

1 BRISTOL BAY FEDERAL SUBSISTENCE
2
3 REGIONAL ADVISORY COUNCIL MEETING
4
5 PUBLIC MEETING
6

7
8 VOLUME I
9

10
11 Naknek Native Village Council Hall
12 Naknek, Alaska
13 February 25, 2014
14 8:30 a.m.
15

16
17
18
19 COUNCIL MEMBERS PRESENT:
20

21 Molly Chythlook, Chair
22 Nanci Morris Lyon
23 Daniel O'Hara
24 John Jones
25 Dan Dunaway
26 Lary Hill
27 Thomas Hedlund
28 Richard Wilson
29
30
31 Regional Council Coordinator, Donald Mike
32
33
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1 P R O C E E D I N G S
2
3 (Naknek, Alaska - 2/25/2014)
4
5 (On record)
6
7 MADAME CHAIR CHYTHLOOK: Okay. I'm
8 going to call the meeting to order, and before we do
9 the welcome and whatnot, we'll stand up and Richard
10 will have our invocation.
11
12 MR. WILSON: (Gives invocation)
13
14 MADAME CHAIR CHYTHLOOK: Thank you.
15 Okay. Our next item on our agenda I guess is roll call
16 to establish a quorum. Donald, do you want to do that.
17
18 MR. MIKE: Thank you, Madame Chair.
19 This is the roll call of the Bristol Bay Regional
20 Advisory Council.
21
22 Ms. Molly Chythlook.
23
24 MADAME CHAIR CHYTHLOOK: Here.
25
26 MR. MIKE: Mr. Dan Dunaway. Madame
27 Chair, Mr. Dunaway, his flight got canceled yesterday
28 from Dillingham to King Salmon, so he said he'd try
29 again this morning. So he should be here today.
30
31 Mr. Richard Wilson.
32
33 MR. WILSON: Here.
34
35 MR. MIKE: Mr. Dan O'Hara.
36
37 MR. O'HARA: Here.
38
39 MR. MIKE: Mr. Pete Abraham. Madame
40 Chair, I got a notice from Pete Abraham saying that
41 he's -- he had medical, his back went out, and he
42 couldn't -- was unable to travel.
43
44 Mr. Lary Hill.
45
46 MR. HILL: Here.
47
48 MR. MIKE: Ms. Nanci Morris.
49
50 MS. MORRIS LYON: Here.

1 MR. MIKE: Mr. John Jones.
2
3 MR. JONES: Here.
4
5 MR. MIKE: Mr. Alvin Boskofsky. Madame
6 Chair, Mr. Boskofsky's on medical, so he's unable to
7 attend this meeting.
8
9 Mr. Thomas Hedlund.
10
11 MR. HEDLUND: Here.
12
13 MR. MIKE: Madame Chair, you have seven
14 members present. You have a quorum.
15
16 MR. O'HARA: Madame Chair.
17
18 MADAME CHAIR CHYTHLOOK: Dan.
19
20 MR. O'HARA: Yeah. We probably should
21 mention the excuse of both Alvin and Peter, because of
22 medical reasons they can't be here.
23
24 MADAME CHAIR CHYTHLOOK: Okay. I
25 guess, yeah, they definitely aren't going to make it,
26 and we've hoping that Dunaway will eventually make it
27 here pretty soon.
28
29 Okay. I want to welcome everybody. We
30 got in last night okay. It was just kind of a chore,
31 but eventually I think we all settled down about 10:00
32 o'clock or so, and we're here bright and early. And
33 the reason why we started so late this morning was
34 because the equipment couldn't be set up until after
35 8:00 o'clock this morning, but we're here.
36
37 I don't know if any of our other agency
38 people are going to be here, but it looks kind of
39 sparse out there this time.
40
41 So welcome, and I'll have the Council
42 members do introductions, starting from Dan.
43
44 MR. O'HARA: My name's Dan O'Hara,
45 Naknek.
46
47 MR. JONES: John Jones from Chignik
48 Lagoon.
49
50 MR. HILL: Lary Hill, Iliamna.

1 MS. MORRIS LYON: Nanci Morris Lyon,
2 King Salmon.
3
4 MADAME CHAIR CHYTHLOOK: Molly
5 Chythlook, Dillingham.
6
7 MR. WILSON: Richard Wilson from my
8 mamma and from Naknek.
9
10 (Laughter)
11
12 MR. HEDLUND: Thomas Hedlund from
13 Iliamna.
14
15 MADAME CHAIR CHYTHLOOK: Okay. And
16 then Donald, we'll start from Donald and then go out to
17 the audience.
18
19 MR. MIKE: Donald Mike, OSM, Council
20 coordinator.
21
22 MR. LORRIGAN: Jack Lorrigan, Native
23 liaison, OSM.
24
25 MS. ANDERSON: Sherry Anderson, Katmai
26 National Park.
27
28 MS. HENRY: Susanna Henry. I'm the
29 Refuge manager at Togiak National Wildlife Refuge over
30 in Dillingham. And my counterpart from King Salmon,
31 Susan Alexander, will be here a little bit later. And
32 she's the manager at Alaska Peninsula/ Becharof.
33
34 MS. PETRIVELLI: Pat Petrivelli, BIA
35 subsistence out of Anchorage.
36
37 MS. MCBURNEY: Mary McBurney, chief of
38 cultural resources for Lake Clark National Park.
39
40 MR. LIND: Orville Lind, ranger, Native
41 liaison, and subsistence coordinator for Alaska
42 Peninsula/Becharof National Wildlife Refuge.
43
44 MS. STICKMAN: Danielle Stickman,
45 Bristol Bay Native Association, Dillingham.
46
47 MR. BROOKS: Good morning, Madame
48 Chair, Council members. My name is Jeff Brooks, and
49 I'm a social scientist at Office of Subsistence
50 Management in Anchorage. This is my first visit to

1 your community. I'd like to thank the people of Naknek
2 for inviting us and welcoming us. And I look forward
3 to having some discussions with you today.

4

5 Thank you.

6

7 MR. PELTOLA: Madame Chair, if I may,
8 may I take couple minutes to introduce myself.

9

10 MADAME CHAIR CHYTHLOOK: Yes.

11

12 MR. PELTOLA: Madame Chair, Council
13 members. Thank you. My name's Gene Peltola, Jr. and
14 I'm the new assistant regional director for the Office
15 of Subsistence Management. I filled the position in
16 August that was vacated by Pete Probasco earlier on
17 this year.

18

19 If I could take a couple minutes, I'd
20 like to tell you a little bit about myself. Well, I'm
21 about a -- let's see. First off I'm a Tlingit
22 Indian/Yup'ik Eskimo, born and raised in Bethel. And
23 I'm a 30-year Fish and Wildlife Service employee. I've
24 attended Humboldt State University, Arcadia,
25 California, University of Alaska Fairbanks in
26 Fairbanks, and Harvard University.

27

28 I've held several positions within the
29 Fish and Wildlife Service. I started off my career in
30 1984 as a biological technician, Yukon Delta. I was a
31 biologist and a pilot up at Selawik Refuge in Kotzebue.
32 Assistant Refuge manager at Yukon Flats Refuge for a
33 few years. I held a law enforcement position within
34 the Fish and Wildlife Service about nine years where I
35 had a Federal commission and also a Department of
36 Public Safety commission. Assistant Refuge manager,
37 Yukon Delta. And up until August of this year I was
38 the Refuge manager at Yukon Delta, headquarters in
39 Bethel. And also the Federal in-season manager with
40 regard to the Kuskokwim River fishery there.

41

42 So I just wanted to introduce myself to
43 you all and say it's a pleasure to be here.

44

45 I was talking to a couple people, and I
46 haven't been here since 19 -- the last time I was
47 really here was 1982 when I came here to play
48 basketball, and things have changed quite a bit since
49 then.

50

1 (Laughter)
2
3 MR. PELTOLA: Okay. Thanks you.
4 Appreciate it.
5
6 MR. O'HARA: Who won, by the way?
7
8 (Laughter)
9
10 MADAME CHAIR CHYTHLOOK: Okay. Well,
11 thank you very much.
12
13 Welcome to I guess the business here.
14
15 And I guess do we have anybody on the
16 phone.
17
18 MS. JENKINS: Hi, this is Susie Jenkins
19 Brito with Fish and Game Board Support over out of the
20 Dillingham office.
21
22 MS. HYER: Good morning. This is Karen
23 Hyer with the Office of Subsistence Management in
24 Anchorage.
25
26 MR. CRAWFORD: Good morning. This is
27 Drew Crawford with the Alaska Department of Fish and
28 Game, Federal subsistence liaison team in Anchorage.
29
30 MR. SHARP: Good morning. This is Dan
31 Sharp with BLM in Anchorage.
32
33 MADAME CHAIR CHYTHLOOK: Okay. Is
34 that.....
35
36 MS. GOMEZ: Good morning, Madame Chair
37 and members of the Council. This is Courtenay Gomez at
38 the Bristol Bay Native Association in Dillingham.
39
40 MADAME CHAIR CHYTHLOOK: Okay. Anybody
41 else. Okay. Hearing none, thank you. Welcome to our
42 meeting. And hopefully you'll stay connected with us
43 here. I think all our machinery here is going to work
44 now.
45
46 Okay. Welcome again. Thanks for
47 coming.
48
49 And let's review our agenda. Let me
50 read through the agenda items quickly.

1 We did the roll call and established
2 quorum, call to order, welcome and introductions.
3
4 Review and adopt the agenda, that's
5 where we are now.
6
7 And then we'll have elections of
8 officers soon after adopting the
9 agenda.
10
11 Then review and approve previous
12 meeting minutes.
13
14 Then reports from the Council and the
15 Chair.
16
17 And then at this point we'll have the
18 public and tribal comment on non-agenda
19 items. And then throughout the day I
20 need to have our Council remind me
21 every so often to make this available
22 for the public and anybody that would
23 like to do a report on non-agenda
24 items.
25
26 And then down to old business.
27
28 Customary and traditional use
29 determination update.
30
31 Rural determination process review
32 update.
33
34 And then the briefing on Fisheries
35 Resource Monitoring Program. Priority
36 information needs development for 2016.
37
38 Partner's briefing/review of call for
39 proposals.
40
41 Then the new business.
42
43 Call for fisheries regulatory
44 proposals.
45
46 Review and approve draft FY2013 annual
47 report.
48
49 Tribal consultation implementation
50 guidelines and draft ANCSA consultation

1 policy.
2
3 And then the nominations.
4
5 Then we'll get in to the agency
6 reports.
7
8 Special actions.
9
10 OSM.
11
12 U.S. Fish and Wildlife Service.
13
14 Togiak National Wildlife Refuge report.
15
16 This is National Park Service.
17
18 BLM.
19
20 ADF&G.
21
22 Tribal Governments.
23
24 Native organizations.
25
26 And then down to our future dates.
27
28 We'll be confirming date and location
29 of fall 2014 meeting and select date
30 and location of winter 2015 meeting.
31
32 And then down to closing comments.
33
34 And then adjourn.
35
36 So I guess we need to review and
37 approve and adopt the agenda. Is there any
38 corrections, additions to this agenda.
39
40 (No comments)
41
42 MADAME CHAIR CHYTHLOOK: Okay. We need
43 a motion.
44
45 MS. MORRIS LYON: Yeah. Madame Chair.
46 I'll move that we approve the agenda as written.
47
48 MADAME CHAIR CHYTHLOOK: Richard.
49
50 MR. WILSON: Madame Chair. I've been

1 working on a fish proposal.
2
3 MR. O'HARA: Excuse me, Madame Chair.
4 A point of order. There hasn't been a second.
5
6 MR. HEDLUND: I'll second it.
7
8 MADAME CHAIR CHYTHLOOK: Okay. There's
9 been a motion and a second to adopt the agenda.
10
11 And then Richard, did you have any
12 corrections or additions?
13
14 MR. WILSON: Madame Chair. Yes, there
15 was -- I'm sorry, I'm a little delay here. I had a
16 fish proposal that we've been working that I'd like to
17 submit just as a draft item here, and for discussion.
18
19 It would be under new business.
20
21 MADAME CHAIR CHYTHLOOK: Okay. And so
22 under new business, it will be -- would it be right
23 after call for fisheries regulatory proposals?
24
25 MR. WILSON: Yes.
26
27 MADAME CHAIR CHYTHLOOK: In that area.
28 Okay. Any other additions, corrections. Dan.
29
30 MR. O'HARA: Yeah. Madame Chair. Dan
31 O'Hara. Under the business -- under the minutes on
32 Page 5, it says when we met in Dillingham last, the
33 BBRAC after discussion, deferred action on the document
34 that will address in this winter meeting, which is now,
35 2014 public meeting. The Council, now this is
36 important, the Council would like to hear comments from
37 the Bristol Bay State Advisory Committee, National Park
38 Service Subsistence Resource Committee, tribal and
39 local government leaders and the Bristol Bay Native
40 Association on their comments applying C&T use.
41
42 And I just wanted to make comment that
43 when we get to the C&T on our agenda that our request
44 was that we have some input from those people at that
45 time.
46
47 Thank you, madame Chair.
48
49 MADAME CHAIR CHYTHLOOK: Okay. So
50 we'll deal with this under old business.

1 MR. O'HARA: Yes.
2
3 MS. MORRIS LYON: Are you sure? We
4 could put it right in here under new business, tribal
5 consultation.
6
7 MADAME CHAIR CHYTHLOOK: Okay. Tribal
8 consultation on Page 2.
9
10 MR. O'HARA: No. Madame Chair. Under
11 old business, C&T traditional use determination.
12
13 MADAME CHAIR CHYTHLOOK: Yeah, that's
14 right.
15
16 MR. O'HARA: Okay. That's where we
17 want it. Yeah.
18
19 MADAME CHAIR CHYTHLOOK: Yeah. We'll
20 make sure that our request is answered at that point.
21 We'll make sure that when we get to that C&T that our
22 request from our fall meeting be addressed at that
23 time.
24
25 Anything else.
26
27 (No comments)
28
29 MS. GOMEZ: Madame Chair. This is
30 Courtenay. It's really difficult to hear anyone but
31 you.
32
33 MADAME CHAIR CHYTHLOOK: Okay. I guess
34 we need to talk closer to our mics. Thank you,
35 Courtenay. We'll make an effort to -- we're having to
36 share some of our mics, so thanks for bringing that to
37 our attention. We'll make an effort to talk closer to
38 our mics.
39
40 Okay. Anything else.
41
42 (No comments)
43
44 MADAME CHAIR CHYTHLOOK: If not, we
45 need a motion to approve.
46
47 MR. O'HARA: I'd call for the question.
48
49 MADAME CHAIR CHYTHLOOK: Or call for
50 question.

