers the question.

28  
29 Yes, Brenda.

30  
31 MS. SCHWANTES: (Indiscernible - away from the  
32 microphone) at this time or.....

33  
34 CHAIRMAN OLSEN: Yes, it's ongoing comments, yes.

35  
36 MS. SCHWANTES: Okay. I'd like to make on now then.

37  
38 CHAIRMAN OLSEN: Please do so. Please come to the mic  
39 and state your name, please.

40  
41 MS. SCHWANTES: Okay. Excuse me, I have a cold. My  
42 name is Brenda Schwantes and I was just reviewing this draft  
43 and my grandmother -- my great grandfather is Anton Larsen and  
44 it says on Page 22, Section 9, down in 3(c): all waters closed  
45 to commercial salmon fishing in -- and Anton Larsen Bay is one  
46 of the areas which is -- or has been, looks like, excluded from  
47 taking subsistence salmon. My grandfather settled out on Anton  
48 Larsen Island and used the resources and my grandmother lived  
49 there all of her life and used the resources and my family has  
50 an interest out in that area, we -- and the extended family,

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1 our family, has an interest out in that area, land and homes  
2 and so forth. And I object to closing that area for  
3 subsistence -- taking salmon for subsistence purposes. I don't  
4 understand why it was left in there, but I do object to not  
5 allowing subsistence salmon take out in Anton Larsen Bay.

6  
7 CHAIRMAN OLSEN: Thank you, Brenda. I just want to  
8 comment here too, that these here are the draft proposed  
9 regulation. It's my understanding that this is the first time  
10 that the Council has had a chance to look at these and we will  
11 be reviewing them and will come up for discussion here further  
12 into the meeting, but I think you for your input.

13  
14 MR. CHRISTENSEN: Mr. Chair.

15  
16 CHAIRMAN OLSEN: Yes, Randy.

17  
18 MR. CHRISTENSEN: I'd like to comment. If I understand  
19 this correctly, I think, Brenda, what it is is that this is  
20 just under jurisdiction of the Federal subsistence regulations  
21 and that anything that you see crossed out there will go back  
22 to the State, so to the State -- so it's under the jurisdiction  
23 of the State, but the subsistence areas are not being closed.

24  
25 Do I understand that correctly?

26  
27 CHAIRMAN OLSEN: Taylor, could you enlighten us on  
28 this, please?

29  
30 MR. CHRISTENSEN: Yeah, so it's just basically Federal  
31 jurisdiction as opposed to State jurisdiction, but it's not  
32 being closed down at all.

33  
34 MR. BRELSFORD: Thank you, Mr. Chairman. And Randy's  
35 correct as far as which waters are affected by these  
36 regulations, so the strikeouts mean that they're outside the  
37 reach of the Federal regulations.

38  
39 Brenda, your question is to what's the background on  
40 this closure, and a portion of it would remain in place, the  
41 Anton Larsen Bay portion is not stricken out, so under Federal  
42 regs, as these currently read under these draft regulations,  
43 that closure would continue. I mentioned -- we had a bit of a  
44 conversation before we came back in session and these  
45 regulations, as I mentioned, were taken largely from the  
46 existing State subsistence fishing regulations and I'm not  
47 personally enough familiar to go backwards and explain the  
48 rationale or the history of those closures in that region, but  
49 I think what we'd like to do is get together with you at a  
50 break and see if Kevin Brennen from ADF&G can maybe shed a

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1 little light on how it came to be this way.

2

3 The purpose of this public review is to catch  
4 mismatches of this sort and if this doesn't square with a  
5 reasonable subsistence opportunity that's what public input  
6 allows us to try and work with. So you're comments are very  
7 well taken and I'd like to see if we can get you some more  
8 information before we wrap up. And also to express  
9 appreciation for your drawing attention to that.

10

11 CHAIRMAN OLSEN: Yes. So thank you, Taylor. I guess  
12 then it is understood here that under these draft proposals  
13 that the parts where it's stricken out are outside the scope of  
14 the Federal jurisdiction; is that correct?

15

16 MR. BRELSFORD: That is correct and it's a tentative  
17 reading, it was done kind of quickly. There may be some more  
18 specific instances where maritime waters not under Federal  
19 jurisdiction are still in there and they'll have to be cleaned  
20 up at a later stage. So I would say -- again we're working  
21 with kind of rough cut, it's got to be tailored and worked over  
22 a little more carefully as we go through the additional steps  
23 of public involvement.

24

25 CHAIRMAN OLSEN: I like the way you put that, it has to  
26 be tailored.

27

28 Any more questions on that issue here at hand?

29

30 (No audible responses)

31

32 CHAIRMAN OLSEN: Okay. Hearing no more comment on that  
33 side, and by the way, we are kind of leaving everything open to  
34 public comment as we move on. But the next thing I would like  
35 to share with you here today under old business is the joint  
36 Federal Subsistence Board/Regional Council Chairs meeting of  
37 November 20th, 1996.

38

39 As the Councils have been in existence now for, what,  
40 almost four years now, trying to sort these different issues  
41 out, as stated it has become very complex. And we brought  
42 between the 10 Regional Chairs we have met in kind of formed  
43 what we call the Joint Chairs to share our information as to  
44 how the proceedings all are going and maybe how we might be  
45 able to improve out goals as given.

46

47 Certainly we find a lot of obstacles that hinder our  
48 Councils and we have drafted out here out concerns and requests  
49 that have become the Councils. I will go through them here in  
50 a quick line item here. Certainly if there's any questions

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1 don't hesitate to call on it as I will try to answer your  
2 question as best I can.

3

4 MR. BRELSFORD: Pardon me, Mr. Chairman, it might be  
5 helpful to mention that this is at Tab Q in the bound booklets  
6 for the Council members and for the members of the public who  
7 have those.

8

9 CHAIRMAN OLSEN: Thank you, Taylor. Yes, under Tab Q.  
10 One of the first things brought up was Council member stipends.  
11 As you're well aware that the Councils here work for no  
12 compensation, that we are continuously taken away from our  
13 daily work and provision to attend these meeting and to put the  
14 input into this new system, but we have felt that so many times  
15 the revenues of living have interfered also here with our  
16 Council meeting as we are called upon to have our regional  
17 meetings and our meetings with the State -- the Federal Board,  
18 and it can consume a lot of our time.

19

20 So at any rate, we have felt at this time as being a  
21 part of the governing system, we feel that it should be in  
22 order that the Councils should receive so kind of equal  
23 compensation for the time given to the Council meetings.

24

25 Annual reports. We have been requested to have our  
26 annual reports available. We had at that time questioned what  
27 are these annual reports, what do we expect of them? How are  
28 they received? We felt that they need to be recognized as we  
29 tried to incorporate the different issues that have come before  
30 the Federal Board, which sometimes are out of the scope or for  
31 other reasons. But anyway, we have addressed a lot of our  
32 concerns outside the scope and to our annual reports and we  
33 felt that the annual reports were not given enough recognition.

34

35 Another issue was the Regional Council training. We  
36 felt at that time that the Regional Council members were not  
37 trained adequately to understand the complexity of the  
38 structure as to the objectives and goals and what was within  
39 the scope and what's not within the scope. So we felt that as  
40 new members come off the seat and back on to the seat again,  
41 some were left in the dark as to how this all came about and  
42 the purpose, so at this time we felt that our Regional Council  
43 members were not receiving enough training and we have  
44 requested better training for them.

45

46 Another hot issue here that I might add was the propose  
47 to restructure the Federal Subsistence Board. I will just kind  
48 of read off here. Regional Council Chairs will develop a  
49 proposal to the Secretaries of Interior and Agriculture to  
50 restructure the Board so that it is composed of the Chairs of

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1 the Regional Councils. Regional Councils will discuss this  
2 issue at their February 1997 meeting. The Chairs will  
3 subsequently convene to prepare a written proposal to the  
4 Secretaries prior to the week long spring 1997 Federal  
5 Subsistence Board meeting.

6  
7 We felt that under the framework as to -- under the  
8 Federal Subsistence Act here, if you will, it addressed the  
9 heads of the different departments would consist of the Board  
10 until a time to which we, the Federal Councils, have been  
11 structure and in operations. The language used in that  
12 framework claimed that the Board members will be rural  
13 residents with first hand knowledge of subsistence uses.

14  
15 We had found the time consumption of our meetings was  
16 trying to inform the Board members of the process of our  
17 harvests and the different uses and how they're obtained,  
18 rather than getting to focal point of the issues which took up  
19 much of our meetings. We expect to have people in these  
20 positions that understand subsistence and what it means to the  
21 people. Not only just in consumptive uses, how else it is  
22 used, and how the customary and traditional uses have carried  
23 on. So, at any rate, the Joint Chairs have proposed then that  
24 the current Chairs will have a position on the Board.

25  
26 Another issues was the Alaska Native policy. Regional  
27 Council Chairs will draft two Alaska Native policies for Board  
28 review. One policy will focus solely on items within the  
29 Board's purview, the other policy will be a broader scope,  
30 encompassing issues outside the Board's jurisdiction, such as  
31 subsistence opportunities for nonrural residents. The Regional  
32 Councils will discuss this at their February meetings.

33  
34 The Alaska Native policy, we felt, was in order that to  
35 date we have been addressed as rural people, rural users and  
36 other rural preference. We feel that our different tribes do  
37 exist and they have not been addressed. We are not just a  
38 simple rural user but we are real people, we have real tribes  
39 and we wish to be addressed as such.

40  
41 MR. CHRISTENSEN: Mr. Chair, can I -- you're talking  
42 about rural here. For Region 3, I don't think there's any  
43 nonrural communities in this whole region, is there? Kodiak is  
44 considered rural and that's almost one of the biggest in Region  
45 3.

46  
47 CHAIRMAN OLSEN: Right. I don't understand the  
48 question, Randy.

49  
50 MR. CHRISTENSEN: Well, you're talking subsistence

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1 opportunities for nonrural residents. I don't believe we have  
2 any nonrural residents in all of Region 3, so this won't even  
3 be.....

4  
5 CHAIRMAN OLSEN: Just because they're here does not  
6 mean they're residents of Kodiak, Randy. We have the Coast  
7 Guard and other issues such as that, but mainly I don't believe  
8 this was directed at Region 3.

9  
10 MR. CHRISTENSEN: Yeah, I see what you're saying there.

11  
12 CHAIRMAN OLSEN: At any rate.....

13  
14 MR. CHRISTENSEN: I see what you're saying there, but I  
15 think even the Coast Guard is considered rural too.

16  
17 CHAIRMAN OLSEN: Well, when you look under the  
18 exclusions you might say if we choose to move to Anchorage, do  
19 we lose our subsistence rights? There has to be some kind of a  
20 clarification in there, just because we do not reside in the  
21 immediate rural area that should not omit our rights to the  
22 subsistence taking.

23  
24 Another issue was the proposals for customary and  
25 traditional use determinations. Certainly we feel that this  
26 has come a long ways. In the genesis subsistence didn't quite  
27 cover the issues at hand, a lot of them were the customary and  
28 traditional uses of many of the species here. Anyway, that has  
29 since been worked on and I feel that we are ready to, at this  
30 meeting here, discuss one of the c&t proposal, which is the  
31 elk, which I feel will be addressed here at least by tomorrow.

32  
33 The only other thing that we did discuss here at the --  
34 when the next work session would be for the Federal Subsistence  
35 Board and Regional Council Chairs. We certainly do have some  
36 current concerns. As to the dates which have been set aside in  
37 April, it seems to really conflict with the thawing of the  
38 state, if you will, when everybody goes back to work, when we  
39 go back to our fisheries, when we go back to our constructions,  
40 whatever that might be. That we felt it took away a lot of  
41 local input as to just the dates itself on to our work  
42 sessions, so we do not favor that time frame which is given to  
43 us.

44  
45 I guess that just a real broad overview of what the  
46 Joint Council Chairs had met about and we'll meet again here in  
47 the near future.

48  
49 Is there any questions that has arisen out of this?  
50 MR. EDENSHAW: Mr. Chair.

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1 CHAIRMAN OLSEN: Where am I looking. Oh, yes, Cliff.

2

3 MR. EDENSHAW: If you look up on -- in Tab R on follow  
4 up items. On the following page there is a one paragraph draft  
5 or a statement regarding Regional Council compensation and that  
6 is the status report that was done in January of this year.

7

8 MS. MASON: I think it's Q.

9

10 MR. EDENSHAW: Q. Thank you, Rachel. Q.

11

12 CHAIRMAN OLSEN: Q.

13

14 MR. EDENSHAW: And also, Mr. Chair, for the Council  
15 members, preceding this are a summary of the meeting that was  
16 held in Anchorage with the Chairs as well as with the Joint  
17 Chairs and Board meeting.

18

19 CHAIRMAN OLSEN: Thank you, Cliff. I guess that status  
20 report, do you feel this needs to be read into.....

21

22 MR. BRELSFORD: Mr. Chair.

23

24 CHAIRMAN OLSEN: Yes, Taylor.

25

26 MR. BRELSFORD: Maybe I can help move us forward here.  
27 On the previous page where you went through the follow up  
28 items, under Council member compensation there was a commitment  
29 made to Board consideration in January and I think, you know,  
30 part of keeping a good bridge of communication between the  
31 Council Chairs and the Board is to keep promises, so that  
32 second page makes good on the commitment for the Board to  
33 explore, to deliberate the compensation question.

34

35 And the status report, second page, what it says is  
36 that some concerns about precedent and implications for other  
37 advisory programs, like the subsistence resource commissions in  
38 the National Park Service and the statewide BLM advisory body,  
39 those were raised by the Board when they talked further about  
40 the compensation question.

41

42 So what they decided to do was really bump this  
43 upstairs to the Secretary of the Interior who is responsible  
44 for Park Service advisory programs and BLM advisory programs,  
45 so there would be a consistent policy for all of those Alaskan  
46 advisory bodies. And so what the items says is that a  
47 background package describing the Council concern and noting  
48 what the financial implications would be, all of that's going  
49 to be forwarded directly to the Secretary of the Interior for  
50 his decision and the Council Chairs will receive a copy of that

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1 for information so you guys can monitor how the information is  
2 moving forward for a decision.

3  
4 So the reason we touch on it a little carefully is that  
5 this was a very high concern on the Council Chairs. I think  
6 the Board considers this one that they got to really, you know,  
7 do the right thing about not miss meetings, not let it kind of  
8 end up in a closet somewhere. So that's the reason that they  
9 wanted us to kind of draw your attention to the actions of the  
10 January '77 (sic) meeting.

11  
12 CHAIRMAN OLSEN: Thank you, Taylor. Yes, and what I  
13 did I just basically went over -- up the questions brought up  
14 by the Councils. Certainly under Tab Q is a lot of responses  
15 according to the questions. I don't know how we'd like to  
16 handle that but the follow ups here are in under Tab Q.

17  
18 Would it be prudent at this time to go through those,  
19 do you feel?

20  
21 MR. BRELSFORD: Mr. Chairman, I think most of the  
22 remaining material is supporting documents, it's further  
23 details about the items that you've already summarized, so with  
24 the one special attention on compensation that you've just  
25 given me a chance to raise for you, I think on the others it's  
26 fairly routine and doesn't merit a lot of further consideration  
27 at this time.

28  
29 CHAIRMAN OLSEN: Thank you. Do we have any questions  
30 as to what has just been before us? As we look at this here, I  
31 don't know, Cliff, the next thing I have on the agenda is for  
32 the inclusion of rural update and alternates for Regional  
33 Councils, but looking at our time here, we are coming close to  
34 the noon hour. Would you like to open this up, reconvening  
35 after lunch?

36  
37 MR. EDENSHAW: (Nods in the affirmative)

38  
39 CHAIRMAN OLSEN: It must be a yes. Okay. At this time  
40 we would like to recess for lunch at this time and reconvene at  
41 1:00-ish. Thank you.

42  
43 (Off record)

44  
45 (On record)

46  
47 CHAIRMAN OLSEN: Thank you. We'd like to welcome you  
48 back to the reconvening of our Federal Subsistence Council  
49 meeting here.

50

0046

1 At this time I would kind of like to hear here from the  
2 Council, I heard several different things discussed here as we  
3 look at our agenda for the afternoon, it looks pretty light at  
4 this point. I would like to hear any suggestions whether you  
5 would like to go into further the agenda as part of tomorrow.  
6 I'd like to hear back from you.

7  
8 MR. SMITH: Yes, Mr. Chair.

9  
10 CHAIRMAN OLSEN: Yes, Melvin.

11  
12 MR. SMITH: Since Cliff Edenshaw is going to do a  
13 report now or an update, maybe we could tie that in with his  
14 Regional Council nominations update that we're supposed to  
15 cover tomorrow. Maybe we could tie those two together?

16  
17 CHAIRMAN OLSEN: Cliff.....

18  
19 MR. CRATTY: I second.

20  
21 CHAIRMAN OLSEN: .....is that in order with you?

22  
23 MR. EDENSHAW: Yes.

24  
25 CHAIRMAN OLSEN: Okay. Certainly it's acceptable and I  
26 would like to see it myself here if we can move though this we  
27 might have ample time left over this afternoon but the weather  
28 is good, it might rain tomorrow, but Gilda here says she has  
29 another meeting that she needs to attend following this one, so  
30 she'd like to be ensured to get out of here tomorrow, too. So  
31 I guess we'll continue on here and we'll go where the agenda  
32 takes us then if there's no objection.

33  
34 MS. SHELLIKOFF: Perhaps if -- Mr. Chair, if there is  
35 time maybe we can get into some of these agency reports at the  
36 end if there's time.

37  
38 CHAIRMAN OLSEN: Okay. We will certainly entertain  
39 that as time allows us. As I look at it I tried to look at the  
40 agenda and as you're all aware I was very surprised at the  
41 public comments, I felt came in very weak, and that is usually  
42 very time consuming in our meetings is the public comment.  
43 With the absence of a lot of public comment it does leave time  
44 a little more flexible for us. Not saying I wouldn't like to  
45 hear from the public, but at any rate, the next item is under  
46 old business and it is the inclusion of rural update and  
47 alternates for Regional Councils. Cliff.

48  
49 MR. EDENSHAW: Yes, Mr. Chair. This is under Tab R in  
50 your booklets. Last September in Sand Point we brought up

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1 alternates as well as the inclusion of rural inside the  
2 charters and we asked the Councils to make recommendations to  
3 the Federal Subsistence Board. And you can see on the table in  
4 the first one, an update on alternates to serve on the Regional  
5 Councils, out of the 10 regions -- you can just go down the  
6 list here and look at how each of the Councils felt about  
7 alternates.

8  
9 And I believe on there you can see that there were five  
10 that really felt there wasn't any need for alternates. I mean,  
11 look at Southeast, Southcentral, they say alternates are not  
12 needed. Bristol Bay, that's Region 4. Region 8 the Northwest  
13 and Region 10, no action take, so five Councils feel their --  
14 you know, there aren't any need for alternates on their  
15 Council.

16  
17 And any action -- the charters aren't up for review or  
18 for any changes until 1998 so this -- the Board will address  
19 this in April, I believe. Taylor, correct me if I'm wrong.

