

**KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING**

February 27, 1996
Borough Assembly Hall
Kodiak, Alaska

VOLUME II

COUNCIL MEMBERS PRESENT:

Mark Olsen, Chairman
Vincent M. Tutiakoff
Gilda M. Shellikoff
Randy Christensen
Ivan Lukin
Thomas L. Everitt
Alfred B. Cratty, Jr.

P R O C E E D I N G S

CHAIRMAN OLSEN: Good morning. At this time we would like to go on a continuation of our meeting from yesterday. I guess this morning we will be starting out discussing under New Business, 8(c), proposals to Change Subparts D and C, Wildlife and Customary and Traditional Use Proposals #26, #27 and #28. Once again, I'd like to remind you to sign in at the registration as you come in and if you wish to testify to please sign a sheet for us and also come to the mike when you speak. Also as we are aware at about 9:30 we have opened up the phone lines to public comment so I would just like to bring that to your attention so you know what's going on between 9:30 and 10:00 if we are disrupted in any way.

I guess we might as well -- excuse me, go ahead, yes.

MR. WILLIS: Mr. Chair, I'll call your attention to the fact that we also have Proposal #1 to discuss which is a statewide proposal.

CHAIRMAN OLSEN: Yes, sir.

MR. WILLIS: So with your permission I'll begin with that one. It's mostly a housekeeping matter. Proposal #1 was submitted by the U.S. Fish & Wildlife Service and would allow taking of wildlife from a motorized land or air vehicle on Federal public lands in all units as long as that vehicle is not in motion. Now, this is a change from the existing regulation which prohibits taking wildlife from a motorized vehicle unless the motor has been completely shut off and it also deals with boats, if the boat's progress from the motor has not ceased. The proposed change in the regulation deals only with land and air vehicles and not with boats, so the portion of it relating to boats would not be changed. The original proposal, the one that's in existence right now was adopted from the State back in 1990 when the Federal program began. Since that time, there have been a number of amendments made to it dealing with particular species in particular areas of the State. And after about the fourth such amendment last year the Board decided it would be best to overhaul the entire regulation rather than dealing with it in the piecemeal approach which had been used up until that time. This would also bring you into compliance with the State regulation which had been liberalized since it was adopted by the Federal government in 1990. And as a result of that the State regulation was more liberal than the Federal regulation.

And so the change would allow shooting from the vehicle as long as that vehicle was not in motion. We could not come up with any valid reasons for not doing that. We already have protection from harassment of wildlife or shooting across highways under other regulations, so that was not a concern. And also in many cases, vehicles can provide a better shooting platform than an unsupported rest if the person has to shut off a vehicle and get off of it in order to fire a weapon. And for that reason and also in order to simplify the regulation and to make it apply to all species and all units rather than having a regulation which requires numerous amendments to deal with special situations, Fish & Wildlife Service, at the Board's request prepared this new regulation and obviously we therefore support it and hope the Council will also.

CHAIRMAN OLSEN: What is the wish on the Council on this? Moses.

MR. DIRKS: Mr. Chairman, at this point I'd like to present some written comments that were submitted in connection to this particular proposal. These are the summaries of the proposal comments on Proposal #1. There were two comments, one who opposed and one supported the proposal. The one who opposed came from Alaska Department of Fish & Game and the Department supports continuation of existing regulations prohibiting the taking of wildlife from motorized vehicles and recommends that exceptions continue to be made only on case by case basis. And then there was another written comment that came in and it was from the Alaska Wildlife Alliance and it states that the motorized use creates opportunities for harassment and illegal pursuit and poaching of wildlife. And they were concerned also of the vehicles creating air and noise pollution, destroying fragile terrain and provides an unfair advantage for some hunters. And he recommended that the Board work to prevent damage to wildlife habitat by maintaining strong monitoring and regulatory oversights of these machines. And then there was in support came from an individual from Ninilchik, it just says yes to the proposal.

CHAIRMAN OLSEN: Thank you Moses.

MR. MORRISON: Thank you Mr. Chairman. John Morrison, Department of Fish & Game. The comment that Mr. Dirks read is in error which I take credit for. When this proposal first came out in your book, the part that you see -- the first paragraph that's shaded, the first sentence has lines drawn through it to indicate it would be taken out, well, in the first edition, the line was continued throughout the entire paragraph which would indicate an unacceptable change to the Department. Well, the Federal subsistence staff when they realized their mistake and reprinted this with the line taken out, then we, of course, agreed with it since it was in conjunction with the State regulation, but I forgot to change our initial comment and make a correction which I would like to do at this time and point out that the Department supports the present version of this.

CHAIRMAN OLSEN: Thank you. I think at this time I would like to entertain a motion from the Council here as to.....

MR. TUTIAKOFF: So moved, Mr. Chairman.

CHAIRMAN OLSEN: In support or.....

MR. TUTIAKOFF: In support of Proposal #1.

MS. SHELLIKOFF: Second.

CHAIRMAN OLSEN: Okay. Having the motion made and a second, I would open the floor to discussion now. Is there any further discussion on this matter?

MR. TUTIAKOFF: Question.

CHAIRMAN OLSEN: Hearing no further discussion, I hear a call for the question.

MR. CHRISTENSEN: Question -- or you already called for it, didn't you.

CHAIRMAN OLSEN: I guess, Gilda, could you take a roll call vote on this please.

MS. SHELLIKOFF: Vince?

MR. TUTIAKOFF: Yes.

MS. SHELLIKOFF: Randy?

MR. CHRISTENSEN: Aye.

MS. SHELLIKOFF: Tom?

MR. EVERITT: Yes.

MS. SHELLIKOFF: I vote yes. Ivan?

MR. LUKIN: Yes.

MS. SHELLIKOFF: Al?

MR. CRATTY: Yes.

MS. SHELLIKOFF: Motion passes.

CHAIRMAN OLSEN: Yes, please, I'd like let the record show that's unanimous support on that. I guess that does take us on to Proposal #26 which is brown bear customary and traditional use. And I see we have Rachel here to give us a report on this.

MS. MASON: Thank you Mr. Chairman. I'm Rachel Mason, anthropologist. First I wanted to let you know that the way that the work on these proposals went it tended to be either the anthropologist doing most of the analysis or the biologist doing all of the analysis. So with your permission we're each going to just give the whole analysis for the proposal rather than divvying it up between the biologist and the anthropologist.

CHAIRMAN OLSEN: So your report will be inclusive of all?

MS. MASON: I'm doing the entire report for Proposal #26.

CHAIRMAN OLSEN: Thank you.

MS. MASON: Thank you. This is the -- Proposal #26 requests a positive customary and traditional use determination for brown bear in Unit 8 for residents in Unit 8. This was a combination of several backlog proposals. The analysis follows very closely customary and traditional analysis that was prepared a few years ago by the Alaska Department of Fish & Game, Division of Subsistence. And one thing I should mention right at the start is that I share the sadness that Mark Olsen mentioned at the loss of the elders from this community in the last few weeks, Pete Olsen, Dora Aga and Anacante Zeiter. And

two of those, Dora Aga and Anacante Zeiter were instrumental in the preparation of the original customary and traditional analysis and we were very fortunate to have their knowledge included in it.

That analysis which was prepared in 1992 was not considered by the State Board of Game at the time because the Board of Game had decided to change the way they dealt with customary and traditional determinations. So with the permission of the authors, one of whom was myself, I followed that very closely and used a lot of that analysis for this one. Part of the history of c&t analysis for bears is that in 1986, the Board of Game made a positive c&t determination for Unit 8 and there was a subsistence registration hunt in '86/87, but there were not requests for the permits and as a result the Board reversed its finding in '87.

There is archeological evidence of the subsistence use of brown bears on Kodiak Island before European contact. For example, Donald Clark's in his studies of five Koniag period sites and that would be in the late prehistoric period from about 1000 years ago up to the mid-18th century with the arrival of the Europeans. He found that brown bear was a minor component in nearly all the faunal collections. And these sites were mainly in the Old Harbor area and I believe they were all in the south part of the island. Brown bear was the only mammal that's indigenous -- the only large land mammal that's indigenous to the Kodiak area. And so it was hunted -- it was not as much a staple of the diet as marine mammals but it was an important part of the diet.

Early observers from the Russian era recorded information on brown bear hunting, they recorded that it was done with bows and arrows. Oral traditions that have been collected from elders here have given a great deal of information on subsistence hunting in the first part of this century. And there's especially good information from Old Harbor, Kaguyak, a village that doesn't exist anymore, Akhiok, Karluk and Larsen Bay. And the elders who were interviewed for the study acknowledged that there has been a decline in the uses of bears for subsistence. But they remember it being used more

in the earlier part of this century.

Another source of information came from BIA teachers and they recorded harvest in the 1940s and 1950s which provided some information on bear harvest. And the villages that they found harvest in were Afognak, which has now become Port Lions, Akhiok, Karluk and Old Harbor. Between 1954 and 1966, quantified data on bear harvest were collected by the U.S. Fish & Wildlife Service and those -- the authors of that report found that Native residents of Akhiok, Kaguyak, Karluk, Larsen Bay and Old Harbor used up to 14 bears per year for food in each village -- or actually all combined it was up to 14 for all of them.

Then the next major source of quantified data on bear harvest came from subsistence surveys that were conducted in the 1980s and those revealed modest harvests of brown bear in communities around the Island. One interesting source of information was a survey in 1983 in which respondents were asked have members of your household eaten brown bear and the highest proportion of yes responses were in Larsen Bay where 63 percent said yes and in Old Harbor where 34 percent said yes to that question. And those probably should be regarded as minimums because it didn't ask have they ever eaten it any time in their life, it was just, have they eaten brown bear and some people might interpret it as being just in the last year.

There are several possible reasons for the decline in bear uses over the last century and one of them is -- a major one is regulatory restriction. And the current regulation that you can only get one bear every four years is one example of that. A reason that is another possible one is that with the advance of deer, that deer have replaced bear in the diet as a land mammal that would be hunted. And it's been -- it's coincided -- the time of the decline in bear harvest has coincided with the spread of deer throughout the island.

So the conclusion for this analysis is to adopt the proposal for villages on Kodiak Island and those are Old Harbor, Akhiok, Larsen Bay and Karluk. The justification is that there is archeological and ethnographic evidence along with oral history testimony showing that brown bear is a traditional

species that's been used by the people indigenous to the area. There have been modest harvests recorded since the early 20th century and -- but it's clearly remembered by residents, especially of Old Harbor and Larsen Bay and by former residents of Kaguyak. In the last 50 years, most of the subsistence harvests recorded have been residents of those villages that are on the south or the west end of the island. Actually Akhiok and Karluk have no recent documented harvest of brown bear, but they are included here with Old Harbor and Larsen Bay because of the patterns of migration and exchange between the villages and their association with those two villages.

The residents of the northern Kodiak communities of Ouzinkie, Port Lions and Kodiak City have not demonstrated such a consistent long term pattern of harvest, nor such a strong expressed interest in traditional subsistence bear hunting. And for that reason, the recommendation was only for some of the communities on Kodiak Island and not others. So I'll stop there and respond to any questions that people might have?

CHAIRMAN OLSEN: Have you contacted the local archeology here in Kodiak as they have been working on many different areas here in this past decade, I was just wondering if you've utilized them as any source of information?

MS. MASON: I had hoped that they would be here to testify today. And I understand that there will be some -- a presentation by -- of archeological evidence.

CHAIRMAN OLSEN: Thank you. Is there any question here for Rachel?

MR. LUKIN: I think I would like to speak-up a little for the village of Port Lions and maybe Ouzinkie. What I remember of the use of bear, you know, I was pretty small at the time in the village of Afognak and you stated that in the '50s or whenever there was evidence of use.

MS. MASON: Yes.

MR. LUKIN: And I do recall when I was younger that

there was use. And like you said that the deer did take probably the place in subsistence lifestyle over the bear. But I guess what I'm trying to say is that I don't feel that the two northern villages should be left out or excluded from this subsistence harvest.

MS. MASON: Thank you. I guess I should highlight that Afognak was included among the -- it's not that there has never been any harvest by Afognak or Port Lions residents and also that there have been modest harvests recorded by Port Lions residents in recent years as well.

MR. CHRISTENSEN: Mr. Chairman?

CHAIRMAN OLSEN: Yes Randy.

MR. CHRISTENSEN: Yes, I'd just like to comment on both Proposals #26 and #27.

CHAIRMAN OLSEN: I feel right at this time.....

MR. CHRISTENSEN: Well, I'm going to comment at the same time that way I can get -- because they're kind of intertwined.

CHAIRMAN OLSEN: But we will have comment.....

MR. CHRISTENSEN: Well, first of all -- well, okay, it could just be #26 otherwise I'll just repeat myself again. Well, for #26, Rachel expressed that the information there, very eloquently, so I don't have to -- if you listened to her carefully you would know that there's been a lot of customary and traditional use. First of all, from Karluk and Larsen Bay in the years past, most of your subsistence has been coming from Karluk, but like she said, with the migratory patterns of the people, most of the people that are living in Larsen Bay now originally came from Karluk and they moved up along with the last existing cannery -- they moved along with the economy.

And another thing about the subsistence going down in the past years and that's, I believe, like what Iver was saying yesterday was because of -- mostly because of Western influence

and also just the influx of the different types of foods, whereas, in earlier years there was not that much of Western influence and the different foods like she was saying with the deer. But there is definitely a customary and traditional use of bears on this Island, especially the fact is that bear was the indigenous animal here. And the decline of the subsistence use of bear is because of all the other animals that have been introducing to the Island. So there is no doubt that there is customary and traditional use. And I was looking at Mike Munsey's -- now, I have -- again, there's nothing personal in any of these because I know quite a few of these people here, but I cannot see how he can say that -- well, I understand he was born and raised in Uyak Bay, but he cannot say that there is no traditional use of brown bear on the Island because that is just not so. I remember eating bear meat and I remember my uncle and even Herman would remember Oscar Alpiak and William Ambrosia taking bear meat home from their spring hunts. And I can remember them putting up barrels of salt bear meat for the winter all the time. And either Mike was too young or else he just refuses to remember that, but that is a fact. And I remember eating bear meat in Karluk and I remember eating bear meat all the way up into Larsen Bay when we moved up there along with the rest of the people who are still migrating because of the economy is switching.

CHAIRMAN OLSEN: Excuse me, Randy, we're going to have a chance for all sides to comment here. I would like to keep this right now directed towards the people giving the reports so that we can continue on. We will have -- there is a place in our agenda for comments from all sides.

MR. CHRISTENSEN: Well, I just wanted to make sure that it's fresh.

CHAIRMAN OLSEN: Yes, and I appreciate that. I'm just trying to keep a sense of order here.

MR. CHRISTENSEN: I'm adamantly for these two proposals and I urge the Council to vote for them.

CHAIRMAN OLSEN: Yes. Is there any question here for

Rachel? Yes.

MR. NESS: Do you want me up there?

CHAIRMAN OLSEN: Yes, please.

MR. NESS: Hi, my name is Stan Ness, I know Randy and.....

CHAIRMAN OLSEN: At this time, please, I'm keeping the questions directed to -- we will have a public comment here.

MR. NESS: Okay. I'd like to know from Rachel, how many bear were at each of those five sites that were found?

MS. MASON: I don't know because they were.....

MR. NESS: Was there one in each site, was there 10 in each site?

MS. MASON: They were disjointed faunal remains in the.....

MR. NESS: So there could only be one bear?

MS. MASON:archeological site. So I can't say how many bears there were.

MR. NESS: And I think the primary bear use subsided if there was much of a use was because of the deer. You said possibly of the deer and I think it is because of the deer because from my personal conversation with the user groups that were in the villages. In the one village that I am intimately familiar with is that the comment most commonly given to me is they wouldn't eat that stuff because it's too greasy and doesn't taste good and why should I eat it if I've got deer that are walking the beaches.

And then in the '80s you said there was incidental bears taken, well, I didn't know -- you said there was.....

MS. MASON: Yeah, I didn't say it was incidental, I said there were low harvests recorded in some of the villages.

MR. NESS: And was there a Federal subsistence program in line with that to issue permits for subsistence, I didn't know that.

MS. MASON: Only -- it was a State program and there was only one in '86/87, but there weren't any hunts associated with that.

MR. NESS: So these were just incidental kills then that somebody take -- took and used.

MS. MASON: The way that these surveys were done did not distinguish how the people got them, they asked have you used bear.

MR. NESS: Well, I hauled bear meat into Larsen Bay village for Dora Aga and Dona Easter to use.....

MS. MASON: Um-hum. (Affirmative)

MR. NESS:because I'm a registered guide and they would ask me, if you get a bear, a young one, or one that's in the spring, would you bring in some meat because we'd like to have a taste.....

MS. MASON: Um-hum. (Affirmative)

MR. NESS:and that's what I did. And you can't -- that about answers my questions then. Thank you. Excuse me, one more. Is there any -- seeing these are just little bits and pieces of bear in these sites, there's no way to tell if these bear were actually killed or if they were found or they found wounded ones or injured ones to use as meat?

MS. MASON: I am not a professional archeologist, so I don't know exactly.

MR. NESS: You're stating a fact?

MS. MASON: From what I understand, these were faunal remains. There's not anything to say how they got it.

MR. NESS: Okay, thanks.

CHAIRMAN OLSEN: Is there anybody else that has questions of Rachel? Hearing none, thank you Rachel.

MS. MASON: Do you want me to stay up here while the public comments?

CHAIRMAN OLSEN: I guess I was curious if there was any other analysts reports available? Yes, John.

MR. MORRISON: Thank you Mr. Chairman. I need to read a statement from our office in Juneau and I believe that Mr. Mishler also has a comment that he wants to add. I put a copy of this letter on your desks yesterday. This letter is in response to a letter that came from Mr. Rob Holt to the Commissioner, Frank Rue asking that the Department support the idea of authorizing issuance of permits for taking gain for a cultural purposes in place of the Proposal #26, and after discussing this in the Juneau office, Commissioner Rue designated director of the game division -- or wildlife conservation division, Wayne Reggelin, to prepare the Department's response to Mr. Holt's request and I'd like to read this into the record.

Our staff -- this is addressed to Mark Olsen, Chairman of the Council; Our staff has reviewed the proposals sent by your Council to the Federal subsistence board and we are concerned with Proposal #26 which requests the Board to make a positive customary and traditional use finding for brown bears for residents of Unit 8. It is our understanding that this request was submitted by a resident of Old Harbor who felt it is important to be able to teach the traditional hunting methods for brown bears to the younger generations of villagers but is unable to do so because of the current system for hunting brown bears in this unit. Last year the Alaska Board of Game passed a regulation 5 AAC 92.034 that authorizes the Department to issue

permits to take game for cultural purposes. Testimony during the Board meeting clearly indicated that these permits should be limited to programs that taught customary and traditional methods of hunting, butchering and preparation of wild game. If our understanding of the purpose for your request is correct, your needs could easily be met by permit issued under this regulation. Managing brown bears on Kodiak Island is very complex, particularly with the dual State/Federal management systems currently in place.

In the long term best interest of this resource and the people who wish to utilize it, we encourage you to withdraw Proposal #26 from consideration. We would be pleased to work with Old Harbor and other villages on Kodiak Island who wish to teach traditional hunting methods through the cultural use permit process. Thank you for your consideration. Sincerely, Wayne L. Regelin, Director.

The Department had previously sent comment to the Federal board that indicated that we were withholding our comment -- our final opinion on this proposal until such time as we had a chance to review the Federal staff's analysis of it. Our subsistence division and game division are both looking at that and will have a more complete response later on. But in the meantime, the Department would like to recommend that what has been described in this letter be discussed and considered as a possible alternative to the proposal as currently worded.

And I believe Mr. Mishler had a comment to make.

CHAIRMAN OLSEN: Yes, I appreciate that. If you could bear with us, we have kind of designated a little time here for phone call-ins and we've only got so much time set aside for them. We do want to hear from you, but at this time I would like to see if there is any incoming calls?

COURT REPORTER: We have one person that we can call, he called yesterday a couple of times and wanted to know if we'd call him today. Do you want me to call him?

CHAIRMAN OLSEN: I guess this would be a good time as

any if there's nobody waiting to talk.

COURT REPORTER: Okay.

MR. EVERITT: Mr. Morrison?

MR. MORRISON: Yes.

MR. EVERITT: With this regulation the State came up with, has it been communicated into the villages that that is available to them?

MR. MORRISON: I don't believe so.

MR. EVERITT: So they had this regulation.....

MR. MORRISON: This is a very new regulation that is still in the process of getting prepared for publication in the official set of regulations. But it could readily be advertised and communicated to the villages when this whole issue gets settled.

MR. EVERITT: Okay. So has it been voted on by the -- is it the State board that votes on that?

MR. MORRISON: It's been signed off by the Lieutenant Governor which makes it an official regulation at this point.

MR. EVERITT: Okay. Now, where would these permits come from?

MR. MORRISON: From our local office here in Kodiak.

MR. EVERITT: No, there's only so many bear that are taken here on Kodiak, am I correct, that are allowed to be taken on the Refuge and on Kodiak, what is it 130 bear or something?

MR. NESS: Please answer yes or no, you keep nodding your head.

MR. MORRISON: I'm sorry. What was the question?

MR. NESS: What did you respond to the.....

MR. MORRISON: From the Fish & Game Department office in Kodiak would be the source of the permits.

MR. NESS: Okay.

MR. MORRISON: A person would have to make an application and explain the reason for asking for the permit.

MR. EVERITT: Okay. If there's 130 permits, am I correct, that that's all that can be taken here in Kodiak?

MR. MORRISON: That sounds like.....

UNIDENTIFIED VOICE: For the road system?

MR. MORRISON: I think it's more than that actually.

UNIDENTIFIED VOICE: There's an unlimited amount for the road system.

COURT REPORTER: Wait a minute, excuse me. If there's going to be any comment from the audience at all, if you want to speak at all, I'm going to have to have you come up to the mike, because I don't know all of your names and I don't know who's talking at what time and this is going to be a public record. So anytime you want to comment just, please, come on up to the mike and you can switch seats or whatever.

MR. EVERITT: I think I have several questions and maybe one person can answer them all. I want to know how many bear can be taken, not on the road system here, but how many permits are put out there, the breakdown of those permits, are they non-resident hunters or resident hunters and would the State system, I want to know where those permits are going to be taken from? Are they going to be taken from non-residents or State residents, just so I have an idea of who loses here, I think that's what it is? And I want to get that out in the open.

MR. MORRISON: We were wondering the same question about the proposal as it now exists, who would have to give up permits in order to accommodate the number of permits that are asked for here.

MS. MASON: Mr. Chairman?

CHAIRMAN OLSEN: Yes, Rachel.

MS. MASON: I would like to distinguish between this proposal which is a customary and traditional proposal and the next one which is one for -- which establishes a hunt. Customary and traditional eligibility would not effect the number of permits available. This proposal is strictly for customary and traditional eligibility.

CHAIRMAN OLSEN: Yes.

MR. EVERITT: Okay. Then going back to the State, is there any on your proposal that has already been signed off by the Lieutenant Governor, where do these permits come from for the traditional and customary uses?

MR. MORRISON: In the case of Kodiak, which would probably be one of the few places in the State where there would be a question of giving up one class of permits to satisfy another, that has not yet been addressed and figured out. Over most of the State, these kind of permits similar to the type of permits for ceremonies, funeral potlatches and so forth, it's not a question of having to give up -- somebody having to give up a permit in order to compensate for somebody else. So here in Kodiak where this would become an issue, it would still be necessary to sit back and figure out just how this might be handled.

MR. EVERITT: Okay.

CHAIRMAN OLSEN: That is an important question of concern, but I think we can visit later though. Is there anything on the telephones as of yet?

COURT REPORTER: They'll ring straight through.

CHAIRMAN OLSEN: I guess, was there any other -- yes, Craig.

MR. MISHLER: Yes. I also wanted to compliment Rachel in her summary of the traditional use analysis because the original -- I was one of the co-authors of the original c&t work sheet that was prepared by the division of subsistence when this came up in 1991 and I did interviews in Old Harbor and also in Larsen Bay with elders. And at this time I'd like to present -- read into the record a short part of a transcript that -- of an interview I did with Dora Aga, her name's come up this morning already and was a highly revered elder and certainly a mentor to me and a personal friend. But when I interviewed her in regards to the proposal that Old Harbor submitted in 1991 we were interested in how widespread the use of brown bear was and Dora had a lot to say and this is one of the criteria under customary and traditional use is the handing down from generation to generation of oral traditions. And these are some of the traditions and stories that Dora had about brown bear. I recorded this from her in Larsen Bay in her home on April 29th, 1991.