1 MR. O'HARA: We've got an active
2 motion, so we've got a motion on the floor.
3
4 MADAME CHAIR CHYTHLOOK: Yeah. I
5 guess, yeah, approve our corrections and additions to
6 our agenda.
7
8 MR. WILSON: Madame Chair. I'll so
9 move.
10
11 MR. O'HARA: No, pardon me. No, we had
12 a motion on the floor.
13
14 MADAME CHAIR CHYTHLOOK: We had a
15 motion on the floor to put the agenda items on the
16 table.
17
18 MR. O'HARA: We need to vote on the
19 motion.
20
21 MADAME CHAIR CHYTHLOOK: Yeah, we need
22 to vote on.....
23
24 MR. O'HARA: Call for the question.
25
26 MADAME CHAIR CHYTHLOOK: Okay. All in
27 favor of our corrected agenda review say aye.
28
29 IN UNISON: Aye.
30
31 MADAME CHAIR CHYTHLOOK: Any
32 opposition.
33
34 (No opposing votes)
35
36 MADAME CHAIR CHYTHLOOK: Okay. Thank
37 you. Okay. I guess at this time we're down to
38 election of officers.
39
40 Donald.
41
42 MR. MIKE: Madame Chair. Since we're
43 at the portion of the agenda for election of officers,
44 I think you, Madame Chair, as the sitting Chair would
45 defer to open the nominations for the vice Chair, which
46 is Ms. Nanci Morris.
47
48 Thank you.
49
50 MADAME CHAIR CHYTHLOOK: Donald, even

1 with my bad ear, and you're talking to the mic, I have
2 a hard time hearing you.
3
4 MR. MIKE: Madame Chair. Since you are
5 sitting Chair for the Bristol Bay Regional Advisory
6 Council, and for you to open up the nominations, I
7 think you'd have to defer to Ms. Nanci Morris to open
8 nominations for the Chair.
9
10 Thank you, Madame Chair.
11
12 MADAME CHAIR CHYTHLOOK: Okay. So,
13 Nanci.
14
15 MS. MORRIS LYON: Thank you, Madame
16 Chair.
17
18 Okay. I would call for nominations for
19 the office of chair for our Council. I would entertain
20 any motion. Richard.
21
22 MR. WILSON: I nominate Molly.
23
24 MS. MORRIS LYON: Okay. Any others.
25
26 MR. HEDLUND: I'd like to nominate
27 Richard Wilson.
28
29 MS. MORRIS LYON: Richard.
30
31 MR. WILSON: Politely decline.
32
33 (Laughter)
34
35 MS. MORRIS LYON: Okay. Any others.
36
37 MR. O'HARA: Madame Chair.
38
39 MS. MORRIS LYON: Yes.
40
41 MR. O'HARA: Dan. I would like to ask
42 that we close nominations and have unanimous consent
43 for Molly Chythlook to be the Madame Chairman.
44
45 MS. MORRIS LYON: Okay. We have a
46 request for unanimous consent. Any opposition to that.
47
48 MR. O'HARA: And it's closed, too, by
49 the way.
50

1 MS. MORRIS LYON: Right.
2
3 (No opposition)
4
5 MS. MORRIS LYON: Okay. Hearing none,
6 then, Molly, I hand it back over to you.
7 Congratulations.
8
9 MADAME CHAIR CHYTHLOOK: Okay. Well,
10 thank you. We'll go down to the nominations for Vice
11 Chair.
12
13 MR. O'HARA: Madame Chair.
14
15 MADAME CHAIR CHYTHLOOK: Dan.
16
17 MR. O'HARA: I'll make a motion that
18 Nanci Morris Lyon be the Vice Chair. Excuse me. I
19 nominate Nanci, not move Nanci. I get caught up in my
20 own demise.
21
22 (Laughter)
23
24 MADAME CHAIR CHYTHLOOK: Okay. Any
25 other nominations for Vice Chair.
26
27 (No comments)
28
29 MADAME CHAIR CHYTHLOOK: Unanimous
30 consent for Nanci.
31
32 MR. O'HARA: Unanimous consent.
33
34 MADAME CHAIR CHYTHLOOK: All in favor
35 say aye.
36
37 IN UNISON: Aye.
38
39 MADAME CHAIR CHYTHLOOK: Any
40 opposition.
41
42 (No opposing votes)
43
44 MADAME CHAIR CHYTHLOOK: Hearing none,
45 Nanci, you're Vice Chair.
46
47 Okay. Nomination for secretary.
48
49 MR. O'HARA: Madame Chair. Who's the
50 secretary?

1 MADAME CHAIR CHYTHLOOK: Richard.
2
3 MR. O'HARA: Well, I nominate him as
4 secretary. And with the nomination there's no saying I
5 can't do the job.
6
7 (Laughter)
8
9 MR. WILSON: Oh, come on, I used that
10 the last time.
11
12 (Laughter)
13
14 MR. WILSON: Anybody else would like to
15 take the seat, you're welcome to it.
16
17 MADAME CHAIR CHYTHLOOK: Any other
18 nominations. Nanci.
19
20 MS. MORRIS LYON: Yeah. I would ask
21 for unanimous consent on this one as well.
22
23 MADAME CHAIR CHYTHLOOK: Okay. All in
24 favor say aye.
25
26 IN UNISON: Aye.
27
28 MADAME CHAIR CHYTHLOOK: Any
29 opposition.
30
31 MADAM CHAIR CHYTHLOOK: The question's
32 been called for. All in favor signify by saying aye.
33
34 IN UNISON: Aye.
35
36 MADAM CHAIR CHYTHLOOK: All opposed
37 same sign.
38
39 (No opposing votes)
40
41 MADAME CHAIR CHYTHLOOK: Hearing none,
42 thank you. Got the officers in place now.
43
44 Okay. Let's move on down to review and
45 approve previous meeting minutes on Page 3.
46
47 MS. MORRIS LYON: Yeah. Madame Chair.
48 I would move that we would approve the previous meeting
49 minutes from this past fall. I'm looking for the title
50 on it here. Maybe there isn't any. Yeah, just meeting

1 minutes from our October 29 to 30th meeting in
2 Dillingham.
3
4 MR. O'HARA: Madame Chair. Dan. I'll
5 second that motion.
6
7 MADAME CHAIR CHYTHLOOK: Okay. There's
8 been a motion by Nanci, seconded by Dan to approve the
9 meeting minutes for I guess our October 29/30, 2013
10 meeting in Dillingham. All in favor say aye.
11
12 IN UNISON: Aye.
13
14 MADAME CHAIR CHYTHLOOK: Any
15 opposition.
16
17 (No opposing votes)
18
19 MADAME CHAIR CHYTHLOOK: Carried. Thank
20 you.
21
22 Okay. Any Council reports. Dan. Dan
23 O'Hara.
24
25 MR. O'HARA: Yeah. I think we're -- I
26 don't know what's happening in the Nushagak, but in the
27 Bristol Bay area, the Naknek area, we've got to go to
28 Levelock to see if we still have a caribou. And I
29 think, Tinny, you said about 14 went by Igiugig the
30 other day?
31
32 MR. HEDLUND: I think it was 16 they
33 said.
34
35 MR. O'HARA: You know, go up on the
36 count without even -- you've got to go to Anchorage zoo
37 to see what a caribou looks like. That's kind of where
38 we're at here in this area, so when we get to C&T and
39 Title .804 is it? Got to be pretty important time for
40 us to consider what happens when you have the reduction
41 in fish and game. I think this will be very important
42 for this Council to determine that.
43
44 Thank you very much, Madame Chair.
45
46 MADAME CHAIR CHYTHLOOK: Okay. Thank
47 you, Dan. Any other reports. Anything going on up in
48 Iliamna area, up in that area, John or.....
49
50 MR. HILL: Lary Hill, Iliamna. Same

1 problem. Lack of caribou. We have to go a full day's
2 ride in a snowmachine or fourwheeler, a full-day trip
3 to -- and, anyway, we can't see any caribou. On the
4 way down we flew over prime caribou area, there wasn't
5 one that we saw. And even over -- across over the
6 Branch we didn't see any either, so it's -- I don't
7 know where they went. We're, like Dan said, really
8 short on caribou, and where they went, we have to -- so
9 I'm looking at something to deal with that.

10

11 MADAME CHAIR CHYTHLOOK: Okay. Any
12 other. Richard.

13

14 MR. WILSON: Madame Chair. Just as --
15 I don't see any of our State biologists here or, you
16 know, state reps here. It would nice when these
17 meetings -- it only happens twice a year. It sure
18 would be nice if they could find it in their budget to
19 be here to help us along, because, you know, these are
20 important times for things, so it just -- it would be
21 nice to see them present.

22

23 MADAME CHAIR CHYTHLOOK: Donald.

24

25 MR. MIKE: Thank you, Madame Chair.
26 The agenda was sent out to the State, Federal agencies,
27 and non-profit organizations, Native organizations.
28 But we have Mr. Drew Crawford on line, so maybe he can
29 acknowledge Mr. Richard Wilson's concerns.

30

31 Thank you.

32

33 MADAME CHAIR CHYTHLOOK: Okay. Do you
34 have a comment?

35

36 MS. HENRY: Madame Chair. This is.....

37

38 REPORTER: Microphone.

39

40 MR. O'HARA: And her name.

41

42 REPORTER: You have to press the button
43 on the front. At the bottom.

44

45 MS. HENRY: Madame Chair. I'm Susanna
46 Henry, again the Refuge manager at Togiak.

47

48 I wanted to mention that our
49 supervisory wildlife biologist, Pat Walsh, will be here
50 this afternoon, and he plans to give a report to you

1 and to the Council members on moose, caribou I
2 believe, and also about wolves.
3
4 MADAME CHAIR CHYTHLOOK: Okay. Thank
5 you.
6
7 Richard, did you have a comment?
8
9 MR. WILSON: No.
10
11 MADAME CHAIR CHYTHLOOK: Anybody else.
12
13 (No comments)
14
15 MADAME CHAIR CHYTHLOOK: Okay. Seeing
16 none, Chair's report. Donald, do you want to start off
17 on that one.
18
19 MR. MIKE: Madame Chair. I don't have
20 any reports, but the next Federal Subsistence Board
21 meeting will be in April. It will be addressing
22 wildlife proposals that we dealt with. And they'll be
23 also taking up the C&T determinations and rural.
24
25 And another thing is Mr. Dan Dunaway's
26 on his way from Dillingham, so he should be here in
27 about an hour or so.
28
29 MADAME CHAIR CHYTHLOOK: Okay. Let me
30 see. The Federal Subsistence Board had, what was it,
31 kind of a workshop. What was it called? It's sort of
32 like a work session for their members in, was it
33 January?
34
35 MR. MIKE: Yes, Madame Chair. Donald
36 Mike. The Federal Subsistence Board had a work session
37 back in, yeah, December I believe. And that work
38 session was addressing the Federal 2013/14 Fisheries
39 Resource Monitoring Program, and they went ahead and
40 passed all those projects that the Councils had the
41 opportunity to discuss and vote on.
42
43 Thank you, Madame Chair.
44
45 MADAME CHAIR CHYTHLOOK: I attended
46 that work session and testified on -- I can't even
47 remember what -- Courtenay's fish proposal. I can't
48 remember what the number on that was. But anyway.....
49
50 MR. BROOKS: Madame Chair. The number

1 of the study was 14-451.

2

3 MADAME CHAIR CHYTHLOOK: You need to --
4 your name and your.....

5

6 MR. BROOKS: Thank you, Madame Chair.
7 My name is Jeff Brooks for the record. The name of the
8 study that you're thinking of was 14-451. Courtenay
9 Gomez was one of the PIs.

10

11 Thank you.

12

13 MADAME CHAIR CHYTHLOOK: Okay. Thank
14 you. And I, I guess, testified in hopes that that
15 proposal would be put on the table, but it didn't
16 happen. All the proposals that the Councils approved
17 were all, you know, placed, or Federal Subsistence
18 Board placed. But I thought that because when we meet
19 in this group like this and we're lacking fishery
20 information and the proposal that Courtenay, BBNA, had
21 on the table, and we're hoping to accomplish, had the
22 information that, I think it would have been
23 informative for this group to have once it was
24 completed.

25

26 And the reason why I was hopeful, was
27 mainly pushing for that proposal was it's a unique
28 survey where the information wasn't just for one
29 specific area to collect fisheries information, but it
30 had like three or four main areas, like, for instance,
31 the Iliamna area, Togiak, and the Chignik area
32 information. So hopefully the next round of fishery
33 proposals that we could maybe support that and see if
34 that could be.....

35

36 Courtenay, you're on line. Do you want
37 to put a little bit more information on this? Or any
38 comments?

39

40 MS. GOMEZ: Molly, I guess I couldn't
41 hear Donald Mike at all, so I'm not exactly sure of the
42 nature of the conversation, or if we're just like
43 having a debriefing regarding the proposal.

44

45 MADAME CHAIR CHYTHLOOK: Courtenay,
46 it's just information. We're not -- this is just a
47 report on that proposal that we were trying to get
48 through with the Federal Subsistence Board.

49

50 MS. GOMEZ: Okay. Thank you. Madame

1 Chair. Madame Chair, members of the RAC, and members
2 of the audience. For the record my name is Courtenay
3 Gomez. I'm the director of the natural resources
4 department here at the Bristol Bay Native Association
5 in Dillingham.