20  
21 MR. BRELSFORD: Actually, Cliff, I think this is  
22 informational only for the Board at the present time and action  
23 would occur in calendar year '98 when the charters are up for  
24 renewal. That goes through a long process, the Councils, you  
25 guys, have a crack at the charters, then the Board makes  
26 recommendations and then the Secretary is actually the one who  
27 signs the charters and that will occur in calendar '98.

28  
29 MR. EDENSHAW: Any questions?

30  
31 CHAIRMAN OLSEN: I guess as I look at it here, it  
32 certainly brings to my attention that different regions are  
33 divided on a simple issue like this, not so much an issue, I  
34 believe, but nevertheless, half of them don't seem to need  
35 alternates where I look at Kodiak and feel it's an absolute  
36 necessity. Even looking at our request to have two more added  
37 on to the Council, so it could be better represented, that we  
38 have one that has yet to attend a meeting. So from my point of  
39 view -- I'd just like to hear any comment here on the Council  
40 how you see us fitting in this.

41  
42 Yes, Melvin.

43  
44 MR. SMITH: Mr. Chair, I think an alternate for the  
45 Aleutians/Pribilofs would be a good idea because, you know,  
46 like Vince Tutiakoff hasn't been here for a couple of meetings  
47 now and an alternate for him would have been good, I think, to  
48 get some representation.

49  
50 CHAIRMAN OLSEN: Yes, I feel it's -- we have meetings,

0048

1 what, once or twice a year and that's a lot of time in between  
2 that these positions should be taken seriously. I think it's  
3 up to us to ensure it.

4  
5 Randy, do you.....

6  
7 MR. CHRISTENSEN: Well, I had a couple of questions.  
8 Just to start off here. I was wondering what's the percentage  
9 of membership to these different regions, what's the percentage  
10 as opposed to the population of the regions if there's  
11 something, a graph or something, that shows that. I noticed  
12 that we just added new members by Council request, we did get  
13 that and that's fine and dandy. I just wanted to see how --  
14 you know, how we fair with the rest of the regions.

15  
16 CHAIRMAN OLSEN: I do recall at the genesis of this 10  
17 regions being put together that there was different number of  
18 Council members according to the amount of people being  
19 represented, if I am correct, that's my recollection. But.....

20  
21 MR. CHRISTENSEN: Well, my question still isn't  
22 answered. I don't know -- maybe, Cliff, would you know, what  
23 is the -- off hand, do you know?

24  
25 MR. EDENSHAW: What are you talking about percentages,  
26 Randy?

27  
28 MR. CHRISTENSEN: Well, like, say this particular  
29 Council here for Region 3 has a certain amount of population,  
30 is it going on area-wise, geographically or is it going on  
31 population-wise or -- I know there was some concern at previous  
32 meetings about some areas not being represented equally. Like  
33 there was too much in Kodiak as opposed to the South Peninsula.  
34 And then we did gain two more members and I was just wondering  
35 as far as the pop -- you know, for the other regions how many  
36 are on their councils? That was just -- I was just curious.

37  
38 MR. EDENSHAW: Well, as I recall from looking at  
39 minutes in the past, you pointed out one concern is that there  
40 were -- there are five representatives from Kodiak and there  
41 were three from the Aleutian Chain. And from minutes of the  
42 previous meetings before I came on from what I read they wanted  
43 equal -- a little more representation from the Aleutian Chain  
44 and Pribilofs. And by adding the additional two seats that's  
45 what they've received is -- well, as Melvin said, Patrick  
46 Kozoloff is not here this afternoon, but he was selected from  
47 the Pribilofs.

48  
49 And the other regions, if you look under Tab U, you can  
50 clearly see what the number of Councils -- the 10 Councils here

0049

1 in the state as well as how many member each Council is  
2 comprised of. And I don't have before me or I can't recall if  
3 there were other regions that received additional seats just as  
4 the Kodiak/Aleutians did and probably Taylor could address  
5 that.

6  
7 MR. BRELSFORD: Well, Randy, maybe we can go back to  
8 your original question, how was it laid out in the first place?  
9 There were 10 Regional Councils. At the outset they had  
10 between seven and 13 members, Southeast was the largest at 13,  
11 then I think the next ones were 11, nine and there were several  
12 Councils with seven members. So just in the last year three  
13 regions came back to the Board and suggested that seven members  
14 was too small a council to do an adequate job, trying to speak  
15 for the different clusters, different portions of a region.

16  
17 So the Kodiak/Aleutians Region, the Yukon/Kuskokwim  
18 Region and the Seward Peninsula Council all asked for  
19 additional seats, two seats in each of those regions, so six  
20 seats altogether were added in calendar '96 when the charters  
21 went up to the Secretary. On a per capita basis there's some  
22 very populous region, Southeastern Alaska population is a large  
23 population in general. And Southcentral Alaska has a large  
24 population and Southcentral is one of the smallest councils at  
25 this point, seven members, while Southeast is the largest with  
26 13.

27  
28 So I would say it wasn't done on a population formula,  
29 it was an effort to identify kind of a reasonable fit of enough  
30 representation to speak for the diversity, the different  
31 subgroups or subregions within an area, but it's a kind of  
32 rough cut, I think it was an estimate developed with local  
33 organization. Like on the North Slope they talked with the  
34 Borough about different formulas for representation and kind of  
35 struck an approach.

36  
37 In the AVCP, the Yukon/Kuskokwim Delta, our current  
38 Council is kind of similar in structure to the executive board  
39 of AVCP. There are 46 villages in the YK, they can't have each  
40 a representative, so AVCP, the regional tribal organization has  
41 an executive committee with 11 members and that's now what we  
42 have. So I would say it's kind of an effort at the best fit  
43 possible for individual regions. And kind of make revisions as  
44 they're needed as we go along.

45  
46 That's a separate question from the matters of  
47 alternates but just to try to answer specifically about how did  
48 it start and what the per capita rate would be, that's the  
49 general answers that I could off to you without going through  
50 the census records.

0050

1 MR. CHRISTENSEN: Thank you, Taylor. I'd like to say  
2 one thing, too, about alternates is that one of the main  
3 reasons why some people can't make the meetings is because of  
4 weather, so if you're going to have an alternate it might be  
5 wise to find somebody that's not in the same village for an  
6 alternate. I know that might be hard to do but the thing about  
7 it is is that if you can't make it then your alternate won't be  
8 able to make it either. So if you're asking me for an  
9 alternate, you know, I do my best to make it but, you know,  
10 permit you.

11  
12 And I have something else here. Oh, I was going to say  
13 as far as the -- I was wondering if the Council, if we might be  
14 able to ask the Secretaries if they might want to come up and  
15 take a tour of Alaska. If they happen to have sole  
16 jurisdiction over some of these waters that we were talking  
17 about earlier this morning, so that they're not 5,000 miles  
18 away and then deciding over, you know, who does what to where.  
19 And either the Secretary of Interior or Agriculture, either one  
20 or both of them. And if there was any kind of plans for them  
21 to come up and actually look at Alaska. Because I don't really  
22 care for the fact of somebody having jurisdiction over  
23 something that they don't even -- they're not even aware of  
24 where it's at.

25  
26 CHAIRMAN OLSEN: Thank you, Randy. Although I feel the  
27 Secretary of the Interior has delegated and appointed us to  
28 take this task at hand. Certainly I look and I am envious when  
29 I see the alternates not needed, that certainly shows to me  
30 that there is a lot of unity and I think that's what will make  
31 the difference in our goals here. So at any rate, as just a  
32 part of discussion, that is good thing, Randy, of the  
33 alternates. I feel I agree with you an alternate should  
34 probably not be from the same village if weather could be a  
35 problem.

36  
37 MR. CHRISTENSEN: Okay. That's one point, I don't  
38 know, Mr. Chair, if we should make a formal motion, and I would  
39 so move, if we direct a letter to the Secretaries, if they  
40 would be willing, which I think that they should, willing to  
41 come up her and take a look at these -- come up and see our  
42 meetings and meet with some of our people. I'd like to make  
43 that in a form of a motion, at least direct a letter. Maybe  
44 they don't have the time, but it don't hurt to ask them.

45  
46 CHAIRMAN OLSEN: All right. I'm just looking here at  
47 under what resolve are we looking at here.

48  
49 MR. CHRISTENSEN: Well, I'm going back to where --  
50 maybe Taylor might be able to -- remember you were talking

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1 about like the Secretary of Interior and the Secretary of  
2 Agriculture, they have the sole -- you know, they could -- the  
3 sole judgment of what's happening with some of these waters  
4 that may or may not be in Federal lands.

5  
6 CHAIRMAN OLSEN: Yeah, on that issue too, Randy, I  
7 would like to stick with kind of in the framework of the  
8 agenda.....

9  
10 MR. CHRISTENSEN: Well, you asked for comments, I'm  
11 commenting.

12  
13 CHAIRMAN OLSEN: I was looking for comments at this  
14 issue of alternates. Is there any more comments here on the  
15 alternates issue here that we have before us? I know it's not  
16 looking for action at this time, it was stated it will not come  
17 before us for a little bit, we have time to think on this  
18 issue.

19  
20 MR. BRELSFORD: Mr. Chairman.

21  
22 CHAIRMAN OLSEN: Yes.

23  
24 MR. BRELSFORD: With your permission, I think one of  
25 our hopes was that the discussion about the fisheries would  
26 include some comments that we would take back and so I'd like  
27 to -- my sense was Mr. Christensen's remarks about inviting the  
28 Secretaries touched on the fisheries question, so I wanted to  
29 note those down then as commentary on the fisheries issue in  
30 general as so they will be part of the input from that portion  
31 of the meeting today.

32  
33 CHAIRMAN OLSEN: Thank you, Taylor, and certainly it  
34 was not my intention to disregard that, but only try to stay  
35 with the issue to issue. Yes, that's excellent as far as the  
36 comments.

37  
38 I guess as we're kind of on the issue here, I'd kind of  
39 like to hear from the Council if there is -- I have not --  
40 Cliff, have you heard from the other Council members as to  
41 their attendance, they called in not being able to make it  
42 or.....

43  
44 MR. EDENSHAW: Mr. Chair, in regards to Patrick  
45 Kozoloff I have not -- he called and left a message for me last  
46 week stating that he would be unable to attend the meeting and  
47 I did hear correspondence -- a telephone call from his boss  
48 stating that Patrick would likely resign due to medical  
49 problems. But as of today I just have to assume that Patrick  
50 is still going to serve and he was unable to come because of

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1 prior commitments, until I call him and hear a word from him in  
2 regards to if he is going to resign, then I just have to assume  
3 today that he is still going to serve.

4  
5 Vincent Tutiakoff, I called a couple of days and no  
6 answer, wasn't able to track him down. And Tom Everitt just  
7 stated that he had prior commitments and would be unable to  
8 attend.

9  
10 CHAIRMAN OLSEN: Okay. Thank you, Cliff, it was a  
11 question asked me and I did not have an answer for. I guess we  
12 can discuss that as far as excused absence here at another  
13 time, unless you would like to take it up now.

14  
15 MR. CHRISTENSEN: I'd like to take it up now, yeah,  
16 might as well. As far as Vincent, as much as I like him, if he  
17 has other commitments, I'm sure he does talking with him, he's  
18 just not making the meetings. I would venture to say that we  
19 could leave his seat open to another applicant.

20  
21 And as far as Tom, my view is that he didn't give a  
22 good excuse for missing this meeting and -- but he did, I  
23 think, under our by-laws only miss one meeting, so he's allowed  
24 at least one more before further consideration on his case.  
25 That's my view.

26  
27 CHAIRMAN OLSEN: Thank you, Randy. I think the things  
28 to consider here, yes, we are allowed to take action on two  
29 unexcused absences, so I guess the question before us, you  
30 know, what's an excused absence? I feel that those that have  
31 called in and at least an indication to Cliff that it's at  
32 least part of communicating. I feel that we should at least  
33 give that an excused absence. However, no correspondence at  
34 all does bring to concern. What's the wish of the Council?

35  
36 MR. CHRISTENSEN: You want to just take them one at a  
37 time?

38  
39 CHAIRMAN OLSEN: Yes, however you wish to look at it  
40 and handle it.

41  
42 MR. CRATTY: Mr. Chair, I'd like to hear what Gilda and  
43 -- I can't remember his.....

44  
45 MR. CHRISTENSEN: Melvin.

46  
47 CHAIRMAN OLSEN: Melvin.

48  
49 MR. CRATTY: .....Melvin have to say about Vincent,  
50 what their feelings are about Vincent. They're from the same

0053

1 area as him and what they feel about it.

2

3 MR. SMITH: Well, if they have an excuse that's one  
4 thing, I mean, the other thing is if you don't have the time  
5 for these meeting then maybe you should be on the Board (sic),  
6 you know. So that's the way I feel about it. But I don't  
7 know, what does our policy say, is it two unexcused or.....

8

9 MR. CHRISTENSEN: Yeah, that's right.

10

11 CHAIRMAN OLSEN: Yes, we have the right to take action  
12 or removal of a Council member.....

13

14 MR. CHRISTENSEN: That's right, we changed that as of  
15 -- oh, excuse me.

16

17 CHAIRMAN OLSEN: Yes, after two unexcused absences --  
18 it says after two absences, I believe it says, we have the  
19 right to take action, so this is basically what we are  
20 discussing.

21

22 MR. CRATTY: Does Gilda have any comment?

23

24 CHAIRMAN OLSEN: Do you have any.....

25

26 MS. SHELLIKOFF: Yeah. Well, I kind of feel like  
27 Melvin, you know, if he's really serious about being on this  
28 Board (sic) he'd make an effort to call and say why he's not  
29 going to be here. But on the other hand, you know, he's a  
30 pretty busy person and maybe, you know, he has to look at that  
31 and it's obviously, you know, his priorities are other places  
32 and maybe he shouldn't be on this Board (sic). And when you  
33 sign up for a board beforehand you have an idea, you know, what  
34 your responsibilities are, you should take them seriously.

35

36 CHAIRMAN OLSEN: Yes, I think, here again, it's  
37 important that we address this issue as with our next meeting  
38 we'll be determining the appointments to the seats, I believe.  
39 And I feel at this time we must decide on a position of  
40 alternates and what we plan to do about these unexcused  
41 absences.

42

43 MR. LUKIN: Mr. Chairman, I'd like to add that maybe  
44 Vince couldn't get ahold of the Council or whoever to let him  
45 know he wasn't going to make this meeting, maybe -- you know,  
46 just maybe he wasn't able to get ahold of the Council, so.....

47

48 MS. SHELLIKOFF: He was in Anchorage the other day.

49

50 MR. LUKIN: I don't know exactly what he was doing or

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1 where he was, I think we should find out what he -- how he  
2 feels about this, you know, does he want to be part of it or  
3 does he not.

4  
5 CHAIRMAN OLSEN: I certainly am in total agreement. I  
6 guess, number 1, all the signs here say, please lean forward  
7 and speak it the mic, are we being heard plenty clear.

8  
9 MR. KOLASINSKI: Yes, thank you, Mr. Chairman.

10  
11 CHAIRMAN OLSEN: Thank you. Then I guess I ask what is  
12 the wish; to take any action at this time?

13  
14 MR. CRATTY: Yeah, I think, like Ivan said, maybe write  
15 him a letter and see what his real plans are and then go from  
16 there.

17  
18 CHAIRMAN OLSEN: Sounds fair.

19  
20 MR. CHRISTENSEN: The only thing that I have a problem  
21 with is that if we're going to make a rule, like in two  
22 absences and then you're done, why are we doing this? Why go  
23 back on our own ruling? At first we had three absences and  
24 then that one meeting we changed over to two absences, just to  
25 make sure that people are here. And like I say, you know, I'd  
26 like to have Vincent on here, but if he's not here, he's not  
27 here. I would vote to have an application open. And Vincent  
28 already expressed to me that he was just really busy with other  
29 stuff, you know, and I can understand that, you know, sometimes  
30 things just get a little bit too busy, you know, no matter how  
31 hard you try.

32  
33 CHAIRMAN OLSEN: Okay. I'm hearing two different  
34 things here. One was a letter to Vincent and the other was for  
35 removal, I believe, is that.....

36  
37 MR. CHRISTENSEN: Well, if you go back in our -- we  
38 changed our by-laws here, what -- you know.....

39  
40 CHAIRMAN OLSEN: Yes, correct, Randy, but under that  
41 same respect I remember discussing we won't just assume that  
42 the person is removed, that we will address it formally so that  
43 there's no question as to are they on or off, so this is why I  
44 bring it once again before the Council to action or no action.

45  
46 MR. CRATTY: Well, I think that would be addressing it  
47 formally writing a letter to him. If he doesn't respond to it  
48 then you have no other choice to remove him.

49  
50 MR. SMITH: Mr. Chair.

0055

1 CHAIRMAN OLSEN: Yes.

2

3 MR. SMITH: His first absence, was that excused or  
4 unexcused?

5

6 MR. CHRISTENSEN: It was unexcused as I recall because  
7 he had to go to -- he was hired on a different corporation,  
8 Native corporation down there. He was just elected, so that  
9 was, I would consider, unexcused. His priorities were not  
10 here. Not on this Council.

11

12 MR. EDENSHAW: Mr. Chair.

13

14 CHAIRMAN OLSEN: yes.

15

16 MR. EDENSHAW: In regards to last fall's meeting for  
17 Mr. Tutiakoff in Sand Point, he was -- he called and wanted to  
18 join the Council with a teleconference call and we weren't able  
19 to -- there was miscommunication so we weren't able to get him  
20 hooked up.

21

22 MR. CHRISTENSEN: Well, he didn't make it to the King  
23 Cove meeting or the Sand Point meeting, and that's his area.  
24 Hey, I'm a best friend of Vincent but, you know, what's right  
25 is right, I think, you know.

26

27 CHAIRMAN OLSEN: At any rate, this can be looked at.  
28 One thing if you're going to put it in motion form or whatever  
29 I'd certainly like a little more clarity as to what the Council  
30 would like to see done here on this issue.

31

32 MR. LUKIN: I make a motion to send him a letter.

33

34 MR. SMITH: Second.

35

36 CHAIRMAN OLSEN: Moved and seconded. Any questions?  
37 Any further discussion?

38

39 MR. CHRISTENSEN: Question.

40

41 CHAIRMAN OLSEN: All those in favor signify by aye.

42

43 IN UNISON: Aye.

44

45 CHAIRMAN OLSEN: Those opposed, same sign.

46

47 (No opposing responses)

48

49 CHAIRMAN OLSEN: We'll send Mr. Tutiakoff a letter.  
50 Now, we are back, I feel, still on the alternates. How is --

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1 do we still feel we need the alternates, what is the.....

2

3 MR. CRATTY: Well, I feel we do because of the weather.  
4 If the weather would have been like it was yesterday I would  
5 have never made it in either. I don't know how you're going to get  
6 your alternates or -- you going to get them from here or.....

7

8 CHAIRMAN OLSEN: Right.

9

10 MS. SHELLIKOFF: The only problem when we need an  
11 alternate because of weather, the alternates aren't going to be  
12 able to get there either.

13

14 MR. CHRISTENSEN: The trouble is you're doubling your  
15 paperwork, too, because you got to -- you know, not that I  
16 don't want alternates, it just that, you know.....