It starts out with my question: You say you like to eat brown bear, um? Dora: Yes. Well, anyway this old man was up at the Karluk River and he was trapping up there, so he got a nice big bear up there, so he brought me down the heart, so put it down to cooking. Boy, I tell you that was an awful stinking thing, it had been eating fish and this was in the fall of the year, you couldn't eat that bear heart to save your sole, otherwise bear meat is really good in the spring of the year, especially when they come out from hibernation. They're nice and fat and I love to render their fat. Myself: I thought they were skinny in the spring? Dora: Oh, no, they are fat when they come out. And after you render their fat, it's good to back with it and you can make donuts, make nice and fluffy donuts out of it. I like bear meat. Are there any other elders in the village that eat brown bear besides you? Oh, yes, Marina, referring to Marina Waselie. Marina did? I said. Dora: Um-hum. (Affirmative) Larry, that was Marina's husband,

Larry Waselie, Larry's dad was an expert. That man, he knew -- he'd know a vegetarian from all the fish eaters, it's no kidding, he knows. He'd sit there and I remember one time I asked him, how do you know between the fish eaters and the vegetarians, he said, I watch, I said, oh, guy you hardly speak English. And up Uyak Bay he used to sit there and he'd watch them, I guess if it didn't eat fish it was a vegetarian so he'd get it and real good meat and then they'd salt them for the winter. Myself: Did you ever put up meat like bear meat? Oh, yes, salted -- yes, salted. It's just like you salt beef nowadays, you had no freezers so you salted it, real good meat. I don't know I like it and Marina, Larry, let's see who else, there's Moses, referring to Moses Malutin. And I asked, did Johnny ever eat it, this was Johnny Aga, her second husband, oh, yes, he ate a lot of bear meat. Just like we had some when they were building the first school house here. These guys walked out and we were sitting here talking, they were from Southeastern and well, that's one thing I'll never eat and Johnny had some bear hunters out and he says, one thing I'll never eat and that's bear meat, so I told Johnny if you get a good bear, you bring it to them in the spring of the year and sure enough he brought a nice big hunk of bear meat home and the guys of course did not know about it, so I made bear burgers and they were eating and they said, boy, this is the best hamburger meat I've tasted in a long time. And that school teacher, she was sitting there, she was just busting out laughing because she knew what it was, you know, she liked it too. And after all three were done, she says, well, you know, we were talking about you'd never, ever eat -- never eat in your life eat brown bear meat, but do you know what you just got through eating, you just got through eating a whole bunch of brown bear burgers. And I'll just quote what he said, he said, you god damn liar and I said, no, I am not. And he says, well, if that's the case, then roast me a big hunk tomorrow, which I did and they had sandwiches and everything out of it, so there it goes.

CHAIRMAN OLSEN: Thank you Craig. I would like to mention that we are on the air and you can calli n at 486-3231 or outside of Kodiak 1-800-478-5736. Was there anybody else that would like to give a report here on our discussion?

MS. KNECHT: Hi. My name's Philomena Knecht and I'm the acting director at the Alutiiq Museum. And I just wanted to comment on traditional and customary use. First of all I'm not sure how people are defining traditional. I haven't heard a good definition of that in connection with this. But one index I would suggest that you could use is if use of bear is within the living memory of people who are here today on Kodiak. and if we use that standard then there's certainly a lot of evidence for a traditional use of bear by Kodiak Natives. People have mentioned, like Craig, use of the bear meat and that was highly regarded in the data that we have and the oral history collections which are on file at the Alutiiq Museum bear out what he was -- you know, excuse the pun -- what he was saying there about people prizing the meat during certain seasons, for example the spring.

But bear oil was highly prized, too. We have a lot of oral histories about that, it's called (In Aleut). And it was highly prized as a medicinal and then for cooking, baking. It was considered some of the best oil that you could get. And then besides the meat and the oil, there was also prize for the skin which were used a lot traditionally in the Barabaras, that's what you used as your mattress is a big bear skin rolled out. And the Natives, when they harvested the bear, they used all parts. For example, the soft tissues, like the lining of the lungs which were enormous were used for bags and the intestines were used quite a bit for constructing (In Aleut), these waterproof parkas. And there again, we have a lot of oral histories about how in certain seasons, the intestines would be better than in other seasons and it seems to be the spring was the season to get these soft tissue parts from the bear.

So there's definitely a lot of evidence and we have oral histories from people who are still alive today. Unfortunately Dora Aga just passed away, but I would say we have many oral histories from Larry Matfay, Martha Matfay, let's see, Jenny Zeiter, her husband. We just -- you could, you know, go out and survey in any of the villages you would have a lot of elders who remember eating and, you know, not that long ago, eating bear meat, drinking bear oil. Again, this -- if anything shows up more than the bear meat in the references is that that oil was

highly prized.

And one thing that I would just like to mention in closing is that the one use that we have absolutely no evidence for is any kind of trophy hunting of these animals. For example, it's very interesting, in contrast with some other Native groups, for example, Southeastern Indians, who would use the parts such as claws or canine teeth in their regalia, among the Yupik peoples and these Supac peoples in Kodiak and Cook Inlet, Prince William Sound area, we have no evidence that they would use those parts and this is going back archaeologically back 7,000 years. But we have lots of evidence of bear bone in the Middens. And, in fact, we have oral histories that discuss why they wouldn't use those parts, that it was considered somewhat disrespectful and those were left and skulls were left in tact and never collected. But apart from that there is a lot of use of bear, there's no question about it.

Does anyone have any questions?

CHAIRMAN OLSEN: Is there any questions for Philomena?

MS. MASON: Can I?

CHAIRMAN OLSEN: Yes, Rachel.

MS. MASON: Philomena, earlier I was questioned about what the archeological evidence is for bear use and I wonder if you could comment on that?

MS. KNECHT: Well, my time period is the earliest period on Kodiak, so -- in fact, the site that I worked at is the oldest site that's known right now for Kodiak and it goes back about 7,100 years, from 7,100 years to about 44,000 years ago and there's lots of bear bone all through the Midden, you know, from bear femurs which have been drilled through to extract marrow and stuff like that to just all kinds of bear parts. But as I say, you will never see claws, you will never see the teeth, although you see them for many other animals, all the marine mammals are represented that way, but not bear. And then in the Kachemak period which is the following period from about 3,800 years ago to say 1,000 years ago, we have little effigy

figures carved of bears, they appear on decorative elements like hair pins and stuff like that. In the Koniag period which is the most recent archeological periods, dates from about 1,000 years ago, the time of the Vikings up to when the Russians came, we have very good evidence because of course when the Russians came, they made collections of all the traditional hunting gear, you know, drew pictures of what it looked like and what different types of blades were used for -- and they were usually very specific to certain species and so we know precisely which type of spears were used for bears and there were a lot of -- there was a lot of bear hunting gear that's in world museums. For example, in this one collection in Finland called the Ethylene collection, they have a number of long bone spears which are all barbed along one side and they have a slot at the end for a long killing blade and a long slate blade would go in there. And initially it was thought that, by archaeologists, that these were used for hunting people but according to their reports that the early explorers collected that these were used for bear and the slate was made very thin and it shatters and it kind of atomizes inside the animal and so it's ideal for bringing down a large animal like a Kodiak bear because it will cause all kinds of internal damage, hemorrhaging, similar to a technique that the Natives in Japan use. So we have very good evidence of specific tools which were used for hunting bear. And lots of references, again, to the, you know, dietary importance of bear.

CHAIRMAN OLSEN: I guess my question for you would be, do you, in your findings find, of course, in archeology sometimes it's just at the present, any indications as to the time period or how, since other animals, such as deer and elk were introduced to the Island, does it show -- do you find any evidence of the subsistence moving over to another animal?

MS. KNECHT: Oh, to another species?

CHAIRMAN OLSEN: Yes.

MS. KNECHT: Well, you know, we do collect oral histories to document how the cultural is changing and -- but I would suspect that the subsistence division has better

information on that. Of course, people will utilize whatever species is out there. And so, you know, deer is utilized by villagers now, but I would say by the elders, bear would be prized a lot more. You know, deer is an introduced species and it doesn't -- doesn't carry a lot of fat, it's very lean. I mean if you read the statistics, sometimes the meat is as lean as domestic turkey, Natives, you know, prized fattier meats which you would get from these Native species like bear. So I would think it's much more.....

MS. MASON: I'm sorry to interrupt.

CHAIRMAN OLSEN: Yeah, just one moment, Rachel -- I would like to once again bring that we are on the air, KMXT. Those wishing to call in, the number is 486-3231 or outside of Kodiak 1-800-478-5736. Rachel.

MS. MASON: Thank you Mr. Chairman. I would just like to comment on the question of replacing bear meat with deer. Although the time periods do coincide, the spread of deer to the south end of the Island with the decline of bear use, I should mention that in the interviews that the analysis was based on, none of the respondents volunteered that as the explanation for why they didn't eat bear anymore.

MS. KNECHT: Yeah.

CHAIRMAN OLSEN: Yeah.

MS. MASON: Instead, they focused on regulatory restrictions.

MS. KNECHT: I would think that's true. I mean it's the same thing with use of sea otter and -- for example, there's a declining harvest of harbor seal and it has nothing to do with dietary preferences, more with availability of the species and concerns about being hauled in when you use certain animal parts, being hauled in for violations, you know, regulations. And, for example, another introduced species, you know the bunnies we see all over the place and elk, there's just no evidence that those are, you know, favored over this traditional

Native species. You know, people typically go for something that's going to give them the most calories out there and fit in well with the diet. The best source of oils are in these Native species, not the introduced ones.

CHAIRMAN OLSEN: Is there any other questions here of Philomena? Hearing none, thank you Philomena.

MS. KNECHT: And I was just introduce Brenda Schwantes quickly because she has an interesting thing which was made by her great-grandmother and it supports -- you know, is a replica of things that exist in other museum collections and this is (In Aleut) woman's sewing kit that's made out of bear intestine and so it's interesting to see this. Again, this is an example of something which is traditional use of these soft tissue parts, highly prized.

MS. SCHWANTES: Good morning. My name is Brenda Schwantes. My mother is Lila Olsen, her mother was Laura Larsen, her mother was Olga Neumoff and he mother was Eve Kroskoff who was born on Afognak in 1874. This was passed down -- this bear gut purse, bag, it has lots of little pouches and it also has mallard feathers along the outside of it, this was passed down from my great-great grandmother to her daughter to her daughter to my mother and into our family. And I just wanted to introduce this as evidence of customary and traditional use. And, you know, I imagine that not only did they make -- eat the meat, but you know, as Philomena said, they probably used every portion of the animal that was useable as evidenced by this -- this bag. And also in speaking with my grandmother, who just passed away this last year, she used to say that she had -- they had lots of company that came over to their house and would -- and, you know, sing and dance and about 9:00 o'clock they would turn in and upon asking her where everybody slept in her small house, she lived on Antone Larsen Island and then she also lived in Ouzinkie for awhile, she said, we just got the bear rugs out and they all slept on the floor. You know, it's different than, I'm sure, than any of use probably could have ever imagined, but Grandma said that that's the way it was.

She says that her grandmother made clothes out of -- from whale and bear guts and skin (In Aleut), mukluks, parkas and they did a lot of things with the products that were available to them.

CHAIRMAN OLSEN: Could it be possible to at least -- my eye sight isn't that good, but I guess, what would make it customary and traditional is the absence of any seal?

MS. SCHWANTES: There is no seal on it.

CHAIRMAN OLSEN: How old is this?

MS. SCHWANTES: She was born in 1874, so I imagine she was -- she was 16 when she got married, so I imagine it was around late 1800s when she made it.

CHAIRMAN OLSEN: Wow, really a treasure.

MS. SCHWANTES: Yes, it is.

CHAIRMAN OLSEN: Thank you for sharing that with us. Once again, I believe, we're still on the air here with KMXT to call in your comments on Proposals #26, #27 or #28. Please call 486-3231 or from the village sector 1-800-478-5736.

Is there any other reports that wish to be given at this time? Moses, yes.

MR. DIRKS: Mr. Chairman, I don't know, there were some written comments that were sent in concerning this proposal, did you want me to present those?

CHAIRMAN OLSEN: Yes, if we have no other reports.

MR. DIRKS: We'll take the call here.

COURT REPORTER: Go ahead.

CHAIRMAN OLSEN: Yes. Go ahead.

MR. BERNS: My name is Chris Berns. I've lived on Kodiak for 32 years and have been out and around before the Native Lands Claims and everything else with what's going on around here with bears, but I really feel that you could, you know, taking a bear away from these guides and stuff that hunt bears around here for subsistence since -- it sounds to me like both parties could be dealt with in -- trophy hunters don't bring the meat out and they waste tremendous amounts of meat. I used to live out in Uganik and anytime the chief of (indiscernible) he was an assistant guide out there, he would bring me hindquarters and stuff in the spring to eat and bear meat's very good eating. You know, but most of the meat's left up in the -- high up in the mountains where they get them in the spring. And since it doesn't sound like there's any traditional trophy hunting from Philomena's testimony, you know, you could just bring bear meat down give it to the people who want it and everyone will be satisfied. Trophy hunters will walk away with the fur and the rest of the guys will have good food.

CHAIRMAN OLSEN: Yes. Thank you. For some reason, when you first introduced yourself your name wasn't clear, I believe you said, Chris.

MR. BERNS: Chris Berns.

CHAIRMAN OLSEN: Chris Berns. Thank you, Chris, was that all?

MR. BERNS: Yeah, that's all. I really -- you know, it's not 7,500 years ago, it isn't 100 years ago, it isn't 30 years ago, it's 1996 and the population in Alaska's booming and all our natural resources are getting heavy pressure on them. So, you know, I mean a lot of consideration's got to be taken here for the resources and, you know, that would be the bear and the people that live here also. So, you know, and there's a lot of local people here that guide, assisting guides, and they don't, you know, they don't get rich doing this stuff. They go out and they work hard in the spring and I really don't -- if this is a deal where our bear is taken away -- you know, taken away from somebody's livelihood to be given to some traditional purpose, I just think that, you know, some kind of effort should

be made for full usage of the bear instead of leaving the meat up on the -- up on the -- in the hills and stuff, they could bring the meat down and give it. And it's cool enough in the -- cool enough in the spring, you know, they could -- you know, you can age meat up to two weeks and it's fine that time of year. So I think, yeah, something could be worked out along those lines rather than taking from one person to give to another one, that's a lose deal and the other way's a win/win deal. Thank you.

CHAIRMAN OLSEN: Thank you Chris. Yes, Craig.

MR. MISHLER: Yes, I just wanted to respond to the comment by the caller, in that, in our discussions with the elders and with people in the villages, it is not the issue -- entirely the issue just having meat donated to the communities would not satisfy the customary and traditional uses. And one of the people that testified in a meeting in Old Harbor about a year ago said that he was interested in passing down the hunting skills that he had not learned himself -- or that his son had not learned and that he wanted to see continuity in the passing down of bear knowledge, it's not just the meat, but the -- how to handle yourself out in the bush and how to hunt bear and when to hunt bear and how to respect bear, all of these things, codes of conduct are essential to customary and traditional use as well as the meat.

CHAIRMAN OLSEN: Thank you Craig. I just might add in here that I am an avid wildlife eater, too, but I do not just take any donations from anybody, I have to know the person well enough to know that they have taken care of the animal and/or fish and that it is presentable and not just a way to get rid of something.

I'm sorry here, Moses, I think you were going to have some written comments before that call came in.

MR. DIRKS: Thank you Mr. Chairman. The written comments that came into our offices were recorded and thanks to Bill Knauer, we have summarized these comments and I'll just go down the list. There were five written comments that were

opposed to this Proposal #26 and three in support.

Those that were opposed, the first one, was the Alaska Department of Fish & Game. They state that the record clearly shows that in the early 1960s and before, Alaska Native communities on Kodiak Island harvested a small number of brown bear for subsistence purposes. It is also clear that little to know subsistence use is taking place today. The reasons for little or no use of brown bears today are complex and probably include a shift in the use of deed and lack of subsistence hunting opportunities.

And then also there was a comment who opposed, it came from Mike Munsey from Kodiak. And he states that, I am very much against the taking of brown bear for subsistence purposes. Brown bear on Kodiak Island do not meet the customary and traditional requirements for subsistence purposes. I was born and raised in Oyiak Bay. I have never heard of anyone living off the meat of brown bear. On the contrary, the Natives in Larsen Bay say they do not like it, it is not something they grew up doing and that their ancestors did. There is more readily available food source, easier meat. The Natives have asked -- our Natives have not asked our Native guides for meat from hunter kills and they do not use the meat from the DLP kills. Since the smaller bears would be preferred, more sow and young bears would be killed resulting in harm to the bear population.

And then we had a comment from a person, Gary Howard, from Glennallen and he states, in all the present work available on Sitkalidak Island and Kiviak, I'm probably butchering these place names, Three Saints and Kiviak and other locations, no mention is ever made of bear remains in over 6,000 years of archeological records. Not once are bear bones found when deer were introduced to the Island as a meat substitute. Of all the DLPs most of which occur in the villages in question, none of the bear meat is now consumed. This experiment c&t under State regulations was tried previously and not one bear was ever harvested under the subsistence permit.

And the person -- the individual here from Kodiak, Harry

Dodge, says there is no traditional use of brown bear as a subsistence animal in Kodiak. There has been a permit system in place for over 25 years that controlled the harvest. Many bears killed by the non-permit holders were either illegal or DLPs. The advisory council says that traditional use occurs when the salmon were scarce, Sitka Black-tail were introduced and have been plentiful. This abundance source of meat is more than adequate, there's no reason to be shooting bears due to hunger.

And then a former refuge manager, Richard Hansel, says, as a former Kodiak National Wildlife refuge manager, I question the validity of a statement that oral records and State subsistence surveys date from the 1940s verify that the traditional taking of brown bear for meat. The State survey did not begin until the late 1970s and the date of record shows that the number of bears taken by village residents was so low, infrequent and applied to such a vast area that this incidental take hunt itself has no management significance. Bear have not been taken for cultural and traditional purposes for at least during the last 50 to 75 years. This proposal should be rejected.

And those -- that were in support came from Ouzinkie Tribal Council and they state that the Ouzinkie Tribal Council is unanimous in its support the harvest will allow for customary and traditional use during times of meat shortage. We believe decreasing the number of non-resident permits will help to maintain a stable population allocating 80 percent of the permits that non-residents or other Alaskans has been a great injustice to the Kodiak Archipelago.

And then there's Emile Christiansen from Old Harbor Native Corporation. Allowing the Native villages to participate once again in the hunt for bear will do our youth good in teaching them a part of their culture which is almost forgotten. I strongly urge you to adopt the proposal.

And then there was the Old Harbor Tribal Council, they state, I strongly urge you to consider these proposals, proposed changes. Our elders are dying and won't be hear to pass on their knowledge.

And that concludes the written comments.

CHAIRMAN OLSEN: Thank you Moses. I believe we are still on the air. And the number to call in on comments is 486-3231 or outside of the Kodiak area to the villages, 1-800-478-5736.

I guess, does this conclude our reports and comments, written? If so, at this time I would like to take a short recess.

(Off record)

(On record)

CHAIRMAN OLSEN: Once again as we get started here, I'd like to encourage those listening to the KMXT that comments are going to be taken here on Proposal #26 at this time on the brown bear. Your calls in Kodiak can be called at 486-3231 or from outside the immediate Kodiak area, an 800 number, 800-478-5736.

I believe at this time, this is the time set aside here now for public comment on Proposal #26. I would request that you give your name and come forward and have a signed in sheet for your public comment. So the floor is now open for public comment on Proposal #26.

MR. HOLT: My name is Rob Holt. I talked to you guys yesterday about this, I kind of jumped the gun a little bit. You know, it seems like I've been involved with the subsistence issue in different places around the State, Kodiak's closest to my heart because this is where I grew up and this is where I make my living now. So this issue is just extremely important to me. I'm a registered guide and I work with Rocky and Wesley Christensen out of Old Harbor. I think it's real important to keep in perspective that it's extremely easy for both sides of any of these subsistence issues to just get wrapped around the axle about whether or not you want to recognize somebody else's value to any specific game animal. And that really shouldn't be the point. With all due respect to the anthropologists that are here, you guys don't need anthropologists coming in here to tell you what the Alutiiq people's relationship with the brown bear.

I've had the privilege of being able to sit down with Larry Matfay when I first got involved with guiding down in Old Harbor and that's about all it takes to sit with somebody like that to learn about the relationship that the Alutiiq people have with brown bear, there's absolutely no question, no denying the fact that some people eat bear meat now, enjoy it and they want to continue that tradition and they also want to continue the tradition of hunting brown bear. No question. And I think for somebody to try to deny that is ludicrous.

There's a few points that I want to make here and I hope I can be clear on them all. Aside from working with Rocky and Wesley Christensen, spending a little time with Larry Matfay, I've had the pleasure of guiding with Bill Ambrosia out of Karluk, Herman Malutin, as far as -- it appears to me, these guys are carrying on the tradition of brown bear hunting and they're carrying it on through being involved in the guiding industry. It doesn't -- nobody makes a lot of money from the guiding industry, but they do make a significant part of their income from it. And if the guiding industry's able to continue this way there will be Native people that are running their own guiding operations, Wesley's right next to getting his registered guide license and it will, in the future, become a much more important part of his income for his family than it is now. But the point is that when I bring a hunter up here from outside, one of the most valuable parts of their experience is spending time with the Alutiiq people that we guide with because they get to experience some of that cultural and tradition. When I bring somebody up here to hunt it isn't -- I'm not selling bears, I'm selling hunts and the hunt has to do with the place that we're doing it in and the cultural and tradition that surrounds the place. It's all part of what's happening. So I want to be the first to say, I don't believe that the argument that this isn't a cultural and traditional relationship, that just doesn't hold any water.

The problem is that you -- when you look at ANILCA and the way it's setup, I've been dealing with it in a lot of different parts of the State and I know a lot of other people that deal with it from both sides, Native people and non-Native

people, and there are a lot of parts in it that don't work, they don't work very well. And one of the things that -- and I've been talking to some of the Federal people about it here today, about separating out subsistence users, dividing up, you know, who was eligible for a particular hunt and who isn't, I don't believe that the law allows for a lot of separation there. I know that there are people that know a lot more about it than I do on the Federal side of this issue, but in that respect, I don't believe that the Federal system works very well here. In other words, it's hard for the people of Old Harbor and the other villages that want to get one or two bears a year, it's hard for them to get what they want under the Federal system and still allow other people in Alaska to hunt and then allow a guiding industry to survive because it lets in too many players. You have -- all you have to do is live in a rural community to be eligible for harvesting a sea animal under a subsistence hunt.

I know the concern about not wanting to eat just meat that's donated, you know, I -- when Wesley and I are out hunting in the spring, we bring meat into the village and, of course, the people know who it's coming from, it's coming from Wesley and it used to come from Larry Matfay and Mike Tunanhun, it was their tradition to guide for bear and they brought the meat into the village for the people that wanted it. Maybe not every bear, but there was usually enough brought in in the spring to satisfy the few people who needed some at the time, and so when I started working there with them, we continued to do the same thing and it's deeply appreciated by the people we bring it to. And I understand it, they realize it's coming from so they -- they don't have a problem with that. And I also understand that you can't -- you can't turn something like the relationship between brown bear and these people into a program where they're not involved in the hunt and it's just a meat donation thing. I mean on the surface when you write, you know, you put that on paper and you look at the numbers and that all makes a lot of sense, you know, the guy from Germany gets the hide, the guide gets some income to spread around and the people that want meat get the meat, that all makes a lot of sense, but it doesn't completely work, in that, the thing that Imo and those guys have talked about, there's a little piece missing there where they

don't get to teach their kids how to hunt brown bear and that's missing. No, I don't believe that should be missing. Like I said, I believe a significant part of this is carried on through the Alutiiq guides that are in the business now. Unfortunately there are some and have for some time been guides on the Island that didn't develop relationships with villages and don't use Native guides and it's their loss. But, you know, you can't have everything going in one direction.

I believe that in this new permit that the State has come up with for cultural and educational purposes, I think that is an excellent answer to this whole dilemma. In listening to the testimony this morning from the anthropologist here, it sounded like there wasn't a real strong support for the villages on the north end of the Island to retain c&t determination and no question, I'm sure there's a few people in those villages that want to have this continued relationship. And in this State permit, that's possible. I know that in talking to Al and other people in Old Harbor, the State has not always come through with things and their system, you know, isn't perfect either, but this is a new permit that they've come up with and I believe that it's something that should be tried. There's a lot at stake here and there's a lot to gain by both sides if we can come up with a solution -- if you people can come up with a solution that everybody wins on. It will be -- it'll be a first because there's not a lot of Federal subsistence proposals and programs that come out with winners on both sides.

And what I would like to see happen is what I suggested yesterday is that -- is that you look at the entire thing, the availability of this State permit and the fact that there will be some Native people that will lose the chance to make an income from bear hunting and lose the chance to pass that tradition on to their children, and the fact that a very important guiding industry on this Island may go away. And it's -- this -- the guiding industry on this Island is world famous, it has been for a long time. And to see that have to fold up because a Federal system that couldn't quite do what it was wanting to do was put in place, it would just be a shame. So I would really like to see you guys consider this State proposal, the State's permit and try it for a few years and see how it

works. And as far as the allocation goes, I think there's a good possibility that if the State system is used, the State permit system is used, there's a good possibility that the bear take may be low enough to where there doesn't have to be a drastic adjustment in the allocation that's already being used. It's possible. I mean if we start from that direction, there's a good possibility that everybody can come out a winner.

I guess that's about all I have to say. If you'd like to ask me a question.

MR. EVERITT: I would like to know how these six or eight bears are going to shut down the professional guides? You made that comment and I'd like to hear just the reasoning behind it.