6
7 In regards to Proposal 14-451,
8 description and analysis of the subsistence salmon
9 sharing networks in Bristol Bay, regarding the January
10 14th Federal Subsistence Board work session that
11 focused on the Fisheries Resource Monitoring Program,
12 as you all know, that project was not selected for
13 funding. I do really want to thank Glenn Chen, Pat
14 Petrivelli, and Christine Key (ph) working through the
15 BIA and their subsistence program for their strong
16 advocacy for the proposal at the Board meeting. I'm
17 really grateful for that, and with some of the issues
18 that were brought to the table, as well as for Madame
19 Chairman Molly Chythlook going to the meeting and
20 really, really advocating for the proposal and speaking
21 really to the true I guess parts of the issue regarding
22 local -- effective local participation in co-management
23 of our resources. And Molly really highlighted the
24 need for trusted local individuals who do have
25 backgrounds in anthropology to go and be part of this
26 research team to conduct this research.

27
28 As we are now in the current funding
29 cycle, we're not going to be funded, but as the
30 priority information needs are developed for future
31 Fisheries Resource Monitoring Program calls for
32 proposals, it's important to keep this in your
33 discussion a RAC, and make sure that your priority --
34 you know, your communities and the regions and people
35 that you represent, your subsistence research needs are
36 really documented into the record for your RAC meeting
37 so that that could be incorporated into the priority
38 information needs document when that's being developed
39 in the next fiscal year.

40
41 If your.....

42
43 MADAME CHAIR CHYTHLOOK: Courtenay, I
44 think we lost you.

45
46 MS. GOMEZ: The power went out in
47 Dillingham.

48
49 (Laughter)
50

1 MS. GOMEZ: It just came on. We might
2 have lost it because of that.

3
4 MADAME CHAIR CHYTHLOOK: Thank you.
5 Okay. Thanks, Courtenay.

6
7 Okay. I think that's all for -- John.

8
9 MR. JONES: I was wondering what part
10 this Board plays in different areas when we make
11 decisions on different areas that are not pertaining to
12 our area. What kind of impact does our decision make
13 when we rule on something, you know, that doesn't
14 pertain to our area.

15
16 MS. GOMEZ: Just wanted to say, we just
17 had our (indiscernible - breaking up) on it at BBNA,
18 that would be the main thing on the record, and just
19 (indiscernible - breaking up) but I really think -- I
20 just want to thank the RAC for their advocacy for this
21 proposal, and also want to thank the BIA and the
22 Bristol Bay Regional Advisory Council (indiscernible -
23 breaking up) for that. (Indiscernible) successful, and
24 documented on the record and incorporated in
25 development of priority information needs affected,
26 document for the FRMP, because the (indiscernible -
27 breaking up) and being included in the priority
28 information needs document, then there's no way our
29 research will ever be forwarded for funding. If it
30 does not directly address priority information needs,
31 then it's not going to get funded. So (indiscernible -
32 breaking up) for us to be a positive for the process
33 and make sure that we're engaged in every way, and able
34 to support that funding. It's also really important to
35 have a moment to be on the floor and on the record for
36 our Federal agencies to make sure (indiscernible -
37 breaking up) priority information needs calls through
38 the request for proposals for the FRMP call through
39 OSM. (Indiscernible) Bristol Bay Native Association in
40 cooperation with ADF&G and the Nondalton Tribal Council
41 and the Park Service to see that Project 14-451
42 (indiscernible) organizations begin to address the
43 priority information needs for the Bristol Bay region.

44
45 So I'd really like to put that call out
46 there and charge our federal agencies with trying to
47 address these in the next round of proposals.

48
49 I'm signing off for right now.
50

1 Thank you so much.
2
3 MADAME CHAIR CHYTHLOOK: Okay. Well,
4 thank you, Courtenay.
5
6 Okay.
7
8 John, did you want to -- sorry for the
9 interruption.
10
11 MR. JONES: Well, I was just wondering
12 what kind of impact our decisions on different areas
13 that don't pertain to our area. When we comment on
14 their proposals, what kind of impact put on those
15 things. I mean, it doesn't pertain to our area, and we
16 put input on these things, if we decide something, what
17 does that do for that area? I mean, who can answer
18 this question of us going into a different area to make
19 a decision for our neighbor.
20
21 MADAME CHAIR CHYTHLOOK: Now or.....
22
23 MS. GOMEZ: Madame Chair. This is
24 Courtenay. If I could have a minute to address
25 potential impacts regarding this proposal not
26 being.....
27
28 MADAME CHAIR CHYTHLOOK: Courtenay,
29 maybe we can pick that up. We're moving on to
30 questions from our Council right now. And we have one
31 of our Staff that's going to be answering a question
32 that was brought up by John regarding what impacts the
33 Council makes when making decisions for -- I guess like
34 proposals that are.....
35
36 MR. JONES: That pertain to different
37 areas, not Bristol Bay.
38
39 MADAME CHAIR CHYTHLOOK: Pertains to
40 other areas. Okay. Do you have.....
41
42 MS. GOMEZ: I'm sorry, I thought that
43 was a question for me.
44
45 MADAME CHAIR CHYTHLOOK: No.
46
47 MS. GOMEZ: Okay. Thank you.
48
49 MR. O'HARA: It still can be later.
50

1 MADAME CHAIR CHYTHLOOK: Yeah.
2
3 MR. PELTOLA: Madame Chair. Council
4 members. Gene Peltola.
5
6 MR. O'HARA: You have to speak closer
7 to the mic.
8
9 MADAME CHAIR CHYTHLOOK: You need to
10 get closer.
11
12 MR. PELTOLA: Madame Chair. Gene
13 Peltola, ARD, OSM.
14
15 The regulations stipulate that the
16 Federal Subsistence Board has to provide deference to
17 the RACs with regard to the regulatory process.
18 There's only a few instances where they can deviate,
19 and I think those are limited to two or three
20 instances. Although within OSM we take the Regional
21 Advisory Council's opinions seriously and in the
22 totality of the circumstances, and try to incorporate
23 those when possible.
24
25 The challenge becomes when we have RACs
26 which are in opposition to one another. And at times
27 -- generally speaking, at times we look upon the
28 opinion of the RAC where a proposal affects their area
29 a little bit more so than others. But they're all
30 taken into consideration in the analysis and
31 recommendations put forth to the Board.
32
33 But at times it's very difficult to
34 balance differing opinions. An example, if you look
35 at, say, something that may affect the Yukon River.
36 You have the Y-K Delta, you have Western Interior and
37 Eastern Interior. Three different Regional Advisory
38 Councils incorporated in that one range, and sometimes
39 there are differing opinions. And you look at the
40 Kuskokwim, which is also -- for things that affect the
41 Kuskokwim drainage as a whole, you have the Y-K Delta
42 RAC and you have the Western Interior RAC. In some
43 other areas where they are closer within geography, but
44 not necessary in the topography. It's harder to
45 balance those desires or opinions.
46
47 MR. JONES: What I was kind of looking
48 for is, if you make a vote on something that doesn't
49 pertain to our area, does that go into their -- you
50 know, I mean, are we putting this in front of them and

1 saying, well, this is the way it should be or shouldn't
2 be. And do we have enough power in our Board to pass
3 something that maybe they don't want?

4

5 MR. PELTOLA: And granted my experience
6 at OSM is limited, but I've been exposed to the RAC
7 process for a while, and I can't think of -- and I may
8 be wrong. Someone may correct me for that. I can't
9 think of any instances where that has occurred. The
10 potential is there for that to occur, but I can't think
11 of any specific examples where that may have occurred.

12

13 Does that make sense? I don't mean to
14 sound like a bureaucrat, but I'm trying to explain the
15 best I can.

16

17 MR. JONES: Well, my personal opinion
18 on it, I'm a little leery of passing a law for my
19 neighbor, or trying to give them something that maybe
20 they don't want, because we're not face-to-face with
21 these people. So I think that any proposal that
22 doesn't pertain to our area, a representative from that
23 area should be sitting here explaining what they
24 actually want. And if we agree with it, maybe that
25 would be a better way to go.

26

27 MADAME CHAIR CHYTHLOOK: Okay. Nanci,
28 do you have a comment?

29

30 MS. MORRIS LYON: Yeah. I do. I just
31 would add that my experience in sitting both at this
32 level and the State level is primarily we as a RAC do
33 not get involved in proposals that don't directly
34 affect us. Now, there are statewide proposals that we
35 weigh in on, that there can be a large amount of
36 contention, actually can be split half and half or
37 whatever. And at that point then, the head Council is
38 the one who weighs in on the decision and makes the
39 choice.

40

41 But you're primarily right, and we
42 really don't vote on proposals that don't directly
43 affect us, or we choose just to abstain from anything,
44 taking any action. So that's been my experience with
45 it.

46

47 MR. PELTOLA: Madame Chair. I've been
48 exposed to several RACs, you know, prior to coming to
49 this OSM position, and here since my arrival with the
50 Office of Subsistence Management, I've made a

1 commitment to try to attend every RAC Council within
2 the State within a year's time.

3

4 Prior experience and more recent
5 experience, that has been the common sentiment from
6 Regional Advisory Councils is that they defer taking
7 action if they felt it wasn't directly within their
8 purview, and it bears -- is seated elsewhere. And so
9 that seems to be the common theme.

10

11 MR. JONES: I just wanted to make note
12 that I feel very uncomfortable putting ideas in a
13 different area that doesn't pertain to me.

14

15 MR. PELTOLA: Thank you, Madame Chair.

16

17 MADAME CHAIR CHYTHLOOK: Okay. Any
18 other comments.

19

20 MR. HILL: Madame Chair. Lary Hill.
21 Even so, with John's comment, I still think we should
22 at least give an opinion, and that's what it is, an
23 opinion. It's not making a judgment call or decision.

24

25

26 MADAME CHAIR CHYTHLOOK: Dan.

27

28 MR. O'HARA: Sorry, I had my light on.
29 Yeah. Dan.

30

31 I think that we could take, for
32 instance, the failure of the Kvichak in '95 to 2001 or
33 2, and we were all pulling the boundary lines. And
34 it's interesting to note that Lake Clark got its
35 escapement right on time, and then the Kvichak never --
36 was out of cycle for eight years, and we were all
37 pulling -- we fished in the Naknek River for years, and
38 it was because of the decline of the Kvichak. And then
39 you move down to -- and it's interesting, too, that you
40 had the Lake Clark escapement come in, because Area M
41 was not opened. So you're going to have to address
42 difficult and knotty issues irregardless of what we
43 might like. And I think, Lary, the opinion of our
44 weighing in on something is pretty important. We may
45 not vote on it.

46

47 But you move down to John's area, John
48 Jones' area, the Chigniks, and theirs is completely
49 different than ours. And they go across the bay there,
50 John, to -- what's the other community across from you?

1 Centon (ph), King Cove, you know. We're going to weigh
2 in on their issues as well. So now you've got the
3 Bristol Bay fisheries, you've the Pacific side. We're
4 on the Bering Sea and they're on Pacific side, and
5 that's a whole different fishery. And I'm not so sure
6 I'm an expert on handling that area.

7

8 And then you got from Bristol Bay over
9 to the Kuskokwim area and the Yukon, and you deal with
10 the bycatch of king salmon in the trawl-caught fishery
11 -- I mean, in the midwater on pollack. And that's
12 another issue.

13

14 And the decline of the kings is
15 noticeable. It's in our packet. We cannot ignore
16 what's going on there. Even though the CDQs sometimes
17 make more money off of pollack than they do kings,
18 that's not something that we're going to back away
19 from, so -- and I know it's a difficult issue, but I
20 think it's something that we would be really careful
21 about some of those things.

22

23 Thank you, Madame Chair.

24

25 MADAME CHAIR CHYTHLOOK: Okay. Thank
26 you. Any other comments.

27

28 (No comments)

29

30 MADAME CHAIR CHYTHLOOK: Okay. If not,
31 we are down to public and tribal comments on non-agenda
32 items. Do we have any public people.

33

34 MS. MORRIS LYON: Could I suggest
35 something?

36

37 MADAME CHAIR CHYTHLOOK: Yeah. Nanci.

38

39 MS. MORRIS LYON: Just a question,
40 Donald, knowing we don't have our typical blue cards.
41 Do we have a tablet or something back there for people
42 to sign up on, so we know when they have comments to
43 make?

44

45 MR. MIKE: Madame Chair. We don't have
46 cards, but I have a sign-up tablet in the back. But
47 then people who would testify, to sign in and make it
48 known to the record they can go ahead and sign their
49 name and testify.