17

18 MR. CRATTY: You're the one that brought up the  
19 subject.

20

21 MR. CHRISTENSEN: Yeah.

22

23 CHAIRMAN OLSEN: At any rate, I guess this doesn't need  
24 to be addressed at this moment, but I would certainly wish that  
25 the Council would give it their fullest consideration so it can  
26 be handled at our next meeting and get some full action as to  
27 where we stand on it.

28

29 Did that conclude, I guess -- Cliff.

30

31 MR. EDENSHAW: You know, Mr. Chair, I just want to  
32 remind you that the charters are reviewed and renewed every  
33 three years and so when we asked you last fall to comment on  
34 alternates and give a recommendation this was informational.  
35 And so that in 1998 the charters will be renewed and that is  
36 when the -- and, you know, I guess just as you stated now, you  
37 have -- you know, when it comes around to this time in 1998,  
38 I'm sure the Council will review alternates and say, well,  
39 we've already sent a recommendation to the Board that we'd like  
40 alternates, one from the Kodiak area and one from the Aleutian  
41 Chain area and between now and then you'll have the opportunity  
42 to iron out how you want to do that or where you want to get  
43 the representation from.

44

45 MR. CHRISTENSEN: Mr. Chair.

46

47 CHAIRMAN OLSEN: So I guess it wouldn't matter at this  
48 time as far as the time frame goes, at the same time it would  
49 lapse before it would be acted upon anyway, am I correct?

50

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1 MR. CHRISTENSEN: Mr. Chair, thank you. I was  
2 wondering if I could ask Cliff, how many applications did you  
3 get in this past year or so and I would think that maybe we  
4 might use that as a pool, you know, to recommend. Or did we  
5 get any?

6  
7 MR. EDENSHAW: Well, we had a call from when we filled  
8 the two position, we had about -- I think there were 11  
9 applicants. The current, three, I believe. If I count you and  
10 Mark and then an individual from the Kodiak Islands, so  
11 presently three.

12  
13 MR. CHRISTENSEN: Well, yeah, I'm an applicant, I just  
14 haven't done the house cleaning. But I was wondering if should  
15 the Council look over the applicants and maybe pick from there  
16 as a starting point or try -- I don't know. Of course, we  
17 don't have the power to do that, do we, but we do have the  
18 power to recommend interested parties and there's no use  
19 picking somebody that didn't apply.

20  
21 MR. EDENSHAW: I would just add on to what Randy  
22 stated. The Council can make recommendations to the Board.

23  
24 CHAIRMAN OLSEN: Anything?

25  
26 MR. CRATTY: No, I'd make -- I'd like to say I think  
27 you should have another person here from Kodiak, you know, like  
28 if Thomas misses a meeting, the interest in subsistence here  
29 are strong the way Iver was saying this morning, we get  
30 another alternate from Kodiak then that probably take care of  
31 me and Randy if we can't make it in. But I think they should  
32 also attend every meeting with us so they aren't -- so they  
33 keep up on what's going on.

34  
35 CHAIRMAN OLSEN: Well, I absolutely agree, but we all  
36 know that weather is a major factor here, especially being  
37 isolated on the island, coastal weathers. At any rate.....

38  
39 MR. CHRISTENSEN: Mr. Chair, if I may interject one  
40 more time. I thought we were walking down to see exactly who  
41 was excused and who wasn't excused and we kind of ran off the  
42 subject there. Al just brought up Tom, so we have to decide on  
43 whether he was excused absence or not, along with -- well, we  
44 talked about.....

45  
46 CHAIRMAN OLSEN: I don't know, I didn't -- I was  
47 looking for some feedback here when I just mentioned that I  
48 felt those that had made the effort to call in, I'm certain  
49 that we all have other things that come up from time to time,  
50 but he did give enough consideration to call in. I kind of

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1 find that hard to unexcused but, here again, that's what the  
2 Council here is for.

3  
4 MR. CHRISTENSEN: I think we ought to have a guideline,  
5 like either medical or weather or something like that. A  
6 certain guideline, you know, you can't just call in and say I  
7 can't make it. Or livelihood, an opening.

8  
9 CHAIRMAN OLSEN: Well, certainly that opens a lot more  
10 bigger can than we have before us now, too, so -- I don't know,  
11 unless I hear something from the Council, we have always --  
12 well, what is the wish? We know what restraints we're under  
13 and guidelines we had adopted.

14  
15 Gilda, you look like you would like to say something.

16  
17 MS. SHELLIKOFF: On the guidelines that we -- or the  
18 policy that we adopted, did we say anything in there -- did we  
19 say that if they called in -- or do we have anything under what  
20 is excused or unexcused or did we just say two unexcused  
21 absences?

22  
23 CHAIRMAN OLSEN: It's a little bit too much verbatim  
24 for me to recall back to. Can you help me out there, Cliff or  
25 Taylor?

26  
27 MR. EDENSHAW: Mr. Chair, inside the charter it says  
28 two absences, it doesn't say unexcused or excused, just two  
29 absences.

30  
31 MR. CHRISTENSEN: I thought it was -- excuse me.  
32 Mr. Chair, I thought it was two unexcused absences, two  
33 consecutive unexcused absences is what I thought that we were  
34 trying for.

35  
36 MR. BRELSFORD: I recall the discussion within the  
37 Kodiak/Aleutians Council and your intention was to distinguish  
38 between unexcused and excused absences. The charter language  
39 is actually more permissive, more general than that. It leaves  
40 open to the Council the opportunity to make the recommendation  
41 after two absences. You can say to yourselves, well, those  
42 were excused absences, it's fair enough, we'll go ahead without  
43 any further, you know, questioning of the member's involvement  
44 or you could evaluate those absences and say, well, it's time  
45 to kind of rattle the cage a little bit here about  
46 responsibility and serving the Council seriously. So the  
47 charter doesn't lock you in one way or the other, it leaves you  
48 some options.

49  
50 I think the discussion you've had this afternoon is

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1 entirely appropriate on trying to reason out together what  
2 makes sense on the Kodiak/Aleutians Council. I think either  
3 course of action you can, as you did, direct a further contact  
4 with the member who's missed now three meetings in a row,  
5 that's a legitimate choice on the part of the Council. The  
6 charter doesn't force your hand on how to respond to absences,  
7 it simply says after two it's time to think again, to maybe  
8 reconsider, do something.

9  
10 CHAIRMAN OLSEN: Thank you. Here again, I guess we did  
11 discuss Tutiakoff, what is the -- are we taking it specific now  
12 to a person?

13  
14 MR. CRATTY: Well, Ivan did, it was seconded by Melvin.  
15 On Vincent?

16  
17 CHAIRMAN OLSEN: No, miscommunication maybe there. I  
18 said we have already taken an action to write Vincent a letter,  
19 are we taking now the members that are absent one by one, and  
20 what is the.....

21  
22 MR. CHRISTENSEN: Mr. Chair, I so move that we also  
23 write a letter to the other absentees right on the same lines.

24  
25 CHAIRMAN OLSEN: Is that a motion or.....

26  
27 MR. CHRISTENSEN: I so move.

28  
29 MS. SHELLIKOFF: I'll second it.

30  
31 CHAIRMAN OLSEN: Moved and seconded.

32  
33 MR. CHRISTENSEN: And then respond accordingly.

34  
35 CHAIRMAN OLSEN: Okay. Any further discussion? Moved  
36 and seconded. All those in favor signify aye.

37  
38 IN UNISON: Aye.

39  
40 CHAIRMAN OLSEN: Opposed same sign.

41  
42 (No opposing responses)

43  
44 CHAIRMAN OLSEN: Okay. Then it was settled then that  
45 we will send letters out to the absentee Council members and  
46 make a decision on whether excused or unexcused; is that the  
47 intent?

48  
49 MR. CHRISTENSEN: Um-hum (affirmative).

50

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1 CHAIRMAN OLSEN: Thank you. Anything else that we feel  
2 needs to be discussed under this alternative?

3  
4 MR. EDENSHAW: No.

5  
6 CHAIRMAN OLSEN: No.

7  
8 MR. EDENSHAW: I'll just move on to the next page on  
9 rural residency requirements. As I stated earlier, the  
10 charters are renewed every three years, and again, last  
11 September when we met in Sand Point we asked the Council to  
12 make a recommendation or information -- I recall the Council  
13 made a motion to rural reinstated in the charters. And up on  
14 the top in the one paragraph there's a short history of how  
15 this issue has evolved in regards to rural residency as a  
16 requirement in the charters.

17  
18 And on the next page there's a stamp up there for  
19 January 29th of this year, there's a letter that we recently  
20 received from the Solicitor in Washington, D.C. And last fall  
21 all the other Councils took action and sent in recommendations  
22 to the Board, seven of them voted to reinstate rural residency  
23 as a requirement in the charters, two said they didn't have any  
24 concerns and one Council abstained because urgency was required  
25 because they understood that the charters would not be renewed  
26 until 1998.

27  
28 And if you look on the letter following the short  
29 report on the table here, basically the Solicitor stated that  
30 the regional charters that it was -- that we could not use  
31 rural as a requirement to serve on the Regional Councils.

32  
33 MR. CHRISTENSEN: Mr. Chair, can I ask a question of  
34 Cliff. You know, you say you can't use rural as a requirement,  
35 but just for my own information, there's no communities in  
36 Region 3 that we're talking about here, there's no urban  
37 communities, is there, they're all considered rural?

38  
39 MR. EDENSHAW: Yes.

40  
41 MR. CHRISTENSEN: Is that the same -- okay.

42  
43 MR. EDENSHAW: Including Kodiak.

44  
45 MR. CHRISTENSEN: So we really don't have too much to  
46 worry about on that part, it's just as long as it's a fact of  
47 law. Now -- that's all right.

48  
49 CHAIRMAN OLSEN: Is there anything specific you're  
50 looking at from us on that issue?

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1 MR. BRELSFORD: Mr. Chairman, thank you. Actually the  
2 point that Randy just made is kind of the bottom line on this.  
3 Basically as the background stated, the Board was advised by  
4 the Regional Solicitor and that's the attorney in Alaska that  
5 works for the Department of Interior, kind of the senior policy  
6 making lawyer to the Department in Alaska.

7  
8 The Board was advised by the Regional Solicitor that a  
9 rural residency requirement could not be included in the  
10 charters. May of the Councils felt differently about that,  
11 they asked that that opinion be revisited. And the way you do  
12 that is you ask the National Solicitor to look again at an  
13 opinion made by the Regional Solicitor, by the Alaska  
14 Solicitor. So what you have in here there's a one page very  
15 brief note and then a three page longer letter that cites all  
16 the cases and so on. This is the opinion of the National  
17 Solicitor saying that he agrees with the opinion first given to  
18 the Board.

19  
20 So in effect all the way up in the Department of  
21 Interior at this point the lawyers agree this is the consistent  
22 advice given to the Board about ANILCA and the end result is  
23 that unless somebody sues from outside of government this is  
24 the opinion that's binding on the Federal Subsistence Board.  
25 So, Randy, when you said it looks like this is the law and  
26 that's the end of it, that's about the way the Solicitor views  
27 it as well.

28  
29 CHAIRMAN OLSEN: Thank you. But it's still when you  
30 use the term rural resident, it's unacceptable, but in fact all  
31 places are rural, is that saying he doesn't have to be a  
32 resident neither?

33  
34 MR. BRELSFORD: No. Perhaps the confusion is thinking  
35 in terms of one region, the Kodiak/Aleutians Region itself,  
36 versus all 10 regions. This dispute has really come up -- or  
37 this difference of opinion has been most forceful in  
38 Southcentral Alaska where there are rural and nonrural place  
39 and we have an interesting circumstance in Southeastern Alaska  
40 where a nonrural resident, Bill Thomas, the Chairman of the  
41 Southeast Council is a lifelong resident of the region, most of  
42 his life in smaller rural communities, and now lives in  
43 Ketchikan, is technically a nonrural resident. And if rural  
44 residency were a criteria, a requirement, for participation on  
45 the councils, he would not be able to participate. So that's  
46 kind of the context of how this issue was raised, it didn't  
47 arise in Kodiak/Aleutians Region, but it's been judged on the  
48 legal merits looking statewide.

49  
50 MR. CHRISTENSEN: Okay. Mr. Chair, one last question

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1 here. Is that on regular local residency or state residency or  
2 what residency is that based on?

3  
4 MR. BRELSFORD: Well, rural residency.....

5  
6 MR. CHRISTENSEN: They can be different, you know.

7  
8 MR. BRELSFORD: Yeah, there are some fine points as to  
9 residency periods for different purposes. I'm a little stuck,  
10 I don't recall a time period having been part of the Federal  
11 residency matter, I think when people move to a rural community  
12 they're able to enter into the subsistence priority. But the  
13 big difference is if you live in Fairbanks, Anchorage, Juneau,  
14 Ketchikan, the nonrural areas, under this decision it would  
15 still be possible to apply for membership on a Regional Council  
16 if you had knowledge about rural subsistence uses. If you had  
17 some merit you could apply and be considered as a candidate.  
18 Rural residency is not a barrier to participating on the  
19 Regional Councils under this decision.

20  
21 CHAIRMAN OLSEN: I guess my question, too, is then what  
22 is -- I'm still not clear. For the requirement of membership  
23 on the Council then is it just a state residency requirement?

24  
25 MR. EDENSHAW: I believe in ANILCA, Mark if you --  
26 Mr. Chair, if you look at the law they have -- I think there  
27 were three criteria, you have to be a resident of the region  
28 and -- I don't have the book with me, but they talk about  
29 resident of the region, knowledgeable of the resources and one  
30 other one....

31  
32 MR. BRELSFORD: Knowledgeable about subsistence uses.

33  
34 MR. EDENSHAW: And knowledgeable about subsistence  
35 uses.

36 CHAIRMAN OLSEN: So then it's a regional resident is  
37 how it's defined. Okay.

38  
39 MR. EDENSHAW: Yes, you must be a resident of the  
40 region.

41  
42 CHAIRMAN OLSEN: Well, thank you that -- any more on  
43 that update. Where are we at?

44  
45 MR. EDENSHAW: Mr. Chair, moving on to the Regional  
46 Council applications. As I stated earlier you along with  
47 Mr. Christensen have informed me that you both plan on  
48 reapplying for the Council as your terms are up this year, so  
49 those are the two, as well as before I left on my trip down  
50 here to Kodiak, the applications that I have received are --

0063

1 I'd received on from an individual here in Kodiak.

2

3 MR. CHRISTENSEN: From the Island?

4

5 MR. EDENSHAW: Yes.

6

7 MR. CRATTY: Just one?

8

9 MR. CHRISTENSEN: That's hard to believe because I know  
10 two that went out of Larsen Bay.

11

12 MR. EDENSHAW: And I believe that was the one I  
13 received was from Larsen Bay, that you and I had a conversation  
14 over the phone about. I can't recall the gentleman's name but  
15 we received his application.

16

17 MR. CHRISTENSEN: I thought there was two.

18

19 MR. EDENSHAW: And with regards to Patrick Kozoloff,  
20 until I receive a letter from him or -- specifically a letter  
21 stating his resignation we would handle his -- if Mr. Kozoloff  
22 does indeed resign then from the applicants we received  
23 previously on up until the -- I think the end of this month is  
24 the deadline, we would look for an applicant from the pool of  
25 those applications. And as I stated earlier, the Council can  
26 make recommendations of individual to the Regional Council  
27 (sic).

28

29 MR. CHRISTENSEN: Mr. Chair.

30

31 CHAIRMAN OLSEN: Yes.

32

33 MR. CHRISTENSEN: I'd like to ask Cliff -- as I recall  
34 the intent of getting a couple of more people on the Council  
35 was to get more representation from the Southern Peninsula, so  
36 would our Council be smaller if we don't get any applications  
37 from there at all and those seats will not be filled or just  
38 fill them with any applicants, because then we would be  
39 defeating what our purpose was to broaden our membership  
40 representation.

41

42 MR. EDENSHAW: I believe from the pool of applicants we  
43 took when we filled -- when the two new chairs were added to  
44 the region we had a pool of applicants specifically from the  
45 Aleutian Islands as well as the Kodiak and we split those up,  
46 so we still have the names of those individuals out in that  
47 region and I'm sure we'd revisit those applicants, as well as  
48 with the ones that we have in place today. And possibly look  
49 at those applications from the Aleutians area. So the answer  
50 is we just wouldn't fill it with anyone.

0064

1 MR. CHRISTENSEN: Yeah, you say we have one from the  
2 Kodiak area, how many do we have from the Chain?

3  
4 MR. EDENSHAW: In regards to the February 20th (sic)  
5 deadline, presently there aren't any.

6  
7 MR. CHRISTENSEN: So we only have one applicant so far?

8  
9 MR. EDENSHAW: Three.

10  
11 MR. CHRISTENSEN: Oh.

12  
13 MR. EDENSHAW: You and the Chair.

14  
15 MR. CHRISTENSEN: Okay. You knew what I was talking  
16 about.

17  
18 CHAIRMAN OLSEN: You say a deadline of the 20th, that's  
19 the 28th, isn't it?

20  
21 MR. EDENSHAW: Yes.

22  
23 CHAIRMAN OLSEN: Yes. Okay. Thank you. Was that the  
24 nominations update?

25  
26 (Pause)

27  
28 MR. EDENSHAW: Excuse me, yes.

29  
30 CHAIRMAN OLSEN: Are we just tracking here back where  
31 we were here. That was the nominations update?

32  
33 MR. EDENSHAW: Yes, Mr. Chair.

34  
35 CHAIRMAN OLSEN: Yeah, thank you. We do have time to  
36 go into possibly some other reports then. I would like to call  
37 at least a five minute, 10 minute recess here before we get  
38 into those reports so we might organize ourself as to which way  
39 we'll head. So 10 minute recess.

40  
41 (Off record)

42  
43 (On record)

44  
45 CHAIRMAN OLSEN: Thank you. At this time we'd like to  
46 call our meeting back to order. As we have looked at the  
47 agenda here, in discussion here with the Council, we have felt  
48 that new business and proposals scheduled for tomorrow might  
49 have some public comment or otherwise on it, so we would like  
50 to keep that in order with tomorrow, so we don't bypass any

0065

1 comments on an issue that's directly involved with our  
2 community.

3  
4 So at this time we would like to go into our agency  
5 reports and I know Greg has just been excited to get up here  
6 and tell us how well the Izembek Herd has been doing, so, Greg,  
7 if you will, please.

8  
9 MR. SIEKIENIC: Thank you, Mr. Chairman and Council  
10 members. I believe each of you have in your packet the winter  
11 caribou survey for the Southern Alaska Caribou Herd, it's  
12 titled as a Trip Report. The Trip Report was partly what has  
13 come from our last meetings with the Federal Subsistence Board,  
14 of course, the Regional Council, relating to the caribou that  
15 are the Southern Alaska Peninsula Caribou Herd.

16  
17 Late November and early December, after the October  
18 meeting with the Federal Board, we had agreed that we would go  
19 back and initiate scoping meeting with the communities, we did  
20 that in November and December with the communities of King  
21 Cove, False Pass, Nelson Lagoon. During that time we  
22 identified potential survey participants that were willing to  
23 join us or work with us to try and accomplish our winter survey  
24 for the Southern Alaska Peninsula Caribou Herd.