MR. HOLT: What -- what -- the reality is -- the reality is that you're asking for a c&t determination for brown bear in Unit 8. When I read ANILCA, I don't see any place in there that allows to separate you from -- I assume you live in Unit 8, you from the guy in Akhiok. Communities in Unit 8 that have rural designations are -- every community in Unit 8 is designated rural.

CHAIRMAN OLSEN: Rob, I certainly want to make this comment, that we as a Council here are here on the best interest of all, as well, as each department. Secondly, of all, yes, I want to reiterate that this is a c&t determination. C&T is, I guess the best way is to ask, Rachel; do you have a definition of c&t there available with you?

MS. MASON: If somebody has one of those.....

CHAIRMAN OLSEN: Since it was not addressed basically in ANILCA, we have taken steps further to hopefully protect such places as yours, meaning c&t that we live and we have lived off of these for many years, generations, this here c&t protects not only us and our way of life, but also protects you as a guide that people from around the world are not going to come in and claim c&t because they would have to prove it. Rachel, will you please give us that definition?

MS. MASON: Thank you Mr. Chairman. The definition that we have in our regulations is customary and traditional use means a long established consistent pattern of use in incorporating beliefs and customs which have been transmitted from generation to generation. This use plays an important role in the economy of the community and the way this plays out in the way that we -- we make c&t determinations is that there are eight factors that are used as criteria for establishing which users do have customary and traditional use of a resource.

CHAIRMAN OLSEN: Thank you Rachel, I guess, is that a call in?

COURT REPORTER: He's going to come down.

CHAIRMAN OLSEN: Okay, thank you. I think that when we look at the difference on c&t here, it's not the matter of going out and killing an animal and eating it. There is a lot in between the spiritual side of it, the lifestyle in general of it is something, unless you have lived it it's very difficult to understand.

MR. HOLT: Well, that's exactly what I was saying earlier. That's why I don't believe that just donating meat to a village takes care of the needs because there's a need for the hunt and the relationship with the animal, no question about that.

CHAIRMAN OLSEN: Absolutely. Is there any other questions here for Rob? Hearing none, thank you.

MR. HOLT: Thank you.

CHAIRMAN OLSEN: Dick, did you fill out a little card for us?

MR. ROHRER: I did yesterday and said on there that I wanted to comment on #26 and #27.

CHAIRMAN OLSEN: I recall, thank you.

MR. ROHRER: Thank you Mr. Chairman. My name is Dick Rohrer. Mr. Chairman, I would like to pursue the questioning a little bit about how narrow the c&t determination can be made and whether -- as Rob expressed, concerns -- we certainly are concerned about a broad c&t determination for Unit 8 and that's the way this is written now. Can a c&t determination be made just for the villages that qualify, can we do that rather than a broad Unit 8?

MS. MASON: Yes, we can. And that's the way that we are pursuing the individual customary and traditional analysis now is to take it species by species and for particular communities within a region or it could be for all residents of Unit 8 as well.

MR. ROHRER: So could this Council take action to recommend to the Board to modify this broad proposal and just identify the villages that would qualify?

MS. MASON: Yes, it could.

MR. ROHRER: Thank you.

CHAIRMAN OLSEN: I think we do have that in our workbooks here, somewhat, identifying the villages.

MR. ROHRER: I know what the recommendation is. Still our comments are on what the broad proposal is and that's what we're -- I'm quite concerned about.

MR. WILLIS: Mr. Chair, if I could add a little something to that for clarification purposes. You'll all recall on the Council that the original request for a subsistence brown bear hunting came from several of the villages. And at our fall meeting we discussed how many bears those villages wanted to take and which villages they were, there was no mention of any requests from the city of Kodiak. And as a result we all left that meeting with the idea that we were talking about only the villages -- the six villages that were named. Our refuge staff were under the mistaken impression that if c&t was established

for all of Unit 8, that all rural residents of Unit 8 would then have an equal access to subsistence bear hunting, and as Rachel pointed out, that was a mistaken impression. It can be more -- much more specific than that, it can be limited to individual communities within a rural area.

However, Robert helped write the proposal and inserted the language about the city of Kodiak and the road system, which of course, adds several thousands of potential subsistence users to this bear hunt that's being proposed. Because of that, we have to look at that also and talking to you here as well, the reason that's in the proposal and is being considered is that's the way it was written up for public review. That's the way it was sent out and so we -- so we will -- we have to evaluate it in that light as well as in the light which was originally intended which was only for those villages and for the specific numbers of bears that were established for those villages.

Having said that, I would add something as to Rob's concern spoken earlier. He feels that -- it's my understanding anyway, having talked to him at some length since we've been here, even though we have the authority to designate a limited number of villages and a limited number of bears, he's concerned that this will not satisfy everyone in Unit 8 who is a rural resident, but who might be left out under that type of a c&t determination and the fact that these people could pursue the fact that they are residents and should have c&t and that this -- the number of bears taken and the number of people involved could escalate in the future to the point where it would have a significant impact on the guide industry. That's my interpretation of his concern. If I am mistaken in that, I'm sure he and Dick can correct me on it. Thank you.

CHAIRMAN OLSEN: Thank you Robert. Go ahead Dick.

MR. ROHRER: Well, that's certainly a concern. And I think Mr. Cratty and maybe someone else up there yesterday recognized that that's the same concern with the commercial fishing industry when they talked about the Federal government's authority to shut down commercial operation if there's not enough of whatever the resource is to go around. That's

certainly the concern.

A follow-up question. Do we have a solicitors opinion on this? Are we pretty sure -- do we know that we can do this, separating out the villages or are we just presuming we can and that has not been challenged yet?

MS. MASON: I don't have the solicitor's opinion, however, I know that the solicitor is aware that this is the way we are going about doing the customary and traditional determinations. And if there.....

MR. ROHRER: He hasn't talked to.....

MS. MASON:was any objection we would know it.

MR. ROHRER: He hasn't told you not to do it?

MS. MASON: That's correct.

MR. ROHRER: Or you can't do it?

MS. MASON: That's correct.

MR. ROHRER: The reason these questions are so important for me and I think important for here -- I've asked those same questions over the last several months and I've gotten different answers at different times and so I'm trying to clarify in a public setting so that we can return to this testimony and quote you folks at a later date if things change. And that's why I want to establish this on the record.

CHAIRMAN OLSEN: Certainly, Dick, I want to add, I feel we have a lot flexibility to look at things as they change and not only that, are we willing to. Secondly of all, I also want to let you know the reason that is basically back today is because this backlog was basically depending on what the outcome was on the determination of the definition of c&t. Since those hurdles have been accepted, this now brings it back to where we are today.

MR. EVERITT: One comment Dick.

MR. ROHRER: Yes.

MR. EVERITT: Now, I wasn't at the subsistence board meetings last year, but I was the year before and if I remember right, the solicitor spoke on each proposal, case by case, didn't he? Wasn't he in the loop on the final decision, so the solicitor is involved or not?

MS. MASON: Yeah. It's not -- it's not part of the required order.....

MR. EVERITT: Thought process.

MS. MASON: Process, yeah.

MR. EVERITT: Okay.

MR. WILLIS: The solicitors office serves in an advisory capacity. Certainly they have a great deal of influence, but they are not part of the decision making except as an advisor.

MR. ROHRER: I don't suppose it would be possible to get a response from the solicitor?

MS. MASON: I think Bill might like to comment on this one.

CHAIRMAN OLSEN: Yes, Bill, please if you could help us on this.

MR. KNAUER: Yes, Mr. Chairman, regulations specifically state the customary and traditional use determinations are made by community or area. And the Board, in the past, has proceeded along those lines doing it by community or area as appropriate for each situation. In situations where an entire unit has exhibited different practices and traditions, they have specified specific communities within that unit and, in fact, if you look in the salmon colored book, the regulations, you'll notice that frequently the customary and traditional use

determinations in the left column list specific communities rather than an entire unit. So it is entirely appropriate if this regional council so recommends and the Board adopts their recommendation to just specify by certain communities.

CHAIRMAN OLSEN: Thank you Bill.

MR. ROHRER: Thank you. Based on that I'll make some recommendations. Mr. Chairman, I also wanted to make a couple of -- well, just a response to a comment you made so that the Board -- the Council understands that I do understand the value of passing on to your children traditions. I grew up at my dad's side hunting here in Kodiak, my 15 year old son has already been involved in skinning bears, he actually has a supply of bear intestine that we've kept from three different bears and I ate brown bear meat as late as about the first of November last year. I understand some of your traditions and I support those. And I recognize the customary and traditional use. Obviously I'm concerned about doing away with an industry that's been in place for -- from some stories around as early as 1900 and I'm concerned for my livelihood, you all know that.

My recommendation, I guess to the Council is I like the idea of the State permit because though the answers that I just got make me feel a little bit better, I would feel more comfortable if we had written opinion with a solicitor's signature on it because I'm not as convinced as -- as -- I'm not convinced that that can be the case, but I -- but I can -- if that is the case, I'm comforted. Until we have that opinion, my request to the Council is to consider the State permit. The recommendation from the staff is that Port Lions not be included in this and I don't think Mr. Lukin is going to sit there and let that happen and I have to say I support that. When I read through this document that they put together, Port Lions, Afognak, certainly shows some use. I would also say that if the staff can say that Port Lions doesn't qualify based on the information in here, I think they could also say the other villages don't qualify to meet the criteria that's here. Now, I came prepared to testify on -- based on information that I had gotten from the refuge staff which now I just found out is not the case anymore, it's a document that was dated September 13,

'95 concerning the eight point criteria. And it says there that the -- the time period used would be 1930 to 1980 to make these determinations, now, I understand that's not there anymore, so that's kind of thrown my -- the line of reasoning that I was going to take. But I guess my -- the advantage to go with the State permit is then that you would be permitted to hunt, not only on Federal land, you could hunt on State land, you could hunt on your own land. That's certainly a benefit. If -- and I would like to see the Council move in that direction. If the Council chooses not to move in that direction, I would like to see the Council identify the villages that they feel meet the c&t and limit it to those villages and leave out the broad area, the broad scope of the rest of Unit 8.

I'd like to comment on Mr. Everitt's question earlier to Mr. Morrison about where are these permits going to come from, that's an issue that will be settled before the Game Board, that's who makes that decision. And at this point, none of us know where those permits are going to come from. I have a little problem with the staff recommending in here that they come from the non-resident allocation. That's really not the Federal -- that's not Federal authority. It is -- they can certainly put an opinion in there, but that is the responsibility of the State to decide where those permits come from. I'll repeat what Mr. Ralph Eluska told me when I ask him about this and what his position on it was; he said, well, I thought the permits would come from the resident allocation. Obviously that will be decided at a later date. But those are my -- my comments and suggestions.

MR. WILLIS: Can I ask Dick where he found a reference to our analysis saying that the permits would come out of the non-resident allocation?

CHAIRMAN OLSEN: Yes.

MR. WILLIS: I certainly don't remember writing that and neither does Rachel.

CHAIRMAN OLSEN: Yeah, if I could, just for one minute have a break from you just to let the public know that we are in

KMXT. We are working with Proposal #26 of the Federal Subsistence Advisory Council. The number to call in on any comments is 486-3231 or outside the Kodiak city an 800 number at 478-5736. Thank you for your patience Dick.

MR. ROHRER: It's there. I'll have to go back to my seat and look it up, but it might be under Proposal #27. But that.....

MR. WILLIS: Are you speaking of the proposal itself which came from the council and the refuge or our staff analysis of that proposal?

MR. ROHRER: Rob, can you help me find it?

MR. HOLT: Yeah.

MR. ROHRER: I don't have my marked up copy with me.

MR. HOLT: Yeah, I think that all it says in the staff analysis is that's where they're talking about reducing the permits by 50 to 80 percent and then I think you got to go to the proposal itself to see where they talk about reducing the non-resident allocation.

MS. MASON: What page would that be on?

MR. HOLT: Are you talking about the 50 to 80 percent or the other?

MR. ROHRER: About the non-resident permits.

MS. MASON: That's in the proposal.

MR. WILLIS: Okay, that's in the proposal, that's not in our analysis.

MS. MASON: That's not in our -- that's not our analysis.

CHAIRMAN OLSEN: Excuse me, if we could for a moment let

a caller in on the phone -- butt in on this for one moment. Go ahead please.

MR. CHRISTENSEN: Yeah, Hi, my name is Fred Christensen, I'm calling from Old Harbor. And I was just calling in regards to the Proposal #26, I believe. And I'm just in support of it because of the fact that we, as the Native people of Kodiak, this has been part of our life before it was taken away from us. And I just want the people that don't support that to sort of just keep that in mind. And as a previous tribal council president, I've been on record of fighting this for many a years and I just want to be on record again that I support this.

CHAIRMAN OLSEN: Thank you Fred. Is there any questions that anybody might have of Fred? Thank you for your call Freddy.

MR. CHRISTENSEN: Okay, thank you.

CHAIRMAN OLSEN: I'm sorry, Dick, go ahead please.

MR. ROHRER: That's fine. I think I'm finished unless there are questions. Although -- although I would like to ask a couple of the council members a question if I may do that?

CHAIRMAN OLSEN: I have no objection.

MR. ROHRER: Mr. Cratty, do you -- do you feel that if Old Harbor -- let's just use the number that's here of two bears, do you feel that -- that's Proposal #27, but I'll ask it anyway, do you feel that the village can administer that without -- do you think that would be adequate?

MR. CRATTY: Yes. Yes, I think two bears would be okay. There are people still that do subsistence, you know, even though it ain't there, it's something we want.

MR. ROHRER: Okay. I'll ask some more of those when we get to Proposal #27 then.

CHAIRMAN OLSEN: Any other questions here for Mr.

Rohrer? Seeing none, thank you Dick.

MR. ROHRER: Thank you Mr. Chairman.

MR. BLONDIN: I certainly don't want to interrupt anything here.....

CHAIRMAN OLSEN: State your name please.

MR. BLONDIN: Randy Blondin.

CHAIRMAN OLSEN: Thank you.

MR. BLONDIN: I definitely don't want to interrupt anything, but there's -- we -- there's several of us who have been waiting several hours to maybe find out what the agen- -- well, the issue with the deer yesterday wasn't on the agenda, so I guess what I'm asking the Council right now and I had asked it yesterday, is that something going to be addressed sometime today and if so, if they could give us an idea of what time.

CHAIRMAN OLSEN: Yes, Randy, it certainly will as we move along. It was tabled and I'd have to look back here in my agenda, but I believe it's going to come under Number 4 on any other new business. I would say that's going to be probably later on towards the afternoon.

MR. BLONDIN: Okay. And so how many other proposals are there before that?

CHAIRMAN OLSEN: Two, I believe.

MR. BLONDIN: Two? Two more after this one you mean?

CHAIRMAN OLSEN: Yes. We have 26 we're doing and we have 27 and 28.

MR. BLONDIN: So you guys take a break at what, Noon?

CHAIRMAN OLSEN: Yes.

MR. BLONDIN: Okay, thanks.

CHAIRMAN OLSEN: Thank you. I guess, Stan Ness, if you will please.

MR. NESS: Good morning Mr. Chairman.

CHAIRMAN OLSEN: Good morning.

MR. NESS: Thank you for this opportunity to make a few statements. I guide out in the Uyak district, North Karluk. There's been a lot of changes in recent years due to Federal instigation I guess you'd call it. We don't have much problem with the State, the Federal government is keeping us jumping through hoops for new licenses, changes in this, changes in that. Last year we had a change in the way we can take a bear because of the skull sizes. And I'm just concerned with the subsistence issue as to how this is going to be determined as subsistence because I hear some comments as I travel around as, well, we can take -- or our -- during this subsistence -- proposed subsistence hunt, will you be taking tourists out or eco-tourists to adjoin you on these subsistence hunts. These are all the questions that have not been addressed to me, I mean I ask these questions and nobody knows. How are these subsistence hunts going to be conducted and if they go through and if it's -- if it's adopted? I'd just like to get some information on that.

CHAIRMAN OLSEN: I guess right now my immediate response from there is we have talked about these, these are being looked at under c&t which would be regulated under the community harvest.

MR. NESS: That's it, I guess, thanks. Any questions?

CHAIRMAN OLSEN: Thank you Stan. Jeff Knauf. Is he here to -- not here, how about Robert Anderson.

MR. CHRISTENSEN: Jeff said he had to go back to work.

CHAIRMAN OLSEN: I see. Is there any other public

comment on Proposal #26 before us this morning. I want to remind you we are on KMXT, the phone number 486-3231 if you'd like to comment or 1-800-478-5736. Yes, Craig.

MR. MISHLER: Again, Craig Mishler with Fish & Game. I would just say that within reviewing this proposal and also considering the opportunity for educational and cultural permits that it isn't necessarily an either or situation. If there is a desire for increased opportunity for hunting on private and State lands, a proposal could be submitted to the Board of Game to have cultural and educational permits from those lands in addition to the opportunity that would open on the refuge. So I just wanted to make it clear, that those are not necessarily conflicting choices.

CHAIRMAN OLSEN: I'd like to -- thank you, Craig. But I also want to make the public aware that this is not a proposal that has just been recently initiated, this is one of the old backlog that we have been working with trying to find a way to get it through. So the State's new approach during this meeting is the first time I ever even heard of it and certainly it does carry some weight, but in the meantime we need to be assured that what we have been striving for is going to be met.

Is there any other questions of Craig? Thank you. Is there any other public comment? Okay, I did -- I believe I did call your name, but certainly come on up and state your name please.

MR. ANDERSON: I'm kind of out of town. My name is Robert Anderson. I just wanted to bring forth my personal view of the subsistence bear hunt. I'm personally opposed to it simply because there doesn't seem to be a lot of recent history in what I've read and seen in the use of the bears in this manner. And the main reason that I'm concerned is I haven't seen anything addressed as far as the monetary value, the parts. And there's such a big market right now, illegal market for bear parts, namely gall bladders, I would really like to see this issue addressed that we not find ourselves in a situation where we are finding these parts into the Black Market as a result of any additional hunting that's going on. And I know this is -- I

haven't heard this addressed yet and I would like to have that issue clarified as to how to account for, especially the gall bladders, I'm afraid that we might see this monetary value enter into the equation of the subsistence use. That's really all I have to say.

CHAIRMAN OLSEN: Thank you.

MR. ANDERSON: Thank you.

CHAIRMAN OLSEN: Is there any questions? I might have a question here that maybe some guide or outfitter could answer; what is done with these parts on an animal? Would you like to address that Mr. Holt?

MR. HOLT: Yeah, when you take a client -- this is Rob Holt again, when you take a client out in the field and he has the permit to harvest the bear, that's his bear. Theoretically, he could keep the whole animal if he wants. Traditionally, what happens is they want the hide and the skull. And it's illegal to see bladders or any -- any bear part, you can't even sell a bear vertebrae or a bear leg bone. And all the ethical guides either leave that in the field or it comes in when the -- you know, the bones come in with the meat if they bring it into the village, but gall bladders are left in the field. Of course, unethical guides that are willing to do illegal things will sell gall bladders, but it's not a very wide spread practice right now, because there's way too much at stake.

CHAIRMAN OLSEN: What would you say the percentage is by weight for retrieving other parts other than -- is not the skull required to go to the Department or how does that work?

MR. HOLT: The skull's required to come in with the hide to be measured and a tooth is taken out for ageing. But there's no requirement for that hunter to keep that skull, he could discard it if he wants, but it is required by ADF&G for him to bring it in to town when he brings the bear in to get it sealed.

And as far as you were talking about percentage of how much is brought in, the bears that I've been involved with that

have been brought in, just depends on where we take the bear, it depends on the size of the bear. For the most part, the people in the villages that eat bear meat don't want meat from big bears. Occasionally we take bears that aren't that big and if we can we'll bring in four quarters and back straps, you know, it just depends on -- it varies from time-to-time. It depends if we get -- get one and bring most of it in, generally the people that we're giving it to aren't going to need the second one, so maybe we'll just bring a little bit in off the second one, it just kind of depends on what people want.

CHAIRMAN OLSEN: Right. I guess the point I'm getting at is there's no State regulation that determines you have to bring any of the meat in?

MR. HOLT: That's correct. Brown bear is not -- is not on a list that requires the meat to be salvaged for human consumption like everything else, brown bear and black bear are not on that list.

CHAIRMAN OLSEN: Thank you. Are there any questions of Mr. Holt?

MR. HOLT: I had one more comment about the -- what the gentleman from the State subsistence people said. It had been my understanding from talking to the people in the Department of Fish & Game that this new State permit probably is not going to be available if there's already other -- it's -- like let's say you go with the c&t and you have the village allocation through the Federal system, you're not going to be able to get the State permit. That's -- you know, that's part of the deal. The thing about -- and so it's fairly significant that the State permit can be used on Native land and State land and the Federal permit can't.

CHAIRMAN OLSEN: Yeah. I see that as creating more complication within itself also.

MR. HOLT: Right.

CHAIRMAN OLSEN: Like I had mentioned, we have not --

we've only seen here recently the State's proposal on this issue, we have not seen all that goes with it, too. So until such a time where we are able to get a full picture, we will address it then, I believe. Thank you.

MR. HOLT: Thank you.

CHAIRMAN OLSEN: I believe -- is there any other public comment here on Proposal #26? What's the wish of the Council, do we want to take this into consideration right now or would we like to take a short break?

MR. CRATTY: Take a break.

MR. CHRISTENSEN: Yeah, let's go over it. You're entertaining a motion?

MR. CRATTY: I think we should take a short break and then go over it.

CHAIRMAN OLSEN: Yes. I personally also would like to just take a short break before we get into the regional council discussion. Short break, yes, real short. Thank you.

(Off record)

(On record)

CHAIRMAN OLSEN: We'd like to move on with Proposal #26. At this time the Council is now ready to open our Council discussion here on Proposal #26 and so would entertain a motion.

MR. TUTIAKOFF: Mr. Chairman?

CHAIRMAN OLSEN: Vince, yes.

MR. TUTIAKOFF: I'd like to adopt the c&t's for the residents of the communities of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie and Port Lions of Unit 8.

CHAIRMAN OLSEN: A motion is on the table, is there a second?

MS. SHELLIKOFF: Second.

MR. LUKIN: Second.

CHAIRMAN OLSEN: The motion is seconded. I would now like to open the table here to discussion.

MR. TUTIAKOFF: I know that -- Mr. Chairman, in the original proposal, the proposed regulation brings forth the residents of Unit 8 which was all of the area outlined on that wall diagram there, but in the discussion that we've had, concerns that I have heard here, I think the communities that I have just named out are better suited to be in the c&t and should be addressed and brought forward for the support of their subsistence use and customary and traditional uses of brown bear.

CHAIRMAN OLSEN: Thank you Vince. I certainly look at this issue in many different forms also. I really appreciate the State's help on this and something we would certainly like to look at and bring back for possible reconsideration. As we see it now, we do not have the information necessary to make any decision with the State proposal, but it does really -- it catches my attention by all means, I just don't know what else goes with it so to say. Certainly we have heard the archaeologists giving us the information to which is nothing new to myself. My grandfather was a trapper his complete life and made his living totally of that. Yes, there is a period of time, as we look at the complexity of there -- there had been no subsistence for bear, so there is no really record of it in the past. And there was so much fear of prosecution and that is still with us today, that is one objective we are trying to put behind us and have it clear. But with the amendments to that motion, I do support it.

MR. CHRISTENSEN: Mr. Chairman?

CHAIRMAN OLSEN: Yes, Randy.

MR. CHRISTENSEN: Yes, I'd just like to make some

comments and I've got a couple of questions. Well, first of all on this -- Proposal #26 is for the c&t determination of the villages and I didn't have any problem with that. I notice that both Mark or Tom didn't seem to be too upset about that for excluding Kodiak. I guess if nobody has a problem with that, that doesn't bother me either. Since it's a determination, I'd just like to -- the one question I'm wondering about, I know we're going into -- I know we're going to talk about #27 later on, the question I had was whether the State -- if this is going to be in addition to the State permit system or if it's going to be instead of the State system, is it going to be separate or is it going to be in addition to, that's one question I had? Now in opposition to this proposal, I see a lot of the opposition is based on the customary and traditional uses in the past years. Now, one argument I have with that, it goes back to, for the past couple hundred years, many subsistence uses of resources have been suppressed and also they haven't been in use because of European and Western influences. And it's been known throughout America and Alaska that the cultural heritage has been suppressed physically, spiritually, culturally and this is something that's been happening. And also there's a cultural rebirth throughout America and Alaska. And one of the things we're having this customary and traditional use determination is to -- for the rebirth of the heritage that's -- and I believe that with more input from the elders we can have our youth be re- -- they could be more knowledgeable about the past -- the past uses. That's my argument against the opposition that there hasn't been any subsistence use.

So I believe that if this can be in addition to -- if these proposals can be in addition to a State permit system rather than an instead of, I'd like to see this go through. I don't really care for the idea of just eliminating this hunt to just Fish & Wildlife lands, refuge lands, I'd also like to see it in State and private lands, too. But that's why I'd like to see it in addition to. That question hasn't been completely answered yet. But I'd like to keep -- as far as this subsistence council is concerned, we're basically pro-subsistence and so we'd like to -- I think we'd like to keep the window of opportunity opened to have subsistence availability for the rural residents of the villages mentioned. So I'm in

support of this determination.