50

1 Thank you, Madame Chair.
2
3 MADAME CHAIR CHYTHLOOK: Donald, I know
4 you have a soft voice. You don't have a booming voice
5 like me.
6
7 (Laughter)
8
9 MADAME CHAIR CHYTHLOOK: So I need to
10 tell you have your voice boom.
11
12 Okay. So you have a sign-up sheet and
13 something back there that we could know if there's any
14 comments to be made.
15
16 Okay. Seeing none, let's - Donald.
17
18 MR. MIKE: I'll raise my voice. Maybe
19 I'll borrow Orville's voice.
20
21 (Laughter)
22
23 MADAME CHAIR CHYTHLOOK: Okay. You got
24 it right there.
25
26 Okay. Let's move on down old business.
27 We have customary and traditional use determination
28 update. And that information is on Page 14 of your
29 packet. And we have -- do we have who in the audience?
30
31 MR. BROOKS: Thank you, Madame Chair.
32 My name is Jeff Brooks. I'm with the Office of
33 Subsistence Management.
34
35 And my question before you today is --
36 I do not want to read this briefing to you for a number
37 of reasons. One, I'm losing my voice. I'll take a
38 brief pause.
39
40 MADAME CHAIR CHYTHLOOK: Yeah, we'll
41 take a brief break here. Our phone just fell off the
42 table.
43
44 REPORTER: I don't know if we're still
45 on or not.
46
47 MADAME CHAIR CHYTHLOOK: Okay. We'll
48 take a five-minute break. You can get up and get
49 coffee and water.
50

1 (Off record)
2
3 (On record)
4
5 MADAME CHAIR CHYTHLOOK: Okay. I guess
6 we're all -- I'm going to call the meeting back to
7 order, and have Jeff get started on his presentation.
8 And the office here will give us the information that
9 we were seeking for as soon as it gets printed out.
10
11 So go ahead, Jeff. Thanks for your
12 patience.
13
14 MR. BROOKS: Thank you, Madame Chair.
15 Again this is Jeff Brooks for the record. And just so
16 you know, the meeting's recession -- or the
17 interruption was due to a phone falling on the floor.
18 We're back on the C&T briefing.
19
20 And as I stated, I wasn't planning to
21 read this to you. I'm losing my voice, but also I know
22 that you have read it and can read it yourselves. But
23 my colleague, Pat Petrivelli, is going to help with
24 summarizing some of the key points, and kind of bring
25 us up to speed on where we are in the process.
26 And then if you could review for us what you discussed
27 last time, that would be helpful.
28
29 And I guess my question that we can
30 hold off on is, have you heard back from any of the
31 tribal organizations or the NPS yet as per your
32 request? Have you gotten more information on this
33 issue from your stakeholders.
34
35 MADAME CHAIR CHYTHLOOK: Donald, could
36 you answer that question for us.
37
38 MR. MIKE: Madame Chair, we did not
39 receive any comments from the SRC or local advisory
40 committees, so our office, OSM, took the lead on
41 getting the C&T information out to the affected
42 organizations, or those that have a stake on this
43 subject matter.
44
45 Thank you, Madame Chair.
46
47 MR. BROOKS: Thank you, Donald.
48
49 MS. PETRIVELLI: Hi. I'm Pat
50 Petrivelli with the Bureau of Indian Affairs.

1 And I just wanted to bring us up to
2 date about where we are, and then just the idea of if
3 there are specific changes and when they would be
4 circulated to people.

5
6 So the Southeast Council had proposed
7 changes to customary and traditional use
8 determinations, and they were exploring the idea of
9 doing away with the customary and traditional use
10 determinations and only using Section .804 of ANILCA
11 criteria.

12
13 Now, the customary and traditional use
14 determinations regulations, and some of us are familiar
15 with that process, were the eight factors. And you
16 look at the customary and traditional use of a species,
17 and you determine whether someone has used it or not,
18 because with the Federal program, the way it works is
19 first the Board makes a rural determination so then all
20 rural residents are eligible for subsistence use. And
21 then the next part is if a customary and traditional
22 use determination is made, then only those people who
23 have the positive customary and traditional use
24 determination have the priority. So if the season
25 opens a week earlier than on State lands, then the
26 people identified with the C&T use gets to have that
27 week priority. So that's a priority use, and it's
28 restricted to those people.

29
30 Now, it's not meant usually as a
31 resource management thing, and they always say.
32 Because when you make the customary and traditional use
33 determination, you're determining which people have
34 customary and traditionally used the resource in the
35 past, and to allow them to have that priority use in
36 the future.

37
38 An .804 determination, we call it .804
39 determinations, because it's from the Section .804 of
40 ANILCA. And it's when Congress said that there will be
41 a priority use of subsistence resources on Federal
42 public lands. And in times of shortage you look at
43 three factors, and those three factors are also in the
44 regulations. And the three factors are customary and
45 direct dependance upon the populations as mainstay of
46 livelihood, local residency, and availability of
47 alternative resources. And Section .804 is explained
48 in Page 24 of your book.

49
50 This program has generally used .804

1 when they're making distinctions among subsistence
2 users. So that's just to establish the priority among
3 subsistence users. And the program's only made that
4 distinction when they close Federal public lands to all
5 other users. So if -- so they make -- the first step
6 is that they have to close the public lands to other
7 users, and then they make the distinctions amongst
8 subsistence users in an .804 situation.

9

10 In the Bristol Bay region, I think for
11 caribou is the only -- for the Northern Alaska
12 Peninsula Herd, that's the only place where there's an
13 .804 situation, and it's closed to other users. And
14 then you could make that distinction as you -- and some
15 Councils opened it up to smaller groups of users to
16 protect the resource, but allow some special, you know,
17 or limited uses, participation. So just amongst those
18 subsistence users, like amongst -- like one community
19 or two, and then as the resource recovers, you open up
20 more and more, and then you open up to all users.

21

22 So since these regulations are both in
23 Subpart B of the regulations for the Federal program,
24 and the Secretary asked the Board to review these
25 regulations -- well, customary and traditional use
26 determinations with the Councils, and then Subpart A
27 and B with the Councils. The Board has asked the
28 Councils for their input, and, of course, the summary
29 of all the different Councils' input is in the book.

30

31 But there is a proposed regulatory
32 change from the Southeast Council. And they're going
33 to keep working on that. Their proposed regulatory
34 change is on Page 15. But I know they're modifying
35 that, because what they really want to do is -- in
36 their region it was a kind of piecemeal approach, and
37 they couldn't understand like for the Sitka area, it
38 was like only the residents of Sitka had a C&T
39 determination for sockeye salmon in that one commercial
40 district, and they were saying, well, why are you
41 restricting people. And, of course, then it was made
42 the -- there was healthy populations of sockeye. But
43 they didn't understand why there was restrictions made,
44 limited, the priority was limited to just small groups
45 of people, when it should be all rural residents in the
46 area. And so they wanted to have a broader C&T. Well,
47 they just wanted -- they couldn't understand why it was
48 restrictive. So they just -- they thought, but the
49 nature of C&T being restrictive in that area, they just
50 thought -- they were exploring the idea of just getting

1 rid of C&T determinations and just having .804
2 situations.

3

4 So they're still working through those
5 proposals. And then they're meeting in March and
6 they'll be finalizing the proposal. It will go before
7 the Board. And they might just propose the idea of
8 regional variation, so that -- and maybe just in
9 Southeast they could do it that way where there are no
10 C&T determinations for their region, and then the rest
11 of the State could have -- if it works for them,
12 because like on the North Slope everyone thinks it
13 works fine, you know. Or other areas as you can see in
14 the comments. I don't know if they said it works fine,
15 but I think other regions have said it works fine and
16 leave it alone. And so they're trying to develop some
17 language that would say, leave it alone for them, and
18 let us make our own system. So they're exploring
19 that.

20

21 Now, if those proposals are submitted,
22 then -- and then the Secretary agrees to it, because
23 the Secretary controls Subpart A and B, and, of course,
24 the Secretary will agree to it, because they asked the
25 Board to look at those with the Councils. So then they
26 have to go through a process again where there'll be
27 specific proposed regulatory language changes, and they
28 would circulate that throughout this whole process and
29 let everyone look at it and have time to comment. And
30 it would be -- you know, it would be published as a
31 proposed rule. And then it would take the process,
32 much like with when the RAC Council composition was
33 changed, and then adding the two Federal Board members.
34 Everyone had a chance to comment on those changes
35 before they became final.

36

37 But I don't know if you have any
38 questions right now.

39

40 MADAME CHAIR CHYTHLOOK: Okay. Nanci.

41

42 MS. MORRIS LYON: Thank you, Madame
43 Chair.

44

45 I guess the thing -- I was only able to
46 piecemeal participate in the fall meeting, which I
47 apologize, but my plane was canceled, too. In lieu of
48 that, I didn't fully understand what they were looking
49 for. And my first comment is one that I feel very
50 strongly about, because I think it will be very, very

1 important for us to take advantage of this opportunity.
2 I know that I do not want for Bristol Bay, and I think
3 probably for the majority of the areas around the State
4 of Alaska to be treated like Southcentral or Southeast,
5 because both of those are piecemealed regions. And I
6 think this, two things, an excellent opportunity for us
7 to separate out as regional areas with regional
8 personalities of our own. And hopefully that is going
9 to happen, because that is my -- would be my biggest
10 concern, is that the Secretary would say, no, one for
11 all and all for one, we need to make sure this is
12 simple.

13

14 So my first comment would be that I
15 think that we should jump on the opportunity perhaps to
16 separate ourselves as a region so that we are not
17 treated the same as the areas that are being
18 piecemealed because of their population issues.

19

20 Thank you.

21

22 MR. JONES: Madame Chair.

23

24 MADAME CHAIR CHYTHLOOK: John.

25

26 MR. JONES: I have question. I was
27 going through my head here when you were talking. Does
28 a pioneer of Alaska have the same subsistence rights as
29 an Alaska Native on Federal land?

30

31 MS. PETRIVELLI: It will depend upon
32 where they live. If they live in a rural community
33 that has been determined rural by the Federal Board,
34 then, yes, they would, because ANILCA said that rural
35 residents are the people who have the priority,
36 recognized subsistence uses. And they said for Alaska
37 Natives, it's for cultural, economic, and traditional
38 importance, and for non-Natives it's for social,
39 economic importance. So Congress recognized both
40 Native and non-Native use, priority use of subsistence
41 resources on Federal public lands. And it's just
42 acknowledged that they're different types of customary
43 and traditional use, but they're still acknowledged as
44 a priority use of the resource on Federal public lands
45 as long as they're rural residents.

46

47 MR. JONES: Thank you for that. I was
48 asked that question once before, you know, pioneers of
49 Alaska, or non-Native had the same rights, and I didn't
50 know the answer to it.

1 MS. PETRIVELLI: Well, technically it's
2 not a right, but it's just the priority use for the --
3 priority use on the resource.

4
5 MADAME CHAIR CHYTHLOOK: Okay. Dan.

6
7 MR. O'HARA: Yeah. Pat, it's good to
8 see you again. We've been through some of this for a
9 long, long time. And really this morning it was nice
10 to have you here.

11
12 Will you be giving a little more
13 information on C&T, customary and traditional use
14 versus .804?

15
16 MS. PETRIVELLI: Well, for the North
17 Slope region we developed a little handout that just
18 said, what's the difference between .804 and C&T. And
19 I guess we could copy this and give it to all the
20 members, but what this -- I guess the only differences
21 with the C&T, once it's made, then that priority use is
22 restricted to those people and that pool of users,
23 whereas an .804, it's distinctions amongst the people
24 in that pool once it's made. So that's generally how
25 the tools are used, how they function.

26
27 And I guess Southeast's concern is why
28 do you identify the pool of users? Why do you make a
29 pool before there's a resource shortage. And I'm not
30 sure why we do that. I guess because the State did it,
31 and when we took over the program 20 years ago, we just
32 kept making C&T determinations. Because you can make
33 it by species and you can make it by areas. You don't
34 have to make it by residents. But that's just a
35 question that could be explored, you know. Well, the
36 Southeast will be exploring with their regional
37 variation.

38
39 But we can copy this little table that
40 just shows the -- when we make a determination, we use
41 the eight factors, and then when we make the .804 -- of
42 course, it doesn't say -- well, it just says the .804
43 analysis is used to identify the pool of users when a
44 population is not sufficient. And that's really --
45 it's in times of shortage.

46
47 MADAME CHAIR CHYTHLOOK: Dan.

48
49 MR. O'HARA: It's okay to read it, but
50 we'd like to hear you say it, okay, because we go on

1 record that way.

2

3 I think it's really important, as I
4 mentioned in my opening comments today when we had the
5 opportunity as Council members to make a comment, or
6 maybe it was during Madame Chair's report, that C&T
7 does not guarantee -- let's see, right of refusal may
8 not be a good word, but C&T tell us what C&T is. And
9 the first year that this Council existed, we completed
10 probably within a year and a half a C&T. It was a huge
11 amount of work and a great accomplishment among the
12 Councils.

13

14 However, the C&T as noted in our
15 handout, in our work that Donald Mike gave us, does not
16 make the determination on who can use a resource when
17 it drops down to a certain level. .804, as I think you
18 told me earlier this morning on the floor, .804 hands
19 off to the Council, and they determine who is going to
20 be able to use that resource.

21

22 I mean, we were kiddingly talking Randy
23 Alvarez, who's going to be here a little on to testify,
24 by the way, about his 14 or 16 caribou. We're down to
25 a number that -- you know, and he said they had names
26 written on the caribou, so we're not going to -- we
27 know who's going to get them. Well, that's a
28 definition of .804.

29

30 And I think that's -- just look at the
31 Chinook salmon in the Nushagak. Those guys -- I mean,
32 there's a long ways between Dillingham, and it goes on
33 up the river before you get to Federal lands. But the
34 Federal land guy up there can tell Dillingham just how
35 many salmon he's going to catch prior to getting to his
36 Federal lands.

37

38 So I think the difference between C&T
39 for this Council is whether or not -- C&T does not put
40 enough teeth I think in to the system when we get down
41 where we're really dealing with who's going to get the
42 resource. Commercial fishermen, the sports, the
43 recreational people, the subsistence user. What is
44 .804 going to say that this Council is going to have to
45 determine who's going to get those two or three
46 caribou? Are you going to get, you know, a permit to
47 be able to get a caribou for an elder, and the caribou
48 are way down. We can use caribou, because we haven't
49 seen any in the last couple years going by here.

50

1 I think that's maybe a strong emphasis,
2 but correct me if I'm wrong.

3
4 Thank you, Madame Chairman.

5
6 MADAME CHAIR CHYTHLOOK: Okay. Any
7 other comments. Pat.

8
9 MS. PETRIVELLI: And I just wanted to
10 -- as .804 analysis have been done, you know, with
11 those three criteria, there's data prepared by someone
12 in Anchorage, and so like there's the biological
13 analysis about the shortage of the resource, and so
14 that enables the Board to make the decision to close
15 Federal public lands. And then there's data from the
16 anthropologists that look towards those three factors:
17 customary direct dependance, local residency, and
18 availability of alternative resources. So that would
19 be all -- if -- whenever an .804 is done. And so then
20 -- and that would be presented to the Council, and then
21 the weighs in like Dan was mentioning. And technically
22 -- and then the Board, you know, does.