25  
26 During January we initiated our first survey and were  
27 fortunate enough to get Melvin Smith as one of our survey  
28 participants and at this time we also utilized Vernon Wilson  
29 from King Cove. From the scoping meetings we also identified  
30 all of the areas along the Southern Alaska Peninsula that  
31 people had felt we were not surveying and there would be  
32 numbers of caribou that we had been missing. And in addition  
33 to that we also were requested to survey, formal, at Unimak  
34 Island by the residents of False Pass, which we said that at  
35 that time we would certainly do, should we be afforded the  
36 correct weather conditions or good weather conditions.

37  
38 And what this report contains is a narrative of just  
39 how we accomplished these surveys and briefly what we did is we  
40 utilized two service aircraft, we brought a Cessna 185 down  
41 from Anchorage, stored it at Izembek in our hanger until such  
42 time as we had good weather conditions and then we utilized  
43 also the refuge's Supercub in conjunction with this other  
44 aircraft and we went after it during a period of what looked it  
45 might be good weather.

46  
47 As it turned out we did have good weather for the  
48 survey period. Unfortunately what we ran into though was a  
49 lack of snow cover in the northern portion, good snow cover in  
50 the southern portion and a mix of good snow cover on Unimak

0066

1 Island as well as bare ground it. What we really need is good  
2 snow cover or barren ground for the most part. I think in the  
3 northern area we ran into approximately 30 to 50 percent snow  
4 cover, broken up in places of bare ground. The caribou were  
5 not visible flying transects at less than a quarter mile  
6 distance, at which time they attempted to do that and decided  
7 that they were obviously missing numbers of caribou, so they  
8 held off on that one.

9  
10 The results of the survey, if you care to look at it,  
11 there's a couple of charts that were put together. The  
12 Southern Alaska Peninsula area, along all of the bays, from  
13 Canoe Bay down to the (3-185) Derinof Bay, and it breaks it  
14 down into the number of groups of caribou that the are in and,  
15 of course, the numbers that were observed. Black Hills, Trader  
16 Mountain, these are just some of the local names of some of the  
17 areas that were being surveyed. Seven hundred and sixty-seven  
18 caribou.

19  
20 The Unimak Island, on the next page, gave us a total of  
21 603. This was a very welcome change, we had been estimating  
22 that to be approximately 200 animals based off of trend surveys  
23 because of the last six or seven years, since the survey had  
24 been done, we had seen very little progress in the change in  
25 the population. So we picked up a number of animals in the  
26 Unimak Island area, so that brought us up to about a 1,300  
27 animals figure, 1,367-1370 animals.

28  
29 So we then continued with trying to complete the rest  
30 of the survey based on waiting for either better snow  
31 conditions and/or melt off of the snow. On February 14th I had  
32 the opportunity to fly and we flew up to the northern Alaska  
33 area -- excuse me, Nelson Lagoon area, Caribou River area, and  
34 the snow conditions had melted off up. We were not flying in  
35 the Service aircraft, this was just an opportunity to fly with  
36 an individual who had a plane in Cold Bay. And during that  
37 time we flew approximately two and a half hours and we actually  
38 ended up with a pretty representative survey of the area, the  
39 caribou were very visible due to no snow being present, and we  
40 documented another 1,027 caribou during that flight.

41  
42 We were fairly comfortable even though one month had  
43 elapsed since we had initiated the January survey that we had  
44 minimal amounts of movement between the southern portion, which  
45 would be around the Cold Bay road system, Kinzerof (ph) Lagoon  
46 area up to the caribou in David River area because they would  
47 have had to traverse the Black Hills area.

48  
49 Which brought us up to 2,300 -- oh, approximately 2,350  
50 for caribou, excuse me, 2,397, which bring us very -- you know,

0067

1 we're starting to approach our 2,500 animals. The majority of  
2 that jump, of course, came from Unimak Island jumping threefold  
3 from what we were estimating that probably were on that island.  
4 So we feel we have a good count on Unimak and again on the Cold  
5 Bay road system, I think we need to do a little bit more work  
6 in our northern herd area, but it appears that the numbers are  
7 getting better, which as brought some additional questions up  
8 for us as far as where do we go from here.

9  
10 We initiated this cooperative venture on the survey  
11 work, we plan on continuing that, as I identified in one of the  
12 letters to the Council from the Fish and Wildlife Service, that  
13 we plan on going back to the communities and tell them what our  
14 surveys are, what we're finding. We're still planning on  
15 trying to complete this winter segment, doing the official  
16 survey as far as flying the true transect lines, getting a good  
17 count in that northern portion.

18  
19 During the time, though, since we identified, you know,  
20 the desire to harvest caribou last fall by way of the special  
21 action request there were some issues that we needed to address  
22 and we feel that working with the communities is probably the  
23 most appropriate way to address these and we plan on continuing  
24 in that means. As an example, we'll run through some of those  
25 issues that were brought up.

26  
27 The distribution of limited permits. We are trying to  
28 manage for a healthy population of caribou and we have a  
29 population of objective of 2,500 animals. The biologists that  
30 do a lot a of populations management recommend a harvest rate  
31 of approximately five percent if you want your herd to continue  
32 in an increasing mode, where you are allowing production to  
33 exceed your harvest. So if we look at a five percent figure  
34 for that on 2,500 animals, we're going to have 125 available  
35 permits, 125 available animals.

36  
37 So then came up the question of distribution of those  
38 permits. When it was proposed that X number of permits be  
39 provided to Sand Point and next number to King Cove and False  
40 Pass, there were some concerns from some of the community  
41 members around that while they were not comfortable with the  
42 recommended allocations that had come out, so I think part of  
43 this process of us going and working with the communities, we  
44 also need to go through the scoping process of when we arrive  
45 at this number where we start to allow a limited number, how  
46 are we going to do distribute these permits.

47  
48 I believe there some -- you know, some equitable  
49 formula needs to be worked out. Well, I guess Section 804 of  
50 ANILCA tells us that that is appropriate, you determine some

0068

1 type of a means of distributing these permits. I think we need  
2 to continue working along those lines.

3  
4 That also brought up an interesting situation, and that  
5 would be the distribution of harvest. If the Unimak Island  
6 segment of the herd seemed to be doing a little bit better, we  
7 would obviously want to have some of that harvest directed  
8 towards Unimak Island. I think the residents of False Pass  
9 have customary and traditional use determinations for Unimak  
10 Island as well as Sand Point. I believe King Cove did not  
11 during their determinations but, at any rate, we need to --  
12 it's another issue that has evolved now.

13  
14 The next one we've been asked to possibly take a look  
15 at Unimak Island as to whether or not it should actually be  
16 lumped in together with the entire Southern Alaskan Peninsula  
17 Herd. We feel that we have a very clear line of Southern  
18 Alaska Peninsula Herd and Northern Alaska Peninsula Herd, with  
19 limited interchange of animals between, we know we have some.  
20 Our radio collaring efforts, our radio tracking efforts have  
21 shown us that they pretty much remain as two distinct herds.

22  
23 We also feel that we have limited interchange between  
24 Unimak Island and the Southern Alaska Peninsula but yet they  
25 are lumped under this 2,500 population objective for the whole  
26 Southern Alaska Peninsula area. So the question was brought  
27 up, why can't we manage those somewhat distinctly because there  
28 is that limited interchange. The interchange we know of that's  
29 occurred has usually occurred during time of very high or peak  
30 population numbers when we've had upwards of 6 and 7,000  
31 animals on Unimak Island that have probably extensively  
32 utilized their habitat and then left the island headed towards  
33 the mainland area. I believe it would be the late '60s, early  
34 '70s occurrence.

35  
36 So that is another consideration that, you know, we've  
37 been approached with. We can review that. And again, I think  
38 in the context of working with the local communities that would  
39 be an opportune time to address that.

40  
41 The population objectives themselves have been, you  
42 know, brought up as maybe being that we have our population  
43 objective set too high at 2,500, we do not have really dynamic  
44 or really good winter caring capacity, estimates on the herd.  
45 We hope to do some additional work this summer with a range  
46 specialist -- or excuse me, with a botanist our of our Fish and  
47 Wildlife Service Anchorage office to help us assess the range  
48 condition further in our area to determine what we should be  
49 possibly carrying because our overall population objective for  
50 the herd is to manage about 4 to 5,000 animals once they start

0069

1 on the rebound.

2

3 So those are some of the issues that we feel are still,  
4 you know, in need of being addressed. I think we've had a good  
5 start with working with the local communities, getting some  
6 people involved with assisting us on the surveys. We hope to  
7 keep people involved, working with us, we have an opportunity  
8 for possibly put radio collars on this spring. We can bring a  
9 member of the community and incorporate those into that work.  
10 We will be doing our production survey work again towards the  
11 end of May, first part of June. The traditional calving times,  
12 and we'll be doing survival work, though later, probably  
13 August/September time frames.

14

15 Again, I would like to indicate that, you know, we plan  
16 on keeping communities involved with this effort, even to the  
17 extent that next winter's caribou survey work, you know, and  
18 that. We're nearing the 2,500 mark where we said we would  
19 initiate a limited harvest and I think that, you know, this  
20 spring survey work would certainly help us get the last handle  
21 on that. If we're really where we think we are now, I think  
22 the winter survey gave us an opportunity to get a lot better  
23 information. So I think we're making headway.

24

25 Before I move on to another item, I would certainly  
26 entertain any questions or comments that the Board (sic) would  
27 have.

28

29 MR. LUKIN: I have a question for you, Greg.

30

31 MR. SIEKIENIC: Ivan.

32

33 MR. LUKIN: There was some talk about the Adak Herd  
34 last -- oh, a couple of meeting ago and I was wondering if  
35 there was anything changed on that issue?

36

37 MR. SIEKIENIC: There is a -- I'm not sure if it's a  
38 briefing statement or letter in the book here under our agency.  
39 There were some question that were asked, the Board had asked.  
40 Help me out here, Cliff. The letter describes how the agency  
41 feels towards the movement of caribou. Basically, if I recall  
42 right, it says the agency -- if money can be located to move  
43 it, we wouldn't stand in the way of it in any way. I think  
44 that sort of what the bottom line is on that.

45

46 MR. EDENSHAW: Yes, Greg, I believe -- I'm not sure if  
47 it's inside the book, but.....

48

49 MR. SIEKIENIC: Right, there's a section and a letter  
50 addressed to Mark Olsen, the Council recommended Adak caribou

0070

1 be translocated and there's a paragraph there describing the  
2 Service's views on that.

3  
4 MR. EDENSHAW: Mr. Chair, that was in regards to the  
5 annual report. Last year when we -- when the Regional Council  
6 submitted the annual report they asked for -- there was  
7 concerns regarding the Adak translocation of caribou. And this  
8 is a response from the refuge in the regional office in  
9 Anchorage in regards to issues on refuge lands.

10  
11 MR. SIEKIENIC: Right. And the refuge would be Alaska  
12 Maritime National Wildlife Refuge and it does have a contact  
13 person in there of John Martin or Daniel Boone. I think -- I  
14 just recall this because I read it not too long ago, but  
15 there's a statement in here, the Service is not opposed to  
16 transplanting some animals as a temporary way to reduce the  
17 present herd until a new community gets established on the  
18 island. However, they do then also cite that funding is a  
19 primary concern as would concurrence by the State of Alaska, of  
20 course.

21  
22 That wasn't my area, I guess, I'm just helping sort it  
23 out.

24  
25 CHAIRMAN OLSEN: Thank you, Greg. And, Greg on that  
26 other issue here, I'd like to know what you meant by limited  
27 harvest. Your terminology on possible.....

28  
29 MR. SIEKIENIC: That's a good question and limited  
30 harvest is, I guess, based on the biological opinions of what  
31 you would like to have your herd doing over time, is how many  
32 animals can you take off of that and yet maintain a healthy  
33 population that would continue to grow towards your overall  
34 objective for the herd.

35  
36 And that's a very good question and does that limited  
37 harvest then mean that there's 100 animals or 125 animals.  
38 Again, if you're using what the professionals that are managing  
39 herds are saying, if you want a population to continue to grow,  
40 as we would if we have a population objective of 4 to 5,000  
41 animals, you would target certain parameters of that  
42 population. Probably you would be trying to harvest bulls  
43 caribou, if the bull:cow ratios were at a certain level and you  
44 would only want to harvest them at a certain level, so you  
45 would have an overall herd harvest of five percent is a good  
46 figure that most people are using. Five percent of the 2,500  
47 animals would relate to 125 permits.

48  
49 So it doesn't say in the plan exactly what a limited  
50 harvest is, you know, you have to leave it up to what is the

0071

1 herd doing. If for some reason you had a bull:cow ratio come  
2 in at 10 bulls per 100 cows you would still probably recommend  
3 a very minimal harvest of those bulls. So then you would have  
4 to adjust it towards another parameter of the population or you  
5 would have to agree to hold off. You would wait until the  
6 bulls came around or -- does that help?

7  
8 CHAIRMAN OLSEN: I guess I'm on a different train of  
9 thought here. I guess as to -- you described an implementation  
10 of rural priority. Would this be a subsistence hunt or would  
11 this be a sports hunt?

12  
13 MR. SIEKIENIC: Absolute -- no, it would be a  
14 subsistence hunt.

15  
16 CHAIRMAN OLSEN: Thank you, that was the main -- I  
17 didn't know that was the intent.

18  
19 MR. SIEKIENIC: No, it would be a subsistence hunt  
20 directed towards rural residents of the area.

21  
22 CHAIRMAN OLSEN: Thank you. That was the clarification  
23 I was looking for, Greg.

24  
25 MR. SIEKIENIC: Okay.

26  
27 MR. LUKIN: My question is, why do you have to wait  
28 'til 2,500, why can't they take five percent of whatever the  
29 herd is now?

30  
31 MR. SIEKIENIC: Well, I guess because of the way that  
32 the plan was put in place we identified an objective of 2,500  
33 animals as the number where the population ceased to be hunted  
34 entirely, so there has to be a population objective of some  
35 sort, whether it's described as a number, whether there's 2,500  
36 animals or whether you have a productive element of the herd  
37 saying that you're experiencing 15 production and calf survival  
38 by August, there has to be some element in there by which you  
39 say, from this point on we agree we can hunt these animals, we  
40 can harvest these animals.

41  
42 But there also has to be a parameter in there that says  
43 this level is when we say we're all comfortable, Fish and  
44 Wildlife Service, the communities out there, the Fish and Game  
45 Department, that for the biological good of this herd we  
46 stopped harvesting these animals and we give them an  
47 opportunity to either recover to the numbers we want them at or  
48 to reach to productivity levels that we would like them at or  
49 the habitats to respond.

50

0072

1 MR. CHRISTENSEN: Mr. Chair.

2

3 MR. SIEKIENIC: Does that help, Ivan?

4

5 MR. LUKIN: A little bit. It doesn't make sense,  
6 really sense to me, these people haven't been able to harvest  
7 in how many year now, a number of years.

8

9 MR. SIEKIENIC: This is the fourth season that the herd  
10 has been closed.

11

12 MR. LUKIN: That's why I asked a question about the  
13 Adak herd. I mean if they can't hunt their game down there,  
14 who knows how long it's going to continue.

15

16 MR. SIEKIENIC: Right. Adak -- the hunting on Adak is  
17 open year-round now for caribou.

18

19 MR. LUKIN: But these people don't have access to Adak.

20

21 MR. SIEKIENIC: Right. And to go in and for us to  
22 physically move caribou, we're saying that the funding does not  
23 exist. You know, Congress hasn't appropriated any funding to  
24 go down and move animals. You know, there's a lot of things  
25 that come into play, I think, when you start to talk about  
26 moving animals and are you talking about moving animals for the  
27 potential of establishing a productive herd on an island or  
28 just to harvest animals to provide a food supplement for people  
29 in the area?

30

31 MR. LUKIN: I was think in terms of if they're just  
32 going to have somebody go in there and do a free-for-all kill  
33 or whatever as many as you could. It wouldn't make sense to  
34 leave them lay there when somebody could utilize them.

35

36 MR. SIEKIENIC: I think the Service agrees with you.

37

38 CHAIRMAN OLSEN: Greg, it's always one my concerns  
39 here, as we have talked before, that rate of decline is for all  
40 general purposes is not a measuring tool but more the increase  
41 of cow:bull ratio and certain other items used to determine the  
42 health of the herd. It seems fair to me that the herd is not  
43 in a decline as thought -- as we had thought earlier, it is now  
44 on the rebound. It seems to me wouldn't that -- your five  
45 percent, it looks like we're only three numbers away, I mean.

46

47 MR. SIEKIENIC: Right.

48

49 CHAIRMAN OLSEN: When we're that close here and the  
50 five percent shows an increase on principle, if you will, I

0073

1 think -- I was just curious. Yeah, it seems to me  
2 (indiscernible - interrupted).....

3  
4 MR. SIEKIENIC: That's a good point. We're really  
5 close to where we say, hey, you know, let's take a look at this  
6 and we can figure out a way that we can start harvesting some  
7 of these animals. The question then comes up with some of  
8 these issues that we had brought up, the distribution of the  
9 permits; a distribution of the harvest itself, since we seem to  
10 be thinking or looking at Unimak Island now, seems to be a  
11 productive little element of this herd, would it be appropriate  
12 for us to go and harvest all of these animals off of the Nelson  
13 Lagoon component, the Caribou River area? Probably not, those  
14 are some of the things we probably want to sort out amongst the  
15 communities. I don't think Nelson Lagoon or Sand Point would  
16 feel that it would be appropriate that all of the harvest can  
17 come off of that segment of the herd.

18  
19 We sort of have three different segments we're looking  
20 at now, one that winters up in that area, one that winters  
21 around the Cold Bay road system and one that winters on Unimak  
22 Island or resides year-round on Unimak Island. So I'm in  
23 agreement with you that if these numbers are what they are,  
24 yeah, we're nearing that and now we just need to continue with  
25 this process of figuring out distribution of permits, the  
26 allocation, the distribution of the harvest, and then reviewing  
27 in context of our population objectives. So I agree with you.

28  
29 CHAIRMAN OLSEN: Good. At least we're -- I'm  
30 understanding you correctly as you meant it, so thank you.

31  
32 MS. SHELLIKOFF: Mr. Chair.

33  
34 CHAIRMAN OLSEN: Gilda.

35  
36 MS. SHELLIKOFF: Mr. Chair, thank you. I just wanted  
37 to make a comment. I think when you look back at the reason  
38 the request for a special hunt was issues or initiated to begin  
39 with, you know, was one of the reasons was because everybody  
40 had such a bad season and they couldn't really afford to buy a  
41 lot of groceries. And with the numbers up this high, I think  
42 we really should seriously look into the possibility of having  
43 a limited hunt now.