CHAIRMAN OLSEN: Thank you Randy. Yes, Rachel.

MS. MASON: Mr. Chairman, I would like to respond to Randy's question just in order to clarify whether it was in addition to or either or.

CHAIRMAN OLSEN: Yes.

MS. MASON: Well, the proposal that's being considered right now is simply for customary and traditional determination as you recognize. What has been suggested is that this Council adopt a cultural and educational permit system similar to what the State's is, but the State's would go on non-federal lands, but the suggestion is that this Council have a separate one that is also a educational/cultural permit, but either way it is separate from the customary and traditional determination. I don't know if it clarifies it or makes it more confusing.

CHAIRMAN OLSEN: I believe also that my point as this new proposal is from the State we would like to continue looking at it and hoping that we find in common issues on it to maybe and hopefully in the future be able to bring it together, but at this point we don't find it acceptable.

MS. MASON: Okay.

CHAIRMAN OLSEN: Is there any more comment here from the Council? I'd like to hear from you.

MR. CHRISTENSEN: Rachel, did you say that when you were talking about the either or on the federal and the state issues on the permit system?

MS. MASON: I guess what I wanted to say that it's -- Craig Mishler came up and said that it was not an either or situation, that there could be both an educational cultural hunt and a subsistence permit hunt. And I guess that's one thing that does need to be emphasized, that it's not a case of having to choose between one or the other. However, I just wanted to

emphasize that whatever you do with this customary and traditional or the proposed subsistence hunt, it doesn't change the fact that the State will still have the possibility of a cultural and educational hunt -- permit hunt on State land.

MR. CHRISTENSEN: I can see Rob here has his hand up and I think he might disagree with you.

MS. MASON: Okay.

MR. CHRISTENSEN: If I remember, I think it was him that was mentioning the State would -- they would do away with the State permit system if this was enacted.

CHAIRMAN OLSEN: That was kind of something I had

MR. CHRISTENSEN: I'm still unclear. You know, I'd like to hear a positive yes or no if it can be in addition to, because I'd hate to back ourselves into a corner on the federal system and absolutely have no way of going onto State lands or private lands.

CHAIRMAN OLSEN: This is something that is, like I say, so new to us we hope to explore it, yes.

MR. HOLT: This is Rob Holt again. If I could just add, what I've been able to learn about it. The -- you have actually -- you're looking at three options of getting permits. You've got the Federal government subsistence hunt. The State permit system that's out there right now for sport hunts actually if you wanted to get creative each village could load up that drawing system and just about -- it's a numbers game. You could just about be guaranteed two or three bears per village under that system for sport hunting that we have right now.

But this new permit that the State is offering. The way I understand it, it was in existence sometime last year is when it became available. It took some digging to find it. And from what I understand the Department of Fish & Game sees this as an issue that has different ways to settle it. And they're offering this as an alternative to c&t and the federal hunt.

And I -- now, this is just my understanding, I could be wrong because I get sideways with bureaucrats all the time, but

MR. CHRISTENSEN: Right.

MR. HOLT: it's my understanding that they're not going to be real interested in offering that permit or in approving one of those permits if there's already a federal alternative that's been offered.

CHAIRMAN OLSEN: Is there somebody from the State Department that can

MR. HOLT: That'd be a good idea.

CHAIRMAN OLSEN: clear this up a little bit for us?

MR. MORRISON: I'll do the best I can. John Morrison. The -- in the past there have been several requests of the Department for special permits to take animals specifically for this educational and cultural type of use. They're not issued for people to use in getting meat for subsistence purposes. The ones that I'm familiar with that have been granted, the first one comes to mind is to the school in Sitka. They got permits for a couple of deer about a year ago. And I think that this was before this particular regulation came into existence. And the Commissioner at that time, Carl Rosier, granted a special permit which then led to the idea that it would be good to have a regulation specifically for those kind of requests.

The way the letter reads that I presented earlier is that this -- if the request for the c&t determination that has been presented to the Council from these villages has a strong interest in getting these bears for the purpose of teaching the tradition of hunting and how to take care of the bears and all that, then this particular kind of State permit would suffice. But if the people in the villages want the c&t to get the bears

for typical subsistence purposes the State permit would not apply. So we have to decide, so to speak, exactly what is intended by the request for c&t in these villages.

The people who would like to use this State permit would have to apply to the Commissioner and if he so agrees he would then authorize the local office to issue the permit.

MR. EVERITT: If I understand you right what you're saying is then if we decided to allow the State system to work, the State Commissioner has the ability to pick and choose the villages. It could be Old Harbor, yes, you can shoot a bear, Port Lions, you can't. Am I correct?

MR. MORRISON: It would be based on the issue at hand rather than the location or the source of the person's

MR. EVERITT: So it could be -- it wouldn't be a blanket policy that you can shoot a one bear per year. It would be on a case by case

MR. MORRISON: Case by case.

MR. EVERITT: So this year if they want to shoot a bear they apply for a permit. The Commissioner from the State grants it. Next year if they want another bear they have to apply and go through the process again?

MR. MORRISON: Exactly.

MR. EVERITT: Okay.

MR. TUTIAKOFF: Excuse me, Mr. Chairman?

CHAIRMAN OLSEN: Yes.

MR. TUTIAKOFF: My understanding is -- of the adoption of this c&t is cultural and traditional uses which is a subsistence use and also in the use of the innards of the bear that was demonstrated and talked about earlier which is traditional use which the State doesn't have. And which I don't

have any confidence that this thing is going to really work because there's just too much that the State has done to hinder the process of subsistence in rural areas. I'm not confident that it's going to work. I think that the best alternative is to proceed on the c&t on the subsistence federal advisory level

MR. MORRISON: These cultural

MR. TUTIAKOFF: until they show me different.

MR. MORRISON: and traditional permits would not preclude the people using them from using the meat, for example, or any other parts of the animal for cultural -- or for customary and traditional uses such as food or handcraft or anything like that. But that use is not acceptable as the purpose of the permit.

The basic reason for giving that permit would have to be for this cultural educational

CHAIRMAN OLSEN: Here again, though, and this is in direct conflict with what we are trying to achieve also. And that is the freedom to participate without the fear of prosecution. This is a very big part of c&t as well.

MR. MORRISON: Of course, with the position of this permit there would not be any fear of prosecution if the

CHAIRMAN OLSEN: I just guess the reason I say that is it seems there are other entanglements that still aren't clear. And certainly if they're not clear on that side of the fence they're not clear on this side.

MR. CRATTY: The State doesn't guarantee a permit for the people that want to hunt the bear. Could you say that?

MR. MORRISON: Well, the permit would be requested by people who are interested in taking a bear or any other animal for the purpose of teaching the traditional way of doing things. If that's

MR. TUTIAKOFF: That's it, John. I have a question. What is the definition of people who would be -- who you consider or who would the State consider to be those people to be the teachers? Is it the school system, is it the village council, is it an elder in the community, is it an individual like Al over here or what is the definition? Does the State have one yet 'cause I know that's coming down the line if it's presented

MR. MORRISON: I don't think it specifies a particular type of person. It would focus on the type of use that's being recommended. And if that type of use seems legitimate then it would not really make any difference who the proposer was or the requestor.

CHAIRMAN OLSEN: These resources are utilized in many different traditions depending on what they may be. TO me it sounds like this would restrict us from having to prepare of any unexpected thing that might happen since the Native traditions are from pot lucks and gatherings sharings which is not identified in the state. This would preclude from the immediate needs that any area might have for them, so I look at it as kind of a restriction that's kind of not in line with the intent.

MR. TUTIAKOFF: Mr. Chairman?

CHAIRMAN OLSEN: Yes, Vince.

MR. TUTIAKOFF: I call for the question on the motion.

CHAIRMAN OLSEN: There's been a call for the questions. Gilda, can I ask you to please take a roll call on this?

MR. SHELLIKOFF: Randy? This is roll call

UNIDENTIFIED VOICE: Call for a vote?

MR. CHRISTENSEN: Oh, roll call or a vote?

MR. SHELLIKOFF: On the vote.

MR. CHRISTENSEN: Aye.

MR. SHELLIKOFF: Vince?

MR. TUTIAKOFF: Yes.

MR. SHELLIKOFF: Tom?

MR. EVERITT: Yes.

MR. SHELLIKOFF: Ivan?

MR. LUKIN: Yes.

MR. SHELLIKOFF: Al?

MR. CRATTY: Yes.

MR. SHELLIKOFF: And I vote yes.

CHAIRMAN OLSEN: Could we -- excuse me. Could we have that motion read to us?

COURT REPORTER: Do you want it read back. Do you want to read it back?

MR. TUTIAKOFF: I have it here.

COURT REPORTER: Okay. Why don't you read it back.

MR. TUTIAKOFF: The motion was to adopt the c&t for the residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie, Port Lions, and Port Lions Unit 8.

CHAIRMAN OLSEN: Thank you. To me it look like the motion passes. That makes it unanimous.

I guess next on our agenda we have a little bit of time. I don't know. I'm sure it's going to take a lot more than the 15 minutes we'll have previous to a lunch break. I take this

timing into real consideration. I feel like maybe this might be a time where we can get our lunch and not be standing in line behind anybody else for those out of town that have to fend for themselves on this. It's -- I would like to at this time request a lunch break to meet back here at 1:15.

MR. TUTIAKOFF: Move for a lunch.

(Off record)

(On record)

CHAIRMAN OLSEN: At this time we would like to call the Kodiak/Aleutians Advisory Council back into session.

I hope everybody had enough lunch and enjoyed it.

To open this afternoon's session I would at this time look at new business, 8C on proposal #27 as far as dealing with the season of brown bear.

At this time I would ask the analysts for their proposals, recommendations, if you will.

MR. WILLIS: Thank you, Mr. Chair. Proposal #27 was submitted by this Regional Advisory Council and it would create a brown bear hunting season in Unit 8 which would match the customary and traditional use determination.

The proposal is lists a number of villages and also the original proposal included the city of Kodiak. I mentioned earlier the fact that that was inadvertently put in there because of a misconception about the requirements of Federal law. There was no interest expressed by the city of Kodiak and so the main -- we mainly concentrated on the villages.

And for the benefit of the audience, I guess, I'll mention that this proposal goes back about two years now I think we've been working on it. The council members have gone to these villages and talked with the local residents to find out how many bears they were interested in taking. And that's where

the numbers came from that are listed for each village.

The Federal regulations on Kodiak Island go back quite a few years. The State took over back in 1960 and instituted the permit system that we currently have. Most of you are very knowledgeable about that permit system so I won't go into it in great detail.

The ADF&G estimate of the brown bear population on Kodiak is to be stable at about 2,800 to 3,000 animals. About 80 percent of those roughly are on the refuge lands. It's also believed that the population is currently being exploited at the maximum rate. In fact, there's been some effort by ADF&G to reduce the harvest over the last year or two. There's been an increasing trend in the harvest over the last decade and in some areas of the island are beginning to show signs of over-harvest. And there was a minimum skull size criteria instituted a year ago by the State Board in an attempt to reduce the number of bears and the number of female bears that were appearing in the harvest. And based on one year's data it appears this is having some effect.

At present there are a total of 472 sport hunting permits available from ADF&G for that portion of Unit 8 where permits are limited. Two-thirds of those go to Alaska residents and about one-third to non-residents. Currently on the refuge boundaries there are 295 permits issued to all hunters. And a total of 276 Unit 8 residents applied for those permits last year. On the average we have, about 250 applicants for permits from Unit 8.

Success rate on the average runs about 50 percent. It's higher than that for the guided non-resident hunters, I think about 35 percent for the unguided resident hunters.

Currently we're taking about 130 bears per year off the refuge. The average for the years 1990 to '95 was 131. And in talking to Jay he states that he recommends the maximum of 120, so they're looking for a slight reduction in that number.

The ADF&G harvest management objective for all of Unit 8

is 150 bears. We have about oh, anywhere from 15 to 30 DLP and other illegal kills during the year. The reported kill was 16 bears in '92-'93 and 12 bears in '93-'94 which is the last years for which I have data. They estimate that the under-reported DLP and illegal kill was probably about equal to that which is reported.

Both the refuge manager and the local ADF&G biologists agree that there should not be an increase in the total number of bears harvested on the refuge, and therefore, for each bear taken for subsistence uses there's a possibility that a bear would need to be subtracted from those that are allowed to be taken by non-subsistence users.

I talked to Roger and Jay in the hallway this morning on a break and asked Roger how that would be handled. And his response was that probably would watch it the first year and see what happened. Under the current proposal, the proposal that our staff brought forward there would have been seven bears allocated to subsistence harvest in the four villages with all the villages included, all six villages there would be 11 bears allocated in the harvest. And whether or not that number would be harvested, of course, we don't know. That's just what the villages have said they would like to take and so Roger's response was that they would probably not make any changes in the number of permits issued overall for the first year to see how much interest was actually out there and how many bears were taken and then adjust the numbers, if need be, after that.

And since we are already at a maximum harvest rate then if there was a significant harvest of 8 to 11 bears on an annual basis and it seemed like it was going to be a steady harvest at that rate then there would have to be some adjustments made in the non-subsistence permits issued.

I passed out another map while you were out to lunch there and copies are also available back there in the back. Robert Stovall will pass some out to the audience. It's the same map you get earlier but with the additional bears that are allocated for the community support lines and Ouzinkie indicated on there. This map is very tentative. It was something that

the refuge put together at my request when I was doing this analysis. And it's just to kind of roughly show where the bears would come from from these communities which have been recommended for a positive customary and traditional use finding. There are a number of factors that would have to be looked at before final locations could be established for these bears. Obviously they need to be within skiff range of the villages that would be doing the hunting. Some of those hunt units that are marked on there are mostly private lands. These permits would not be applicable on private lands.

And so there might be some areas that traditional bear harvesting areas where we would not allocate a bear because there's not any refuge land there or not very much refuge land. So there are a lot of things that have to be worked out. And this would be done with the local state biologists and with the refuge manager to determine where these bears would come from.

I'll mention briefly what happened when we took a look at the city of Kodiak since that was also included in the proposal. With this Council's recommendation it's highly unlikely that the Board would go forward with a regulation which would include the city of Kodiak, but we could not come up with any reasonable way to try to determine how many bears would be harvested by the city of Kodiak, and therefore, what might be the adjustment in the number of non-subsistence permits issued. What we decided was that if the city of Kodiak were included all we could do was to drastically reduce the total number of permits issued to non-subsistence hunters for the first year and see how many people actually went hunting from the city of Kodiak and how many bears they harvested. That should not be a consideration from this point forward, but for the benefit of the audience I did want to point out why that was included in the analysis.

I also wanted to point out the authority for the use of a community harvest system. There's been some question about that and some people who didn't understand the legality of doing that as opposed to an individual bag limit. And I'd like to read that out of the Federal regulations. I should have brought my reading glasses. The Board may implement harvest reporting system or permit systems where #4) the fish and wildlife is

taken by representatives of a community permitted to do so in a manner consistent with the community's customary and traditional practices. That establishes the authority for the Board to approve community harvest limits. And of course, those limits are set in the regulations which we promulgate under Subpart D.

I believe that concludes my presentation other than to state that our recommendation for the seasons and harvest limits follows the proposal limited to the communities that were determined or recommended by this Council to have customary and traditional use. Our regulation then would read; residents of the listed villages December 1 to December 15 and April 1 to May 15. No individual harvest limit but a community harvest quota as indicated. Akhiok one bear. Karluk one bear. Larsen Bay three bears. Old Harbor two bears. ouzinkie two bears. Port Lions two bears. All of these would require a Federal registration permit.

And I would also point out another part of all of our bear manage -- subsistence bear management regulations. And that would read as follows: all meat shall be salvaged and brought out of the field and distributed to village residents or retained for personal use. If the skin or skull is to be removed from Unit 8 it must first be sealed by either an ADF&G representative or Kodiak National Wildlife Refuge staff member. A tooth, the skin of the skull, and the front claws of the bear shall be removed and retained by the sealing agency.

The reason for that, obviously, is to prevent people who might be trophy hunters but who live in one of these communities who would try to take advantage of the system, shoot a bear for its trophy value only unless he is able to tan the hide and mount it himself he would not be able to do so because he couldn't legally ship it out of Unit 8 to get it done without bringing it in to be sealed and having the skin of the head and the claws removed and retained by the sealing agency.

I think that concludes the presentation, Mark.

CHAIRMAN OLSEN: Thank you. Is there any questions of Mr. Willis? I myself, I do have a little question on how the

actual permitting basis will work. Will it be distributed by the Fish & Wildlife Service or how do you read that?

MR. WILLIS: We haven't spelled that out anywhere yet, but I'm sure it would be handled like the designator hunter permits or any other Federal registration permits. They would be available from the refuge office and we would also distribute them to vendor -- designated hunter vendors or some other responsible person in the communities. Since they're' such a limited number it would not be a problem to do that.

CHAIRMAN OLSEN: Yes. Okay.

MR. CRATTY: What I'd like to suggest is have the tribal councils have a say on who's going to get the permits.

MR. WILLIS: Yes, Al. We would assume that the tribal council or the governing agency in the community would determine who gets -- who would get these permits. The total number of permits would be sent to one person or one group within the community for distribution.

CHAIRMAN OLSEN: Rachel, did you have anything to add to this?

MS. MASON: No. Robert has summarized the entire analysis, so I don't have anything to add.

CHAIRMAN OLSEN: Thank you. Is there any questions to Robert? Seeing none I would call on Moses here for the public written comments.

MR. DIRKS: Thank you, Mr. Chairman. To expedite things I will just for the record I will point out a number who are opposed to the proposal and then those who support it and then give their names and then I'll just submit that as record. Will that be okay with the Council? You have them in front of you already, too.

CHAIRMAN OLSEN: Yes. Yes. I have no objection to that, Moses.

MR. DIRKS Okay. There were five who were opposed to proposal #27 and those that were opposed were Alaska Department of Fish & Game; Harry Dodge, Dodge Outfitters, Kodiak; Mike Munsey, Amook Pass, Kodiak; Richard J. Hansel of Kodiak; and also Wavetamer Kayaking, Tom Watson from there.

And those who supported the proposal was Emile Christianson from Old Harbor Native Corporation and Old Harbor Tribal Council, Old Harbor.

That concludes the written comments.

CHAIRMAN OLSEN: Thank you, Moses. Okay. At this time I would like to invite the public comment from a Alaska Department of Fish & Game, John.

MR. MORRISON: Thank you, Mr. Chairman. John Morrison, Department of Fish & Game. Something I would call the Council's attention to in the Department's comment I think as Moses pointed out you have copies of these . I'll pick out just a couple of items that I think need to be emphasized presently. The proposed harvest of 11 bears by community harvests amounts to about 7 percent of the 160 bear average annual sport hunting take.

Based on past rates of permit use and hunter success each permit available to resident hunters produced .2 bears in the harvest. In other words, for every 10 permits there would be two bears taken. For non-residents a permit produced about .6 bears. To reduce the non-resident harvest by 11 bears would require a reduction of 18 permits. That's non-resident permits. To get the same result with resident permits would require a reduction of 55 permits.

Now, the proposal does not indicate an estimated number of permits required for the remainder of rural residents of Unit 8. And this is in reference to the second part of the proposed regulation which would provide one bear every four regulatory years by Federal registration drawing permit. So whatever number is required would also reduce the number of non-

subsistence hunting permits by an appropriate amount based on those percentages of success.

Instituting a subsistence harvest of the magnitude possible under this proposed regulation could be harmful to the bear population and we feel the proposal should not be considered until detailed documentation of the number of bears necessary for providing subsistence uses to all Federal qualified hunters in Unit 8.

No analysis of the effects of this proposal on anyone other than subsistence users is provided in the proposal and should be a major objective in deciding on the proposal.

The rest of the comment pretty much follows what has been discussed by Robert Willis. And I think that by and large the Department would be more supportive of what the Federal Subsistence Advisory Group has explained here. Thank you.

CHAIRMAN OLSEN: Thank you.

MR. MISHLER: Mr. Chairman, Chairman Olsen

CHAIRMAN OLSEN: Yes. Excuse me. Yes. Certainly. Craig.

MR. MISHLER: I was reading these proposals carefully last night and I have a little bit of a problem with some of the information both in the proposal on page 32 and also then in the staff analysis on page 35. At page 32 I'm looking at the effect of the proposed change on subsistence users. At present, Department of Fish & Game bear hunt regulations for Kodiak Refuge allocates 21 percent of the permits to Unit 8 residents, 45 percent going to other Alaskans and 42 percent to non-residents. I added those up to 108 percent. So something is funny there.

And then in the staff analysis on page 35 the second full paragraph it told that during the 12 years between 1983 and 1994 the average number of bears selected by ADF&G was 183.5. Of these slightly over half or 50.4 percent were taken by non-

Alaska resident sport hunters. An average of 31.8 bears or 33.7 percent were taken by Alaskans living outside Unit 8 and 12.2 or 6.6 percent were taken by residents of Unit 8. And if you add those percentages up you get 90.7 percent.

So, I just don't know whether we have fully reliable information here as to the allocation.

CHAIRMAN OLSEN: Thank you, Craig. It's interesting to point out.

MS. MASON: I'd like to respond to that comment. First of all, the information presented in the proposal itself we claim no ownership of or responsibility for. As for the information on page 35 that doesn't add up to 100 percent, the remainder that would be the bears that were killed in defense of -- for a DLP as I understand it. That's why it's less than 100 percent. That's the only explanation I can think of.

CHAIRMAN OLSEN: Is there any other question here or any other department ADF&G, Fish & Wildlife that would like to comment?

Hearing none at this time I would like to open the floor to public comments. Certainly, Craig.

MR. MISHLER: I'm sorry to beg the issue here but at the very end of that paragraph that I just read about the percentages it says these averages do not include bears killed in defense of life and property.

MS. MASON: Well, what did you say it added up to?

MR. MISHLER: 90.7 percent.

MS. MASON: That's right. And then in the next paragraph it says the DLP kills equal 9 percent and 7 percent respectively, so that's what I'm suggesting is that it would total a 100 percent if you included the DLP kills.

MR. MISHLER: But that statement the end of the second paragraph that this does not included the bears killed in defense of life and property contradicts you.

MS. MASON: No. No. Okay. 50 percent -- the figures that are given in that paragraph it adds up to 90 percent. When you then add -- okay, those averages, that 90 percent does not include the DLP. When you add the DLP bears then it would total

MR. MISHLER; Okay.

MS. MASON:100 percent.

MR. MISHLER: All right. I'm sorry.

UNIDENTIFIED VOICE: Rachel, DLP bears are not sealed by the ADF&G.

MS. MASON: Oh,

UNIDENTIFIED VOICE: Yes, they are.

UNIDENTIFIED VOICE: Are they?

(Indiscernible conversation)

UNIDENTIFIED VOICE: I stand corrected.

CHAIRMAN OLSEN: How about that? Can Jay, Robert Stovall, somebody address that?

MR. WILLIS: They are sealed, Mark.

CHAIRMAN OLSEN: Thank you. I thought so. No public comment from the floor? Yes, Dick? Please.

MR. ROHRER: Thank you, Mr. Chairman and Members of the Board for the opportunity to comment again on Proposal #27. Again, a couple of questions for the Department.

CHAIRMAN OLSEN: This is Dick Rohrer.

MR. ROHRER: A couple of questions for the Department. I'm obviously interested by the map and the suggested allocation or potential allocation. Do you envision that the Department would tell the village where they could harvest this bear on Federal land or is this just to give an idea of where they might come from?

MR. WILLIS: Dick, we haven't talked about that too much but it would kind of depend on the situation. I would think that from a conservation standpoint it would be better to spread that harvest around unless a village objected to doing that. That's something that would be worked out with ADF&G and the refuge and the village.

MR. ROHRER: So we really don't know whether you would say Ouzinkie, you could just go to this certain place or not?

MR. WILLIS: I couldn't say with any certainty, no. Again, it would depend on the situation. If you had a very vulnerable population of bears in one drainage and it was easy access, obviously you would not want all of the bears to come out of that one area, at least I would not. But I'm not the bear manager down here and so I kind of hesitate to get too deep into that at this time.

MR. ROHRER: Well, that could simply be addressed by the allocation of permits. It's not going to hurt the bear population. The bear population would just have to be protected by the reduction in permits for that corresponding area.

So the Council understands, I know that the Council is sensitive to how this is going to -- the potential effect on the guide industry and obviously, I'm concerned about that as well.

As I look at this map and from the numbers we have if all the harvest by subsistence were to come from the non-resident allocation the way this is suggested it would be a

reduction of three and possibly four permits. I -- the way this is laid out I would have three or four less clients that I could book. Fairly substantial. That's why I'm concerned. I'm hoping that all the allocation won't come from the non-resident, but if it did and some have suggested that that's how it would affect me so the Board understands.

My request of the Council is to be a little more conservative on the numbers that are here. And my reason for that is and I'll specifically address, I think, Ouzinkie and Port Lions. We heard testimony from the Department and we have in the analysis that really Ouzinkie does not meet the criteria in this analysis. I'm not saying Ouzinkie never hunted brown bear. I'm saying in this analysis the Department came to the conclusion that Ouzinkie did not meet the criteria. Therefore, I question whether it's -- whether it's necessary at this time to allocate two bears to Ouzinkie. My request to the Council is to be a little more conservative. The suggestion by the Department was not to give Ouzinkie anything. I'd like to see you reduce that from two bears to one. I think that could be done for possibly for Port Lions as well. And I know that Larsen Bay has always requested bears. I don't have as good a feel for down there, but it would seem like it would be better within the villages if Larsen Bay was two. But my primary concern is, first of all, Ouzinkie and to see if that could be reduced to one bear at the first go round and see how that works out.