23
24 The question about deference to the
25 Councils, ANILCA does say the Board shall defer to the
26 Councils on the taking of resources. Now, some lawyers
27 keep arguing, okay, are .804 decision, because you're
28 making distinctions about people, is that taking. And
29 the Councils have always felt that, yes, they should be
30 accorded deference. But in the Secretarial review, and
31 the Southeast Council kind of wants to have it in
32 writing that the Board will defer to the Councils on
33 C&T and .804. They want it in writing, that that will
34 be a matter of policy. So in a way, if you wanted to
35 give that recommendation, to be sure that in all cases
36 the Board, you know, in times of shortage, for sure the
37 local people -- because I know as a past analyst you
38 can look at data, but the data when it was gathered, or
39 who it was gathered by, tells a story that isn't as
40 complete at the local residents. And that's why the
41 Councils were set up to provide the forum to allow
42 local residents input and to provide that information.

43
44 And so if you think it's very important
45 to emphasize deference to the Council, you could
46 recommend to the Board, regardless of how the
47 regulations go, that the Councils should be deferred to
48 on .804 recommendations.

49
50 MR. O'HARA: Richard, you had

1 something.

2

3 MR. WILSON: No, no. Just continue,
4 Dan. That's good.

5

6 MADAME CHAIR CHYTHLOOK: Dan.

7

8 MR. O'HARA: Yeah. When Title VIII was
9 given to us, it came Alaska Native Land Claims
10 Settlement Act, you know. I guess a bunch of people
11 back in the East Coast, which we won't put a label on
12 them. but we'd sure love to, decided that we had to
13 have something a little bit more, so we got Title VIII.

14

15 And where the heartburn comes in is the
16 fact that you have a Federal program dealing with fish
17 and game, you have the State program of fish and game.
18 And as you can tell, a lot of times it just doesn't
19 work.

20

21 And so the thing about Title VIII and
22 determining how much we want to say about this in our
23 area boils down to the fact that Title VIII said these
24 type of decisions were made from the ground level on
25 up. And I've said before, and I sound like a broken
26 record and flogging a dead horse, but the State of
27 Alaska has come from the to on down. And even the
28 legislature when I was down there last week did the
29 same thing on taxing of old vehicles. And I said, you
30 know, it has to be -- we the local people who live here
31 and count and name these things really know how to
32 handle this resource. And that's what this Council is
33 going to have to struggle with is when you determine
34 what's going to happen with this resource on a local
35 basis from this Council.

36

37 Thank you.

38

39 MADAME CHAIR CHYTHLOOK: Pat, do you
40 have -- or Jeff.

41

42 MR. BROOKS: Thank you, Madame Chair.
43 I did want to mention that Donald brought the handout
44 that compares .804 and C&T with him, but it's part of
45 his lost bag. So when that arrives, he can make it
46 available to you.

47

48 It was just produced because some
49 Councils wanted to know more about the differences
50 between the two processes, that the Southeast was

1 saying, we want -- we may prefer to go .804 and not
2 C&T, so that raised questions with other RACS, well,
3 can we have more information about the differences and
4 the similarities. And the North Slope RAC specifically
5 asked for that. So we simply built a comparison table
6 that's -- it has C&T on one side, and .804 on the
7 other, and it tells you about the function, the
8 authority, the legal language, the criteria, and then
9 how often the Board has used them. And Donald has
10 brought that for you, for your benefit.

11

12 Thank you.

13

14 MADAME CHAIR CHYTHLOOK: Richard.

15

16 MR. WILSON: Madame Chair. Am I to
17 understand that later today perhaps we'll have that
18 information available to us?

19

20 MR. BROOKS: Yeah. Madame Chair.

21

22 To answer your question, Richard,
23 Donald's going to try to make copies of that right now
24 for you.

25

26 MADAME CHAIR CHYTHLOOK: Okay. I guess
27 from -- what are we going to expect from here on. I
28 know that this is an update, and giving us a little
29 more chance to make comments. And I guess we need to
30 know what's going to happen from here on.

31

32 MR. BROOKS: Thank you, Madame Chair.
33 Well, if you look at the bottom of Page 15 and the top
34 of Page 16 in the C&T briefing, you will see
35 specifically what the Federal Subsistence Board and the
36 Southeast Council was asking you to make a
37 recommendation on. And from what I've heard today and
38 read in the book from your last meetings, you're
39 waiting for more information from other key players.
40 So when you get that information, I guess you could
41 make your recommendations then. I don't think you're
42 under any obligation to act on this today.

43

44 And like Pat said, until a formal
45 proposal comes in, the Board would be deciding on
46 anything about your region. Right now the Southeast
47 Region is asking the other RACs to give them some input
48 on how they feel about it.

49

50 MADAME CHAIR CHYTHLOOK: And the

1 timeline, do we have a timeline, or it's just going to
2 go on and on?

3

4 MS. PETRIVELLI: If there's some
5 specific changes that you would like to see as part of
6 a proposed change, and you want to make it now, I think
7 the Board meets again in April to act on the wildlife
8 proposals. And then I'm not sure if they're develop a
9 C&T proposed rule, because they have to get -- hear the
10 recommendations from the Councils, and then they
11 forward their proposed recommendations to the
12 Secretaries.

13

14 So if there's something you would like
15 to see changed, saying like you prefer the regional
16 variation, you want Council deference, however you feel
17 is necessary to make -- that would be some concerns
18 that you think should be addressed in any proposed
19 change, you could make them now, and the Board could
20 include it -- or they will be aware of what you would
21 like to see in April. Otherwise, you would just be
22 reacting to what other Councils want done. And then
23 you would just say whether that's good or bad, and that
24 you just want to keep it like it is.

25

26 But if you think keeping it like it is
27 is important, you could tell the Board that, too, you
28 know. And maybe that would be keep it like it is for
29 your region. That would be important to know also.

30

31 MADAME CHAIR CHYTHLOOK: Nanci.

32

33 MS. MORRIS LYON: Thank you, Madame
34 Chair.

35

36 I guess I am troubled by the fact that
37 we have not heard from any of our tribal councils, and
38 I'm not sure who all you sent the letter out to,
39 Donald. I do appreciate you sending the letter.

40

41 But I guess I'm kind of troubled by
42 that, and I'd like to hear from some other Council
43 members on how they feel we should act, react, or not
44 act due to the lack of correspondence we've had with
45 them. I would have to think that they understand the
46 importance this has on their communities and their
47 areas. And I don't know, I mean, maybe we could have
48 gotten a better timeline if we'd put -- or a better
49 response if we had a timeline on there, but since we're
50 not given one, it's kind of touch to do, too.

1 But anyway, I'm just throwing it out
2 there, because I'd like to hear what other Board
3 members, how they feel about that, and how they feel we
4 should react to it.

5
6 Thank you.

7
8 MADAME CHAIR CHYTHLOOK: Okay. For the
9 record, Dan Dunaway has just finally made it. Dan, do
10 you want to introduce yourself on using the mic?

11
12 MR. DUNAWAY: Okay. Dan Dunaway. I'm
13 from Dillingham. I guess I sit as a sport/commercial
14 seat on this RAC, and a member of the Nushagak Advisory
15 Committee.

16
17 Thank you.

18
19 MADAME CHAIR CHYTHLOOK: Welcome, Dan.
20 We went ahead and got started, and knew that you'd make
21 it eventually.

22
23 Richard, did you have a comment.

24
25 MR. WILSON: Madame Chair, yes.
26 Thanks.

27
28 I think it's probably pretty important
29 to get something to our Federal Board, even though it
30 looks like we've got -- there's a little bit of time
31 yet to introduce thoughts. Just from history, it's the
32 earlier you give somebody information, the better, you
33 know -- the more discussion can happen, like Mr. O'Hara
34 was talking about. I think, you know, we should
35 formalize something coming out of this.

36
37 I know we've looked and waited for
38 feedback from our local councils, and haven't gotten it
39 yet. And I know, sitting on our corporation board,
40 that it was addressed, but there was really nothing new
41 that came of it.

42
43 But it just -- it seems like it would
44 be a good food to be putting out there early for them
45 -- something for them to chew on. And at least they'd
46 see our input into it.

47
48 MADAME CHAIR CHYTHLOOK: And answering
49 part of Nanci's questions regarding why our tribal
50 councils, and even our Native corporations may not be

1 responding to this, and sitting on a Native
2 corporation, we have dealt with it, and then we also
3 have tribal council members sitting on the Native
4 corporation. And in discussing this at our corporation
5 meeting, it sounded like that there was no urgency put
6 into it. And there was some questions regarding this.

7
8 I know that, you know, the eight
9 criteria that the State -- the State has the eight
10 criteria. I guess the Federal came up with factors.
11 They wondered, you know, what's the difference. I
12 couldn't answer that.

13
14 So I think because, number 1, there was
15 really no urgency placed on the councils, the
16 corporations, and their lack of -- you know, we've used
17 C&T in our advisory councils, like the Nushagak
18 Advisory. We've heard that term. I've probably used
19 it and heard more about it working, you know, at the
20 State level. But as a common village person that
21 doesn't -- well, isn't involved with stuff like this,
22 you know, they -- it's just a term that people use to
23 develop regulations. And I think if there's more
24 explanation and more educational, and, you know, if it
25 is important, that, you know, there'd probably be --
26 we'd probably have heard more comments back.

27
28 But regarding that criteria and factor,
29 is there -- what's the difference? Donald.

30
31 MR. MIKE: Thank you, Madame Chair.

32
33 Regarding the C&T determination, we had
34 other Councils act and make recommendations on it. And
35 I believe our office, correct me if I'm wrong, we sent
36 out a news release. And somewhere in the line, I'm
37 trying to figure out where -- there's a missing loop
38 here somewhere that this word didn't get out to all the
39 nonprofit organizations, so I apologize for that.

40
41 But I believe we issued a press release
42 from our office requesting public comments on the C&T.
43 And I'll look into our office and see who's the lead on
44 the C&T document.

45
46 Thank you, Madame Chair.

47
48 MADAME CHAIR CHYTHLOOK: Yeah, normally
49 just traveling to different offices, including ours,
50 you walk in there and there's a box of papers that

1 they've received. And if they feel like that there's
2 no urgency to it, it just stays there. I think, you
3 know, something like this, if we think it's important,
4 we need phone calls, you know, telling the council
5 members, council offices, that, you know, we've sent
6 you this paperwork, and we'd like for you to, you know,
7 deal with it.

8

9 And if they need more education on it,
10 I guess we need somebody to explain. When we discussed
11 it at our -- even at our corporation, you know, those
12 of us that were sitting around the table didn't have
13 all the answers, and there was nobody to give us
14 direction, so I guess we need a little bit more
15 organizations on this area.

16

17 But going back to that, I need to be
18 able to explain to the people what the difference is
19 between the eight factors and eight criterias. Nothing?
20 Just the term is changed from the State's criteria to
21 Federal factor?

22

23 MS. PETRIVELLI: With the State system,
24 they have eight criteria that are used to make the
25 determination. And they make a determination say for
26 Unit 9B caribou, and then they'll say -- but they don't
27 determine the people. They just determine the caribou.
28 And then once they make that determination, then they
29 make an amounts necessary for subsistence. So that's
30 how they use their tool. Now, the Federal program, we
31 don't have criteria.

32

33 And then the eight criteria the Board
34 of Fish and Board of Game have decided they need
35 specifics, and they try to say that generally so many
36 people have to use it, that it has to be for two
37 generations. They're not comfortable with a long-term
38 pattern of consistent use without any specific criteria
39 involved.

40

41 With the Federal program, because
42 Congress said rural residents should have the priority
43 use, and their goal is to continue subsistence uses,
44 they look at the eight factors as a way of identifying
45 the pool of users who would be continuing those
46 subsistence uses. And then -- and it's very important,
47 because people testify, because some of those uses were
48 interrupted because of regulations. Or they were
49 interrupted because of extirpation of the resource,
50 like musk ox died off and now they're back. But people

1 used it before. But they have a different mission for
2 implementing the law, because they're tasked with
3 providing the priority so people, rural residents on
4 Federal public lands, can continue their subsistence
5 use.

6
7 The State program has a different
8 approach.

9
10 MADAME CHAIR CHYTHLOOK: Nanci.

11
12 MS. MORRIS LYON: I'm going to throw
13 something out on the table so that maybe we can have a
14 direction to move here. And I guess my suggestion
15 that's boiling in my brain is saying that perhaps we
16 should offer an option. We should formulate an option
17 amongst ourselves as a Council, such as either using
18 the eight criteria or just sticking with the C&T
19 determination to have the regions looked at separately.
20 Or if we have two different suggestions, putting those
21 together. Once again notifying our tribal and Native
22 corporations with those two options, asking them to get
23 back to us within a restricted time period, if they
24 would let us know a preference of one or the other,
25 and/or anything additionally they would like to use.
26 But perhaps we should take the lead as the Council, and
27 offer up some options for them to look at, so they
28 would have something to vote on or discuss at their
29 meetings.

30
31 MADAME CHAIR CHYTHLOOK: And I think
32 this type of form would probably work to explain the
33 two factors -- well, factor and criteria. I think
34 people would remember a lot better if they could see,
35 you know, the two options.

36
37 And your explanation about the factor
38 made more sense, you know, versus the State's criteria
39 use. So I think if that could be developed into a
40 little form like this with the explanation of each of
41 the two, I think it would be a good document for us to
42 distribute to the villages or tribal councils and
43 corporations.

44
45 Richard.

46
47 MR. WILSON: Madame Chair. Thank you.

48
49
50 I'm just trying to fit all this

1 together here. Most of the .804 C&T, we're talking
2 mostly on Federal lands here. Or all on Federal lands.
3 Our region right here, especially on the east side of
4 the bay here is made up of, you know, a lot of State
5 lands. All of our caribou population is running
6 through State lands right now. We have a problem. Mr.
7 O'Hara addressed that.