44  
45 MR. SIEKIENIC: Okay. And the other thing that comes  
46 up now with this time of year, and again this is -- again, the  
47 communities need to consider this and that is the actual  
48 availability of the caribou themselves. They have -- you know,  
49 around the road system of Cold Bay they had been up around  
50 there until approximately three weeks ago and they have now

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1 moved off to the north. Those animals are probably  
2 inaccessible other than by a boat, possibly to Kinzerof (ph)  
3 again. The animals that were up on the - excuse me, Pavlof Bay  
4 area would be accessible probably by boat again. Drift into  
5 Pavlof Bay, so -- but, yeah. Yeah, there's no reason why we  
6 can't just sit down and discuss why we're there. We're still  
7 actually are below the 2,500 level, I mean we're getting close.

8  
9 The other opportunity that exists, you need to sort out  
10 this time of year, would be if we decided to start harvesting  
11 these animals, what animals are we going to target? Are we  
12 going to target the bulls this time, which would traditionally  
13 be an antlerless animal? But also grouped in with the  
14 antlerless animal would be last year's calves. So the last  
15 year's calves are probably going to be our most productive  
16 element of the herd over the next few years along with the  
17 other cows.

18  
19 So there's some concerns, you know, I'd like to hear  
20 from the communities on as to whether or not they're  
21 comfortable now going out and trying to harvest bulls and that  
22 we're not going to impact the productivity again. Because if  
23 we impact the productivity -- we're right on that borderline,  
24 we're actually below it a little bit, you know, and we would  
25 really like to see it come up to some minimum population that  
26 all the communities can agree on that we need to have out there  
27 prior to us really initiating harvest on this herd.

28  
29 CHAIRMAN OLSEN: Randy.

30  
31 MR. CHRISTENSEN: Mr. Chair, yeah, I have a half a  
32 dozen questions here and then plus I wanted to make some  
33 comments. And one is that I realize the concern for down there  
34 especially in times of tight money. Has it been considered  
35 that -- you know, even with the testimony of John Nelson, Sr.  
36 there by way of Craig Mishler here this morning that the people  
37 themselves will regulate themselves on as far as -- you know,  
38 they didn't touch the elk for -- you know, until they figured  
39 that it was kind of community known that it was healthy enough  
40 in order to start harvesting.

41  
42 And also I heard testimony down in Sand Point about the  
43 bison herd down there. And, you know, luckily they had one  
44 bull that happened to be an off spring of the cows which  
45 generated a bigger herd. But the people down there didn't  
46 harvest until they felt that it was healthy enough. Does the  
47 agency feel that now they can't regulate on their own in a way,  
48 you know, to -- just through their own knowledge, or you just  
49 flat don't trust them or maybe -- I agree with her that it  
50 should be, and Ivan, too, that, you know, if you feel that five

0075

1 percent taken -- I don't know, maybe 2,500.....

2

3 My other question, too, is if the 2,500 is coming -- is  
4 almost reached, is it -- what is the reason for increasing? Is  
5 it because the season was closed down and there's lot less  
6 people or is it changes in climate or is it in feed? And see,  
7 I had a couple more other questions too. Well, anyway.....

8

9 MR. SIEKIENIC: Okay. Well, the biggest influx of  
10 animals into this population now is the additional animals on  
11 Unimak Island. You know, our other survey is coming out pretty  
12 close to where we've been all along, within a couple of hundred  
13 animals. We didn't pick up any large number of animals along  
14 the southern bay like we heard that we'd probably find, you  
15 know, herds of 3 and 400 along the southern bays. I think we  
16 found 60-70 animals total. I think we'd been giving them  
17 credit for 100 to 200 animals along the south side. So our  
18 populations are coming out fairly well within our estimated  
19 areas, other than the surprise came on Unimak Island.

20

21 So any changes in habitat, you know, we're probably not  
22 seeing any large wholesale changes in the habitat, landscape  
23 wide. Productivity last year from all of our estimates are  
24 still down in that three to six percent range on the mainland  
25 herd, we did not look at the Unimak Island herd, that would be  
26 interesting to find out. We hope to get very strong  
27 productivity data this spring because we're going to have a  
28 helicopter down there in the area, it will give us an  
29 opportunity to do additional landings within the area, to do a  
30 better work on the herd. You know, so it's difficult to answer  
31 all of those questions in regards to habitats.

32

33 MR. CHRISTENSEN: I had about three others, too.

34

35 MR. SIEKIENIC: Okay.

36

37 MR. CHRISTENSEN: One was how erratic is the herd  
38 increasing and what can you say about that? Is it a gradual  
39 increase or is it like a burst? And also when do you project a  
40 2,500 goal limit? Is that, according to past records, can you  
41 project a date for that? And -- oh, and also, we had a bunch a  
42 testimony from people down in Sand Point that last meeting,  
43 there was quite a few heartfelt testimonies that said that  
44 there was a lot more caribou than the agency was reporting and  
45 I was just curious about that.

46

47 MR. SIEKIENIC: Right. Again, I'll follow that one up  
48 with, yeah, we were surprised on Unimak Island. The rest of  
49 the survey area tends to be showing us pretty much what we had  
50 thought was out there.

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1 In response to your first question, if I can remember  
2 it, are we seeing large wholesale jumps in population? The  
3 best biological opinion would be probably not. It's been about  
4 six or seven years since we did a full Unimak Island survey and  
5 it went from approximately 200 to 600 animals, that's probably  
6 a very incremental increase that we're seeing there, just  
7 through productivity.

8  
9 The mainland herd has not demonstrated any major jumps  
10 in productivity, again we're staying with our three to six  
11 percent estimate, you know, based off of last year's work. A  
12 prediction on when we would reach that 2,500, you know, that's  
13 sort of anybody's guess, I mean, I would.....

14  
15 MR. CHRISTENSEN: Based on past increases.

16  
17 MR. SIEKIENIC: Well, if we were staying at a three to  
18 six percent and 2,500, we may make it this year. If we have a  
19 lousy calving season and we get a snow storm the last week of  
20 May through June, success -- survival of the calves could be  
21 absolutely lousy and we're sitting right where we are again.  
22 You know, it's sort of a guess as to what happens out there in  
23 the environmental conditions and the health of the herd as it  
24 goes in this spring. You know we have a very late severe  
25 winter, you know, that extends on into May, that'll impact the  
26 health of the cows, you know, just before parturition. So, you  
27 know, it's.....

28  
29 CHAIRMAN OLSEN: I don't know, correct me if I'm wrong  
30 here, but for some reason when this closure first came about I  
31 thought the threshold was set at 2,400 and I would have to go  
32 back and check.

33  
34 MR. SIEKIENIC: I have a copy of the plan with me if  
35 you'd like to see it, it's 2,500.

36  
37 CHAIRMAN OLSEN: Well, yeah, I know, that's the first I  
38 assess in this year it's the first time that it comes to my  
39 attention that it seems to be different.

40  
41 MR. SIEKIENIC: Oh.

42  
43 CHAIRMAN OLSEN: It might say so today, I'd just like  
44 to go back and see -- do you know is that's the way it's always  
45 been?

46  
47 MR. SIEKIENIC: Yeah, it's always been 2,500. Twenty-  
48 five hundred as a base level and then 4 to 5,000 for the  
49 overall population objective.

50

0077

1 CHAIRMAN OLSEN: All right. Okay. I will just observe  
2 that myself. The other thing I heard you discussing was  
3 possible subunit management, is that fair to say?  
4

5 MR. SIEKIENIC: We've been asked if that's a  
6 possibility. I said I'm willing to discuss that -- and, of  
7 course that brings in that we need to bring in the State of  
8 Alaska with us as well, the biologist out of King Salmon. You  
9 know, even as we move toward the 2,500 mark and if Fish and  
10 Wildlife Service or the Federal Subsistence Board said, yeah,  
11 we feel that we're comfortable with a subsistence harvest on  
12 these animals, and the for some reason the State does not agree  
13 with that, there's large areas of land down there that are not  
14 Federal lands. All of the lands around Nelson Lagoon, Pavlof  
15 Bay, Caribou River, David River are State lands. So, you know,  
16 there could be a real discrepancy amongst where the harvestable  
17 resource even resides.  
18

19 So I think, again, that's what some of these issues, we  
20 need to get back to some of these communities and take a real  
21 hard look at and say, I'd really like to be ready for this when  
22 the time comes, that we have this all laid out and again work  
23 with the State because the State lands are a big part of this  
24 herd, they harbor upwards of not quite 50 percent of the  
25 population for a lot of the year.  
26

27 CHAIRMAN OLSEN: I agree with you. I think the best  
28 way to manage is subunits, what goes on in individual areas and  
29 certainly maybe not for the animals it's a big area, but for me  
30 each subarea is even large.  
31

32 Melvin.  
33

34 MR. SMITH: Yes, I'd like to thank Fish and Wildlife  
35 Service for letting me participate in these surveys and I think  
36 it's good for -- you know, what Fish and Wildlife service is  
37 doing by getting involved in the communities, coming there and  
38 having meeting and asking them, you know, what their ideas are  
39 and how they feel about it. And I think Fish and Wildlife  
40 Service should continue that and it seems like you guys are and  
41 it gives the communities more trust in the Fish and Wildlife  
42 Service, I guess. So I just want to say thanks, it was  
43 interesting on those surveys.  
44

45 MR. SIEKIENIC: No thanks needed, you're the one that  
46 had to sit in the back seat of the Supercub.  
47

48 MR. SMITH: That's fine.  
49

50 MR. SIEKIENIC: Okay. Any other caribou questions?

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1 Randy, did I answer yours adequate or.....

2

3 MR. CHRISTENSEN: Yeah, I guess pretty much. There's  
4 only one other question. Would it be worth it to re-propose  
5 the same question that was proposed last time, maybe a lower  
6 number of caribou in hopes that they won't be turned down this  
7 time?

8

9 MR. SIEKIENIC: That's purely up to the Council or to  
10 an individual who would like to make a proposal.

11

12 MR. CHRISTENSEN: From your view.

13

14 MR. EDENSHAW: From my view, potentially. From the  
15 State's view, I don't know, I can't answer for the State.

16

17 MR. CHRISTENSEN: Because if I can recall the original  
18 proposal didn't even come up to 125 did it?

19

20 MR. SMITH: It's 100, I think.

21

22 MR. CHRISTENSEN: It was only 100.

23

24 MR. SIEKIENIC: Right. And keeping in mind we're still  
25 below the 2,500 to our knowledge.

26

27 MR. CHRISTENSEN: Yeah.

28

29 MR. SIEKIENIC: And we are party of the plan with the  
30 State of Alaska, and at the time even the communities, and  
31 obviously the communities feel there wasn't adequate enough  
32 input on it. My feeling is we're working towards that right  
33 now, I think this is a great opportunity to kind of hammer this  
34 out over the next few months and to get a good handle on, you  
35 know, this spring's population, productivity, survivorship of  
36 the calves, you know, everything that's going on and certainly  
37 review it prior, in the context of next fall's hunting season  
38 or, you know, what would be identified as the best opportune  
39 time to harvest.

40

41 CHAIRMAN OLSEN: When the threshold level was set was a  
42 limited harvest a part of the concept at that time?

43

44 MR. SIEKIENIC: Yes, it's part of the concept, but it's  
45 not identified out as to how, where, who and that, it was just  
46 simply stated in there that when we hit the 2,500 mark there  
47 would be an entertainment of a limited harvest. Well, anyone  
48 can interpret that anyway they would like, I guess. I would,  
49 you know, certainly like to try and interpret that out farther  
50 so all of these communities have an idea of just what we're

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1 talking about when get, you know, this 2,500 level, you know,  
2 to try and take the vagueness out of it, try and give the  
3 people something that they can agree with and, you know, as far  
4 as -- you know, it doesn't help -- from my standpoint it  
5 doesn't help me being on the spot with you're having this  
6 number here and what you going to do when you get that point  
7 and because when we get to that point I'd like to have it clear  
8 so there's no dissension among communities, well, what do you  
9 mean their going to get X-number. I don't know, I'd like to  
10 take some of the vagueness out of it and I think we have an  
11 opportunity right now to do it. We've initiated some good  
12 working relationships and good opportunity to continue with  
13 that.

14  
15 CHAIRMAN OLSEN: Right. The reason I ask it though,  
16 Greg, is that we had controversy on what happened to the  
17 caribou, they just seemed to disappear.

18  
19 MR. SIEKIENIC: Right.

20  
21 CHAIRMAN OLSEN: That phenomena has not occurred  
22 lately, so -- and then when the threshold was set and you look  
23 at the amount of animals taken out, how long would that  
24 sustained yield be there, since it is a limited hunt, the  
25 relevancy to the threshold, I think, is also a factor which is,  
26 of course, being determined, but still it is set at a threshold  
27 level not a limited hunt but you might say sport hunt, correct?

28  
29 MR. SIEKIENIC: No, it is set at a threshold level of a  
30 very limited hunt which is going to be on Federal lands  
31 directed towards the rural resident.

32  
33 CHAIRMAN OLSEN: Thank you.

34  
35 MR. EDENSHAW: Mr. Chair.

36  
37 CHAIRMAN OLSEN: Yes, Cliff.

38  
39 MR. EDENSHAW: May I add some comments? In regards to  
40 what Greg was saying and the point that Randy brought up, I  
41 believe that with Melvin and Vernon Wilson's involvement with  
42 the surveys I would strongly agree with Greg that it's a great  
43 opportunity for the Council and for those members in the  
44 community down there to be involved with the management plan  
45 because if you recall when the Special Action request was  
46 handled by the Board they specifically looked at the management  
47 plan in regards to calf recruitment, bull:cow ratio, what the  
48 actual population of the herd is, and so I don't believe until  
49 -- you know, when this issue is revisited again, if and when  
50 the caribou numbers are above 2,500 for them to have a hunt,

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1 that certainly they're going to look back at the plan and look  
2 at all these parameters, are these at levels that were stated  
3 in the plan, so I believe it's an important time for the  
4 Council and the communities out there to become more involved  
5 with possibly changing that plan because if -- another point  
6 that Greg brings out in regards to Unimak Island with the  
7 caribou herd out there, I don't know if he's looked at -- if  
8 they were to micromanage the island, how many caribou can they  
9 take out right now. And that portion of the island is  
10 addressed in the management plan.

11  
12 So I believe that any action taken by the Council put  
13 forth before the Board that they're going to look at this  
14 management plan unless the Council and the Board and the State  
15 have been able to sit there and address the issue at hand in  
16 regards to the caribou and realize that the management plan  
17 hasn't been updated, all parties agree, yes, we can go ahead  
18 with this safely.

19  
20 CHAIRMAN OLSEN: Certainly I feel we're trying to  
21 absorb here what's being transmitted but I also wanted to  
22 inject that I think last year there was a lot of really built  
23 up false hopes that were turned down and I would really caution  
24 from that happening once again. And when I say that I believe  
25 that just because we have a threshold of certain number still  
26 doesn't fully meet the criteria of cow:bull ratio or any other  
27 potential factors that might hinder it. I'm certainly excited  
28 about it, but on the other hand I don't want to build up any  
29 false hopes with our public people on this issue.

30  
31 Hilda -- Ida, excuse me, I'm sorry. Ida Hildebrand.  
32 Ida.

33  
34 MS. HILDEBRAND: I'm Ida Hildebrand of BIA Staff  
35 Committee. I just want to make four comments. Last year  
36 during the discussion I also heard the threshold as 2,400 and I  
37 also heard tremendous amounts of testimony that the Council  
38 felt that they were not involved or the people of the region  
39 were not involved in the discussion of the original plan, so if  
40 you are going to be involved in it, I would suggest that you  
41 state your interest emphatically, that isn't just your rubber  
42 stamp that you do want to voice in it before anything is  
43 signed.

44  
45 And as to the 2,500 threshold, as I understand the  
46 report I just heard, the survey hasn't yet been completed, so  
47 perhaps there is already that threshold.

48  
49 Thank you.

50

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1 CHAIRMAN OLSEN: Thank you, Ida. I appreciate that  
2 because it seems to me that the four years that this has been  
3 on the table the number 2,400 has been stuck in there and all  
4 of a sudden I noticed a change and I was just going to take a  
5 look at my back papers on the issue.

6  
7 MR. SIEKIENIC: Right. And that's a good point about  
8 completing the survey, it could very well indicate that we're  
9 there. In the Southern Alaska Caribou Herd Management Plan on  
10 Page 3 under the managing the Southern Alaska Peninsula Caribou  
11 Herd, Objective number 1, there will be no harvest when total  
12 population is less than 2,500 animals. Number 3, a limited  
13 harvest of bull caribou will be allowed when the herd exceeds  
14 2,500 with a ration of at least 20:100 cows.

15  
16 CHAIRMAN OLSEN: Twenty percent?

17  
18 MR. SIEKIENIC: Twenty to 100, right, 20 bulls per 100  
19 cows, but in both place is a 2,500 animal number. And this is  
20 the plan that's.....

21  
22 CHAIRMAN OLSEN: Right, that might be so today here,  
23 but I, you know, if I'm wrong I'll be the first to admit it,  
24 but certainly I would like to maybe by tomorrow have the  
25 documents that lead me to believe otherwise, so until that I'm  
26 -- I hope that it's not an issue, but is the number that I had  
27 recorded in my documentation. I certainly will either bring it  
28 to your attention or stand corrected.

29  
30 MR. SIEKIENIC: Right. Well, you know, we're getting  
31 there. I really do, I believe that we're getting there, you  
32 know, if the herd is there.....

33  
34 CHAIRMAN OLSEN: A hundred animals is all they  
35 requested though, so to be a different threshold of at least  
36 100 animals makes a big difference to me.

37  
38 MR. SIEKIENIC: Oh, okay. Yeah, I guess. I don't know  
39 is there a record you can check on that, Cliff? Is that what  
40 you're asking?

41  
42 CHAIRMAN OLSEN: Yeah, I know that I have my files in  
43 my office and this evening I would just like to have the  
44 opportunity to research it is all I'm saying.

45  
46 MR. SIEKIENIC: Okay. Any other caribou questions I  
47 can.....

48  
49 MR. CRATTY: Yeah, I wanted to know how many cows do  
50 you think are pregnant now?

0082

1 MR. SIEKIENIC: I hope all of them.

2

3 MR. CRATTY: I mean, if you were to send them into hunt  
4 they wouldn't be able to tell the difference, would they?

5

6 MR. SIEKIENIC: The cows are still carrying their  
7 antlers.

8

9 MR. CRATTY: Oh, okay.

10

11 MR. SIEKIENIC: Normally in a caribou herd the cows  
12 carry their antlers until the time of birth or within the week  
13 or so after birth. Normally. There will always be a few  
14 exceptions to that. You know, the main concern, of course, to  
15 me would be the calves from last year which would be bearing no  
16 antlers at all along with the bulls.

17

18 MR. CRATTY: Something I didn't know.

19

20 CHAIRMAN OLSEN: Greg, you had mentioned permit  
21 distribution and distribution of animals and things of that  
22 nature. Are you still on the caribou issue?

23

24 MR. SIEKIENIC: Sure, sure, oh, yeah.

25

26 CHAIRMAN OLSEN: Okay. I didn't know if you were going  
27 on to something else.

28

29 MR. SIEKIENIC: I will, I have just a couple of other  
30 things, but let's do the caribou.

31

32 CHAIRMAN OLSEN: Yes, please then will you -- okay.  
33 What you have is not on the.....

34

35 MR. SIEKIENIC: No, I was just going to talk about  
36 migratory birds just a little bit. You know, there were  
37 several questions that had come up last year on migratory  
38 birds.