I would also request the Council for further clarification to delete the remainder of Unit 8, April 1 to April 15 and just so that that's a matter of record. I don't have a problem with the season dates that are there.

CHAIRMAN OLSEN: Dick, I just have -- maybe you can help me here. I'm not familiar with state regulation on commercial bear hunting. Do you know the approximate number of commercial hunting outfitters there is on the island?

MR. ROHRER: Jay, what's the number on the refuge?

MR. BELLINGER: We've got 16.

MR. ROHRER: 16 permittees on the refuge. And there would be what, another eight or so

UNIDENTIFIED VOICE: Eight to 10.

MR. ROHRER: And some of those guides would only have permits -- the areas that they're registered legal to guide in where they meet all the state and federal criteria, some of those would only be able to take several hunters a year, so it depends. My total operation is here so I have more area than some of the other people.

CHAIRMAN OLSEN: Okay. Is there any questions here for Mr. Rohrer?

MR. EVERITT: Yeah, Dick. Getting back to the number of bears taken from non-resident permits to resident permits. Bear guides wouldn't have any trouble if it was a split between the two different areas.

MR. ROHRER: That would certainly be helpful.

MR. EVERITT: Okay.

MR. ROHRER: We'd like to not have to bear the whole burden.

MR. EVERITT: My main concern is that nobody takes the whole hit. That it comes out of both areas, non-resident and resident hunters if that was the way that it happened. And I just wanted to make sure that was workable to the bear guides also. At least as far as you're concerned. you can't speak for

MR. ROHRER: Yes.

MR. EVERITT: all of them.

MR. ROHRER: Yes. I'll speak for myself and that has been our discussion for those who are really on top of this

issue and that would be workable. And I think I was pleased to hear John's suggestion that we would wait, the Department would be willing to wait to see how many bears were actually taken under this proposal before there was any reduction in permits.

MR. EVERITT: Okay.

MR. ROHRER: So it would be a re-active adjustment rather than a pro-active in trying to anticipate what was going to happen, that -- we can live with that. We like that.

MR. EVERITT: Thank you.

CHAIRMAN OLSEN: Thank you. Before I call on any more comments maybe, Robert, you might be able to answer. I guess when I look at this charting here it looks like a boundary line for different areas, sections, what have you of -- is this already in place? Does this follow State -- I just wanted to know from year to year you're going to find more wildlife in one area than the other. Certainly you must have a way to regulate emergency closures if there seems to be an over-harvest of any particular area?

MR. WILLIS: The harvest areas on that map as you correctly pointed out, follow the existing state hunt areas. These are drawing hunts limited -- a very limited number of permits are actually issued for each one of those areas. Our thought was to spread the harvest around so much and as Tom said so that nobody took the entire hit. And again, that's very tentative and is something that would have to be worked out with the State and with the local villages.

Currently -- I'm not sure how the hunt areas relate to the guide areas. There hasn't been time to get that deeply into it, but our idea in spreading the harvest around was simply that no one area and no one guide would take the full brunt of any permit reduction.

CHAIRMAN OLSEN: So in reality with these here in place when a certain area has harvested their number of bears in one area you could technically have emergency closure on just that

one section or area?

MR. WILLIS: You could set it up in a regulation probably so that you would not have to have an emergency closure. There would simply be a quota of one subsistence bear for that particular area and when that bear was harvested the other subsistence bears could be taken from the areas that they were designated to come from. Again, it's a little premature to be -- I'm speculating here on how it might be done. At this point we don't have a program in place or a way to do it and it might be that we would try it one year then if it didn't work out do something else the following year.

CHAIRMAN OLSEN: Yes, I do agree here and know that there's still a lot of little issues to be ironed out, but I certainly feel we have the tools to work with on this particular issue. Is there any other comments?

MR. ROHRER: Mark, could I add one more thing?

CHAIRMAN OLSEN: Certainly, Dick.

MR. ROHRER: Dick Rohrer again, Mr. Chairman, I'll answer your question there about these boundaries that you see on the map. The guide area -- the guide outfitter use area boundaries do coincide with the brown bear permit area boundaries. So these lines designate both. A guide has to stay within a certain boundary which is also the brown bear ADF&G permit area boundary.

CHAIRMAN OLSEN: I was wondering what those numbers meant.

MR. ROHRER: Yes. Another comment that I keep forgetting to make when I'm up here concerning the possibility of one permit for Ouzinkie. I want to put on the record, to let everyone know that there is currently a registration hunt that is open to any of us to go get a permit and hunt a brown bear. And it would include that area that's adjacent to Ouzinkie. It's round the road system, certainly is possible to kill a bear in that area. And so my suggestion -- my further justification

for one permit for Ouzinkie is that those people do have access to a current system without any restriction. Everyone there could pick up a permit and hunt in that area, certainly not as successfully as what they would be at Big Bay or some of these other areas.

CHAIRMAN OLSEN: Yes, as you addressed that I certainly want to share with you what my thought are, Dick. That as you see Kodiak being deleted, I'm a local Native of Kodiak, I do not eat brown bear, but I am not to say my brother is not to.

MR. ROHRER: Sure.

CHAIRMAN OLSEN: I also feel that with the system in place Kodiak has the facilities, the departments, the permit as you had mentioned, they have that -- we have that available to us without any hardship. That is my reasoning for not objecting to Kodiak not being designated a bear.

MR. ROHRER: I appreciate that. And I think that Ouzinkie can benefit some from that since it is right across the straits from Aklued Sharatin and -- or

CHAIRMAN OLSEN: Thank you.

MR. ROHRER: (indiscernible) Larsen.

CHAIRMAN OLSEN: The floor is still open for any other comments. Yes, will you please come and state your name?

MR. PETERSON: My name is Frank Peterson. And I'm informally involved with the Tribal Council of Larsen Bay, Old Harbor and also with the Kodiak Area Native Association and with the Alaska Federation of Natives. I've noticed the ads in the paper about the -- this meeting of the Council. And I did not have an opportunity to obtain a copy of the proposals until today so I'd like to reserve my comments regarding the specifics and the concerns I have on these proposals and I'd like to submit those in writing, but I just want to commend all you people here on the Council for the work that you're doing to preserve the subsistence lifestyle we have. I'm saddened to see

that we don't have these meetings in the villages where it really matters to the people who rely on subsistence, hunting, fishing and whatever, berry picking. So I would like to submit my comments regarding these proposals in writing. Thank you very much.

CHAIRMAN OLSEN: Thank you, Frank. Okay. Is there any other comment, please, from the floor at this time? Seeing none I would then entertain a motion on this Proposal #27.

UNIDENTIFIED VOICE: Go ahead, Vince.

MR. TUTIAKOFF: Mr. Chairman, are you entertaining an action at this time on Proposal 27. I'd like to modify the amounts of the bears under this proposed regulation at this time. I 'd like to -- for Akhiok one, Karluk one, Larsen Bay two, Old Harbor two, Ouzinkie one, Port Lions one. Total of 7. And that would modify what has been presented. With those changes, Mr. Chairman, I would move to approve to the Federal Board -- that would be a total of 8, excuse me. Federal Board to approve Proposal 27.

CHAIRMAN OLSEN: As amended?

MR. TUTIAKOFF: As amended.

CHAIRMAN OLSEN: Do I hear a second on the motion?

MR. CHRISTENSEN: Second.

MR. TUTIAKOFF: Mr. Chairman, for discussion purposes, we've heard several comments about the need for the bears and in consideration of Ouzinkie and Port Lions, I feel that there is - - we should continue to support their needs for subsistence and we should create this situation so that we can evaluate it and, you know, look at what we're -- what is being proposed in a year for now so that there may be modifications may take place to even decrease and not some areas that we find out that's not being used. At least this will give us some kind of a handle of what is actually being utilized by the communities, at least give them that opportunity.

Thank you.

MR. EVERITT: Mr. Chairman, after the discussion of how these permits will be used that it would be after the fact that they look at it before they took it away from everybody I haven't heard anybody comment that they would work officially at that between the State and the Federal Government. But I feel that this Board and that the guides that are in the audience have worked together. I think the guides are willing to give something up. I think you've noticed that this Board has been willing to make sure that you don't give anything up and that we can all work together. But I've just heard out in the audience or during breaks that, yes, we can work those things out. Can somebody tell me from the State that as we vote this in, this is as we understand it, that the State and the Feds will work together that it's not taken out of one group of users. And that that's what we came up with at this meeting that we want it taken out of both groups.

MR. TUTIAKOFF: Mr. Chairman, is that a modification that you're making to my motion or what, Tom?

MR. EVERITT: No, I just wanted something cleared from somebody in the audience, from either the State or the Federal Government that as -- what we've been talking about that they're willing to work along with us too, with this proposal because we've both been willing to give, but this has been the talk that nobody is going to give up the right. And, you know, if Roger can say, yeah, we'll sit down and I hope that this is way we would work it out.

I would like to hear from the two entities before we vote.

MR. SMITH: Okay. I'm Roger Smith with Alaska Department of Fish & Game here in Kodiak. I don't think there are any guarantees. The Board would be making the -- the Board of Game would be making these kinds of decisions since it would involve a reallocation of permits among residents and non-residents. I do know that in general the Board in the past

has been very resistant to taking things away from residents, particularly with the Kodiak permit hunt where non-residents do have, you know, a larger percentage of permits than in any other hunt in the State.

But certainly the Board and certainly at my level, you know, we can work on this issue, but as far as being able to guarantee that the Board will delete permits from the non-resident hat and not from the resident hat and vice versa I don't think that can be reliably predicted.

CHAIRMAN OLSEN: Thank you, Roger. As I am well aware of, too, that the only thing that I know for sure is you never know.

MR. CONSTANTINO: Good afternoon, my name is George Constantino, work with the Fish & Wildlife Service in Anchorage in the Regional office and the Divisional Chief of Refuges. I think we can plainly say that the Fish & Wildlife Service has a good history of working with the State and the local communities to work out these allocation issues, that we'll be committed to that. We're respectful that the true issuing of the permits, you know, to the sport hunting public is really an issue of the State and the State Board, but we're committed to working with them and I think that's evident all through the history of Kodiak with the Refuge and the local people and all the way up trying to find a good fair way to allocate the resources.

I can vouch that far, but just like Roger, there's a lot of processes to go through, but the Fish & Wildlife Service is committed to working with everyone to try to find the best solution. If that helps.

CHAIRMAN OLSEN: Yes, thank you. Yes, John, please.

MR. MORRISON: Thank you, Mr. Chairman. John Morrison. I'm not sure if the proposal is clear in what would be done about the second part, the one bear every four years by permit for the rest of Kodiak. We've only mentioned the villages that were listed. But the proposal also includes that provision for the drawing permits.

CHAIRMAN OLSEN: I'm not aware that was requested as
a

MR. WILLIS: I can speak to that, Mr. Chairman. John, the answer to your question is that the city of Kodiak has not been proposed to have customary and traditional use of brown bear in Unit 8, so without a customary and traditional use finding there could be no hunting season for residents for the city of Kodiak. This is the recommendation that the Council is sending forward to the Board, that the customary and traditional use finding would be limited to the villages specified and not to the city of Kodiak and, therefore, the city of Kodiak would simply fall out of the picture as far as having a hunting season or a bag limit is concerned.

MR. MORRISON: Was that Mr. Tutiakoff's understanding in making the motion?

MR. TUTIAKOFF: Yes, I made the motion to accept the rest of the proposal as written, it says on bear four regulatory years by Federal registration would be included. That in there, I didn't make a move to change that issue. I didn't hear no response.

MR. WILLIS: Vince, that would automatically be eliminated if the city of Kodiak does not have a positive customary and traditional use finding. You would need to move that the be stricken, the bottom that says, reminder of rural residents of Unit 8, April 1 to May 15th, one bear every four regulatory years by Federal registration drawing permit. That would need to be also eliminated in your motion, if your motion is to follow what was approved on Proposal 26.

CHAIRMAN OLSEN: Correct me if I'm wrong here, Robert, as we speak here on this issue. I don't think it's the intent of the Council here to find the city of Kodiak not traditional culturally approved. At this point we are not saying that, but at this time we have just not requested any for the Kodiak area. City of Kodiak, excuse me.

MS. MASON: Mr. Chairman.

CHAIRMAN OLSEN: Yes.

MS. MASON: What it left is that the city of Kodiak and the remainder of Unit 8 with the exception of the communities that the Council has chosen to give a positive determination to, the remainder of Unit 8 is a no determination, which means that there is not special subsistence hunt, but people can still hunt under State regulations.

MR. WILLIS: I guess I misspoke a little bit. The bottom part of that proposal is simply the existing situation.

MR. TUTIAKOFF: Right. That's the way I understand it.

MR. WILLIS: It's really unnecessary in the proposal -- I guess it's also unnecessary to remove it if you didn't want to.

CHAIRMAN OLSEN: Yes.

MR. TUTIAKOFF: My understanding is that it would continue as status quo in regards to the city of Kodiak and that's why I didn't address it. And we need to clarify this before I move on.

MS. MASON: Mr. Chairman, I guess I did misspeak. By declaring -- by not giving Kodiak a positive determination Kodiak becomes a no subsistence determination for brown bears only. So that drops out of the proposal.

CHAIRMAN OLSEN: To me it sounds like that sets a heck of a precedence then.

MS. MASON: Maybe you want to speak to that.

MR. KNAUER: Mr. Chairman.

CHAIRMAN OLSEN: Yes, Bill.

MR. KNAUER: If at a later time there is other evidence or information that would warrant a proposal for reconsideration of the Kodiak area that could be brought forward and it would be reevaluated. It does not close forever and ever the doors in that area, it just says at this time this is the information we have, the Regional Council looked at it and said, we agree that these, what, six communities, seven communities, do evidence the characteristics and have been shown to have customary and traditional use of brown bear, and it relates only to brown bear.

If you follow what you did on 26 then for Proposal Number 27, that portion that had been in there originally relating to the Kodiak area would become moot and drop out and it would be only the seasons and the community harvest limits for those six or seven communities as Mr. Tutiakoff indicated.

CHAIRMAN OLSEN: Yes, I was certainly hoping that the case in issue because I do not feel the Council at this time has the power to make a determination of non-c&t, that was my point. I guess when I look at this, I guess the rest of the public has very high faith in the c&t hunters that we are already marking down this many bear taken. I really feel that when we look at the other percentages of successful hunts I think this is applicable to this situation also. I really feel that that has not been talked about at all or discussed as to the percentage of success and just because there's a permit available, I don't feel it's going to be taken and have the success just on pure desire.

MS. MASON: Mr. Chairman.

CHAIRMAN OLSEN: Yes.

MS. MASON: The permits would be for one bear, so no matter how many trips it took, that would be for a bear to be taken.

CHAIRMAN OLSEN: All right. Is there anymore comments on the deliberations here from the Council.

MR. CHRISTENSEN: Mr. Chairman.

CHAIRMAN OLSEN: Yes, Randy.

MR. CHRISTENSEN: I just have a couple of comments. First of all when these -- when the numbers of bears by Federal registration permits, when they were submitted they were done, if I recall, individually from each village by -- from our last meeting we were to just go back to our respective villages and find out what they felt so, those were not set numbers. And I came to this meeting fully aware this was probably going to be amended and I felt that they probably should be amended equally throughout the villages. Probably depending on different things like the populations and interests.

And the one thing that I still have not got a solid hold on is if we go ahead and pass this proposal, as amended -- now, I'd like to also see a State registration permit, you know, enacted where that's also possible on State lands. Now, I -- there could be a problem there because if this proposal is passed by this Council and then also if it passes through the Board, then that means that a certain amount of bears can be harvested through this legislation or through this -- what happens here.

And also that means you can also go to the State and theoretically you can go to the State and get some additional permits. And I was wondering if just -- you know, I do like to make both entities happy, the commercial interests and also the subsistence interests. And I was thinking that if there can be a State permit system in addition to this Federal system, but if the State permit system fills up these allocations that -- if they're, in fact, allocated by the Federal agencies then the Federal agencies maybe cannot -- see what I'm saying? What I'm trying to say is to have a total of -- and it's going to be probably hard to do that, to have both the -- you know, the -- you guys understand what I'm trying to say here?

If you only have, like say, two bears for Larsen Bay, if it's filled up by the State then this will indeed negate what this Federal allocation -- it would negate that. What I'm

trying to do is I'm trying to make both entities happy. And I'm trying to think in my mind a good way where the commercial interests won't be worried about having, like say, two bears for Larsen Bay and then also have a State system where you can go out and get bears by permit and, in theory, get five or six or seven bears. This is what the commercial interest would probably be worried about.

And if we don't have something to marry State and Federal allocations then you're going to make the commercial interests unhappy and you're also going to stop the State from giving the right to the people to have permits. Now, the State will be more willing to give out -- to have that opportunity to give out permits as long as the total number is matched by what the Federal allocation is. You gather what I'm saying?

I'd like to try and make both the -- I've noticed before that if you try to ask for too much before the State Board or the Federal Board you're not going to get anything at all, so you got to try and make it -- you have to try and make your proposal nice enough so that they will give it to you. And if you ask for too much they're not going to give you anything and then you go right back and you're back to square one, you have to start doing it all over again.

So I haven't got any solid information saying that the State will go ahead and issue these permits if this Federal legislation goes through. Or these Federal regulatory permits go through, so what I'm trying to say is if you -- if there's someway we could put it in there that to keep the State registration -- keep that as status quo or keep it so that we can still get bears by permit from the State and if that exceeds the Federal quota then that would be -- that would fill up the Federal quota.

CHAIRMAN OLSEN: As I hear you, are you saying the Federal quota as by what we have just now put in the motion; is that the number that you are referring to as Federal?

MR. CHRISTENSEN: Right. I -- well, see, you know, if you're talking about Federal lands and you're talking about

State and private land.

CHAIRMAN OLSEN: Right. So you're wondering if these bears can be

MR. CHRISTENSEN: Okay. I can see a potential problem here. What I'd like to see is I'd like to keep the whole area open for hunting purpose, not just -- you see, we're dealing with just fish and wildlife refuge area here.

CHAIRMAN OLSEN: We do have a motion on the floor to -- I don't know what you're trying to do, make another amendment or what?

MR. CHRISTENSEN: Well, this is just a comment.

CHAIRMAN OLSEN: Oh, okay.

MR. CHRISTENSEN: This is just a comment, I'm not trying to make any kind of an amendment. I'm just looking at ways to make both sides happy is what I'm trying to do. And I'm trying to clarify where -- 'cause I can understand -- I'm also a commercial --

CHAIRMAN OLSEN: I don't see this proposal affecting the State

MR. CHRISTENSEN: I (indiscernible -- simultaneous speech) commercial enterprises myself and I can see where the worry could come in where you can get too many bears, both by Federal and State. And

MR. EVERITT: I think the State will take care of itself.

CHAIRMAN OLSEN: Yes, I'm sure -- I don't know quite what the point is and I'm kind of confused, Randy, but at any rate, I feel that the State's side is pretty in black and white. I don't think there's any question about that side. The only thing that we are looking at now is to be able to have c&t harvests. This is not any -- going to allocate a different

number of bears, but it'll be the same amount of bears. I don't know whether you're looking at Federal lands versus State lands harvest.

MR. CHRISTENSEN: Well, there's a potential for quite a few more bears to be legally harvested for subsistence if you go to the State and get some -- and get a permit from the Commissioner for subsistence. And also you can get allocation from the Federal Refuge, there's a potential for quite a few more bears being harvested. Now, I know this goes against the pro-subsistence argument here, but still I feel that we need to make each other happy on this one. And that's the concern I was thinking and

CHAIRMAN OLSEN: It was my understanding that if this went through the Commissioner's side would be moot, I mean, I don't know maybe I misread that.

Please help us out, John.

MR. MORRISON: I'll try. John Morrison. These cultural permit are not for subsistence, they're for the educational conveyance of traditional ways of doing things where people for a given purpose want to have the privilege of demonstrating how to take a bear, how to butcher a bear, how to cook a bear, whatever. There is not an X number of these permits available, they would be handled on a case by case basis, based on the merits of the application.

Now, when I presented that letter this morning the idea was that if the people in these named villages were interested in getting these number of bears, 11, seven, whatever it is now, for the cultural purpose they could also be used for the subsistence need. You know, the meat, whatever, would be available after the educational process was finished and this end product would be what ever is left. So the opportunity to get that kind of permit which has to be done by special application to the Commissioner is strictly for this educational purpose, not as a means of providing a subsistence harvest.

CHAIRMAN OLSEN: Right, thank you.

MR. MORRISON: And if the communities put in for those kinds of permits for what seems to be the interests then there would not be the need for the Federal permits to be handed out.

CHAIRMAN OLSEN: But that's part of the risk we take as to whether the Commissioner would grant this on a case by case basis and then again put restrictions on it just for educational purpose only.

MR. MORRISON: That's the risk that would be run by the local community.

CHAIRMAN OLSEN: Thank you, John.

MR. CHRISTENSEN: That's the risk that I believe that commercial enterprises are going to be worried about, that's the reason I wanted to address that. And

CHAIRMAN OLSEN: Bill, would you please -- do you have something to add to this?

MR. KNAUER: Yes, Mr. Chairman. It would be possible to amend your proposal to indicate that those harvest limits could be by Federal registration permit or State cultural resource permit, that way you've got the number that you wish, one or two, however many per village, and it can be by either type, but yet there is not the cumulative impact of additional bears that concern Mr. Christensen or possibly others. So you could put in wording by either type of permit.

CHAIRMAN OLSEN: Just a comment on that. Yes, I understand that, but I also look at it this way. With this proposal in here we can at that time use that bear for educational purposes and subsistence simultaneously including only one animal. So I'm just trying to feel what would be the reason for amending the amended motion?

Mr. Morrison.

MR. MORRISON: John Morrison. We should remember,

however, that the State permits are not going to be restricted just to those villages and those X number of requested permits, that they'll be available for people all over Kodiak, depending on the nature of their request.

MR. MISHLER: Mr. Chairman.

CHAIRMAN OLSEN: Okay, Craig, we'll take one more here as we deliberate.

MR. MISHLER: I don't mean to stir up a hornet's nest, but I think one of the things that must be considered is that even if this proposal is adopted, it's my impression that every member of the communities would also retain an individual right to a drawing permit just like any other Alaskan or any other member of the game management unit. The individual right to draw a hunt under normal sport hunting regulations would not be mitigated by the passage of this proposal. That's my understanding.

CHAIRMAN OLSEN: That is my understanding, but I see Bill shaking his head behind you.

MR. KNAUER: Mr. Chairman, that is incorrect. A community -- any place a community harvest limit is put in place by the Federal Subsistence Board that replaces the individual limit for that unit.

CHAIRMAN OLSEN: Even though it's a community harvest?

MR. KNAUER: If it is a community harvest limit that replaces for the individuals in that community their limit, so there would be no other harvest of brown bears provided in that case, other than defense of life and property.

CHAIRMAN OLSEN: Where do we find that at? I wasn't aware that was even part of the picture. I would not even think of jeopardizing other peoples rights.

MR. CHRISTENSEN: Are you saying just as a citizen of that community they cannot put in for the drawing permit just a

trophy hunter?

MR. KNAUER: That's correct. In requesting the permit for that -- in requesting a system for that community of a harvest -- community harvest system they have foregone the individual harvest system on Federal lands. Now, they would be able to do so on State lands.

MR. CRATTY: So, Bill, you're trying to tell me that we get a subsistence permit to hunt bear and somebody out of the village wanted to get drawn for a permit to hunt bear for sport, they couldn't do it?

MR. KNAUER: Not on Federal lands.

MR. CRATTY: How come that's come up now and we haven't heard about it earlier?

CHAIRMAN OLSEN: Excuse me, here, it seems like we have run into kind of a stone wall here that I was afraid, but I'm glad that it's come before me.

At this time I would request a break just to listen to some counsel here for a moment on this particular issue.

(Off record)

(On record)

CHAIRMAN OLSEN: Excuse me, at this time, I'd please like to at least get some movement here as we still haven't come up with clear answer to our question I believe. So at this time I can only speculate that there might be a possibility, I would like to see how it is addressed where it can preclude others that aren't involved.

Bill, have come up with any verbiage?

MR. KNAUER: Yes, Mr. Chairman. In Federal regulations, 50 CFR .25(k), I'm not sure of the further designation, but on the Federal Register it's 60 FR 31555, no person may take a

species of wildlife in any unit or portion of unit if that person's statewide take of that species has already been obtained under Federal and State regulations, in other units or portions of other units.

Following that it says: An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for the species counts towards the community harvest limit for that species. An animal taken by an individual as part of a community harvest limit counts towards the individual's harvest limit for that species taken under Federal or State regulations for areas outside of the community harvest area.

Harvest limits authorized by Section 25 and bag limits established in State regulations may not be accumulated. In other words, Federal and State harvest limits may not be accumulative.