8
9 So it's -- you know, if we were to
10 choose and .804 C&T, if we had -- which one of these
11 Council members would be more appropriate for something
12 in our situation where we have a lot of State lands,
13 and we have really no real final control like, you
14 know, we'd like to. And, you know, ultimately there
15 was -- you know, the Feds and State were supposed to
16 get together 20 years ago and have one sheet of paper
17 for us to work off of, but we've got two different
18 guidelines, two different -- you know. And, you know,
19 we're the same people, we have two different
20 regulations, all depending where you -- if you're on
21 this side of the tree or that side of the of the tree.
22 So it's very difficult in these situations, especially
23 since we're -- a lot of -- you know, all of our fish go
24 through State lands here all the way up into Lake
25 Iliamna, you know. And the same with the caribou and
26 the moose, you know, and all this. Everything we've
27 been trying to do is -- we're always cut by this
28 barrier, because we have Federal lands and we have
29 State lands. And we have, you know, just different
30 rules.

31
32 So I guess which one of these, if we
33 were to choose, you know, would be more appropriate in
34 our situation here and is the right way to go.

35
36 MADAME CHAIR CHYTHLOOK: John.

37
38 MR. JONES: You know, you look at
39 something like this here, and there's two different
40 deals here, and for somebody to explain it to somebody,
41 what, is there 32 villages in Bristol Bay area?

42
43 MR. O'HARA: 29.

44
45 MR. JONES: Or 29. I forgot how many
46 villages. So if you lump sum these villages into
47 groups of five at a village council meeting, explain
48 both sides of this to them, got their feedback onto it,
49 instead of a piece of paper landing on a desk, wouldn't
50 that kind of resolve what the people wanted? You know,

1 every month a village council has a meeting. What you
2 could do is -- and I believe every one of them have a
3 listing for a phone number. You could lump like five
4 of them in a teleconference and sort of explain what's
5 happening here. If we don't have a big deadline on
6 this thing, and got the input of the villages that
7 pertain to this or whatever, and see what the input
8 would be from them.

9

10 Because you could send -- some of my
11 family's on the village council, and I've never heard
12 of this in Chignik Lagoon. That's what I'm getting at.
13 And I'm on the board. That's what I was looking at, is
14 there some way you could do something like that if
15 there's no big deadline?

16

17 MR. BROOKS: Thank you, John. Through
18 the Chair.

19

20 I'm not completely aware of how we
21 could do something like that, but those types of
22 presentations are done often in rural Alaska, and right
23 now I would say that it would something that I could
24 take to the Council coordinators and their supervisor
25 and ask them if they would like to work with their
26 Councils in a more thorough way to get the word out to
27 the other people in the region who aren't necessarily
28 on the Council so that they could understand better
29 what is being talked about, what is being proposed,
30 what are the differences between these processes. And
31 perhaps if that was done, they would be able to give
32 you on the RAC more input.

33

34 MADAME CHAIR CHYTHLOOK: In that case,
35 that would probably work, but we'd need like Pat there
36 that knows the knows the questions that would come up.
37 I wouldn't be able to answer questions that -- even if
38 I got the Council members together and discussed this,
39 I wouldn't have all the answers that Pat has.

40

41 Another suggestion would be for future
42 information, BBNC has a leadership workshop that gets
43 all the leaders from the tribes and the corporations
44 together first part of December, and it might be good
45 to have you -- one of you guys on the agenda to have
46 this presentation. That way, you know, hopefully by
47 then we'd have the two criterias that you could pass
48 out and whatnot. But anyway, that's my suggestion.

49

50 Lary.

1 MR. HILL: A question. I've just been
2 elected to Iliamna Village Council. And this kind of
3 bothered me that do -- I'm sorry. Do the local
4 councils themselves have an actual list of people who
5 would be eligible under this C&T? Or the other? Do
6 they have them? So, I mean, if you only have maybe one
7 that's under the C&T, is that person going to get
8 priority over someone under the other eligibilities?
9 So that's one of the things I think that might have to
10 be done first, is each one of these villages are going
11 to have to see who has this, how many people can fit in
12 this real precise eligibility, and the other, which is
13 more general.

14
15 MS. MORRIS LYON: Well, yeah, I was
16 just going to say, isn't that is exactly what you were
17 saying is happening down in Southeast and Southcentral?
18 In this area, our regions are kind of all encompassing,
19 because everybody qualifies. That's the problem that
20 they're having in the other regions; is that not
21 correct?

22
23 MS. PETRIVELLI: The Federal
24 Subsistence Board generally makes customary and
25 traditional use determinations by community or area, so
26 it's residents of Naknek, residents of Iliamna,
27 residents of Chignik, Chignik Lake, Lagoon. And they
28 have the C&T priority.

29
30 When it comes to an .804 situation,
31 when there has to be priority amongst the users, and it
32 gets limited like there's woodland caribou in Unit 12,
33 and there's seven permits, and there's seven
34 communities that get to harvest those seven permits.
35 The managing agency works with the local community and
36 they determine who gets the permit.

37
38 But generally -- the only time they
39 make individual C&T determinations is with the Park
40 Service, and they have a whole different system that I
41 don't really -- I mean they exist -- the Park Service
42 has a different set of regulations, but they do
43 maintain lists of individuals and they give those names
44 to the Federal program, and on file are those people
45 with individual names. But that's just for the Park
46 Service only. So if you are wondering who those
47 individuals are, the Park Service would know if there a
48 specific instances where just individuals are eligible.
49 But they're the only agency that does it at an
50 individual level. Otherwise it's always by community.

1 The problem Southeast had was that just
2 one community in an area surrounded by five communities
3 got the C&T when those five -- or four other
4 communities didn't get -- have a C&T priority and they
5 were restricted from participating in that subsistence
6 season. But it was by communities generally that
7 Southeast was concerned about, not individuals.

8

9 MADAME CHAIR CHYTHLOOK: Dan.

10

11 MR. O'HARA: Well, we really appreciate
12 both of you being here, because this is really a very
13 critical time, and I think we -- before we can -- one
14 side of this .804 versus C&T is pretty short, and I
15 think maybe, Nanci, by the time we're done today, we
16 might want to have some printed material in here. Not
17 that that would be the final rule of what we would do.

18

19 Mr. Brooks, you make a comment, and I'd
20 like you to -- I know that your voice is bad, and I
21 feel badly for you, but maybe very briefly -- let me
22 state this then before you speak.

23

24 Richard spoke of from here on up to
25 Pedro Bay and Kakhonak and Iliamna side, but when you
26 get to Lake Clark, then it's Federal lands, and that's
27 very, very important. And then you go, you know, go up
28 here, 125,000 belong to Paug-Vik, but it's all on State
29 land. It's Paug-Vik's land and State, so we're still
30 not dealing with the Federal people, because they go to
31 the Park boundary, and that's a whole different animal,
32 so we're not.....

33

34 But let's go south from here though to
35 see how that we react, and then you get down, Nanci, to
36 Ugashik 1 where the narrows are at, and you've got to
37 hide behind a bush to bait your hook, because there's
38 so many Dolly Vardens out there. And it's huge. I
39 mean, I think it's very important for the recreational,
40 these people to use. And then all of a sudden this
41 starts declining, and then this is getting to the
42 question to you, Mr. Brooks, on -- that's on Federal
43 land, okay. Becharof Lake, King Salmon River, just
44 this side of Becharof Lake, and Ugashik 1 and 2 on
45 Ugashik River, and down the Federal system, Aniakchak,
46 on down to Moller, which is where we stop. You go
47 across, everything on the east side, 40 percent is
48 Federal lands, 40 percent on the Bering Sea side is
49 State lands, and 20 percent is private, which is the
50 Native corporation lands. Okay.

1 So there might be -- I think if I quote
2 you correctly there, Mr. Brooks, you said this not an
3 urgent matter, and I guess the other question is, I'm
4 not so sure that we need the input from other
5 traditional councils before we can determine what we
6 would do ourselves. And I say that very carefully,
7 because it's a great resource.

8

9 MR. BROOKS: Well, that's quite a
10 question.

11

12 (Laughter)

13

14 MR. O'HARA: Well, the whole talk about
15 (indiscernible - mic not on).....

16

17 (Laughter)

18

19 MR. BROOKS: Exactly. One of the
20 reasons that I wanted to remind the Council, and this
21 is through the Chair, thank you, that they had
22 requested -- well, step back. I thought that -- it's
23 always a good idea to get the most information that you
24 can. And you had made a formal request at the last
25 meeting that you wanted more information from tribal
26 councils, et cetera, and the Park Service, and I think
27 that's always a wise idea. And some of that
28 information could possibly be available through the
29 tribal consultation process. When formal proposals are
30 submitted, they're going to go before the tribes in
31 consultation and some information can be gleaned from
32 those.

33

34 But I do not consider it to be a light
35 matter at all. I think that it is -- I'm not sure what
36 the timelines are, or the urgency on taking action for
37 this Council today is, but I agree with you that it's a
38 very important issue, and that the C&T process and the
39 .804 process, and the rural process are confusing and
40 inter-complex, and that people don't really understand
41 those. And it's oftentimes important for us to do a
42 better job of education. And I agree, it's very
43 important. And a lot of times people in rural Alaska,
44 they say, this is what we have right now. The
45 governments have given us these rural designations, a
46 C&T or some other priority, and that becomes very
47 important. That becomes a substitute for the symbolism
48 and the importance of their way of life. So we need to
49 take it seriously.

50

1 In regards to the communities and the
2 mixed land ownership, the Federal Subsistence Program
3 is only applied on Federal lands, but if people have
4 C&T for a certain area, they would be considered as
5 part of the .804 process, and that you may have to give
6 me some more input on that, but regardless of where the
7 community is, if they have C&T for a certain resource
8 on Federal lands, they would be considered in the .804
9 analysis as a part of the possible pool of subsistence
10 users in the case of a shortage of a resource.

11
12 MADAME CHAIR CHYTHLOOK: Nanci. Oh,
13 sorry, Dan.

14
15 MR. O'HARA: Okay. So then .804 would,
16 say, give it back to this Council, let them determine
17 who can be the users? Well, let me give an example,
18 you know. I'm in the villages all year round, I'm a
19 marine surveyor, and I'm -- you survey somebody's boat,
20 but then they want to talk about something else, you
21 know, like subsistence or something in John's area.
22 And, for instance, let's look at the King Salmon River
23 at Egegik. They are not allowed to use seven-inch mesh
24 gear I believe. I don't see any State people here,
25 maybe there's somebody on the line, because of the
26 decline of the king salmon on the King Salmon River,
27 which is 25 miles up the river, but you need a jet boat
28 to get there, and nobody is going to be up there doing
29 subsistence. But what's important is you still can't
30 kill off that run even if there isn't a subsistence
31 user from a few miles before you get to Katmai National
32 Preserve. And so the State has come in and said, you
33 know, we're not going to destroy that resource, because
34 they've got to go up onto Federal lands. And so it's a
35 real critical issue. I mean, it's a very important
36 issue, so those are things that I think where your
37 councils probably have the local knowledge to handle
38 this. And thank you for your report.

39
40 MADAME CHAIR CHYTHLOOK: Nanci.

41
42 MS. MORRIS LYON: Thank you, Madame
43 Chair.

44
45 It occurred to me as I was listening to
46 our answer to Dan, which was very good, thank you, that
47 we have been tasked with reviewing C&T determinations
48 for our areas. The .804 analysis is the State
49 analysis, is that correct? Or vice versa?
50

1 MR. BROOKS: No, excuse me. Madame
2 Chair.
3
4 .804 is a Federal process, and it's
5 laid out in ANILCA for us to follow.
6
7 MS. MORRIS LYON: Okay. So then these,
8 the eight points is the State process. So where I'm
9 going with this is we really can't touch the eight
10 points. That's off the table. As a Federal Council,
11 we're not going to have any effect on how the State
12 views things. We live within those parameters unless
13 the State changes things. So what we're really
14 reviewing is the .804 and how we want it applied to our
15 areas; is that correct?
16
17 MR. BROOKS: Madame Chair.
18
19 Both of the processes on the comparison
20 table are Federal. There's some confusion in the fact
21 that when we adopted -- when the Federal program
22 adopted the eight criteria from the State, they changed
23 the name to factors. And those criteria do not appear,
24 or factors, in ANILCA. The are in the Code of Federal
25 Regulations. And when the Federal system took over,
26 they changed -- they slightly tweaked them and called
27 them factors. and I haven't sat down with the State
28 language and the Federal language from the Code of
29 Federal Regulations and compared them closely, but I
30 think that's what Molly was asking us to do.
31
32 But it's very confusing because there's
33 a difference in terminology. And also there's a
34 difference in the way they're applied.
35
36 MS. MORRIS LYON: Okay. So thank you.
37 I mean, that answer is huge for me, because you were
38 also delineating between State and Federal, or perhaps
39 I was doing it in my mind, because we have so much of
40 that going out on this side of the bay. We have a lot
41 of private or State versus Federal.
42
43 So then also we could conceivably
44 combine these two in some form if we wish to say that
45 that is how we would like our area analyzed for -- I'm
46 just using it as an example. Correct? Okay. Good.
47 Yeah.
48
49 MR. BROOKS: Yeah, that's correct.
50

1 MS. MORRIS LYON: I just want to make
2 sure it's clear in my mind. Thank you.

3
4 MR. BROOKS: And just to remind the
5 Council, Madame Chair, if you're interested in the
6 specific questions that have been asked of you by the
7 Board and the Southeast Council, they're at the bottom
8 of 15 and the top of Page 16 in your meeting book.

9
10 MADAME CHAIR CHYTHLOOK: I know that
11 there's been a question asked to the Federal people
12 about developing your own factors. But I guess by
13 looking at the State criterias, the eight criterias,
14 did the Federal think that that was, you know, what
15 they wanted to use, and they couldn't decrease or
16 increase, or even develop their own criterias or was it
17 just that this was handy and easy to use?

18
19 MS. PETRIVELLI: I think when Federal
20 program began, I think there was an assumption that it
21 would be temporary, and they wanted to cause the least
22 disruption possible. And to make it easier on the
23 users, because we understand that with the users, that
24 you have to deal with two sets of regulations. So
25 something that's kind of compatible or comparable.

26
27 And then -- but there was a realization
28 that the Federal Board has to implement ANILCA, and the
29 State of Alaska does not. In fact, they cannot. They
30 cannot make a priority for rural residents, but that is
31 the -- what the Federal Board is supposed to do is
32 provide the priority or rural residents. But the State
33 cannot have that mission. But they use the eight
34 factors, and then because they have the.....