39

40 MR. SIEKIENIC: As we have heard these questions  
41 presented by Mr. Siekienic, do we wish to take this up at this  
42 moment here as to like he had mentioned there's permits,  
43 distribution of permits and animals and, of course, the subunit  
44 management idea. Do we wish to address that at this time or do  
45 we wish to sleep on it and bring it back tomorrow?

46

47 MR. CHRISTENSEN: Mr. Chair, the only thing I'd like to  
48 mention maybe is that when we finally do reach that threshold,  
49 how much say so are we going to get? Is the agency going to  
50 come right back to us and tell us no matter what we want may

0083

1 not be what the agency decides and then it's going to be in the  
2 rules and regulations anyway or should we -- you know, I  
3 mean.....

4  
5 MR. SIEKIENIC: Are you asking.....

6  
7 MR. CHRISTENSEN: Is it worth it to take our time right  
8 now to try and figure that out?

9  
10 CHAIRMAN OLSEN: I guess as I think about it here,  
11 certainly I would just only hope that we have some kind of  
12 direction given on this before the meetings are over tomorrow.  
13 But we have saved tomorrow for proposals on other issues, I  
14 think that might be a time best to maybe come back with a  
15 proposal on these issues that you have described. Is that.....

16  
17 MR. SIEKIENIC: Yeah, if -- Cliff, they're asking  
18 whether it would be appropriate for them to develop a proposal  
19 relative to what I've been talking about here, whether it's  
20 today, tomorrow, what.....

21  
22 MR. CHRISTENSEN: Well, the threshold is not even met  
23 so far.

24  
25 MR. SIEKIENIC: Right.

26  
27 MR. CHRISTENSEN: So should we go ahead and do it now  
28 without even knowing that there's even 2,500 animals. You  
29 know, like counting your eggs before they're -- or chickens  
30 before they're hatch, in other words or.....

31  
32 CHAIRMAN OLSEN: I guess I was responding to what you  
33 had said about the distribution of permits and animals, how is  
34 that going to be worked out? Was that something you were  
35 hoping to get from the Council?

36  
37 MR. SIEKIENIC: No, what I was putting that forward was  
38 that from my standpoint -- from being the manager, the Federal  
39 land manager out there this is what I hope to do. I hope to be  
40 able to go to the communities and address some of these issues.  
41 Obviously I would like support of the Board (sic) that we're  
42 headed in the right direction.

43  
44 If you are in disagreement on whether or not we try and  
45 figure out amongst the community some type of a distribution of  
46 when the harvests are limited or when allocation is limited,  
47 I'm willing to listen to that too, I'm certainly looking for  
48 other ideas that you would have on, you know, distribution of  
49 harvests, distribution of permits, the system for allocating  
50 permit, you know, what's fair among five communities that are

0084

1 scattered around. I think that's best left up to the  
2 communities myself to be able to get together collectively and  
3 say, well, here's why we think they should be this way, but  
4 that's.....

5  
6 CHAIRMAN OLSEN: I agree with you wholeheartedly but I  
7 also know that this was a major discussion and even through  
8 Sand Point last year we did come up with a formula, a proposal  
9 kind of on those exact same guidelines.

10  
11 MR. SIEKIENIC: Right. And I would like to share with  
12 the Council that I also heard word that there were communities  
13 that were not happy with that. It was put together as a, my  
14 understanding from the Aleutians East Borough standpoint just  
15 either on a population standpoint, I'm not sure what their  
16 parameters were, they didn't share that with us.

17  
18 I had several residents of Cold Bay saying, gee, we're  
19 going to get five to 10 permits, we don't feel that's right. I  
20 had some other members of Nelson Lagoon indicating that they  
21 thought it wasn't a proper, so that why I say I think the  
22 opportunity is upon us that we can possibly work this out  
23 amongst the communities. Now, before we get to that point of  
24 throwing a bunch of permits up in the air and hoping they all  
25 fall in the right places.

26  
27 CHAIRMAN OLSEN: I guess, certainly with this all  
28 involved it sounds to me, more and more, like we're might be  
29 working then for a next year hunt and nothing this year.

30  
31 MR. CRATTY: Mr. Chair.

32  
33 CHAIRMAN OLSEN: Go ahead, yes. Excuse me. Go ahead,  
34 Rachel, please.

35  
36 MS. MASON: I just wanted to suggest that this is maybe  
37 not something that has to be settled right here at this  
38 meeting, that possibly the Council members could go back to  
39 check with your communities and also perhaps wait until the  
40 results of further surveys are in and then there could be a  
41 convened meeting by teleconference rather than waiting for next  
42 year to have a Council meeting.

43  
44 CHAIRMAN OLSEN: Right, that was kind of my focal point  
45 is when were we looking at. Thank you.

46  
47 MR. CRATTY: That's the same idea I was thinking. The  
48 meeting next year have it in Cold Bay and invite these five  
49 communities and then we can hear their -- you know, maybe they  
50 can have a hunt next fall.

0085

1 CHAIRMAN OLSEN: Yes, but on the other hand look at  
2 both sides too.

3  
4 MR. CRATTY: You know they want to work with the  
5 people, that's the best way to do it.

6  
7 CHAIRMAN OLSEN: Oh, absolutely, absolutely, I have no  
8 qualm with that at all, Al, I was just noting the process that  
9 it takes, you know, is it a real goal, I guess you'd say.

10  
11 MR. SIEKIENIC: Is it a real goal that we could get it  
12 figured out, you mean?

13  
14 CHAIRMAN OLSEN: No, I mean in time for any near future  
15 hunts.

16  
17 MR. SIEKIENIC: Well, again, that's going to be up to  
18 what the herd does, you know, more additional survey work this  
19 spring and production work and that would certainly tell us a  
20 lot more. I'm comfortable, we got a lot better information off  
21 a Unimak Island, we got good information off the segments that  
22 Melvin and Chris Dau flew, we got one more segment left that --  
23 and, you know, the way it looks right now is going to put us  
24 real close to being there, if not there, so.....

25  
26 CHAIRMAN OLSEN: Yes, Mr. Willis.

27  
28 MR. WILLIS: Thank you, Mr. Chair. I'd just like to  
29 add a few words. From the standpoint of the Subsistence  
30 Office, it's our goal to have a hunt on that herd just as soon  
31 as the herd can handle it. Right now we're still under the  
32 threshold and we haven't worked with the communities on an  
33 allocation process, we don't have the production data, we don't  
34 know what the herd is going to do as far as calving and  
35 survival this year, so we're just not ready right now to  
36 recommend anything.

37  
38 The Council could certainly submit a proposal today at  
39 this meeting if they wanted to, but I think it might be a  
40 little premature because we're not yet at the threshold and  
41 because we don't have this year's production and survival data  
42 and because we haven't gone to the local communities. It's  
43 kind of our thinking that we might make some changes in the  
44 plan.

45  
46 We don't really know what's going to come out of that.  
47 We've got better data now, we've flown Unimak Island and, you  
48 know, we're ready to go back out to the communities and say,  
49 okay, this is what we got, let's see how we can work with this  
50 and I think we're a few months away from knowing whether or not

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1 we can hunt next fall or not. But don't lose sight of the fact  
2 that we're trying as hard as possible to have a hunt. We want  
3 to hunt that herd, you know, that's what we're here for is to  
4 make sure that the subsistence user gets to harvest and still  
5 maintain a healthy population and as soon as we can do it we  
6 want to do it.

7  
8 So I don't think you have to concern yourself that  
9 you're going to have to come forward with a proposal at one of  
10 your meetings to create hunt. As soon as those criteria are  
11 met there will be a hunt, I can assure you of that. Nobody  
12 wants it any worse than we do.

13  
14 I think that's all I have to add, thank you.

15  
16 CHAIRMAN OLSEN: Thank you. but on the other hand I  
17 look at it as people doing without their main staple diet for a  
18 another year, is it necessary and when I certainly look at the  
19 five percent equation that this five percent with still growth  
20 certainly it believe me that, yes, I don't believe in keeping  
21 that off the table from these people any longer than is  
22 absolutely necessary and I think we're at that point.

23  
24 I just wanted to make that statement, I personally  
25 don't know what the Council, how they wish to address this  
26 issue. My recommendation is to at least sleep on it tonight  
27 and give it some thought tomorrow with our other proposal, if  
28 we are going to make a proposal on this issue.

29  
30 Is there any feedback there from the Council as to how  
31 they'd like to treat this at this time?

32  
33 MS. SHELLIKOFF: I think we should just think about it  
34 for tonight.

35  
36 MR. CRATTY: I'll second.

37  
38 CHAIRMAN OLSEN: Yes. We'd just kind of like to -- you  
39 know, the report here is basically what we -- puts our gears in  
40 gear, so we would like to at least not be rational about it,  
41 but at least give us some time and table it 'til tomorrow.

42  
43 MR. SIEKIENIC: Right. And I'm planning on staying  
44 until tomorrow so if I can answer any other questions or if you  
45 have any question relative to it that come up between now and  
46 then, you know, please ask.

47  
48 Just to finish off, I indicated there was some  
49 migratory bird questions that had been.....

50

0087

1 MS. SHELLIKOFF: Can I?

2

3 MR. SIEKIENIC: Sure.

4

5 MS. SHELLIKOFF: You mentioned about going out to the  
6 villages with this information, how soon will you be having  
7 meetings out in the communities?

8 MR. SIEKIENIC: We can -- I can actually start those  
9 anytime. I, obviously, have been hoping to get the last of the  
10 survey leg completed prior to going out, you know, but I think  
11 there's some of these issues that can be addressed without even  
12 having that information, that is, again, as it says like in the  
13 plan, when we initiate a limited harvest how are we going to do  
14 it, you know, how are we going to distribute available permits  
15 and, you know, to what communities, to what degree and that, so  
16 I don't see any reason why that can't start, you know, and  
17 continue over the next couple of months.

18

19 Are you comfortable with something like that Mel and,  
20 you know.....

21

22 MR. SMITH: Sure. I think if.....

23

24 MR. SIEKIENIC: We have other issues going with -- you  
25 know, in False Pass, we get down there, so I would, you  
26 know.....

27

28 CHAIRMAN OLSEN: Okay. I think we're happy with the  
29 direction we've taken having heard from you on the caribou so  
30 far.

31

32 MR. SIEKIENIC: Okay.

33

34 CHAIRMAN OLSEN: You got more on the migratory, yes,  
35 please.

36

37 MR. SIEKIENIC: Right. There were several questions  
38 that had come up again on migratory birds, particularly in our  
39 area, requesting some subsistence type information. Again, I  
40 would like to refer that there is a statement put in the book  
41 regarding subsistence harvest of migratory birds. When I was  
42 at the Sand Point meeting it was brought up that well, ideally  
43 we'd like to have a subsistence harvest, the migratory bird  
44 regulations at this point in time do not have any means by  
45 which to provide us subsistence harvest.

46

47 Well, we went back and we took a look at the Canada  
48 goose population data and I talked to the State water fowl  
49 biologist and several other people in Migratory Bird Management  
50 Office in Anchorage and then with the Aleutians East Borough

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1 and together with the Aleutians East Borough they put together  
2 a proposal to increase the daily bag limit on Canada geese.  
3 It's not a subsistence harvest, but it's an increase in the  
4 daily bag limit to hopefully raise that from four to six. And  
5 I just wanted to led the council know that proposal is going  
6 forward, it will be -- it has already been presented  
7 conceptually to the Pacific Highway Council, which would be the  
8 Council that would act upon that. And at this point in time --  
9 and again, it is not approved in any way but it is being viewed  
10 very favorably by the council. And the council is comprised of  
11 all the states along the Pacific flyway, so that's just a  
12 little note to through in there that it looks like that's going  
13 forward and at this point in time it has not met any  
14 opposition, so we're halfway home. Keeping our fingers  
15 crossed.

16  
17 MR. CHRISTENSEN: Mr. Chair.

18  
19 CHAIRMAN OLSEN: Randy.

20  
21 MR. CHRISTENSEN: Mr. Chair, I'd like to ask a question  
22 about -- on the migratory birds, is there an international  
23 council that oversees that each nation sticks with their old  
24 regulations that are set by all the nations collectively or --  
25 just out of curiosity I was just wondering. Or do we just kind  
26 of work on our own United States and hope for the best that  
27 everybody else is doing the same thing or.....

28  
29 MR. SIEKIENIC: Well, we don't, we -- the International  
30 Migratory Bird Treaty Act identifies a lot of the parameters of  
31 the work between the United States, Canada and Mexico. I can  
32 use Brant as an example, there's an international group that  
33 works together to determine harvest rates for Brant because the  
34 Brant not only are a United States' but they also winter along  
35 the Canadian, California, Oregon, Washington and down in the  
36 Baja of Mexico. So they are working amongst all three of the  
37 countries trying to regulate harvests.

38  
39 Now, no mater what is agreed to on those tables, we as  
40 the United States cannot go into another country and enforce  
41 their regulations, so I don't know -- I can't comment on  
42 whether or not they're enforcing the harvest to the degree that  
43 the United States would be, that I do not know. But, yeah,  
44 there is definitely a working group that works towards overall  
45 harvest goals.

46  
47 Okay?

48  
49 MR. CHRISTENSEN: Thank you.

50

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1 MR. SIEKIENIC: Sure. Any other questions? Otherwise  
2 that's, you know, I better end it I've been up here long  
3 enough.

4  
5 CHAIRMAN OLSEN: Well, that's good. Appreciate your  
6 report, Greg.

7  
8 MR. SIEKIENIC: Okay. Thank you.

9  
10 MR. BRELSFORD: Mr. Chairman, there -- I got to learn  
11 about buttons, too. There is one other item from the Fish and  
12 Wildlife Service agency having to do with the request by the  
13 Congress for information about trapping on refuges and this was  
14 in response to some concerns about leghold traps. Some  
15 information was sent to you in advance to try and provide an  
16 opportunity to comment before a February 15th deadline, but Tom  
17 Eley from the Refuge Program would be able to walk you through  
18 the information on that item if you'd like to do that at this  
19 time.

20  
21 MR. BRELSFORD: Yes, sounds good then. Please.

22  
23 MR. ELEY: Okay. I'm Tom Eley and I'm with the Fish  
24 and Wildlife Service in Anchorage, Division of Refuges. This  
25 briefing statement is in Section V as in Victor, at the very  
26 end of it.

27  
28 This year Congress as part of our 1979 (sic)  
29 Appropriations Act attached some language whereby the Fish and  
30 Wildlife Service was directed to institute a task force to look  
31 at trapping on national wildlife refuges. And they are  
32 particularly concerned, Congress was, with leghold traps.  
33 Earlier on we had heard that this was going to be a total ban  
34 and then that was changed and we understood it was just going  
35 to apply to Fish and Wildlife Service doing Fish and Wildlife  
36 Service research.

37  
38 So we proceed that way, this act was signed September  
39 28th, the refuge manages all submitted questionnaires related  
40 to trapping on refuges and, you know, how we use traps as part  
41 of our research programs and so forth. And then we were told,  
42 no, that this was supposed to be a task force that looked at  
43 trapping in the broader scheme of things, including subsistence  
44 trapping, commercial trapping, all sorts of types of traps and  
45 that sort of thing.

46  
47 And so Fish and Wildlife Service began to institute a  
48 task force and this task force was going to be represented by a  
49 number of people. From Alaska myself -- I was going to  
50 represent the Fish and Wildlife Service. Mitch Demientieff was

0090

1 going to represent subsistence, there were some other people  
2 that were invited.

3  
4 Well, the solicitors got involved and say, well, you  
5 can't do this because you haven't proved to us that you are  
6 establishing a task force that represents all sides of the  
7 issues, pro-trapping, anti-trapping, have them duly, lawfully  
8 instituted and have a report to Congress by the 1st of March,  
9 you can't do it.

10  
11 And so what the Fish and Wildlife Service decided to do  
12 was to go out and solicit information from the general public,  
13 all sides of the issue, about trapping. Have it to the Fish  
14 and Wildlife Service by the 15th of February and it has to be  
15 forwarded to Congress by the 1st of March. Mitch Demientieff  
16 wrote a letter asking that because the Regional Councils were  
17 meeting some of them, like you folks, after the due date, would  
18 it be possible for these letters to be forwarded on over and  
19 accepted by Congress.

20  
21 We haven't heard what Congress's reply is, but  
22 certainly the Fish and Wildlife Service will forwarding over  
23 any letters. Most of the Regional Councils, I think, have  
24 written letters in support of trapping. Some anti-trapping  
25 folks in Anchorage have submitted letters. Lots of people have  
26 submitted letters, we've gotten some copies of some of them.

27  
28 In Anchorage one of the questions that people often  
29 have is what does this mean, you know, what's going to happen  
30 with this information and that's something we can't tell you  
31 because we don't know. This was Congress's idea, I mean, they  
32 have a lot of power, they control budgets, they control  
33 trapping, ultimately, they could require us to establish  
34 certain rules and regulations, they may do nothing with it and  
35 we don't know.

36  
37 There's a lot of work going on, I just attended an  
38 Indigenous Survival International meeting in Anchorage with Ben  
39 Hopson and Steve Peterson were there, they've been working with  
40 the international community on improving traps, finding traps  
41 that are more humane, yet traps that are safe for trappers to  
42 use. They found some really fantastic traps as far as killing  
43 an animal right away, but they're very dangerous for trappers  
44 to use in and of themselves.

45  
46 Apparently the Canadian community, the Native community  
47 and the Russian Native community has supported the elimination  
48 of leghold traps, part of the European ban. So it's a real  
49 interesting issue. Of course, we recognize trapping as a part  
50 of subsistence and one of the purposes of the refuges in

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1 Alaska, trapping can be practiced on all the refuges. A few of  
2 the refuges, notably Kenai, I think Izembek, Kodiak and a  
3 couple of others have a few regulations, but basically trapping  
4 is a permitted activity and certainly one that we would like to  
5 see continued.

6  
7 There have been lots of letters in support of trapping  
8 that have expressed the importance of trapping to rural  
9 residence as a source of income in communities where there are  
10 not a lot of jobs and so forth. So I don't know if this  
11 Regional Council has prepared a letter, but I would certainly  
12 encourage you, although we can't encourage people to lobby  
13 Congress, that's against the law for Federal employees, but I  
14 would think it would be prudent for people to write if they  
15 were in support of trapping, either individually or as a group  
16 to let Congress know your particular views.

17  
18 Questions on this issue?

19  
20 MR. SMITH: Mr. Chair.

21  
22 CHAIRMAN OLSEN: Go ahead, Melvin.

23  
24 MR. SMITH: Mr. Chair, I just circulated a letter here  
25 from the Mayor of False Pass supporting the leghold traps. The  
26 reason I just pulled it out now is I wasn't sure if it was  
27 going to be on the agenda here or even brought up, so since it  
28 was I -- thanks, Taylor, for making the copies and I just  
29 wanted to present this to this Council.