CHAIRMAN OLSEN: That's understandable.

MR. KNAUER: Wildlife taken by a designated hunter or another person pursuant to these regulations counts towards the individual harvest limit of the person for whom the wildlife is taken.

MR. CHRISTENSEN: Mr. Chairman.

CHAIRMAN OLSEN: Yes, Randy.

MR. CHRISTENSEN: Okay. Now, I interpret that to say that -- what I was asking -- the question I was asking a while ago or what I was trying to lead up to is that for any State permit system, any bag limits that you get through the State or any harvest that you get through the State would add -- that would be -- that would negate the Federal -- I suppose if you got two, and I'm talking in the case of, say, Larsen Bay if, in fact, it was two bears federally. So if you got them through the State that would negate the two bears federally, right? That would fill that quota? That's what you're saying, right?

MR. KNAUER: It would depend upon how the regulations were worded permitting that. It's very common in our regulations and in the State regulations to say -- we'll say a harvest limit of two by, we'll say, State registration or Federal registration permit. In other words, you'll put -- it can be either/or, that one way to provide the number of animals desired and the greatest flexibility of harvesting them by mechanism. It would be very possible for this Council to say -- let's say, Akhiok one bear, Karluk one bear and so on down the line by either Federal registration permit or State cultural permit.

Once you have a community harvest system it

MR. CHRISTENSEN: But that doesn't mean you can have two? You can't have on by the State, that's

MR. KNAUER: That's correct, it would be either/or.

MR. CHRISTENSEN: what answers my question.

Okay. Now, second question. Suppose that what we are -- both what Al brought up and what I was mentioning, too. Now, on this community harvest system, does that mean that nobody in the community can register for that four year registration permit as a sports hunter?

MR. KNAUER: Not on the Federal lands.

MR. CHRISTENSEN: Not on the Federal lands.

MR. KNAUER: Once your community has gone to a community harvest system, the community is giving up the individual harvest system. And if what has been said that they traditional harvest for the community has been, we'll say, one bear, the idea is that one bear, the harvest of that one bear meets their customary and traditional needs.

MR. CHRISTENSEN: Okay. Well, Mr. Chair, I think before I vote on this one I'm going to have to go back to my community and find out what they think.

MR. CRATTY: Bill, I was going to ask you. If by chance a couple of people did draw a permit and they wanted to get their bear meat by that way, you know, by the village people that did draw a permit, is that still going to effect -- what I'm trying to say is can they go either way? If they apply for a sports permit and they receive it -- and what I'm trying to say is they can get the meat from the person that's sport hunting in the village and then just decline on the -- do you know what I'm trying to say?

MR. KNAUER: Right. It would probably depend on how the regulations -- the final wording on the regulations, but, yes, it would be possible.

MR. LUKIN: Excuse me. My question is -- listening to you here, is if you're -- my understanding is there's several -- so many bears per area or unit or whatever you got sectioned off. Okay, if this -- if we agreed on accepting our proposal here today for one bear per village and two for a couple of the other ones. Okay. Let's say, for instance, Port Lions, in that area, that one bear that we are allowed to take on the Federal permit is taken and then there is seven more permits for that area, I'm just using that figure as an expression, you know, not -- I'm sure there's other permits allocated for that area. My feeling are our rights shouldn't be taken away as sport hunters on those remainder, to be allowed to participate in the sport on those other six permits or whatever there is that's still available for that area. Do you understand what I'm trying to say?

MR. KNAUER: I do understand what you're trying to say, yes.

CHAIRMAN OLSEN: But it is still nil. One thing I have on my mind here, Bill, as we talk about -- we only talked about community harvests. Knowing and talking about even them having a tribal council administrate this. Since this is a c&t matter, not a matter of rural residence could not this allocation be made to a specific tribe and that way it would not include the non -- just because we have a community doesn't mean that

they're all traditional community members. I was wondering if this a possible avenue we could look at.

MR. KNAUER: Customary and traditional use determinations, whether in this case or in others, are made by communities or areas looking at all residents within that area, recognizing that all peoples have traditions and cultures, not just Native, not just non-native, whatever. And the culture and tradition of every person goes back the same amount of time, whether their ancestors lived in Area X or lived in Area Y.

CHAIRMAN OLSEN: Yet, I feel that this pertains to the residents of Unit 8, so somebody in Norway had a tradition and culture of bear there, that would exclude them from being able to come to Kodiak and exercise their culture and tradition; am I correct?

MR. KNAUER: Not necessarily. That individual may have lived here all his life and he can show that he and maybe his grandfather came over here, has hunted bears the entire time he was over here and, in fact, may have documentation that has been in his family as a renowned bear hunter from whenever.

CHAIRMAN OLSEN: That really brings

MR. KNAUER: There is -- in the event of shortage of resources, under Section 804, three criteria that, in fact, would do exactly what you said. Where there might have to be differentiation between local residents. And in that case what you're saying is exactly right. But because we're doing it on a community and not an individual basis for c&t, we're looking at the community as a whole, not an individual person within that community or generally a small segment, but we're looking at the community as a whole.

CHAIRMAN OLSEN: I don't know about the rest of the Council here, but it certainly raises more questions than answers. Myself, I personally feel that I need more counsel before I'm ready to make a decision on this.

MR. CRATTY: That's the same way I feel. I just -- boy,

this was hard to understand.

MR. CHRISTENSEN: I'd like to ask on the communities, you know, that we're speaking about here are seasonal communities, how are you going to decide what individuals are in the community at any one particular time? Is it just on residency, I guess, or

MR. KNAUER: All Federal regulations are based on, primarily, place of residence. And if I came down and live in, we'll say, Karluk for six months, but my kids lived in Anchorage and went to school up there and I had a home up there and my autos are licensed up there and that's where I vote, I still would not qualify as a resident of Karluk. Even though, you know, I might love it down there, I might relate to it and, you know, be a part of all the community activities and so on, according to regulation that would not be my primary residence.

MR. CRATTY: Mr. Chairman, I'd like to hold off on this until I can get back and talk to the people and see what their feelings are about it.

CHAIRMAN OLSEN: Oh, I absolutely look at it, the way it is now it certainly has an unlimited number of possible permits by the local residents by just putting in for them. The chances are would come out way on top by this number if it was pursued. I'm certain that not what our target is by any means, but I certainly look at this, as the proposal as we have it now would be very, very restrictive and it would interfere with other rights of others that I don't feel that we have the powers to make a decision like this.

MR. CHRISTENSEN: Mr. Chair, I'd just like to agree with Al and I want to go ahead and be sure an reclarify there's absolutely no sports hunting allowed for anybody that's a resident of a community under -- if they happen to be allocated a certain amount of bears under a community system, federally. That's correct, right?

MR. KNAUER: On the Federal lands

MR. CHRISTENSEN: On the Federal lands, right.

MR. KNAUER: regarding subsistence

MR. CHRISTENSEN: Okay. I just wanted to re- --

MR. KNAUER: Yeah.

MR. CHRISTENSEN: I wanted to clarify that so I -- okay. And then -- well, I'd like to again say that I agree with Al, I'd just as soon table this until I can get some better information from our respective communities.

CHAIRMAN OLSEN: That was my next question here. I've never quite run into this in the middle of a motion, but I believe it's acceptable to table a motion?

MR. KNAUER: That's correct, Mr. Chair. It's been done numerous times in the past

CHAIRMAN OLSEN: I had just assumed that in hopes that that's what the Council wanted to do.

MR. KNAUER: when a Council wishes to obtain further clarification from their constituents.

MR. TUTIAKOFF: Mr. Chairman.

CHAIRMAN OLSEN: Yes.

MR. TUTIAKOFF: For clarification and a time line, when can this, then, be brought up again for -- at the next meeting, can we bring it off the table without

CHAIRMAN OLSEN: April 29th is the next Board meeting.

MR. TUTIAKOFF: That's the Board meeting, I mean, I'm talking about our Committee meeting.

MR. CRATTY: Yeah, we need a Committee meeting.

MR. KNAUER: That is the next Board meeting, you can request that this action that the Board defer and table this action until the next cycle so that you have adequate time to meet with all of your folks and clarify the situation. That is entirely acceptable also and the Board normally honors that request.

In fact, we got a couple of proposals this year that have been -- that were deferred from last year where a Regional Council did just that.

CHAIRMAN OLSEN: Make a motion.

MR. TUTIAKOFF: I would move to table or defer this till further information is available regarding the individual rights versus the community harvest.

MR. EVERITT: I'll second.

CHAIRMAN OLSEN: And this is

MR. TUTIAKOFF: Proposal 27.

CHAIRMAN OLSEN: to be brought up again at our next meeting?

MR. CHRISTENSEN: Question.

CHAIRMAN OLSEN: The question has been called, all those in favor.

IN UNISON: Aye.

CHAIRMAN OLSEN: So moved. My table top is getting a little full too.

MR. TUTIAKOFF: Mr. Chairman.

CHAIRMAN OLSEN: Yes, Vince.

MR. TUTIAKOFF: I have a question for maybe -- I don't

know who would answer this, regarding the State's permitting system, probably John. Would this continue then as far as the State's concerned regarding the bear permit system for cultural purposes?

MR. MORRISON: Yes.

MR. TUTIAKOFF: Okay.

CHAIRMAN OLSEN: I would like to now then move on to 8 C under the 9(D) caribou open season, Proposal Number 28. And at this time I will call on the analysts to give us their view.

MR. WILLIS: Thank you, Mark. Proposal 28 was submitted by Claude and Bertha Kuzakin from King Cove and it would open a hunting season on the Southern Alaska Peninsula caribou herd for residents of King Cove only. The season would extend from August 10 through October 10 and then again from January 15 through March 31, with a limit of one caribou per household and a harvest quota of 150 caribou total.

You heard Greg Siekaniec, that Izembeck Refuge make a presentation yesterday concerning the status of the herd down there, so I'll just briefly recap that. The herd has been on a steep decline for several years now. It's dropped from 7 or 8,000 animals to fewer than 1,500. Two years ago we thought maybe we saw the bottom and the calf production came up a little bit, but our optimism was premature and the herd then continued to decline after that.

And the total number of animals available now is, as I said, less than 1,500. The June count was 1,434, which down 33 1/3 percent from the same period in 1994. And calf production is down to about 11 percent. And out of the 11 percent the few calves that were produced only 12 percent of those survived until September. So production is still well below the estimated 25 to 30 percent that's going to be necessary to reverse the declining trend and offset the adult mortality.

When you get into a situation like this where your population is very low then hunting mortality tends to be

additive to the total mortality rather than compensatory for other types of mortality. Winter conditions have been such that we haven't been able to make a winter count, but a helicopter was used to count the animals last June, so we got an extremely good count at that time.

The bottom line is that the herd continues to decline and it's still well below the minimum of 2,500 animals that is considered to be necessary before any subsistence hunting can resume and, therefore, we recommend this proposal not be supported and that the closure of hunting of all kinds on that caribou herd be maintained until such time as the declining trend is reversed and we once again have a healthy population and a harvestable surplus.

CHAIRMAN OLSEN: Thank you, Robert. Rachel, did you have an addition, please?

MS. MASON: Thank you, Mr. Chairman. I'd like to include some information about subsistence harvest of caribou in King Cove. First of all, it's clear that residents of King Cove are vigorous users of subsistence resources in general. In 1992 they harvested an average of about 256 pounds of all wild resources per capita. And that last year that we data of their caribou harvest from is that same year, 1992, and that year 64 percent of households used caribou, 25 percent harvested it, 45 percent received it and 19 percent gave it to other households.

The harvest were quite low that year, the only harvest about 19.2 pounds of caribou per person. And it's probable that the caribou harvest in 1992 were much reduced from what they had been in the 1980s due to the reduced caribou populations and also regulatory restrictions. And since that year caribou harvest have, as Mr. Willis points out, been closed down completely.

So it's clear that King Cove residents are definitely interested in harvesting caribou and that they have in the past harvested caribou.

CHAIRMAN OLSEN: Thank you, Rachel. Is there any

questions for Robert or Rachel? Mr. Morrison, did you have analysis to add?

MR. MORRISON: Thank you, Mr. Chairman. John Morrison, Fish & Game Department. The refuge manager gave his presentation about this proposal yesterday and in it he pointed out the close cooperation between the refuge and the Department of Fish & Game in this management problem. We certainly support his presentation, his opinion and we also support the recommendation of the staff analysis to keep that season closed until the management objective is met for the number of caribou that would permit another hunt, subsistence or otherwise.

CHAIRMAN OLSEN: Do we have any other proposal analyst here? I believe that covers that. No questions to Mr. Morrison?

And how about the written -- do we have any written other than the proposal itself? Moses.

MR. DIRKS: Thank you, Mr. Chairman. There were two written comments that were submitted regarding this proposal. One was from Tom Hoblitt (ph) of False Pass and he wanted to note that the False Pass on Unimak Island, Unit 10, consists of 25 households and asks the Board to include Unit 10 to this proposal.

And then we also had a written comment submitted by George Shellikoff, also from False Pass. For caribou, we don't hunt them for antlers, it is an important part of the food source for people in False Pass. There are 12 or 13 False Pass shareholders living in False Pass and I think that they too should have the right to hunt them.

And Ms. Shellikoff might have some comments concerning this also. Thank you. That concludes the written comment.

CHAIRMAN OLSEN: Thank you, Moses. Gilda.

MS. SHELLIKOFF: Mr. Chairman, yes, False Pass is pretty much in the same situation as King Cove. We've used caribou,

you know, forever, since the beginning of time and they haven't been able to hunt caribou these past few years. And to top it off the fishing season has been restricted and the income is getting lower to the peoples, so the lower the income the more they depend on subsistence and it seems that, you know, the subsistence is being cut off the more they need it.

I realize, you know, with the count down there's not too much you can do about it, but I think we just want to get on record that we are hurting there because of that.

CHAIRMAN OLSEN: Thank you, Gilda. As we had our last meeting in King Cove I was made very much aware of the dependency on the caribou out there. I guess I really have some reservations here trying to measure what management style to accept. Certainly in the past I keep having to say, yes, look what happened to Hagemeister. I have not, in my own mind, felt that the sustained yield at 2,500 and up to 6,000 or 7,000, as they have mentioned, and I've heard that the hopeful is 5,000. I just want to know should the herd accelerate like that, what do we do then? We are opening ourselves up, certainly King Cove is not going to go out and harvest a couple of thousand animals.

I've got both sides to look at. To me, I don't know. This proposal is going on it's second year and there's still a decline, I thought it at least had stabled out. Has it not? Is it still actually declining?

MR. WILLIS: That's correct, Mr. Chair. As I had mentioned earlier, back in '93 we saw a glimmer of hope, production came up a little bit, we thought maybe we had hit the bottom and that the herd would start to build back, but that was a little premature because the following year it went down again and then again this year. So the herd it's still in a serious decline.

CHAIRMAN OLSEN: What do you attribute the decline to? I realize winters and everything have to it, but the Hagemeister side was that they overgrazed, yet I walked on Hagemeister Island and found, to my knowledge a vegetation.

MR. WILLIS: The overuse of the winter range by an excessive number of animals is the primary cause of the decline. And, of course, in that harsh environment out there it takes quite a while for the range to come back, even when animals are at low numbers. And we would expect that the range would be improving, but it's going to take a while for the caribou heard to come back, it doesn't happen instantly, especially when you had these years of low calf recruitment so that you have a limited number of new adults coming in to the populations and those are the animals you count on to do the breeding and to bring the population back up. And so you have to try to protect all of the adults that you can so that when the range conditions do improve then you have a breeding base there to bring the population back as rapidly as possible.

CHAIRMAN OLSEN: As I understand, you say that we felt a big decline was to once again overgrazing of the winter places of the caribou, not knowing if it even will come back. I don't know, to me that's nature's way of saying this is what a number this area will support. Can we not use that as one of our environmental versus our biological? I'm trying to find a happy medium if you're requesting 7,000 animals, as high as, well, we're going to be back in the same position here if the herd does come back around.

MR. WILLIS: The estimated carrying capacity of the area if it could be stabilized is about 4 to 5,000 animals. It reached about 8 to 10,000 animals previously because there was not enough hunting pressure at that time and at that level to keep to it from reaching that level. It's in the nature of caribou populations to rise and fall rather dramatically, it's difficult to manage for a particular level, but when you are in one of the declines, like we are now, then you have to lay off the herd and let them build back to a level where you can start harvesting.

Hopefully when they reach that level as they have always done. Historically they have come back and when they reach that level then we'll start harvesting, first, for the subsistence user and if the population continues to build then harvest for

non-subsistence users can also be added and an attempt can be made to harvest enough animals to keep it from reaching that high level again where range deterioration will set in. But there's a limit to how much control you have in that situation, it's a very remote area, you can't force people to go out there and hunt caribou and once the local people and the visitors have shot all the caribou they want then if there are excess number then they'll continue to breed and the population will continue to build. So there's a limit of what we can do as far as controlling the top end in a situation like that.

What we have to do is when they have crashed and they're down on the bottom to protect those breeding animals and bring them back up. If we start shooting them now, we're going to keep them at a low level for a longer period of time and there will be fewer animals available for harvest then there would be if we let them build back to a reasonable level and then began harvest.

CHAIRMAN OLSEN: I think you kind of hit it there to me, I look at the demand of the harvest and certainly the top side doesn't even compare to if the herd was that size then we would once again be out of control. I'm just trying to look at the number as you might see them. At what time does it open to subsistence and then at what time will it open to sports to try to get an idea what we are looking at as far as recovery?

MR. WILLIS: The State and Federal biologist got together to look at the situation some years ago and agreed that a population level of 2,500 animals would be enough to start a limited harvest. Obviously this harvest would be limited to subsistence only. At that level it would probably be on a quota basis, permit basis. As the herd continued to build you would just monitor the harvest until you reach the point where the subsistence hunters were taking what they needed and if there were still excess animals available beyond that point then you would reopen non-subsistence hunting, assuming that it reached that point.

CHAIRMAN OLSEN: What number category would that -- I have no idea about that, Mark, you would just have to monitor

the harvest and talk to the subsistence users in those communities out there and ascertain at what level they were comfortable with the harvest that they were getting.

CHAIRMAN OLSEN: My reason for that is, once we reached 25 (sic) and have a season, I would certainly not want to see it opened to statewide again and to in the same year have the people put back in the same position.

MR. WILLIS: I can assure you that would not happen.

MS. SHELLIKOFF: Mr. Chairman.

CHAIRMAN OLSEN: Yes, Gilda.

MS. SHELLIKOFF: I wasn't here yesterday, so I didn't hear the report. Was there any mention of the wolf population increasing because there's been several people brought it to my attention that there's getting to be -- between False Pass and Cold Bay and then Cold Bay and Nelson Lagoon that the wolf population is really increasing drastically.

MR. WILLIS: No, Gilda, Greg didn't mention that, that I recall, in his presentation. And I don't have any new information on the increases of the number of wolves.

MS. SHELLIKOFF: Okay.

MR. TUTIAKOFF: Mr. Chairman.

CHAIRMAN OLSEN: Yes, Vince.

MR. TUTIAKOFF: There's a letter here found on the table from George Shellikoff that's dated February 24th and I'd like to ask Moses to submit it as a written information. It's regarding the False Pass and it's related to King Cove because they want to be involved with the King Cove harvest of caribou. I don't know, each one of us have it here and didn't mention it, so

MR. DIRKS: Yes, that's the letter that I read the

portion of and asked to be submitted as written comment.

MR. TUTIAKOFF: Okay. Mr. Chairman, on this Proposal 28, I really understand why King Cove wants to have a harvest of caribou, but I don't agree with their proposal to have 150. In looking at their past history and what was brought forward by Rachel the '83 harvest was 28, '84 32, '85 31 in '86 (sic). If there's any kind of proposal that's going to be recommended to the Federal Board, you know, I would support some sort of a hunt, but not 150. And also for False Pass, they recommended one per household. I think that if they have any kind of a hunt they would be happy and I'm just kind of looking for some numbers here right now. And because we went through this process before with, I think it was False Pass last year, and now King Cove has submitted their proposal, which is basically along the same line.

And I understand, you know, that the herd is dropped down. I understand all the problems they're having trying to monitor it, but set a high level of 3,000 before a hunt of any kind can take place, the people out there, and especially False Pass, King Cove and Sand Point are going to be drastically impacted by the fisheries decisions that were made by the Department of Fish & Game regarding their lifestyle, which is fishing, commercial fishing. And they're going to have to turn to a more subsistence type livelihood. And I think that if we don't -- we should support this -- their request for some sort of a hunt and at least show the support from this Committee. What does the Federal Board does and recommendation, I understand the recommendation from the staff, they have to use numbers. Of course, people don't live on and eat numbers, they food and I think we need to support their efforts.

Just for questions sake, for any other reason, comments or arguments, I recommend that we include False Pass in this Proposal 28 and that they get limited to 10 animals and King Cove I recommend 50 rather than the 150 that's stated under the proposed language there. Just for argument at this time, Mr. Chairman.

CHAIRMAN OLSEN: Yes. As I look at this, too, the

numbers -- you know, as I asked for the decline, is it still holding or declining? What was the number anticipated this time, 1,800 animals?

MR. WILLIS: They counted 1,434. You could say that population is going to run somewhere between 1,500 and 1,800 at the maximum, I would say at this time, Mark. It might not make 1,800 this year because, you know, it was up last year at that level, total, and then it was down, the count, in the summer dropped significantly, so I would assume it would be somewhat less than that this year.

CHAIRMAN OLSEN: What was the expected survival rate percentage?

MR. WILLIS: Only 11 percent of the calves produce -- cows produced calves this year and out of that small number of calves only 12 percent of those survived to September and so -- and, you know, fewer than that will make it through the winter. So calf production is very low, and total numbers it would be hard to give you an estimate on the exact numbers of calves that are going to make it through the winter.

CHAIRMAN OLSEN: Yeah, I didn't quite get -- did you say that was 12 percent mortality or 12 percent survival?

MR. WILLIS: Twelve percent survival. I'll read that to you again. Calf production dropped to 11 percent in 1995 and only 12 percent of the calves produced survived until September. And we estimate that we need 25 to 30 percent survival in order to offset the adult mortality.

I think Greg mentioned also that they 21 cows with radio transmitters on them back in the summer and six of those died by the next census period and that's a very high rate of loss of adults. That's almost a third, about 30 percent -- 28-30 percent loss of adults.

CHAIRMAN OLSEN: Do you know what attributed to that?

MR. WILLIS: No, he didn't have any mortality data. By

the time you find an animal's carcass by locating the transmitter which is still functioning, not moving, generally there's not enough left to determine the cause of death.

CHAIRMAN OLSEN: I just wanted to know -- you've answered it, so we don't know if it was winter kill or wolf kill or

MR. WILLIS: No, I can't answer that.

CHAIRMAN OLSEN: Is there any public comment on this proposal? Hearing none, I guess I'll once again turn to the Council here, what is the pleasure of the Council on this proposal?

MR. TUTIAKOFF: Yeah, Mr. Chairman, I'd like to hear comments from other members as to my proposed changes before I make or anyone makes a motion. Gilda, you're primarily -- you're in that area.

MS. SHELLIKOFF: Well, at that this point anything is better than nothing, so, you know, I would agree with the proposed change.

MR. TUTIAKOFF: If there's no other comment then I'd move to amend Proposal 28 to include False Pass under this and it would include 9(D) and 10 and 10, Unit 10, is that right? Am I referring to the right unit in False Pass?

MR. WILLIS: Unimak Island is Unit 10.

MR. TUTIAKOFF: Okay. Under proposed regulation under Proposal 28 would include Unit 9(D) and Unit 10. And for the area residents of King Cove 50 caribou and for the resident population of False Pass I recommend 10 and that the dates remain the same. Under that proposal I so move. Do you understand the motion?

MS. SHELLIKOFF: I second it.

CHAIRMAN OLSEN: Moved and seconded.

MR. TUTIAKOFF: Question.

MR. EVERITT: I have a comment.

CHAIRMAN OLSEN: Yes, discussion, please.

MR. EVERITT: We, as a Subsistence Board, should realize and be very concerned when numbers of animals get so low that it may lose the species in that area. And I think we have seen the numbers, since this Board started, those numbers going down every year and they've decreased again. And I have a hard time being in favor of this proposal when the warning flags are up that we're losing the herd. And so I'm not in favor of this proposal. It's not that I don't support these people in the community -- of those communities, I do. But we have warning flags up that we're losing a species and that we need to just back off for a little bit and see if there's some positive growth happening in that herd before we open the season, so I'm voting against this.

MR. CRATTY: I think -- I don't know, it's pretty hard for me knowing the peoples' needs out there, subsistence needs, it's really hard for me to decide on this. I'm going to stay neutral.

CHAIRMAN OLSEN: I guess I need to ask when do we feel that the remoteness of this, do we feel these counts are good? I just want to once again ask that question. I'm sorry.

MR. WILLIS: I think the count is extremely accurate. We used a helicopter last year instead of a fixed-wing aircraft for the expressed purpose of trying to count every animal. It's much more expensive to do with a helicopter, but because of the low numbers of animals and the possibilities of missing animals in a fixed-wing aircraft a helicopter was used for the survey, they were good flying conditions and the people who did the survey felt like they got a very accurate count.