35
36 Also ANILCA tells them they have to
37 defer to the Councils. So the State would always
38 complain that we're not consistent from one region to
39 another, but the Federal Board is recognizing its
40 mandate to defer to the Councils, even though
41 technically some people say they don't have to, but
42 they understand there is regional variation. And so
43 even though it's not in black and white that they will
44 defer to the Councils, they defer to them like 95
45 percent of the time on customary and traditional use
46 determinations. And they've made like 300, because
47 they had to go through all the determinations that the
48 State had made and review them all and apply them for
49 the Federal regions.

50

1 MADAME CHAIR CHYTHLOOK: Okay. Well,
2 thank you, Pat. And if the two, well, the factor and
3 the criteria are developed in this format, that's
4 really going to be helpful. And thanks for explaining
5 that to me. I had never been able to distinguish the
6 two, you know, on how the State and Federal used these
7 two, but you made it really clear to me. Thank you.

8

9 Dan Dunaway or O'Hara. Oh, Dan. One
10 of the Dans.

11

12 (Laughter)

13

14 MADAME CHAIR CHYTHLOOK: Dunaway.

15

16 MR. DUNAWAY: Okay. Thank you. Madame
17 Chair. Dan Dunaway.

18

19 I've come into this a little bit late,
20 but I have thought about this some ever since our last
21 meeting, and didn't find myself much more inspired, but
22 it's been really helpful, just this discussion this
23 morning.

24

25 I'm really leaning towards going for
26 the simpler system, the .804 system. I can see why.

27

28 You know, in looking back, I mean, it
29 was silly that at time the State wouldn't recognize
30 rainbow trout as a subsistence species. And I kind of
31 wonder if some of this extensive C&T process that the
32 state generated wasn't in part so that maybe they could
33 separate out something like the rainbow trout, which I
34 believe now we've resolved I hope.

35

36 I'm still concerned about unforeseen
37 consequences. We go do this, and simple's better, but
38 could this create a problem somewhere else. And that
39 gets me back to I'm guessing also that the C&T system
40 the State had -- Pat, you really opened my eyes on some
41 of that, but I think, too, it was more difficult to
42 sort out subsistence on the road system and the bigger
43 urban populations where, shoot, there's people with a
44 plane in Anchorage, and they fish out here, they fish
45 in Nome, they hunt north of Fort Yukon, and all over,
46 and it makes it really crazy. Whereas out here most of
47 us are pretty much limited to -- some of us have
48 planes, but most of us have boats or Sno-Go's, and we
49 hunt and fish in a much more limited area. But
50 subsistence, by definition, you use what's there.

1 And so I really -- I just had a little
2 thought here is what if we could adopt something like
3 let's go with the .804, the left-hand side of this
4 sheet, but then acknowledge this other C&T analysis in
5 the event that we had a real limited resource and had
6 to find some way to allocate it. Use it as maybe a
7 guide, but not necessarily an absolute mandatory
8 process.

9

10 And that's my comment. Thanks.

11

12 MADAME CHAIR CHYTHLOOK: Dan O'Hara.

13

14 MR. O'HARA: Yes. You said you're glad
15 the State of Alaska finally recognized the rainbow
16 trout could be a subsistence rather than a sports issue
17 now. We had a big fight, and this Council won it, in
18 Anchorage, and we made the headline news when the
19 Federal Board decided, U.S. Fish and Wildlife and other
20 Federal agencies, and I was Chair of this Council,
21 determined that the rainbow trout would be a
22 recreational, that is absolutely ridiculous.

23

24 I mean, I'll give an example again with
25 King Salmon River. Those people have to get in a jet
26 boat and go up the King Salmon River to get a rainbow
27 trout, because there are no rainbow trout in Becharof
28 Lake. You're a fish biologist, retired. But the guy
29 with a great big \$265,000 airplane can land up there
30 and go down and catch his rainbow trout. You know, it
31 may be hook and release.

32

33 And so we sat there and we got four of
34 the seven votes. And I want to thank the Park Service,
35 because they stood very tough on that. And it was a --
36 and a Channel 2 camera was right here while I was
37 testifying. And I said, you've just got to get this
38 thing out of my face, you know. This is a really
39 important issue we've got going here. You're not
40 reading us over Channel 2. And we won it.

41

42 But don't turn your back for a second,
43 because they're all looking, and if we ever -- and I
44 think that's where the time issue is sometimes
45 important when the resource drops down unexpected.
46 Eight years where the Kvichak failed. They still have
47 that eel grass going down from here to Moller where the
48 out-migration of smolt goes.

49

50 So what was I supposed to say. That

1 was it.

2

3 MADAME CHAIR CHYTHLOOK: Okay. Nanci.

4

5 MS. MORRIS LYON: Yeah. Thank you,

6 Madame Chair.

7

8 Dan, I'm with you on this

9 simplification issue. I guess my concern that I would

10 like perhaps to hear some further discussion on has to

11 do with over here on this side of the bay and all the

12 private/State lands that we deal with where we are

13 basically forced into the eight state criteria.

14

15 So that's my comment.

16

17 MADAME CHAIR CHYTHLOOK: Okay. Dan.

18

19 MR. O'HARA: Yeah. Could we have a

20 little explanation from the two experts here this

21 morning? The Federal people had four items, criteria

22 that they had. They dropped that and they went with

23 the eight. And so would it be fair to ask you what

24 those four things were? It's in this book, Donald.

25 And it was given to us in our handout. So when they

26 left the four criteria that they had, they went with

27 the eight that the State had.

28

29 And the other thing I would think about

30 is, Madame Chair, we're spending a lot of time on this,

31 but I think this is pretty important. And I don't

32 think it's good to make a decision sitting here when

33 everything we say is on record, you know, because we

34 just can't express ourselves. There might be a time

35 when you would appoint a committee to sit down today,

36 and I don't know if we're going to go through tomorrow

37 or not. From the look of the audience, we might be

38 done today. But it might be good to sit down. Nanci,

39 you had some thoughts; Dan, you had some thoughts;

40 Richard had some thoughts. Lary, you were talking

41 about the thing that pertains to your area

42 geographically. And I think John started the morning

43 off saying how do I make a decision for somebody else

44 some place else. And off the record, to come back

45 maybe with some food for thought that we could give to

46 you put on the left-hand side of this list.

47

48 Thank you very much. Madame Chair.

49

50 MS. PETRIVELLI: Mr. O'Hara, is it four

1 or three?
2
3 MR. O'HARA: Four.
4
5 MS. PETRIVELLI: Four. Where is it in
6 the book?
7
8 MR. O'HARA: I will find it for you; it
9 will take time.
10
11 (Mics not on)
12
13 MR. O'HARA: Madame Chair. I might
14 stand corrected. It might be three, but we'll take a
15 look and see.
16
17 MS. PETRIVELLI: Okay.
18
19 MR. O'HARA: Yeah. Thank you, Madame
20 Chair.
21
22 MADAME CHAIR CHYTHLOOK: Donald, do you
23 want to -- you have a comment.
24
25 MR. MIKE: Thank you, Madame Chair. As
26 far as the comment on the C&T determination, I'll try
27 to get a definite date. We'll work on a timeline for
28 the C&T use process.
29
30 The other thing I want to remind the
31 Council is that Southeast and Southcentral's to have a
32 joint meeting in Anchorage March 11th through the 13th.
33 And I would encourage this Council to send a delegate
34 to participate in that meeting and bring forward your
35 comments during its discussion. I think it's an
36 important issue. But the Southcentral and Southeast
37 Council will bring this issue before their public
38 meeting in Anchorage at the Crown Plaza.
39
40 And the C&T issue came originally from
41 the Southeast Council, so it will be -- and again I
42 encourage this Council to send a delegate to that
43 meeting.
44
45 Thank you, Madame Chair.
46
47 MADAME CHAIR CHYTHLOOK: Yes. It's
48 noon, and Dan O'Hara had suggested possibly developing
49 a little committee to work on the .804 analysis.
50

1 Yeah. Nanci.

2

3 MS. MORRIS LYON: Thank you, Madame
4 Chair. I still really haven't heard from other than
5 Molly on how everybody feels about not having heard
6 from the tribal councils and Native corporations, and
7 how much we should pursue, or in what direction we
8 should take to pursue them. I had suggested perhaps
9 formulating something and sending it back to them for
10 opinions.

11

12 I really feel like I would like some
13 weigh-in from at least a portion of them, if we can't
14 get all of them to respond. I think it has all the
15 importance Dan keeps referring to, and it's directly
16 relevant to them and their members. I don't know, I
17 just wanted to hear from somebody else how they felt
18 about making sure we include them or have -- know that
19 we've touched base with them in the direction that
20 we're taking and we are going to assume that they're
21 approving what we're doing by no response or whatever.

22

23 MADAME CHAIR CHYTHLOOK: Dan O'Hara.

24

25 MR. O'HARA: No, Richard.

26

27 MADAME CHAIR CHYTHLOOK: Or Richard.

28

29 MR. WILSON: Madame Chair. Thank you.

30

31

32 Nanci, that's a good suggestion. My
33 thought would be to -- whatever we could formulate here
34 at this Council level, whatever ideas we can put down,
35 just knowing from past history being on other village
36 councils and corporations, that if you had some
37 suggestions from this Council to bring to them at their
38 next meeting or whenever, you know, we can be involved
39 in that, bringing them some suggestions instead of
40 asking -- I mean, you know, kind of opening the door,
41 helping them along with this process instead of them
42 developing their own would probably be -- to me would
43 be a decent way to go.

44

45 MADAME CHAIR CHYTHLOOK: Dan O'Hara,
46 did you have a comment.

47

48 MR. O'HARA: Yeah. We mentioned in the
49 opening this morning that this Council would like to
50 hear from the Bristol Bay State Advisory Committee.

1 Who are they? Are they even here? Do they even exist?
2 The next one is National Park Subsistence Resource
3 Commission. Are they here today? And maybe were
4 having people sitting out here who should come to the
5 table after we finish with this distinguished panel.
6 And also ask the tribal and local government leaders.
7 Well, they're not here either. I don't even hear the
8 Bristol Bay Native Association any more.

9

10 MR. MIKE: No, there's one sitting.....

11

12 MR. O'HARA: Oh, they are? Well,
13 that's the question you had. And I'm -- I live here,
14 I'm not in any hurry to get out of here, so it might be
15 nice to make sure that we get exactly what we need for
16 C&T and .804.

17

18 Thank you, ma'am.

19

20 MADAME CHAIR CHYTHLOOK: Dan Dunaway.

21

22 MR. DUNAWAY: Thank you. Dan Dunaway.

23

24 Yeah, I'm liking what I'm hearing. I
25 think it's great, Nanci, to show some real respect for
26 the tribal groups and their needs. I think Richard's
27 idea of giving something maybe a little more tangible
28 -- look how we're wrestling with this thing.

29

30 And, yeah, maybe we could draft up a
31 couple positions that we think are workable, and
32 provide those as something concrete for them to react
33 to. And I think it is really important.

34

35 Separate from that, one other thing
36 that I wanted to throw in on this C&T, and it's because
37 I'm aware somewhat of some efforts by the State around
38 the state. They want to transplant some bison to
39 somewhere in Alaska, and what's hanging it up somewhat
40 is a squabble with the State and the Federal government
41 over whether it's going to be endangered, whether it's
42 going to be just sport or just subsistence. They have
43 also moved grouse down, like rough grouse, down from
44 the Fairbanks area down.

45

46 And if there was a way, I think it
47 might be appealing to some groups in the State if we
48 had some way to recognize that introducing a formerly
49 untraditional, or a formerly unknown species, and
50 specifically that could be rough grouse south of the

1 Alaska Range, or bison, or something else, if there's
2 something like that, especially if it was financed by a
3 sport-funded operation, it would be nice that those
4 would be nice that those would be kind of excepted from
5 the C&T program, because I think there could still be
6 eventual benefits for everybody.

7

8 In the case of the bison thing, it got
9 real complex up around Fort Yukon. That would have a
10 re-introduction, and I can see it would fall under more
11 traditional type rules.

12 But there were other things, it wasn't just the
13 subsistence thing. There's oil development problems,
14 and endangered species problems.

15

16 But if we got another species out, and
17 everybody wanted it in an area, even if it wasn't a
18 subsistence species, it might still provide some
19 alternative opportunities for people who are mostly
20 subsistence users. But I'd hate to have it completely
21 stopped only because we get into some sort of a
22 squabble over subsistence. At the same time it should
23 be done carefully. We don't want to just willy nilly
24 transplant stuff around.

25

26 So that was one other thought I had.
27 Thank you.

28

MADAME CHAIR CHYTHLOOK: Richard.

29

MR. WILSON: Madame Chair.

30

31 Mr. Dunaway. Yeah, I would hope that
32 if that was ever to be something that's going to
33 happen, that our biologists, you know, and this Council
34 and others be totally involved in that before they even
35 decide to plant anything anywhere.

36

37 MR. O'HARA: Madame Chair.

38

39 MADAME CHAIR CHYTHLOOK: Dan O'Hara.

40

41 MR. O'HARA: Pat, I have some
42 information for you. And on Page 14, customary and
43 traditional use determination briefing. And if you go
44 to 14, you go one, two, three paragraphs down, Alaska
45 National Interest Lands Conservation, ANILCA; you see
46 that?

47

48 MS. PETRIVELLI: Uh-huh. (Affirmative)

49

1 MR. O'HARA: It says that customary and
2 traditional use were adopted from the State when the
3 Federal Subsistence Management Program was established
4 in 1990. In 1992 the record of decision, the Federal
5 Subsistence Board considered four customary and
6 traditional use options and recommended to the
7 Secretary of the Interior and Agriculture State
8 customary and traditional conditions be used. The
9 State's eight criteria for determining customary and
10 traditional use were subsequently modified for use in
11 the Federal regulations. Since the establishment of
12 the Federal Subsistence Management Program, the Board
13 has made 300 deals.