30  
31 CHAIRMAN OLSEN: I would certainly just like to make  
32 this statement, that I guess I am more dissatisfied in how this  
33 even came to our attention. I feel it was more of an anonymous  
34 bill that went out and did not -- was not even directed to any  
35 of these Councils, in fact, if it was not caught by one of the  
36 Council members it probably would have went on until it was too  
37 late. That does make my heart jump around a little bit,  
38 especially with the magnitude of trapping in Alaska, they're  
39 almost synonymous.

40  
41 That bills such as this, yes, I would hope that  
42 something of this magnitude would not be tried to slipped by  
43 the people. That's my feeling. In fact, in the bill it said  
44 it was looking for outside source when they should be looking  
45 on the inside of the absolute user groups. So that's what I  
46 found, excuse me, but very offensive on this bill. And I don't  
47 know that our Councils have had much updating on this issue.

48  
49 MR. CRATTY: Yeah, I read it when I received it in the  
50 mail. You know, there's a lot of people that -- you know,

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1 there's a few people that still use traps down around Old  
2 Harbor and I think they continued to like to be doing that.

3  
4 MR. ELEY: I totally agree.

5  
6 CHAIRMAN OLSEN: Anyway, there was a letter written on  
7 this issue and I know as we had talked also in the Chairs, that  
8 it was also supported by the Chairs to -- in fact, to write in  
9 support of trapping as it means a lot to many people throughout  
10 all of Alaska.

11  
12 Thank you.

13  
14 MR. CHRISTENSEN: Mr. Chair, I'd just like to put it on  
15 record that I'm in support of this letter.

16  
17 CHAIRMAN OLSEN: Thank you, Randy. Here again, I don't  
18 know, what do -- does the Council feel like they have any  
19 information on this issue to even.....

20  
21 MR. LUKIN: I don't feel something should be pushed  
22 through without us being able to give our feelings or whatever  
23 on the issue. I feel like the rest of you, that this has been  
24 an important part of the people of Alaska for quite a few years  
25 and I believe that the showings on state news here last fall or  
26 whenever had a lot to do with this issue and I don't feel it's  
27 right that our state should have to take the beating from  
28 people that don't live in this -- are not residents of our  
29 state.

30  
31 CHAIRMAN OLSEN: Any other comments or feelings on this  
32 issue here?

33  
34 MR. EDENSHAW: Mr. Chair, I just want to reassure the  
35 Council -- I worked with Mark and we faxed -- the comment  
36 period ended February 15th on this -- on leghold, on the ban of  
37 leghold traps on refuges and from my correspondence with  
38 another coordinator that covers the North Slope and the North  
39 West I know that I faxed letters not only from other individual  
40 from villages but from the Regional Councils. Enclosed in the  
41 book is a copy, I believe, from the North Slope -- I know  
42 that's the one that I've seen. There was one from the North  
43 Slope, I faxed in a copy from the North West area as well as  
44 one from this Council.

45  
46 CHAIRMAN OLSEN: Any questions?

47  
48 (No audible responses)

49  
50 CHAIRMAN OLSEN: Okay. What is the wish of the Council

0093

1 here to take on next here? Should we just -- I don't know that  
2 -- since we were on possibly for the agenda for tomorrow, I'm  
3 not sure that some are ready to give reports. And if so, it's  
4 not important that they are done today, we're just trying to  
5 make room for tomorrow, give us any buffer zone that we might  
6 need on time if we can take care of what we can today.

7

8 MR. CRATTY: Is Jay going to give a report.

9

10 MR. CHRISTENSEN: Jay's not here.

11

12 MR. CRATTY: When's Jay coming in, tomorrow?

13

14 MR. CHRISTENSEN: Yeah, when's Jay coming in?

15

16 MR. CRATTY: Or is Robert giving it?

17

18 MR. EDENSHAW: Mr. Chair.

19

20 CHAIRMAN OLSEN: Yes, Cliff.

21

22 MR. EDENSHAW: If you don't mind, under old business we  
23 had the annual report and when Greg gave his presentation on  
24 the caribou he alluded to a response from the refuges here in  
25 our Anchorage office, at the regional office level. And the  
26 annual report, what he was referring to is a reply. And from  
27 your report submitted in 1995 raised issues, resource issue,  
28 concerns regarding mammals. Just as Ivan also mentioned the  
29 translocation of caribou to Adak, as well as egg -- seagull egg  
30 collecting. So if you'd like we could go ahead and finish up  
31 that piece of old business and that portion of the agenda would  
32 be complete.

33

34 CHAIRMAN OLSEN: Yes, okay, Cliff. So we need to go  
35 back and revisit the annual report.

36

37 MR. EDENSHAW: And that's under Tab S.

38

39 CHAIRMAN OLSEN: Yes, thank you.

40

41 MR. EDENSHAW: And may I advise the Council, this is a  
42 draft. This is for the 1996 annual report. If we look at the  
43 next page with the memo from the Department of the Interior,  
44 dated December 19th, 1996, we can work backwards a little bit  
45 and sort of, you know, we got to track -- because I wasn't  
46 working at the time the previous report was submitted, but I am  
47 -- I have been in the process when we started receiving these  
48 annual report replies from other agencies.

49

50 CHAIRMAN OLSEN: Thank you, Cliff.

0094

1 MR. EDENSHAW: The memo of December 19th is the  
2 response from the Assistant Regional Director for Refuges and  
3 Wildlife. And Greg pointed out when he was giving his  
4 presentation on caribou, he alluded to Page 2 which addressed  
5 the Adak caribou issue be translocated to areas near False Pass  
6 and Sand Point.

7  
8 If I had the copy of the annual report previously it  
9 would be crystal clear, but I just know from reviewing the  
10 annual report previously the Council had addressed or had  
11 concerns regarding marine mammals, the sealions -- the Steller  
12 sealions, bird egg collecting, the caribou issue on Adak  
13 Island.

14  
15 When we went back to the office and reviewed the final  
16 report that was submitted to the Board our office sent out  
17 letters to agencies with issues that were out of the  
18 jurisdiction of the Board, such as seagull egg collecting, that  
19 was with migratory bird -- or, you know, egg collecting. The  
20 caribou had to do with the refuges and that is why they  
21 responded to these issues that are outlined on this two and a  
22 half page letter.

23  
24 And then if you look at the following page there was a  
25 response from Don Collingsworth, for Steve -- I can never get  
26 his last name right, but this is what National Marine Fisheries  
27 in regards to the Stellar sealion. And the Council had  
28 concerns about the Stellar sealion populations and there's  
29 probably a page and a quarter or a page and a half of his  
30 explanation of where the Stellar sealion population lives.

31  
32 And that sort of bring us back up to Page 1 with the  
33 draft annual report. I compiled from motions from the last  
34 Regional Council meeting in Sand Point issues that the Council  
35 raised and not only from the motions that were recorded in our  
36 minutes but from my attendance. I went through and put  
37 together a draft annual report and as I said before, it is only  
38 a draft and the Council can take action or make recommendations  
39 to add additional issues or delete whatever they see fit. But  
40 it is a draft and it is included in the booklets for your  
41 review.

42  
43 MR. CRATTY: Yes, I was wondering when the Council  
44 recommended that non-subsistence hunters on Kodiak Island need  
45 to be monitored? I don't remember going through that one.

46  
47 CHAIRMAN OLSEN: You were asking me?

48  
49 MR. CRATTY: Yeah, well, I was asking you or Cliff.  
50 That's a new one on me.

0095

1 CHAIRMAN OLSEN: Um-hum.

2

3 MR. EDENSHAW: Having looked in the previous annual  
4 report, that was submitted -- Mr. Everitt, he's not attendance,  
5 raised that concern.

6

7 MR. CRATTY: Well, he raised the concern of when we  
8 were having that last subsistence deer hunt, I didn't think he  
9 raised a concern -- well, maybe he did and I didn't understand  
10 him.

11

12 CHAIRMAN OLSEN: There seems to be a little confusion  
13 on an issue here, so, Cliff, at this time I'd just like to call  
14 for a five minute recess to regroup. Thanks.

15

16 (Off record)

17

18 (On record)

19

20 CHAIRMAN OLSEN: Okay. Thank you. We might as well  
21 use up the time yet allotted here for the day. Back here  
22 concerning the annual report, I guess to look it over, look  
23 over the response and see if there's any changes or additions  
24 or any other concerns that should be added to this annual  
25 report, so we can get it out of the draft stage and move it on  
26 here by our next meeting, to officially adopt or not.

27

28 MR. CRATTY: Are we still on old business or are  
29 we.....

30

31 CHAIRMAN OLSEN: No. We're on just the reports. I had  
32 heard something to the effect that Mr. Stovall had a report  
33 that was ready to be given. Given that he is available and we  
34 have the time I suggest that we hear from him. Thank you,  
35 Robert.

36

37 MR. STOVALL: Yeah, Robert Stovall with the Kodiak  
38 National Wildlife Refuge. Before I start with what I was going  
39 to talk about on the Kodiak National Wildlife Refuge I just  
40 wanted to touch real quickly on your last topic before your  
41 break which dealt with who or whereabouts did the request for  
42 information on additional deer hunting monitoring on the island  
43 came from.

44

45 I think that initially started way back when we were  
46 doing our first village contacts for the Subsistence Program in  
47 general and then a former Council member, Dave Eluska, had  
48 brought it up as an issue for -- that finally made its way on  
49 to an annual report and I think that's where Cliff picked it up  
50 at and had brought it up as an issue here.

0096

1           The information that is in your meeting guide, and I  
2 think it's under Section S again, was information that I  
3 gathered to answer that question in particular. If you don't  
4 have any questions I'll just go ahead and.....

5  
6           Basically I just wanted to touch on two primary things,  
7 the deer population on the refuge, that's the primary big game  
8 species so far. Although the second thing I'll take about is  
9 the Federal Registration permit subsistence bear hunt.

10  
11           But first with the deer. I want to talk about how many  
12 -- we had about 42 designated hunters this year, 39 were issued  
13 out of the refuge office itself here in Kodiak and about three  
14 or so were issued out of Old Harbor, and that was the only  
15 other village that participated.

16  
17           Out of that 39 or 42, 25 hunters have sent in their  
18 reports. They harvested a total of 146 deer, 74 were taken for  
19 others and 72 were taken for themselves. The breakdown male  
20 and female was about 83 percent male and 17 percent female.  
21 Most of the hunters were from the city of Kodiak, followed by  
22 Monashka Bay area on the road system and then Bells Flats.

23  
24           That's a decrease in the amount of people who  
25 participated but it's an increase in the amount of deer that  
26 was harvested. And I think the type of year that we had to  
27 harvest deer with the increased snow amounts in December and  
28 November and the cold weather in December probably drove a lot  
29 of the deer down and make it a lot more successful hunt for  
30 those who are designated hunters.

31  
32           The mortality surveys that we did, I'll just rehash  
33 that, I guess I did speak about that in the last meeting but  
34 they were lower than they were the year before and about --  
35 which is still much lower than the 1992, which is our baseline  
36 year. I have the deer mortality survey data summarized and I  
37 could hand these out to the Council members to take a look at.

38  
39           (Pause - passing out handout)

40  
41           That's for informational purposes. I've been keeping  
42 track of these mortalities now for about five years, so I've  
43 got five years worth of data to work with and the areas I've  
44 got summarized are the areas I've done every year for the last  
45 five years.

46  
47           I didn't bring our summaries of the 1996 deer harvest  
48 hunter checks that we did. I can say that we didn't check as  
49 many hunters but the hunters that we did check, once again,  
50 were very successful and harvested more deer. Overall I think

0097

1 the deer harvest this year was better than last year.

2

3 I'm planning on doing some deer brow surveys and  
4 inventory work -- oh, go ahead, Randy.

5

6 MR. CHRISTENSEN: Robert, I was just going to -- it  
7 shows here Chief Cove south and north, what is exactly is that,  
8 Chief Cove south and north, which areas?

9

10 MR. STOVALL: Where the Chief Cove is located on  
11 Spiridon Peninsula on the west side of the Spiridon Peninsula  
12 which is on the west side of Kodiak Island.

13

14 MR. CHRISTENSEN: So you're just talking about north of  
15 Chief Cove and south of Chief Cove?

16

17 MR. STOVALL: Yes, along the coast line.

18

19 MR. CHRISTENSEN: Then Chief Cove is the dividing line,  
20 dividing area?

21

22 MR. STOVALL: Yes.

23

24 MR. CHRISTENSEN: Okay. Thank you.

25

26 CHAIRMAN OLSEN: Is that just on refuge lands?

27

28 MR. STOVALL: That's on refuge lands, yes, entirely.  
29 Any other questions? I guess I'm trying to move right along.  
30 If you have any questions just go ahead and fire them away  
31 while I'm talking, I'll try to answer them.

32

33 I was saying we are going to be doing -- trying to do  
34 some overall monitoring of habitat conditions and that habitat  
35 monitoring will include brow surveys, monitoring surveys and  
36 inventory surveys. We'd like to try and get a handle on what  
37 effects, if any, the deer are having on the habitat on the  
38 island overall as an introduced species. And in particular if  
39 it's having any specific effects on any specific brow species.  
40 And that's a process that's ongoing and it's just been started,  
41 it's a long term monitoring program that we're going to put  
42 together.

43

44 Are there any other questions on deer?

45

46 MR. CRATTY: Yeah, I got one, Robert.

47

48 MR. STOVALL: Sure, go ahead.

49

50 MR. CRATTY: The Council recommended that non-

0098

1 subsistence deer hunters on Kodiak Island need to be monitored,  
2 is that the way you guys feel, they need to be monitored? Or,  
3 in other words, is there getting to be so many hunters now that  
4 you guys have a concern where they're hunting? Actually I  
5 think the problem lies in the south end of Kodiak Island if  
6 there's any problem.

7  
8 MR. STOVALL: Right. Primarily that's where the extent  
9 of the request for that has been coming from, from folks out of  
10 Akhiok and possibly Karluk, Larsen Bay and Old Harbor, but  
11 we're not -- that's in response to requests. What's probably  
12 going to happen is that because there's been an increase of  
13 land acquisitions on the southern and western part of the  
14 island for the refuge, that we're going to have higher  
15 presence, law enforcement presence, to keep better track of  
16 what type of hunting pressure we are having down in the south  
17 end. It's already been noted that the deer population seems to  
18 be higher on the south end and because of that the word is out  
19 and that's where the concentrating -- that where concentrating  
20 off island hunters are showing up at. And it's just a good  
21 management practice to keep track of who's out there and what  
22 they're harvesting.

23  
24 Yes, Randy.

25  
26 MR. CHRISTENSEN: Yeah, Robert, I was just wondering on  
27 these numbers for the carcasses, is the percentage to the  
28 general deer population, the percentage of carcasses to the  
29 population almost the same or it is greatly, drastic in one  
30 year or another? Because I see it says number -- I would -- it  
31 has carcass 92, year '92?

32  
33 MR. STOVALL: Um-hum.

34  
35 MR. CHRISTENSEN: In '93 you have 195 deer difference  
36 there, 196 as opposed to one.

37  
38 MR. STOVALL: Yeah. All I can say is that all these  
39 exact same areas have been walked each year and in '92, and  
40 it's not like I did this by myself, I was with Roger Smith and  
41 this is what we found. And essentially there was that less of  
42 a harsh winter. So less harsh that there was just not that  
43 many carcasses found.

44  
45 MR. CHRISTENSEN: Yeah. I guess also part of my  
46 question was, too, was the effort the same?

47  
48 MR. STOVALL: The effort was the same, yeah.

49  
50 MR. CHRISTENSEN: In all those years?

0099

1 MR. STOVALL: We've been keeping the effort exactly the  
2 same for all the areas. That's why we're using these as our  
3 index areas to try and keep the data that we're gathering as  
4 close to the reality as possible.

5  
6 MR. CHRISTENSEN: Now, for the carcasses that you  
7 found, did you find the deer population to be percentage-wise?  
8 Like there was a big kill in '92, so was there a big population  
9 that you seen of live deer as compared to '93? Do you see what  
10 I'm saying? Is that the percentage of the mortality?

11  
12 MR. STOVALL: Yeah, I think it's about a year -- you  
13 see a change at least a year after the hunt season, so these  
14 numbers that you see in '92, in 1993 there's a separation, of  
15 course, of a year's worth of time. There may have been less  
16 deer there or there may have been less deer hunted or the  
17 amount of other variables are things that we're basically taken  
18 into account when we go ahead and do these counts.

19  
20 And primarily if you're going to see a change -- you  
21 can look at 1992 -- I mean you can look at 1993 and see such a  
22 watershed change and then when you look at '94, '95 and '96  
23 where you get a total of 17 carcasses, 48 carcasses and 34  
24 carcasses you see that things are starting to level out and how  
25 you can interpret that is that there was -- the winters have  
26 not been severe in the last four years as it was five years  
27 ago. That's how I would interpret it, and that's why you're  
28 seeing less carcasses versus those large amount of carcasses in  
29 1992.

30  
31 You wouldn't want to draw anything more than that out  
32 of this, okay? It's an index, it's an indicator, it's not an  
33 actual number and it's not a total number. Does that make  
34 sense to you?

35  
36 MR. CHRISTENSEN: Yeah, yeah, thank you.

37  
38 CHAIRMAN OLSEN: I was just wondering, Robert, if at  
39 the same time you're doing these surveys to look for carcasses,  
40 do you take into consideration of animals that you do see at  
41 the same time?

42  
43 MR. STOVALL: Oh, yeah, yeah. I guess I should tell you  
44 that in '92 and '93 we also did ground counts in all of these  
45 areas except Olga Bay and then we did ground counts in Olga Bay  
46 in '93. And we also have done aerial coastal surveys, which  
47 encompasses some of these areas, and those are actual deer  
48 counts. And in '94 and '96 we did pellet group counts in Olga  
49 Bay to investigate how that technique worked for as another  
50 possible index of deer population trend. So, yeah, we're

00100

1 looking at a series of data types to get an overall picture of  
2 what the deer population is doing. And basically all this is  
3 dealing with is trends, whether the population is going up or  
4 going down.

5  
6 MR. CHRISTENSEN: What is a -- maybe quickly, maybe I'm  
7 the only one who doesn't know, what is a pellet count?

8  
9 MR. STOVALL: Pellet group count is.....

10  
11 MR. CHRISTENSEN: You don't have to elaborate all  
12 evening, but I mean just if you can say it in a nutshell I'd  
13 just.....

14  
15 MR. STOVALL: In a nutshell it's a grouping of fecal  
16 material from deer.

17  
18 MR. CHRISTENSEN: Oh, I see, okay. All right.

19  
20 MR. STOVALL: Is that good enough?

21  
22 MR. CHRISTENSEN: Yeah, yeah.

23  
24 MR. STOVALL: I could elaborate, but.....

25  
26 MR. CHRISTENSEN: Well, I mean, I had everything from  
27 -- you know, I don't know what they're using to count animals  
28 these days but, you know, I mean you can use anything TV video  
29 to TV scanners to all kinds of stuff, but no, that's in a  
30 nutshell that tells me.

31  
32 MR. STOVALL: You can call it low tech biology.

33  
34 MR. CHRISTENSEN: Yeah, okay.

35  
36 MR. STOVALL: Is there any other questions about deer?