CHAIRMAN OLSEN: I guess one thing that I ponder on very heavily is what is the degree of the policing of this area? I understand that there was a prosecution or two in this area on

this. I really find it very difficult and knowing this area as to our populations, although they are good, but when it comes to me making a decision between a man being able to set a table for his family and not, I really have to rely then and feel 100 percent that these numbers are good and that there is a control harvest on them. But with this in mind I certainly feel that I do not approve prosecuting a man for putting food on the table neither. I would, by a slim margin, I would have to have to support Vince's proposal.

MR. CHRISTENSEN: Mr. Chairman. Proposal 28, I understand both sides of the issue here, I don't want to totally shut them out from a hunt and I was wondering how Tom would feel, if he would change his mind at all, if the hunt asks for August 10th to October 10 and then another winter from January 15th to March 31st. How would he feel if -- how would you feel if the January 15th to March 31st was excluded and those animals would only be taken from August 10 to October 10th? In light of the recent testimonies we heard and public opinion on the deer stress that's been the concern on our earlier part of the meeting there on a different area. How would you feel on that?

MR. EVERITT: Well, I still think that you could give them one more year and if they're picking back up it's a whole different story a year from now if they come back and say the herds gone from, you know, 1,430 to 1,700 or there's been an increase, you know, of 20 or 30 percent of the heard, I don't know what the standard rate is of calf survival, but if it's only 11 percent now and only out of that 11 percent 12 percent are making it; is that correct? Those are unbelievable numbers that you just can't turn away from, that there's a great deal of mortality happening out there and there's no survival among the young yet, so I think this ought to be held for one more year and see if this picks back up.

MR. CHRISTENSEN: How you feel if we had just a one year harvest of 60 animals total and then take a look at the numbers after that and then take it after one year. And if it's drastically reduced after that then we knew we were doing something wrong, but also in the meantime we could be helping the people out there for a year.

MR. CRATTY: What happens if the herd declines more, Randy, but we do help the people and then the people look at us as declining on the herd? I mean, that's what my concern is. I can see where the people are coming from and the needs of the subsistence, but I'm really worried, too, if that herd declines any more and it comes to a problem it's going to come back on us. That's basically what I'm looking at. You know, I'm for the people and their subsistence hunt and everything, but I'm scared that herd declines any more it's going to -- that's why I

CHAIRMAN OLSEN: Can you be specific? When was this last survey done, please?

MR. WILLIS: It was in June of '95, about eight months ago.

MR. LUKIN: I have two questions, one to Robert. In listening to Gilda a while ago she brought up the fact that the people in the area thought that wolf population was on a rise. And, you know, some of the things I saw happening up in the Interior or with the trap and the killing of the wolf because of the problems they were having with the moose, now, if you -- on your surveys was there anything indicating that that was a problem last year?

MR. WILLIS: Wolf predation hasn't been identified as being a serious problem down there and having seen that country, I don't know what a wolf finds to live on when the caribou herd is as low as it is.

MR. LUKIN: I know you mentioned when we were at the meeting last fall, or somebody mentioned, that there was a problem with a plant that the caribou feeds on down there. In the last, to your knowledge, since that June survey or -- I don't quite remember what you said, was it still on -- was it still a problem or did it look like it would continue to be a problem.

MR. WILLIS: Greg didn't say anything about the range

condition. The plant you're referring to is one of the major food plants of the caribou in that area and it was severely depressed because of the overgrazing. And I don't recall that he said anything about having looked at it this year. I haven't been down there this year and I don't recall anything in his report about having looked at the range. The survey that was done was a helicopter survey, as I said, just counting the animals.

MR. LUKIN: I guess another one I have is to Vince on his figures here. I feel both for -- one of my most important feelings is why I'm on this Board, is I believe in subsistence, I was raised learning how to prepare that different foods for survival, so I tend to want to agree in favor of what has to happen -- you know, what we do with subsistence.

But on the other hand, when you have an endangered species there has to be some lines drawn on what do we do. And so I guess my question to Vince is, what are you basing your figures on?

MR. TUTIAKOFF: I'm basing them on the information provided in the draft staff analysis on Page 44. Let's see, one, two, three, fourth paragraph down they gave a summary of what the permits produced and how many were issued during the various years, going back all the way to 1983. And so I understand, you know, the make up of the community is 39 percent in King Cove and it may be a lot higher in False Pass, it didn't show that here, but I know that through experience there the Native population may -- the users, basically, may have declined so all I'm trying to do is put something -- make it available for them to, at least, get one or have the opportunity to get one or two deer (sic) if that's what it comes down to.

We know there's elders in that community that have that dietary need, I mean, they're not McDonald type people and they need to have that diet with them.

I know we're only an Advisory Committee to the Federal Board and so when this does come up for decision by the Federal Board I'm sure it's going to be voted down once again, but all

I'm requesting is that we show to them, to the people out there in King Cove and False Pass that we do understand their situation and we will try every means possible to get them a hunt. And I know that we would probably be defeated on this proposal, but at least we'll show some support for their needs.

And I picked the figure 10 rather than what was requested from False Pass was just -- they had 25 and just to show the ratio, you know, 150 to 50, 10 was my

CHAIRMAN OLSEN: Is there a next schedule anticipated survey?

MR. WILLIS: As soon as weather conditions permit. That is there's enough snow on the ground to make a count and flying weather is good enough the refuge will make another survey. You hope to get them in before this, so the up to date information can be presented to the Council and the Board, but you don't always get the weather you need to do that. But the monitor the population on an annual basis, they count them both in the winter and the summer. So there will be continuing counts made.

MR. TUTTIKOFF: Mr. Chairman, the other reasoning is that this process to get a proposal before us and also through the Federal Board is taken a year and a half for one proposal to make it through. And if you look at the time line, it's going to be a year, possibly a year and three or four months before a hunt can even take place. And if we drop the -- if we take the recommendation that's been put before us by Randy to drop the January 15th to March 31st, I wouldn't have a problem with that. What I'm doing is I'm trying to look ahead, at least a year and a half, where this could be in place for them to do that if there was an increase. If this doesn't happen then we're looking at another whole new process to start up again at this time a year from now. And then we're looking two and a half years before they can actually go out and do a hunt. And so that's one of the reasons why I'm supporting it.

CHAIRMAN OLSEN: Thank you. Yes, Rachel.

MS. MASON: Mr. Chairman, it's just been brought up that

there is something else that the Council must consider in talking about this particular proposal. And that is there is currently a positive customary and traditional determination for other communities within 9(D) and 10, including Sand Point and Nelson Lagoon. And so that if the Council is restricting the harvest to just the communities of King Cove and/or False Pass then it has to present it as an 804 situation. And so that way the Board would look at the three criteria that are mentioned in 804, and that is customary and direct dependence upon the population as a mainstay of livelihood, local residency and the availability of alternative resources. So that would have to be done if it's going to be restricted to certain communities that already have positive c&t.

CHAIRMAN OLSEN: Is that basically the same as we had talked about the bear?

MS. MASON: No, this is a different situation. I don't think the possibility of an 804 had been brought up with the bear, that was a sport versus subsistence harvest, but this one is eliminating all other users other than subsistence ones there would have to be this three criteria brought up for those communities.

MR. EVERITT: Explain the first one. What was the first criteria, I didn't really understand that one.

MS. MASON: That is customary and direct dependence upon the populations as the mainstay of livelihood and I think that's just the same thing as just saying that there is evidence that there is dependence upon those resources.

MR. TUTIAKOFF: How long would it take for this? Would there have to be a study taken and then would it have to be determined first? Would it make it in time for this upcoming Board meeting?

MS. MASON: It could be considered at this upcoming Board meeting, to my knowledge.

MR. TUTIAKOFF: That information is available, isn't it

already, from the previous proposals?

MS. MASON: I think that it could be -- that information could be derived from the analysis that's already been done.

MR. TUTIAKOFF: I guess the recommendation is at this time -- the motion reads to have a 50 out of Unit 9(D) and 10 from Unit 10. Gilda, what do you feel -- the question was brought to me that if we lowered those numbers would we be successful at the Federal Board level, I don't know, what do you think?

MS. SHELLIKOFF: Well, I think it probably worth a try, you know, I think.

CHAIRMAN OLSEN: So what do we find the wish of the Council at this time?

MR. CHRISTENSEN: Well, Mr. Chairman, I'm starting to get the feeling that this is going to be defeated at this level right here as it sits. That's the feeling I'm getting. I don't see this passing even this level here, so what I'm thinking is would the Council change its mind if these numbers were lowered? Because I'm kind of siding with Vincent and Gilda on this one, but I can already see that it's going to be shot down right here before it even reaches the Board. I was wondering, could the Council agree on something to get something presented to the Board?

MR. TUTIAKOFF: Mr. Chairman.

CHAIRMAN OLSEN: Yes, Vince.

MR. TUTIAKOFF: With the okay of the second, I'll lower my numbers for area 10 to five to area 9(D) to 25.

MR. CRATTY: Thirty, 30 would be one-fifth.

MR. TUTIAKOFF: Thirty for 9(D). If the consent of the second, that way there's no amendments or anything.

MR. CHRISTENSEN: That would be one-fifth of all the households in each village, 30 would be one-fifth of 150 and five for 25.

MS. SHELLIKOFF: Yes.

MR. CHRISTENSEN: So you're looking at a total of 35 animals, would

MR. TUTIAKOFF: Mr. Chairman, I call for the question.

CHAIRMAN OLSEN: Question's been called. I feel at this time we should have a roll call vote on this.

MR. CRATTY: So this is

MR. TUTIAKOFF: Mr. Chairman, we still on discussion or what? Or are you calling the roll call now?

CHAIRMAN OLSEN: Question's been called.

MR. TUTIAKOFF: Okay.

MR. CHRISTENSEN: You might want to clarify for that

MR. TUTIAKOFF: Well, for a clarification, I think it was understood that I don't have a problem with dropping the January 15th to March 15 (sic) and just August 10 to October 10th the hunt for these 35 animals. Just as clarification.

CHAIRMAN OLSEN: All right. Not only that, knowing that after that time there might be another survey available to the Board.

MR. LUKIN: Can I ask one thing before we make a decision on this? I guess I would direct it to Robert. And I think my question is, you said that you take your surveys in June; is that correct?

MR. WILLIS: One in June and one in the winter whenever

the snow conditions are right, yeah.

MR. LUKIN: Okay. Vince was talking about -- what we're looking at is possibly a fall opening and if you in June -- in your survey in June showed an increase in the population or the survival over the winter, I wonder if that could be -- if we could get the results to this Board or this Council and decide on whether or not you're looking at half of this or what Vince initially asked for, rather than cutting this and making a decision to vote on this now? Because I believe there's plenty of time after June before the fall opening to come to some kind of an agreement here.

MR. TUTIAKOFF: The trouble is the Board is meeting before

MR. CRATTY: Are you saying to table it, Ivan, or what are you

MR. LUKIN: Temporarily, because, you know, if there's a big increase on population then there's -- my feeling is there shouldn't be a problem with 50 animals for King Cove and 10 or whatever for the other two villages.

MR. CHRISTENSEN: That's the same way I feel, but if there's a decrease it's -- it really scares me.

CHAIRMAN OLSEN: I certainly feel that there's a point of flexibility already built in with us just as we have talked here if this was to be approved and even gone before the Board feeling that if our new survey does allow animals to be harvested then there'll be no reason to leave it closed.

On the other hand, if it was good or if it was bad they still have the opportunity for emergency closure, do they not?

MR. WILLIS: The problem here is that you're looking at a minimum number of 2,500 animals before we can recommend opening a season for any harvest. You would have had an increase of almost 1,000 animals. And I can assure you that's not going to happen between now and June.

You would also have a problem in trying to take information obtained in June and putting forth a proposal and having some public comment time and then still -- and still get a board meeting and a decision so that you could open a hunt in August. That might be possible, I'm not sure about that.

MR. CHRISTENSEN: Mr. Chair, I'd like to direct this to Robert. Do you feel that that Vincent's amended and re-amended and re-amended proposal there with 35 animals has any change at all with the Board? And

MR. DIRKS: Mr. Chairman, this -- when you consider proposals like this the Regional Council provides the Board -- this is in your operations manual, that the Regional Council has ensured that the recommendations provide for the healthy -- the conservation of healthy fish and wildlife populations. They look at the two factors. And then the other one is the opportunity for continuation of subsistence uses of fish and wildlife resources on public lands. And the Board may not choose to follow any Regional Council recommendations which determines if it is not supported by substantial evidence or would violate recognized principle fish and wildlife conservation or it would be detrimental to the satisfaction of subsistence needs. So those are the things that you base your recommendation on when you think of, you know, proposing something.

Is the Board going to, you know,

CHAIRMAN OLSEN: You feel then it would tarnish our credibility without?

MR. DIRKS: Just think about those when you, you know, try to come up with a recommendation.

CHAIRMAN OLSEN: Rachel?

MS. MASON: Yeah. I just wanted to remind you again that the Board is going to have to look at other eligible communities within. In a situation where there is a potential

shortage like this the Board is going to have to look at the other communities in -- that already have c&t in those units because it's a potential 804 situation. So that will also be under the scrutiny of the Board when this comes up before them.

MS. SHELLIKOFF: I'll move to table this proposal until our next meeting so that we can have better -- have information on, you know, what the count is actually is and then make a decision at that time.

CHAIRMAN OLSEN: Is that the desire of the Board -- or Council?

MR. CHRISTENSEN: Second.

MR. TUTIAKOFF: I second.

MR. CHRISTENSEN: Take the question.

CHAIRMAN OLSEN: Okay. Is there any opposition to?

MR. CHRISTENSEN: Not debatable. Just closed.

MR. TUTIAKOFF: Just tabled, yeah. Right. Yeah.
Okay.

CHAIRMAN OLSEN: Thank you. Once again, we have at least moved somewhere on it. At this time

UNIDENTIFIED VOICE: Just to get back on the agenda. Where are we and what do we have to do before we take a break?

CHAIRMAN OLSEN: I believe that that's one of the things that we don't have a whole lot to go over. We need to certainly look at this special action on the deer. I don't think we've moved yet on the Knowles/Ulner initiative. We've already gone over the Katie John. Other than that it's administrative matters in 9, 10, Annual Report needs to be moved on. So I don't feel we have a whole lot left to cover unless I'm missing something.

UNIDENTIFIED VOICE: Can we take a break?

CHAIRMAN OLSEN: Yes,

UNIDENTIFIED VOICE: Mr. Chairman, I guess the reason I'm bringing that up is we have about four members that -- not members of the committee, but at least one member from the committee and three from our staff that'll be catching a plane at 5:30, so we need to move on these if we want any response specifically from -- regarding the Knowles proposal for subsistence.

CHAIRMAN OLSEN: Certainly I respect that and want to move along as quick as possible so I would ask that our break be just as short as possible. I move for a break.

(Off record)

(On record)

CHAIRMAN OLSEN: I would like to call this meeting back to order and hope that we can come to a conclusion here today without any more breaks or interruptions as the eleventh hour is drawing near.

To my recollection we have basically three matters to cover here before going into the matters as far as establishing the place of next meeting. I believe the next thing that we have the Knowles/Ulner initiative to re-unify subsistence. That was -- is on the agenda which has never been discussed, I believe, at this meeting. What is the processes here we need to go through that?

MR. TUTIAKOFF: Mr. Chairman?

CHAIRMAN OLSEN: Yes, Vince.

MR. TUTIAKOFF: For discussion and for any other comments regarding this subsistence petition from the Knowles I would move just for discussions. I don't know what the -- I guess before I move I'll ask John, are you requesting an action of approval for this or just information. If it's information

I'll move on.

MR. MORRISON: I believe the Lieutenant Governor is asking for approval, Vince. Myself, I'm asking that the Board - if they're interested in commenting on this that they do so by the first of the month whatever the decision might be.

MR. TUTIAKOFF: Mr. Chairman?

CHAIRMAN OLSEN: I guess is everybody familiar with this proposal? I know myself as I look at it, always in negotiations there's a give and take. Certainly I know that they are asking amendments to ANILCA. That's a huge, huge request from a Council with its limited powers, of course, and looking at only to know whether we support it or not. To me I certainly feel that to make any kind of a recommendation on this at all unless we are fully informed, I feel that I don't even want to comment on any amendments to ANILCA.

MR. TUTIAKOFF: Mr. Chairman, I think we take a position of no comments by this Committee will be reflected that we're in support of it whether we make that known to them or not. I think what we need to do is bring it on at floor -- on the table for a type of motion and it can't be a negative motion, so it'll have to be a motion to approve and then discuss it.

And my personal opinion is that I don't -- I don't like some of the language in it. Like you mentioned it needs to be further negotiated or be part of the policy group that's going to formalize this thing for passage because there's some sections of this subsistence bill that are contrary to the -- some of the lifestyles of not only in our regions but in other regions also.

I understand there's going to be some sort of a summit or a meeting on this particular subsistence bill. I don't know when that date is, but I did understand there was going to be one.

CHAIRMAN OLSEN: Is that a direct question? I'm sorry.

MR. TUTIAKOFF: No, I'm just asking you if you know of a date when that's going to happen, John?

MR. MORRISON: I assume there probably will be and I think that's one reason why the Lieutenant Governor's asking for comments by the first of March so that all of those comments can be incorporated into the discussion that will take place.

MR. TUTIAKOFF: Okay.

MR. EVERITT: Mr. Chairman, being given this just yesterday and I don't think there's -- we can vote on anything. We haven't read it. I think he came to say we can put input into it by the first of March. And I think if anybody individually wants to comment that they can. She just asks that she'd like comment back by March 1st, so I don't want to see any vote on this pro or con.

MR. TUTIAKOFF: Based on that, Mr. Chairman, I'd move to table this issue and go on the recommendations that we as individuals should make our own comments.

MR. CHRISTENSEN: I second.

CHAIRMAN OLSEN: Okay. So it is the desire then of the Council to also table this issue. I believe that I do not have sufficient information to make any statement on it myself other than knowing I am very concerned of the request to amend ANILCA. So with that it is also tabled until we have further information or the individuals would like to give a comment personal and not as a Council.

Okay. We have -- I can't remember which came, four or five, I don't guess it really matters at this point, but we have next here this special action on the deer that we never did take any action on. So at this time, once again, I would like to hear from the Council, what is the desire of the Council?

MR. EVERITT: Mr. Chairman, I wanted to go over the events that took place. I didn't feel yesterday morning was the time. That the public did need the chance to express

themselves and that we did. But after -- during November and December and not getting the subsistence deer that I wanted I started to ask after the Federal employees came back to work, right after the season how do you propose an extension which you can't do an extension, but a subsistence season. And I don't think I was doing things below the table. I was asking questions. I got a hold of Moses. I don't know the exact date, I want to say it's before I went to Anchorage for four or five days, but I called and asked what the process was. And from him I got a faxed sheet of special action information sheet.

Okay. When I came back from my trip I filled this form out not hiding anything from anybody. I faxed it to the bear refuge and I don't recall if I faxed it to you, Moses, or not. And I know that it was faxed to State Fish & Game here in town. I put it in the mail. Now, he said he received that the 25th, but I did that on the 18th, and I put it in the mail that day, the same day that this was put on there.

After two or three days I called Moses, what's going on? I think I called him again. I was not comfortable with the responses I was receiving, that I felt that it was being sat on, that they maybe weren't taking me seriously. I did call Tom Boyd. And I understand he's the head of the Subsistence Division now. And I shared with Tom my concerns that they were sitting on this, time was going by. He assured me that it would be taken care of. He said they had a lot of proposals out, that they were working for these board meetings but that they would handle this one.

After that conversation I did not call again, and correct me if I'm wrong, Moses, I might have talked to you the next day afterwards or twice. But then I dropped the issue for about a week or two weeks. And I do know that there was conversation with refuge staff with, I think, you Mr. Willis, during that time. And the next call that I received on it was from Moses stating that there was going to be a phone conference with the heads of the -- between the Subsistence Board on this issue. He did not invite me to that. Robert Stovall called me and said they're having a telephone conference and he invited me to come out to the refuge and listen in and comment.

And what day was that? I guess it's immaterial. But I sat in on that conversation and I explained what the weather was like and the reasons for this proposal. I was asked questions. Some people didn't realize what weather is like to be in a small skiff, what the weather had been like during the season, rain and wind. And so that was it and I was asked, you know, to hang up and they were going to talk.

Now, after that point that was a decision of the Subsistence Board. I will say that as a subsistence user and as a member of this Board I took serious my proposal when I submitted it and I think they could say that I was -- the times that I did call, I meant business, that I wanted to see this reacted on and I didn't want it to go away into the corners. And ultimately it did not. It did come to the surface.

But that's the extent of my participation, not unless I forgot something. And I'm willing to bring it out on the table, but there was nothing under the table. We all have rights to present proposals.

Now, when they take the proposal, they called the Board members and the Board members agreed we were looking at January that, yes, it was in everybody's mind that we should extend the hunt and they were all in agreement. That it took six weeks is a different matter or four weeks, but it came out the end of March.

And I'd have to say in front of you all that to point fingers or call them names, no, I was a subsistence board member and the comments I heard from the subsistence users at the end of deer season were legitimate complaints that they did not get deer and there's been many, many people.

Now, the change of events with sportsmen in the area complaining about it's late, that's a whole different issue. But the initial sending of this proposal was, I felt, done properly in good faith. I didn't know how the system worked and so I just have to go before this Board and say, we didn't try to pull anything on any sportsman in this area or any trophy hunter that the subsistence user did not get their deer. And

that was the case at the end of the season.

Now, what I've learned from this is be very careful how these proposals are sent in or when they're sent in, but those are lessons learned. We have a hot topic now, which I don't think anybody wanted, but we need to have a vehicle in the future whereas if there's a subsistence decision that needs to be made and made quickly that somebody has the authority to make those decisions to extend seasons or maybe not bag limits, but at least seasons.

And I think that the bureaucracy as it is that takes three or four weeks to do something needs to be changed. And I think it's something that we should look at in the future. I think the Board members as we have sat here, we came to the conclusion that we need to put something on the table to have the subsistence deer season open up possibly throughout the end of January that nobody seemed to have trouble like that. And so that's how I see that the story happened. If I missed something don't be afraid, staff members, to fill me in. But I want to make sure that everything is on the table with everybody that's involved.

MR. CHRISTENSEN: I'd like to ask Roger a question. Roger, if they would have come forward to you and asked for an extension on the deer season for January would it have been possible?

MR. STOVALL: It is possible under State regulations. The Board would have had to have -- probably would have had to approve it under an emergency regulation because it would have been outside the normal season dates. But yeah, it could have been done through the State system. But probably it would have been advantageous if it had been started, you know, sometime in December. SO it's not -- it's something that we've never done since I've been here.

We did, in fact, in the early '70s request an emergency regulation to increase the season on into the month of January, but it wasn't approved within the Department of Fish & Game so it didn't actually go as far as the Board. But it is a

procedure that the State could do.

MR. CHRISTENSEN: Thank you.

CHAIRMAN OLSEN: Thank you. I guess in light of it, as you know we have discussed it thoroughly looking at and knowing that there has been error, if you will, that this was not a time frame that anybody had expected to deal with. But on the other hand, I feel that this has moved and there are people that have already picked up their tags and they are in the field now. It's kind of hard to eat those words.

MR. TUTIAKOFF: Mr. Chairman, I'd like to address the issue of what was the majority of the comments from the public regarding the deer hunt was the mortality rate of stressful deer and also the shooting of pregnant deers was of big concern. And also having it late in the season as it turns out, those dates were not set by us. They were it's my understanding set by the Board themselves. And I don't think anybody from this committee or even out in the public wanted it to extend through March 24th as it's being publicized now.

I'm for emergency closure and I've talked to a couple of members here and I think that we should take some action to set a date for a closure at this time. And just for argument sake, I talked to people as to scheduling and how this all could happen. They feel once we've made the decision here word can be carried in by Bob Willis to the director and an action can be taken and in place within three to four days at the latest seven days. So I'm looking for a date right now for argument that I'd like to propose January -- March 10th as the closure date for this deer hunt that's going on right now. And if there's any arguments or suggested other date then let's do it because I think we understand what the problem is and I think we need to clarify our position. You did a good job of doing that, Tom, as far as getting this subsistence hunt, but we didn't foresee it to go all the way through March and I don't recommend that it should go beyond that March 10th date myself.

MR. CRATTY: Mr. Chair, I agree with Vince and I'd also like Tom had stated I'd like to have on record that if there is

any other subsistence hunts it's no later than January 31st.

MR. TUTTIKOFF: I understand the Chair's situation of not wanting to even act on this issue, but I think it's our issue, it's in our hands right now and I think we should take care of it rather than to say it's the Federal Board's problem and leave it at that. I think we have -- the community interest has been here not only from the hunters, but also from the subsistence people who have there are quite a few out there who have objected to the opening from the beginning, but it's already happened and I think we need to close it if that's what the community wants to have happen.

CHAIRMAN OLSEN: I guess I would ask John here or Roger in the past on emergency closures do you feel that's sufficient time to inform the public?

MR. STOVALL: I'm not sure I'm the one that should be answering this question if you're talking about a Federal closure.

CHAIRMAN OLSEN: No, I'm just -- I'm only asking since the State in the past has regulated openings and closures, they certainly have emergency closures on other species. I was just wondering with what we are talking about now do you feel that is ample time to request a closure without anybody being prosecuted or having time or is this a sufficient time to March 10th that we -- if a emergency closure was announced, say, by this weekend, do you feel that's sufficient time for those already prepared and in the field to get out of the field?

MR. STOVALL: Well, we've used emergency closures a lot for elk hunting. And we've even had requirements with essentially instant closure in the field requiring hunters to carry radios with them in the field and just close it within a moment's notice. But generally we like to have, you know, somewhere between two and five days as a minimum in order to close the season. I would say certainly the amount of time you're talking about, if you're talking about the 10th of March there should be no problem using all the different types of communication we have available here to notify everybody.

CHAIRMAN OLSEN: Yes, thank you. That's all I was kind of trying to utilize.

MR. EVERITT: Well, Mr. Chairman, I just want to make sure right now, I want to do it without emotion or emotion from the audience. I want to make sure we discuss this. Get all the facts out on the table and make a correct decision. And I'm willing for anybody in the state to correct me, but let's put this stuff out. That I had them after they opened the season and I felt that there was a great deal of people or confusion, emotion in the community with some people about their being fawns. I asked out here at the refuge if they would write down all the hunts that are going on that might be winter or spring time hunts. There's 39 of them that are either going on now or will be going on. And they go from moose to caribou to musk ox to bison. We have bison March 1st to March 30th. We have moose going all the way to March 31st. So in all four of the big species the State of Alaska is having open seasons right now or sometime during the winter and spring hunts.

And I think that information needs to be out just so you understand the truth. And then how big a fetuses are we really talking about out there, are they one inch or two inch? I am under the understanding that they are still rather small and I'm welcome for somebody that really knows to tell us differently that they're not until later on that they -- when the weather really turns that they start really growing.

But I think we need to bring those issues out and that this isn't an isolated thing in Kodiak, that already there's 39 other hunts in the state. And I know the Subsistence Board took those things into consideration in deciding this 'cause it was the BIA. There's five different entities, am I correct, Commissioners that voted on this.

And now we can get to the question of the fight between state and feds and you know, and the power struggles. That is irrelevant right here, but the truth that I don't really know if we're all looking at this without an emotional bent on it. And I want to leave it that we look at the facts.

MR. R. BLONDIN: Is there any way I can make a comment on that, Mark, or

CHAIRMAN OLSEN: Well, we've basically closed the doors to any more open floor public comment on the deer itself.

MR. R. BLONDIN: Well, the reason I say this is because -- my name is Randy Blondin and I'm not a biologist, but like I stated yesterday morning I've hunted deer for 30 years and I've been around -- I'm around them year round, so again, I don't consider myself, like I say, a biologist but I still consider myself an expert on it. And I'd like to maybe make a comment. I think my input is just as important as maybe a biologist's is. For instance, right now I'm fishing cod, I see deer every day. I just saw them two days ago. So I feel like I have just as much input as a biologist does. And I'd just like to make a few comments to Tom.

Now, when he says that he followed this thing, my first concern is that he didn't follow it far enough. I mean if he really didn't want it to run into February and March he could have kept following it and made sure. What I don't understand is why no dates were put on the thing and if they were why didn't they (sic)? I mean it's just as simple as putting some dates when it was proposed.

Now, our editor here in town questioned him right in the paper and asked him how this happened? And your statements quoted were things take time. Now, that's not saying that you don't disagree with it. That's just saying, well, hey, shit happens. Excuse me french.

So anyway, I'd like to -- when you talk about initial (ph) point, let's throw the does out of -- that are being pregnant right now completely out of the picture. Like I say, I've hunted deer for 30 years and you can take a mountain range where all these deer are in the fall and this time of the year they're not there. I mean I can show you hundreds of square miles right now you won't find a deer no where. They're all in isolated spots. And you go into those isolated spots -- now,

the weather's nice right now, but you get our worst weather month is March. You get a good heavy snowfall right now and these deer are going to be isolated in certain areas and I disagree with both the biologists right now. I'm a hunter and I disagree that you're talking about not impacting these populations. I disagree with that 100 percent 'cause I think you can. Because these deer that are normally on all these mountain ranges are isolated in certain little spots and if you get enough hunters to go in there you take all those prime animals that we're going to need later on in this condition I think it can affect the overall population.

And another thing I'll tell you that you guys might not want to hear me say is I think it's pretty sad that out of seven members there's five of them from Kodiak, we had to have a member that's not even from Kodiak have to propose this thing because nobody else wanted to make a move on it. I think it's pretty embarrassing to Kodiak as far as I'm concerned.

So if you have any questions I'd be glad to answer them.

CHAIRMAN OLSEN: No, Not at this time, Randy. We are full aware and we are trying to zero in on a resolution not to point a finger. Secondly of all, I feel this proposal was brought in by Tom who was a resident of Kodiak, so therefore, I cannot accept that claim.

MR. CRATTY: I'd like to say something to Randy. I think, Randy, this was put in for a subsistence issue. It wasn't nothing to do with sport hunting or nothing. There are people out there that need deer and it's just sorry at this time that it come up at this time. I mean I know people in Old Harbor that are benefiting off of this.

MR. R. BLONDIN: All right. So then -- so what -- I don't understand what you're saying. So are you saying you agree with this?

MR. CRATTY: I agree with it to a point. I'm sorry that the timing was wrong. (Indiscernible) questioned me I'd want it in January.

MR. R. BLONDIN: Well, let's go back -- right, we can go back almost to what is similar to the bear issue just happened. Personally I don't have a problem with the people from the villages, they've been doing it for hundreds of years, they go out and hunt subsistence. I don't have a problem with that. But that's not what's going to happen. We're going to have people all over from Kodiak going out and shooting in the refuge. And not only that but we're not talking about the whole island either, we're talking about just the refuge.

And right now another concern of mine is we have all the Native lands where people can't hunt right now and the refuge is one of the only areas we can hunt. And now you're letting everybody go out there and that population's going to just keep getting hammered and hammered. And so anyway, I just wanted to make that comment that I totally agree with you, but that's not what we're talking about right now.

MR. CRATTY: Well, that's what I'm talking about. This is where this is all is coming from

CHAIRMAN OLSEN: Yes, I think I would like to -- we are not being fruitful in any of these comments here. We are realize the position we are in. I think that it is fully well to recognize that there is minor error. I do not see any error here that is threatening to the herd or otherwise. I know that in my past the deer have been very good at this time of year.

Thirdly of all, I am trying to find out where there's anything that requires us to take action on this that we have absolutely no proposal on this time as to address.

MR. R. BLONDIN: Well, I understand that. I said that yesterday I understand this isn't the ideal -- this isn't the Board, this isn't the ideal. I think most people that testified yesterday and there's a lot of them that didn't testify are just asking for you guys to make some kind of stand on this to recommend to the Board. I understand not all the weight's put on your shoulders.

And personally myself I'm kind of curious to know if something went wrong here if somebody's going to stand up and try to fix it or if they're just going to say well, hey that stuff happens.

CHAIRMAN OLSEN: Yes.

MR. R. BLONDIN: I guess that's kind of happened when you say March 10th, but if you're know- -- again, we're in the middle of the fence here. If we're acknowledging there's a problem why do we have to wait till March 10th. I understand we can't do it in a day or so, but anyway that's just a comment that I'd like to make,

CHAIRMAN OLSEN: Yes.

MR. R. BLONDIN: so thank you.

CHAIRMAN OLSEN: Yes.

MR. CHRISTENSEN: Mr. Chair, I'd also make -- I'd like to make a comment on a couple of Randy's comments. And the first one is that a lot of times in our -- we've been discussing this since yesterday morning and we've also been discussing this between ourselves. And as far as who makes a certain motion on a proposal is immaterial.

Now, you mentioned that there's five of us from Kodiak and two from outside of Kodiak. That's immaterial. That doesn't necessarily reflect that that's the only person who wanted to make that proposal. There could be, you know, a little group or a whole group that agree on one proposal and whoever makes that actual proposal is immaterial.

And second of all, as far as you saying it's pretty sad that there's five people that are from Kodiak and not one of us made a proposal. Well, I'd like to say there's quite a few applications that's been out for the Subsistence Board. And I think that it's pretty sad that we only have two from the Kodiak area for these seats that are open. And out of -- and there's four applications for these seats that are open, two are from

the Aleutian Chain and two are from Kodiak, so if you're talking about sad. Okay. There's only two from the Kodiak area that are applying for these seats.

CHAIRMAN OLSEN: Excuse me, I'm not going to have this opened up for any kind of rebuttal here. The point is that we do have a deer season open, not everybody is pleased with it. I feel that at this time with no action or proposals in here that we must address I now would like to turn to the Council and find out what is the wishes of the Council. If there's going to be a proposal or a recommendation to close or otherwise, I want to hear it otherwise I don't see any action necessary.

MR. CRATTY: I make a proposal to have it closed whatever date if we can figure it out

MR. TUTIAKOFF: Mr. Chairman, my understanding is from the recommendation of -- who is that fell that was up there, I don't remember his name, but he said five days. And he's also said instant's notice, I mean. So I guess it's kind of up to us to decide five days versus two days versus 10 days. We need to let Bob Willis know he's leaving of our decision here one way or the other.

CHAIRMAN OLSEN: Uh-hum. Well, I guess what I'm looking for is we either need to have a motion to work with or it's nonproductive and it's no action unless we so choose. I would entertain a motion then if that's so the desire.

MR. CRATTY: I'm pretty upset over this five member sitting on this board. Yesterday morning we all had feelings, to say our feelings. We had agreed to listen to the public first so I don't think anybody has the right to point fingers.

MR. TUTIAKOFF: Mr. Chairman, I'd like to make a motion to get it off and vote it down or up or whatever. I'd move for emergency closure of these deer hunt, a recommendation to the Federal Board to be March 4th.

CHAIRMAN OLSEN: A motion, do I hear a second?

MR. TUTIAKOFF: I second.

MR. CHRISTENSEN: Question.

CHAIRMAN OLSEN: No discussion. The questions been called. I feel then once again, feel that will you make a roll call vote on this, please?

MS. SHELLIKOFF: Vince?

MR. TUTIAKOFF: Yes.

MS. SHELLIKOFF: Randy?

MR. CHRISTENSEN: Yes.

MS. SHELLIKOFF: Tom?

MR. EVERITT: I'm going to abstain and let the committee vote what they want to do on this.

MS. SHELLIKOFF: Al?

MR. CRATTY: Yes.

MS. SHELLIKOFF: Ivan?

MR. LUKIN: Yes.

MS. SHELLIKOFF: I vote yes. (Inaudible).

CHAIRMAN OLSEN: That is a majority of the Council.

MR. MORRISON: Mr. Chair?

CHAIRMAN OLSEN: Yes.

MR. MORRISON: In the interest of time I'll give Tom Boyd a call at home tonight just on the off chance that he might not be at the office first thing in the morning and we'll try to get this moving as rapidly as possible.

CHAIRMAN OLSEN: Yes. We

MR. TUTIAKOFF: Thank you, Bob. I know I changed the date on you, but I'm trying to do the best I can here.

MR. MORRISON: We all do. That, you know, that should be no problem it's just if we can get a quorum of board members together. That's the only thing, so we'll get it moving as rapidly as possible.

CHAIRMAN OLSEN: Before you all get out of here I certainly want to thank you very much. It's been an honor to work with you and we certainly look forward to working with you in the future.

MR. EVERITT: Mr. Chairman

CHAIRMAN OLSEN: Yes.

MR. MORRISON: On behalf of the State, I reciprocate. Thank you.

MR. EVERITT: I would like to commit to the staff as they're packing their bag that I was displeased with this afternoon on how we worked something out. I felt in good faith with those commercial operators that were here this Board, I think, truly wanted to work things out with everybody in the community. And I think they have shown that effort. Gosh, we need to know these regulations before we get into something like this before it happens again because it's going to come up and things will be changed. And I don't want to waste everybody's time like that.

CHAIRMAN OLSEN: Thank you again. This bring us down to #9 here which is administrative matters. Moses, do you have comments, additions to make here?

MR. DIRKS: Thank you, Mr. Chairman. Are we going to table annual report and

CHAIRMAN OLSEN: Oh, excuse me, excuse me. Yes, I have it in front of me.

MR. EVERITT: Sounds good to me.

CHAIRMAN OLSEN: As we have this matter of the annual report, everybody has had a chance to look it over. Is there any questions, amendments, changes or what is the desire of the Council?

MR. TUTIAKOFF: I move to approve the annual report submitted by Moses.

MR. CHRISTENSEN: Seconded.

CHAIRMAN OLSEN: Moved and seconded. Any discussion?

MR. CHRISTENSEN: Question.

CHAIRMAN OLSEN: Call for the question. All those in favor signify by aye.

IN UNISON: Aye.

CHAIRMAN OLSEN: Those opposed by the same sign.

(No opposing responses)

CHAIRMAN OLSEN: Motion carries to accept the annual report as presented.

Now, I guess we can move on to #9. Moses?

MR. DIRKS: The charter renewal, I think that needs also be addressed and the only changes that I see there would be the membership change.

CHAIRMAN OLSEN: The number.

MR. DIRKS: The membership change, the number on the membership change. If all the Regional Council members are in

support of that, then we'll just reflect those changes. You are supposed to go over, this is the year when the charter has to be renewed, so if there are any changes to be made this is the time to do it.

CHAIRMAN OLSEN: So at this time the only thing that we are looking to recognize is the new members being added to the council.

MR. DIRKS: Council members, yes.

CHAIRMAN OLSEN: Yes.

MR. EVERITT: Is this the time we add that we want to put on the agenda a January subsistence hunt, is this part of that?

MR. DIRKS: No, this is the -- no, this is the charter.

MR. EVERITT: Okay. Okay. Excuse me, I thought we were -- my mind slipped there.

MR. CRATTY: Is this what we're talking about, the two new members from the chain?

MR. TUTIAKOFF: Additions.

MR. CRATTY: Yeah. I think we've got two people that have sent in applications.

CHAIRMAN OLSEN: Right. I guess in the charter renewal we just want to acknowledge that we have and are recommending and it has been approved for two new board members, am I correct -- excuse me, Council members. Moses?

MR. DIRKS: The charter renewal, it's just the charter for the Federal government that this committee exists and then each year annual or a couple of years we have to renew the charter. There's specific items that the Regional Council can change or recommend to change. And this year we've upped the Council members from seven to nine so those changes needs to be

reflected on this new charter which will be signed by the Secretary of Interior.

CHAIRMAN OLSEN: Yes, Moses, thank you. As I look at it I -- it brings back to me, I don't recall where we are at as far as the training needs for the Regional Council. We can address that here any time outside the Council meeting.

MR. TUTIAKOFF: Mr. Chairman?

CHAIRMAN OLSEN: Yes, Vince.

MR. TUTIAKOFF: I move to approve the charter with the changes of addition of two more members.

MR. CRATTY: I second.

CHAIRMAN OLSEN: Yes. When is the renewal due, Moses?

MR. DIRKS: End of this year.

CHAIRMAN OLSEN: End of this year?

MR. DIRKS: Uh-hum.

CHAIRMAN OLSEN: So we do have time, I guess, is what you're looking at is just making sure that we don't have any changes, amendments, deletions to the charter?

MR. DIRKS: Yes, that is the main

CHAIRMAN OLSEN: Not looking for any action?

MR. TUTIAKOFF: Mr. Chairman, we have additions out there to request two new members and in order for that to happen and for the Federal Board to make recommendations to the Secretary of Interior we have to have the charter amended to have the two members.

MR. DIRKS: Right.

CHAIRMAN OLSEN: Thank you. The motion has been moved to accept and seconded.

MR. CHRISTENSEN: Question.

CHAIRMAN OLSEN: Call for the questions. All those in favor signify by saying aye.

IN UNISON: Ayes.

CHAIRMAN OLSEN: Those opposed by the same sign.

(No opposing responses)

CHAIRMAN OLSEN: Hearing none the motion is passed to accept the charter renewal including two new members.

Was there any other administrative matters before you, Moses?

MR. DIRKS: Not unless I know that the packets were late again this year and

CHAIRMAN OLSEN: You'll going to make sure it doesn't happen again.

MR. DIRKS: Okay. Thank you. I gave you the calendar of the open window where we could have the next meeting, so you could look at that and then give me time and place of next meeting. And there was a concern -- concerns expressed by the people up in the Anchorage office that we should -- next time we try to meet in our region and not outside, so that means probably out in some village, here again or try to do it out in the Aleutians.

MR. CRATTY: I make a motion to have our next meeting in Unalaska.

MR. CHRISTENSEN: I'd like to agree with Al, I'd like to put down the dates if it agrees with everybody to have it on September 30th and October 1st. If that fits with everybody else's schedule. It fits with mine and

MR. TUTIAKOFF: Are you seconding with that change?
Are you seconding it?

MR. CHRISTENSEN: I'm seconding the motion with the
added dates of September 30th and October 1st.

MR. DIRKS: So that'll be a Monday and a Tuesday.

MR. CHRISTENSEN: That's correct.

MR. CRATTY: I have no problem with that.

MR. DIRKS: So that means that travel will happen on a
weekend, and if you get stuck then there's nobody to call.

MR. CHRISTENSEN: If you get stuck out

MR. DIRKS: Out. I mean if you get weathered in.

MR. CHRISTENSEN: Where?

MR. DIRKS: Like here.

MR. CHRISTENSEN: Well, I think the majority of us are
coming from here, so we're going to all be stuck if we're stuck.

MR. DIRKS: I mean those are the things that you have to
consider if you want to schedule it

MR. TUTIAKOFF: Are you saying you want it in the middle
of the week or the latter part of the week

MR. DIRKS: No, I'm not really saying that. It's best
to do it during the business, you know, everybody's working but
if you want to do it that way that's fine, too. I mean our
administrative officer

UNIDENTIFIED VOICE: I think you've got a point
there

MR. CHRISTENSEN: How would the Council feel about

towards the end of the week like the 3rd and 4th.

CHAIRMAN OLSEN: One person, please.

MR. CHRISTENSEN: How about the 4th and the 5th so we've got one day that people will be off work.

CHAIRMAN OLSEN: I believe the point Moses was getting at is everybody's not at work and it's not a weekday and we -- if somebody gets out there and the others don't what then. Go ahead, Moses, please.

MR. DIRKS: I was just informed that this is when the fiscal year ends and that's -- they don't like to use these dates because I guess the funding stops and then, so can you make it earlier than this?

(Indiscernible - simultaneous speech)

MS. MASON: Mr. Chairman?

CHAIRMAN OLSEN: What? Hawaii?

MS. MASON: Mr. Chairman.

UNIDENTIFIED VOICE: 27th and 28th.

MS. MASON; Mr. Chairman?

CHAIRMAN OLSEN: Yes, Rachel.

MS. MASON: I'm sorry to -- I didn't mean to interrupt Moss, but I think it would solve both problems if the meeting simply started on October 1st and then it would start on a Tuesday and it would not have the old fiscal year and the new fiscal year involved.

MR. DIRKS: Right. So we could -- yeah.

MR. TUTIAKOFF: So we'd be looking at the 1st and the

2nd. Are you talking about a two day meeting again? Moses, are we talking about a two day meeting again?

MR. DIRKS: Yes, I think so because at this time we will have had -- it shouldn't be any problem because we'll just be proposing some new reg -- great proposals anyway, so

CHAIRMAN OLSEN: Taking new proposals.

MR. DIRKS: Yeah, taking new proposals. We won't be really doing like we were going over the proposals, so it shouldn't be no longer than two days, may- -- at least one day maybe. I don't know.

CHAIRMAN OLSEN: Okay. So is it agreed upon?

MR. TUTIAKOFF: 1st and 2nd then.

CHAIRMAN OLSEN: Do I hear any objection?

UNIDENTIFIED VOICE: No.

CHAIRMAN OLSEN: Then the next meeting is set for

MR. TUTIAKOFF: Question. There's a motion made. Al and -- Al made a motion to have the meeting in Unalaska with the dates the 1st and 2nd of October.

MR. CRATTY: Yes.

MR. TUTIAKOFF: And Randy seconded it.

MR. DIRKS: In Unalaska?

MR. TUTIAKOFF: Yes.

CHAIRMAN OLSEN: Okay. If there's

MR. EVERITT: Question.

CHAIRMAN OLSEN: The question's been called. All those in favor signify by aye.

IN UNISON: Aye.

CHAIRMAN OLSEN: Those opposed?

(No opposing responses)

CHAIRMAN OLSEN: Hearing none the motion carries.

MR. EVERITT: Mr. Chairman?

CHAIRMAN OLSEN: Yes, Tom.

MR. EVERITT: Moses, when we were in King Cove a lot of people commented that they did not hear about the meetings. And I would really ask you if you might spend a little money and put it on the local radio station a week before, maybe you don't have to spend money for community events, but that we get the word out in that area just a little bit more. We only had one person come to the meeting at King Cove. And I think it was sad that the money that was spent for us to be there and it just didn't seem like enough people knew or they didn't care, but I think that it was because they didn't know.

MR. CHRISTENSEN: Unalaska has a paper, too, a newspaper.

MR. DIRKS: Yes, we've tried to beef up the media part of our Regional Council, so we've -- but I do have a mailing list and I mail out to all the local governing bodies, so

MR. EVERITT: Well, we did get everybody's attention on this meeting. I mean this was a -- the community of Kodiak realizes there's a subsistence board and what we do. There's no questions about it. And I think it was a wake up call for a lot of them.

MR. DIRKS: Yeah, I understand that my name was broadcast over the radio, my 800 number, too, so

MR. EVERITT: Right.

CHAIRMAN OLSEN: Okay. At this time our next meeting has been established. Is there any public comment? Thank you.

MS. KENNEDY: Hi, my name is Vicki Joe Kennedy. And all of you have taken an awful lot of heat the last couple of days and I personally want to thank you for what you've just done on behalf of Kodiak residents. And the majority of us, I believe, wanted it closed. I think it was a good idea at first and it just kind of snowballed and got out of control, but I do want to thank you for taking action. That's what committees are for and you did that and I want to thank you for all your work, Mr. Everitt, in particular. And also I want to thank Bob Stovall out at the refuge 'cause he did put an awful lot of work into this, you know, himself. So again thank you. And it works.

CHAIRMAN OLSEN: Well, thank you. We appreciate it. And there's an old adage that no favor goes unpunished and this is no exception.

MS. KENNEDY: This is true. Thank you again.

CHAIRMAN OLSEN: Thank you. I would -- myself would like to say, once again, we have taken a step forward to growing and learning. Certainly it's not -- doesn't always seem to be in a positive manner, but it does turn out to be positive. And I really appreciate that that we can come here as human beings and respect one another's opinions and work with them to come to a resolution.

I just want to thank the Council for being the people they are and making this happen.

Is there any other comments?

MR. CHRISTENSEN: Mr. Chair, I have one last comment and it's just that when we first started this meeting I noticed you asked for a moment of silence on our past elders that have passed away recently and I know you got caught up with a little emotion there and I'd just like to put it on the record in the

minutes that we did miss Mrs. Ellanak from Ouzinkie and I'd like to have that brought up and added in the minutes when they're written up to be added with the other elders that have passed on.

CHAIRMAN OLSEN: Who was that person again?

MR. CHRISTENSEN: Mrs. Ellanak. Larry Ellanak's wife. I believe her name is Katie. It was in the paper and she passed away a couple of weeks ago.

MR. DIRKS: Okay, Randy.

MR. CHRISTENSEN: She's about 93 so she's definitely one of our elders.

MR. DIRKS: We'll add that.

MR. CHRISTENSEN: I just wanted to put that in the minutes.

MR. DIRKS: Well I'd like to thank each and every Council member. I know sometimes it's very difficult to communicate, but sometimes I have a very hard time in my job because I'm not getting any feedback from a lot of you, so I'd like that to change, too. If you have any questions or concerns that you should try to call me.

CHAIRMAN OLSEN: Yes. I also don't want to forget, yes, Moses and I, whether you believe it or not, we do quite frequently play phone tag and always trying to stay in touch with each other. And I know that Moses' job is also a thankless job and I really appreciate working with Moses.

MR. DIRKS: Thank you. That's all I have.

MR. EVERITT: Adjourn the meeting, please.

CHAIRMAN OLSEN: Can you say that a little louder in the mike, please.

MR. EVERITT: I'm afraid to make a recommendation. I move to close the meeting.

CHAIRMAN OLSEN: I hear a move to -- for

UNIDENTIFIED VOICE: Second.

CHAIRMAN OLSEN: adjournment.

UNIDENTIFIED VOICE: Close.

MR. CHRISTENSEN: Second.

MR. TUTIAKOFF: Second.

CHAIRMAN OLSEN: The meeting is adjourned. Thank you.

(Off record)

(END OF PROCEEDINGS)

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C E R T I F I C A T E

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

I, Rebecca Nelms, Notary Public in and for the State of Alaska and Reporter for R&R Court Reporters, Inc., do hereby certify:

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THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by Joseph P. Kolasinski and myself to the best of our knowledge and

ability;

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

DATED at Anchorage, Alaska, this 5th day of March, 1996.

Notary Public in and for Alaska
My Commission Expires: 10/10/98