37  
38 MR. CHRISTENSEN: It just did dawn on me when you first  
39 said it is all.

40  
41 MR. EDENSHAW: Robert, I was wondering with the deer  
42 population, is this the first time that you're trying to find  
43 out what the deer population is doing? If it's rising or is it  
44 on the decline or is it stable or what? And this is on refuge  
45 lands, right?

46  
47 MR. STOVALL: All this work is being done on refuge  
48 lands, and as we acquire more refuge lands, of course, we'll  
49 try to expand out. But I was basically brought on to the  
50 refuge to try and get a handle on population index techniques

00101

1 and surveys and just to see what could be done. And so these  
2 are some of the things that we've done. The mortality surveys,  
3 we were given the okay to go ahead and do those every year and  
4 we're trying to incorporate other types of surveys, other types  
5 of aerial surveys and the brow surveys to get a handle on trend  
6 population, deer trend population.

7  
8 MR. EDENSHAW: Do you also monitor what's occurring off  
9 Federal public lands? Because I do realize that some of these  
10 lands are being logged and.....

11  
12 MR. STOVALL: Yeah. In a nutshell, no. No, we are  
13 working in conjunction with Roger Smith and ADF&G Wildlife  
14 Department all of the time. We share the data that we get.  
15 They do do mortality surveys off the refuge and we share that  
16 information for the mortality surveys. The Chief Cove survey  
17 is the one survey that we have been doing jointly together at  
18 the same time, so we are ultimately sharing that data. But  
19 from the standpoint of what is being done on the refuge and on  
20 the refuge for the most part, I've been trying to concentrate  
21 my efforts on refuge habitats. Any other questions?

22  
23 Okay. The last thing I wanted to talk about is is I  
24 want to read into the record a letter that was sent to all of  
25 the villages that have an opportunity to participate in the  
26 Federal registration permit subsistence bear hunt. We sent the  
27 letter out on or around the 16th of January and I'll just go  
28 ahead and read it now. It was sent out the Tribal Council and  
29 the City Council for each of the villages and it states to the  
30 residents of said village:

31  
32 In response to a proposal by the Kodiak/Aleutians  
33 Islands Federal Subsistence Advisory Council, the Federal  
34 Subsistence Board has established a Federal Subsistence  
35 Registration Permit Hunt for brown bear on the Kodiak National  
36 Wildlife Refuge Lands within GMU 8. Your village will be  
37 allocated, and then depending on what number they were  
38 allocated, whether it be one, two or three, Federal Subsistence  
39 Registration bear hunt permits.

40  
41 These Federal Registration Permits will be issued  
42 directly to the individuals selected by your village to harvest  
43 the subsistence bear. Hunters will be allowed to hunt only on  
44 Federal lands and will be required to salvage the skull and  
45 skin for sealing, and all edible meat which should be  
46 distributed within the community. The individual hunter who  
47 participates in the Federal Subsistence hunt will not be  
48 allowed to also harvest a bear on a State permit, in the same  
49 year. The first open season will be April 1 through May 15,  
50 1997, with a second season occurring from December 1 through

00102

1 15th.

2

3 Your village is requested to equitably select a hunter  
4 to harvest and forward their name to the refuge headquarters,  
5 and 907-487-2600, by March 1, 1997 so that a Federal  
6 Subsistence Permit can be issued to them in time for a first  
7 season.

8

9 Kodiak Refuge personnel will be cooperating with ADF&G  
10 and will travel to your village to seal and gather biological  
11 data on any Federal subsistence harvested bear. For further  
12 information contact Robert Stovall, Refuge Subsistence  
13 Biologist.

14

15 We look forward to receiving your subsistence bear  
16 hunter selection and a successful bear hunting season.

17

18 That was sent, like I said, in January 16th, mid-  
19 January of this year. To date we haven't received any replies  
20 but -- and the March 1st date that I stated on the letter is  
21 probably a softer date, we just want to get the names of the  
22 people who would be participating so we can send them the  
23 registration permit in time for the first season.

24

25 MR. CHRISTENSEN: April 1st, you say?

26

27 MR. STOVALL: April 1st is the first bear hunt season,  
28 so we want to get the name of the people that are going to  
29 participate before that. And as soon as possible would be  
30 better.

31

32 MR. CRATTY: Excuse me, Robert, I thought it was -- you  
33 wanted the names by March 21st.

34

35 MR. STOVALL: March -- in the letter I stated March  
36 1st, but so long as we can get the name of the person before  
37 April 1st, so that we can get them their registration permit to  
38 them. March 21st is a good date and I have mentioned that in  
39 my follow up telephone calls I've made so far.

40

41 MR. CRATTY: Right, that's where I got it.

42

43 MR. STOVALL: So I guess the call is for folks to let  
44 us know so we can send out the registration permit to that  
45 individual or individuals.

46

47 MR. EDENSHAW: Robert, I thought March -- Mr. Chair,  
48 correct me if I'm wrong, but I thought when we held the -- when  
49 the Board addressed the brown bear issue I thought there was a  
50 concern about the sealing requirements, I thought that -- I

00103

1 don't recall what the Board stated when yourself brought up the  
2 issue in regards to sealing data.

3  
4 CHAIRMAN OLSEN: I don't quite understand the question  
5 there, Cliff, but as far as the sealing requirements, yes, they  
6 agreed they would come to the villages and so do so. That was  
7 one of the questions we had asked, you know, who do we take it  
8 to, what, when and where and is it up to us to drag it in, but  
9 no, if I remember correctly it was agreed upon that we would be  
10 supplied with the personnel to come to village and seal.

11  
12 MR. STOVALL: Right, we agreed to come to the village  
13 and gather the biological data that we need to get to help us  
14 with our management purposes and to also seal the skin and  
15 skull.

16  
17 MR. EDENSHAW: Is that the question, Cliff?

18  
19 MR. CHRISTENSEN: Wasn't that a phone poll? I remember  
20 that as a phone poll.

21  
22 MR. CRATTY: Poll phone?

23  
24 MR. CHRISTENSEN: Phone poll. It was, though, because  
25 I remember being called. In fact, I talked to you about it,  
26 remember, Cliff? I think the first question was if we would  
27 surrender the skull and hide to the State, but we said no, but  
28 that we would let them take the data, of course, which is part  
29 of the requirement, but then the skull and the hide -- well,  
30 the whole animal would go back to the village. But it was on a  
31 phone poll as I remember.

32  
33 CHAIRMAN OLSEN: Boy, maybe that.....

34  
35 MR. CHRISTENSEN: Or poll by telephone.

36  
37 CHAIRMAN OLSEN: I don't recall myself any poll on that  
38 issue, although I know we had discussed it and put in our  
39 proposal which was finally taken to the Board and that was the  
40 result of Board action. If you recall at that time we had  
41 agreed upon a community harvest, but some Federal law  
42 prohibited other villagers from participating in any other bear  
43 hunt if that was a community harvest. Since then I believe it  
44 was brought to my attention that there was an amendment made to  
45 that which then opened up this possibility for the subsistence  
46 bear hunt and then finally made the proposal to the Board to  
47 which accepted the proposal as to which we have today.

48  
49 MR. CHRISTENSEN: Right. But what I was saying,  
50 though, is that after all of this already happened -- didn't

00104

1 you call me, Cliff and you were asking if it would be -- to ask  
2 our respective Councils if it would be acceptable for the State  
3 to get the skull, I believe, and then if not at least be able  
4 to tag it or whatever to get the data, you know, and then the  
5 whole animal goes back to the village?  
6

7 MR. EDENSHAW: After what Mark shared, I believe what  
8 the -- after he refreshed my memory I believe what came out of  
9 the Board meeting is that the individuals in the community  
10 would contact the State or Federal agency and they'd come out  
11 there and do the necessary measurements or whatever and the  
12 rest would go back with the individual who shot the bear.  
13

14 MR. CHRISTENSEN: Back to the community. Okay.  
15

16 CHAIRMAN OLSEN: Is there any more questions or --  
17 Ivan.  
18

19 MR. LUKIN: I was just thinking, I don't know how much  
20 of a problem it would be between the State and Feds, but I do  
21 know the meat is the best in the spring. On the other hand  
22 I've been thinking about these problem bears that are right in  
23 the communities, how much of a problem would it be to a  
24 community to take one of those bears that are kind of a  
25 harassing problem in the community rather than going out to  
26 Federal lands?  
27

28 MR. STOVALL: All I can say is that this particular  
29 hunt would be for on refuge lands only. If there's a problem  
30 bear, of course, there is a DLP process that you are looking  
31 at. Or -- I guess that would be the only way I could put it.  
32 That's something that the State would have decide to work with  
33 you about. Or if someone in the community happens to get a  
34 State permit, I'm sure that that would be a legal way to  
35 harvest an animal.  
36

37 CHAIRMAN OLSEN: So to date there has not been -- you  
38 do not have any listing of any the villages, are there people  
39 who wish to hunt these bear?  
40

41 MR. STOVALL: Yeah, to date no one has contacted the  
42 refuge. We're patiently waiting.  
43

44 That's all I had that I had prepared and then I can go  
45 off the cuff and just say some other things that's going on  
46 with the refuge. We just recently finished our sea bird/marine  
47 mammals survey on the east and west side of the island, using  
48 the refuge boat. There's going to be continued studies of the  
49 potential for bear viewing Uyak and in conjunction study with  
50 Koniag at Thumb Lake for bear viewing. The acquisition of

00105

1 lands still on going, and basically centered around small  
2 parcels and ongoing negotiations with Koniag.

3  
4 We still have the same amount of special use permits  
5 which is running a little over 100 or so, special use permits  
6 for all activities that are going on in the refuge. I think we  
7 -- I can say that we recently had a selection of a sport fish  
8 guide slot that had opened up. I don't know exactly who it  
9 was, so I won't say who it was.

10  
11 That's all that's coming right off the top of my head.  
12 The other thing I guess I could mention is the salmon -- the  
13 summer salmon camp went very well and they're planning on  
14 having that again this year.

15  
16 Go ahead, Randy.

17  
18 MR. CHRISTENSEN: Yeah, Robert, I was just going back  
19 to the sea birds. Now, is the seagull considered a migratory  
20 bird?

21  
22 MR. STOVALL: Yes.

23  
24 MR. CHRISTENSEN: It is?

25  
26 MR. STOVALL: Yes, it is.

27  
28 MR. CHRISTENSEN: So what's the great national concern  
29 about gather seagull eggs that -- because to my mind -- I mean,  
30 is there ever a count on seagulls because to me it doesn't seem  
31 like there's a shortage on seagulls. That seems to be a strict  
32 law.

33  
34 MR. STOVALL: Seagulls fall underneath the Migratory  
35 Bird Treaty Act and that Act was established to manage the  
36 migratory birds that occur throughout the world and it involves  
37 treaties with other countries. At present there is no harvest  
38 allowed of seagull eggs underneath that particular Act or the  
39 take of them. And there is some movement towards trying to get  
40 a subsistence water fowl hunt and that's -- it's in the process  
41 of having a treaty signed off on and agreed to and that's in  
42 Congressional hands right now.

43  
44 MR. CHRISTENSEN: Okay. Well, the one thing I'm  
45 confused on about this here is, like, Craig stopped -- he's  
46 been stopping in the villages there for a couple, three years  
47 and taking -- you know, just taking information from the  
48 different people on what they gather and use. And I know when  
49 he asked us about seagull eggs, you know, I asked him if we  
50 were going to get in trouble if we said that we did? Same

00106

1 thing with sealions or seal or whatever, but he said, no, you  
2 know, they just want the information. So if it's illegal to  
3 take it and then you actually wrote down maybe -- Craig's not  
4 here anymore, but.....

5  
6 MS. MASON: I can respond for him.

7  
8 MR. CHRISTENSEN: .....what I was curious about was,  
9 you know, where did that information go?

10  
11 MS. MASON: I can respond for Craig, although he's not  
12 here, because I've done those same surveys that you're talking  
13 about. The Division of Subsistence conducts harvest surveys  
14 and asks people what they harvested over the past year and  
15 there's often a concern as to whether illegal harvests or  
16 something that people had taken illegally would be reported.  
17 And the response is always, no, because this division has  
18 nothing to do with enforcement, this is only to look at what  
19 harvests had been taken and it's in order to get the most  
20 accurate information possible the Division assures  
21 confidentiality and anonymity to the people that do that. So  
22 there's always an assurance that the information is not going  
23 to be reported.

24  
25 But that it not to say that -- I don't know if you were  
26 asking if one agency says that it's legal and another says it's  
27 illegal because I don't think in doing those harvest surveys  
28 that the personnel is saying it was legal to do that, it's just  
29 saying we're not going to report you, just give an accurate  
30 picture of what you harvested.

31  
32 MR. CRATTY: And I have a question for Robert. And,  
33 Robert, a person is caught taking seagull eggs but since it's  
34 illegal they can be pinched then, huh, by the Feds or Coast  
35 Guard? If they're doing it in a subsistence way?

36  
37 MR. STOVALL: I have -- I've been here for about five  
38 years and I know of no instance where that's happened on Kodiak  
39 Island.

40  
41 MR. CRATTY: I know of one instance that's happened on  
42 the south end of the island when we had cutter over from Hawaii  
43 and they boarded one of the Native's boats and he had seagull  
44 eggs on board, and they told him, you ain't supposed to have  
45 them, you know, he just.....

46  
47 MR. STOVALL: Did he cite him or anything like that?

48  
49 MR. CRATTY: No, he didn't cite him, but he -- I think  
50 he told him it was a tradition, you know, just -- I mean, it's

00107

1 a tradition I've known all my life, I've grown up with my  
2 relatives eating seagull eggs. They're really good in pies and  
3 cakes because they're a lot richer.

4  
5 MR. STOVALL: I understand that from a standpoint of  
6 subsistence that gull eggs and other sea bird eggs, not just  
7 eggs, I'm sure were taken and will continue to be taken as far  
8 as I'm aware of. It's a matter of enforcement and right now  
9 there's enforcement of certain water fowl species and less of  
10 an enforcement of others. Migratory birds and others.  
11 Probably as close as I can say to what's going on right now.

12  
13 MR. CRATTY: Well, I was going to say, I think if  
14 they're going to enforce it I think the refuges should send out  
15 notices to the villages so the people know what's coming and  
16 don't get caught off guard. I think there's a lot of people  
17 who don't realize it's illegal.

18  
19 That's all I had to say.

20  
21 MR. STOVALL: Okay.

22  
23 MR. CHRISTENSEN: Just one final question here. Do you  
24 recall the outcome of those two women in Anchorage that  
25 (indiscernible - interrupted).....

26  
27 MR. STOVALL: I know what you're talking about and no,  
28 I don't know what the -- I think the case was dropped but I'm  
29 not sure.

30  
31 MS. MASON: (Indiscernible - away from microphone).

32  
33 MR. STOVALL: Yeah, I think the case was dropped but I  
34 don't know for sure.

35  
36 CHAIRMAN OLSEN: I guess my question is here to any  
37 departments or management that can answer it, is does anybody  
38 here feel just in under the intent that seagull is a migratory  
39 bird? Certainly we might have small amounts, but most of the  
40 seagulls here seem to be here year around. I just can't  
41 understand what would be the process and how we would address  
42 getting seagulls off of migratory lists. Certain types of  
43 gulls might migrate back and forth, but I don't think all  
44 species do have a full migration pattern, but these are the  
45 kind of things that I guess -- I'm interested in how we can  
46 make this not an issue that is going to be prosecuted for  
47 survival.

48  
49 MR. SIEKIENIC: Yeah, gulls in general fall under the  
50 migratory bird because in other areas of the country they do

00108

1 definitely migrate. When you have a mid-continent population  
2 that nests in Canada, upper United State, North Dakota, South  
3 Dakota, Montana and that, they definitely migrate to the  
4 southern latitude of the United States. I think there are  
5 going to be populations on the coast that demonstrate just  
6 exactly what's going on around here, they probably nest here,  
7 some of them stay here.

8  
9 But migratory bird status was given to all of the gull  
10 family when back in 1916 when they ratified the Migratory Bird  
11 Treaty Act. Now the new amendment that hopefully will be  
12 passes or ratified, excuse me, by the Senate will allow the  
13 Service some latitude in how they deal with migratory birds in  
14 the subsistence arena, that's the intent of the amendment, to  
15 be able to deal with these types of issues. So that's probably  
16 the best we can answer for right now.

17  
18 CHAIRMAN OLSEN: All right. It's just that when we  
19 think of migratory bird we think of a bird that we don't see at  
20 one time of the year and yet at other times of the year.

21  
22 MR. SIEKIENIC: Right.

23  
24 CHAIRMAN OLSEN: Where seagulls are common year around  
25 and I don't see any more increase in the summer counts, not  
26 that I'm counting them, but just incidental watches I see them  
27 just as popular in winter.

28  
29 MR. SIEKIENIC: Yeah. And I think if you looked at the  
30 nation's population of gulls as a whole, you would see a very  
31 large migratory movement for the population. But again,  
32 isolated areas are going to probably demonstrate that very  
33 little.

34  
35 CHAIRMAN OLSEN: Thank you, and I guess we can all hope  
36 that we do get something resolved on the subsistence use of  
37 migratory birds.

38  
39 Was there further on your part there, Robert?

40  
41 MR. STOVALL: I'm sure that that's as good as I'm going  
42 to be able to do for now. Mike Hawkes, the Deputy Refuge  
43 Manager maybe in tomorrow if he has anything else he might want  
44 to add, but other than that, that's probably all I can safely  
45 give you.

46  
47 CHAIRMAN OLSEN: Thank you, Robert. Is there any more  
48 questions here for Mr. Stovall?

49  
50 MR. LUKIN: No. Make a motion we adjourn.

00109

1           CHAIRMAN OLSEN: Yes, recess. I guess we have utilized  
2 our time to the best of our ability at this time here, so I  
3 guess we are already to move on and if we can recess this  
4 meeting until tomorrow morning, we'll see you tomorrow morning  
5 at 9:00.

6  
7                           (MEETING RECESSED)

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9                                   \* \* \* \* \*

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C E R T I F I C A T E

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

8 I, Joseph P. Kolasinski, Notary Public in and for the  
9 State of Alaska and Reporter and Owner of Computer Matrix, do  
10 hereby certify:

11  
12 THAT the foregoing pages numbered 02 through 109  
13 contain a full, true and correct Transcript of the  
14 Kodiak/Aleutians Federal Subsistence Regional Advisory Council,  
15 Volume I, meeting taken electronically by myself on the 25th  
16 day of February, 1997, beginning at the hour of 9:00 o'clock  
17 a.m. at the Kodiak Borough Chambers, Kodiak, Alaska;

18  
19 THAT the transcript is a true and correct transcript  
20 requested to be transcribed and thereafter transcribed by  
21 myself to the best of my knowledge and ability;

22  
23 THAT I am not an employee, attorney, or party  
24 interested in any way in this action.

25  
26 DATED at Anchorage, Alaska, this 5th day of March,  
27 1997.

28  
29  
30  
31  
32  
33  
34

\_\_\_\_\_  
JOSEPH P. KOLASINSKI  
Notary Public in and for Alaska  
My Commission Expires: 04/17/00