14
15 But then, you know, it does go on to
16 say that the Feds decided that Title VIII -- I mean,
17 the eight criteria is fine. And I don't know what
18 those four are.

19
20 So thank you.

21
22 MS. PETRIVELLI: Over lunch I'll look
23 at those options. Thank you.

24
25 MADAME CHAIR CHYTHLOOK: Okay. Donald,
26 did you have a comment earlier? It might be a
27 committee comment or something.

28
29 MR. MIKE: Yes, it was a committee
30 comment. If you can appoint a subcommittee and then we
31 can have Staff work with the subcommittee and draft up
32 language for recommendations for the Board's
33 consideration.

34
35 And as far as the deadline, Gene, do we
36 have a deadline on the C&T by the Federal Subsistence
37 Board, when actually is the deadline for comments and
38 they'll be taking action on it? If there is a
39 deadline, and if there's other opportunities for this
40 Council to send their comments out for further comments
41 and review by tribes and ACs and SRCs, but as far as
42 the deadline is concerned, I have idea on that.

43
44 Thank you, Madame Chair.

45
46 MR. PELTOLA: Yeah, Madame Chair. If I
47 may, there is no formal deadline established. What is
48 asked from the Southeast Regional Advisory Council is
49 the other Councils throughout the State to consider
50 preference of .804 versus C&T, or a mix of the two. So

1 there is no formal proposal being presented, and then
2 so there's no formal deadline, although some Regional
3 Advisory Councils, I've sat in on several now, some
4 like the idea of going to .804, some like the way C&T
5 is, and so they're forwarding those opinions on. I
6 don't think we've had all the RACs address it as a --
7 not all the RACs have addressed it yet. Some have
8 asked for additional information, similar to what has
9 occurred here. So there's no formal deadline.

10

11 Just looking at those that have
12 reviewed the situation, there may be able to be
13 something presented in the April meeting, but most
14 likely my guess would be that it would be after that,
15 probably the next Federal Subsistence Board meeting.
16 We wouldn't present anything as a program to the
17 Federal Subsistence Board unless we've heard from all
18 the Regional Advisory Councils as a whole.

19

20 MADAME CHAIR CHYTHLOOK: Okay. Donald.

21

22 MR. MIKE: Madame Chair. Once this
23 Council develops its recommendation on the C&T, like I
24 said earlier, I'd encourage this Council to send a
25 delegate to the Southeast/ Southcentral joint meeting
26 and present your recommendations and clarify on the
27 record as far as deadlines when they actually want to
28 see a written document for the Federal Subsistence
29 Board to consider.

30

31 Thank you, Madame Chair.

32

33 MADAME CHAIR CHYTHLOOK: Donald, what
34 was the meeting, March?

35

36 MR. MIKE: March 11th through the 13th
37 in Anchorage at the Crown Plaza.

38

39 MADAME CHAIR CHYTHLOOK: Okay. What's
40 the wishes of the Council regarding selecting two or
41 three people to work with maybe Staff.

42

43 Dan.

44

45 Or John.

46

47 MR. JONES: I think Richard and Nanci
48 ought to go to that.

49

50 MS. MORRIS LYON: Thanks, you guys, so

1 much.
2
3 MR. O'HARA: In Anchorage.
4
5 MR. JONES: In Anchorage. Yeah,
6 they're closer.
7
8 (Laughter)
9
10 MR. O'HARA: Is that Southeast.
11
12 MR. JONES: One flight.
13
14 MR. O'HARA: Let's get back to
15 (indiscernible - mic off)
16
17 MADAME CHAIR CHYTHLOOK: Regarding the
18 committee.
19
20 MR. O'HARA: Yeah. I think we should
21 look at the committee. I don't know if we're going to
22 finish today or tomorrow, or if over the lunch, you
23 want to ruin your lunch by having a committee meeting,
24 but there should -- and then I think there should be
25 some Federal people with us so that we don't go too far
26 astray, or we can set it up for tomorrow, or we can set
27 it up for a later date.
28
29 So, Madame Chair, I guess it's kind of
30 your call on how this works. It's pretty cramped to
31 come up with some wording between now and tomorrow
32 evening at 6:00 o'clock, you know, and I think that's
33 very critical that we not rush it, but I think it's --
34 I would like to see the left-hand side of .804 a little
35 longer. And if we do have some wording, and then maybe
36 after lunch today, if there are some Federal people and
37 BBNA is still going to be on line, you know, we'd like
38 to hear from those departments as well.
39
40 Thank you, Madame.
41
42 MADAME CHAIR CHYTHLOOK: Nanci.
43
44 MS. MORRIS LYON: You know, I wonder if
45 we shouldn't take a look possibly at a broad brush
46 stroke of this, and we're looking for tribal and Native
47 corporation and association comments back. And I don't
48 know that we shouldn't say -- the thing I think is
49 important is that we possibly use this opportunity to
50 make sure that we're recognized regionally instead of

1 statewide. I personally find that very important. I
2 don't -- you know, it just goes back to the same old
3 saying we use out here all the time. I don't want to
4 be looked on as the Kenai. And I think it's a big
5 opportunity for us to do that, and that could be a
6 strong statement that we would like to be recognized
7 regionally in the State rather than as one unit. And
8 then I think that maybe a broad brush stroke.

9

10 I'm not trying to leer away from the
11 committee, but we really want comments before we
12 formulate something, so maybe just ask us now, if
13 everybody's agreeing that .804(c), the simpler method,
14 should be looked at, I still worry a little bit about
15 being remiss on this side, because we're still going to
16 have to, when we want the -- we're always trying to
17 align State and Federal regulations whenever it makes
18 sense. So I'm a little bit worried about using that on
19 this side, because we're still going to have to go to
20 the State's criteria in order to justify our actions or
21 requests to them.

22

23 However, I do still like the simpler
24 side of it, and maybe we just acknowledge that. I
25 guess my point is, is maybe we should just say as a
26 Council now, let's put it out there, tell the tribal
27 councils and the Native corporations, this is what
28 we're looking at doing, regionalizing things, and using
29 the simpler criteria. What are your ideas and
30 comments, and just -- and possibly using the questions
31 of, what about on State lands when we'll still be
32 needing the eight criteria, do you think we should
33 address that now? You know, asking them maybe just one
34 or two specific questions to respond on to get their
35 ideas back. I'm wondering if maybe that wouldn't be a
36 smarter move to make at this time so we could get
37 further input.

38

39 MADAME CHAIR CHYTHLOOK: Dan.

40

41 MR. O'HARA: Yeah. That's a really
42 good. Richard, we had lunch with the interim Park
43 Service superintendent for the State of Alaska. And
44 this thing you're talking about, Nanci, is very good,
45 but we haven't heard very much from this Council today
46 on the fact that we want the National Park Service in on
47 this, because we're wanting subsistence rights, and
48 some things we want, maybe eggs out of the Naknek River
49 or Lake or something. So that has to be included in if
50 we're going to like put something on the left-hand side

1 of this .804. That entity along with others. Sure.
2
3 Thank you.
4
5 MADAME CHAIR CHYTHLOOK: Nanci.
6
7 MS. MORRIS LYON: Well, I would propose
8 -- I think that once we have given the organizations an
9 opportunity to respond back, then maybe we should break
10 into a committee to formulate something, but that would
11 be my idea. Not to disperse the committee idea, but
12 just I think we need more information from more people
13 before we start that process.
14
15 MADAME CHAIR CHYTHLOOK: And I think in
16 line with that, specially for this side, there needs to
17 be a blurb on the Park Service information, because,
18 you know, they have their own world that we have to
19 comply by. Yeah. So especially for this side, there
20 needs to be some of that included. Not so much our
21 west side.
22
23 And then I think once we get that done
24 and ready to distribute, I still want the two criterias
25 maybe hook onto that information for their information.
26 It will make it clearer for them to determine.
27
28 Any other questions. Richard.
29
30 MR. WILSON: Oh, go ahead.
31
32 MS. STICKMAN: Madame Chair. Danielle
33 Stickman, Bristol Bay Native Association. Courtenay
34 Gomez is on line, but she's having trouble following
35 the conversation. And she said that the BBNA will be
36 willing to work with tribes and with the RAC, just give
37 us a little bit more of a direction to follow, because
38 we're just waiting on your decision as to what you
39 would like us to do. And as soon as you make a
40 decision, we will be willing to work with the tribes
41 and with you to get more feedback.
42
43 Thank you, Madame Chair.
44
45 MADAME CHAIR CHYTHLOOK: Yeah, that
46 would be very helpful. Thank you.
47
48 Richard, did you have a.....
49
50 MR. WILSON: I lost my train of

1 thought. I'm getting hungry.

2

3 (Laughter)

4

5 MADAME CHAIR CHYTHLOOK: Okay. I'm
6 still wanting to formulate this committee before we
7 break for lunch. Or did I misunderstand something.

8

9 MS. MORRIS LYON: Yeah, let me propose
10 something. The last discussion that we had that seemed
11 to receive approval was we'll wait and do the committee
12 once we hear back from these tribal organizations. But
13 can we just do a straw poll around the table perhaps?
14 If everybody agrees that we might want to suggest that
15 our C&T usage is -- that this would be the proposal we
16 would initially send out, a very loose proposal, that
17 we would like to see the regions in the State
18 separated, and evaluated separately for C&T usage, and
19 that we would like to base C&T usage on the .804(c)
20 methods, the three criteria on that side of the page,
21 and that we would like the tribes and councils to take
22 into consideration how or if they would like to address
23 State issues when they apply to those lands.

24

25 Is that encompassing enough, guys, or
26 anybody want anything else added, or would that be good
27 enough language to move forward with?

28

29 MADAME CHAIR CHYTHLOOK: It sounds good
30 enough for me.

31

32 Any opposition. Did everybody
33 understand. Richard.

34

35 MR. WILSON: Madame Chair. I'm
36 wondering even if we had waited a bit longer, is there
37 any other entities, agencies in here that's going to
38 comment on this before we even make that decision, or
39 after lunch here, or is this going to be it? I guess
40 we can do it if that's -- if we don't have any other
41 comments today, but I'd like to hear the comments
42 before we even make that decision if that's possible.

43

44 MADAME CHAIR CHYTHLOOK: Pat.

45

46 MS. PETRIVELLI: I'd just like to
47 comment about the idea about State lands. And I
48 understand the importance, that there are a lot of
49 State lands around this area, but they do have their
50 own process. I mean, with our side-by-side, they have

1 their own C&T determination process. And then their
2 equivalent .804 is the tier II permit. And I'm not
3 sure -- I mean, I don't know if you want to address
4 that. I mean, that's very complicated. You know,
5 they've worked years on that tier II permit process.

6

7 MADAME CHAIR CHYTHLOOK: Nanci.

8

9 MS. MORRIS LYON: Thank you, Madame
10 Chair. Yeah. Just to be perfectly clear so you know
11 where we're going with this -- or where my intention
12 is, Donald, is I'm not addressing State issues. That's
13 an impossible realm. But I want the tribes and
14 councils to consider that there's going to be an effect
15 there on State lands, and we'll have to justify it
16 according to their criteria when that time comes. So
17 it's just something to provoke some thought from people
18 that have a lot more brains than me that can maybe add
19 some more meat to what our final recommendation to the
20 Council would be.

21

22 MR. O'HARA: What would Peter say now?

23

24 (Laughter)

25

26 MADAME CHAIR CHYTHLOOK: Yeah. Troy,
27 did you.....

28

29 MR. HAMON: Madame Chair. Members of
30 the Council. My name is Troy Hamon with the National
31 Park Service in King Salmon.

32

33 The National Park Service regional
34 office subsistence management team has not had
35 communication with me about this issue. I can share
36 with you what my understanding of it is, and how it
37 relates to the way that we manage things from our local
38 perspective, but I don't have a broader view of the
39 Park Service to share.

40

41 Also, the Subsistence Resource
42 Commission for Aniakchak did meet -- or tried to meet.
43 The weather was such that we ended up with a
44 teleconference instead of an in-person meeting, and we
45 were short of a quorum, so there was no action taken on
46 this or anything else as far as official action from
47 the SRC.

48

49 I'd be happy to share perspectives.
50 I'd be happy to try to help if people are trying to

1 talk through things, but it's primarily based on my
2 understanding and our local office work.

3

4 MADAME CHAIR CHYTHLOOK: Okay. I guess
5 one suggestion I would make, even though there's no
6 definite deadline for C&T process, maybe develop a
7 deadline to work with the tribes, so that the
8 information that goes out to them. It would have some
9 urgency than to just send it out and contact them and
10 let them know that they need to work on this.

11

12 MS. MORRIS LYON: Okay. Madame Chair
13 I would maybe suggest that if BBNA has been bold enough
14 to take this on their plate, which we totally
15 appreciate, that they would perhaps, you know, have a
16 formulated and check back with them on a regular basis
17 to find out if they're going to respond or if there's
18 not going to be a response so that we know that we can
19 either check them off the list or that we've got a
20 response from them so that we can then go to committee
21 and try and put together a comment that we can take to
22 the full Board.

23

24 MADAME CHAIR CHYTHLOOK: Richard.

25

26 MR. WOODS: Madame Chair, would it be
27 enough time if we, you know, put out the call again to
28 other corporations and village councils and then at our
29 next meeting in the fall to, you know, have everything
30 formulated by then? We'd have -- would that be enough
31 time? It sounds like, you know, there's time limit,
32 but if we're to put one on, would that be appropriate?

33

34 MADAME CHAIR CHYTHLOOK: And I think
35 whatever BBNA is going to develop would probably be
36 useful for, you know, the Native corporations to deal
37 with. I don't know -- I know that BBNA just works with
38 the tribes, but I wouldn't mind getting a copy of your
39 information so that I could share it with our
40 corporation.

41

42 MS. STICKMAN: Danielle Stickman.

43

44 I'll talk with Courtenay and then Ralph
45 and we'll develop a draft, and hopefully a timeline to
46 communicate with all the village tribal councils, and
47 then get back to you. I think by next fall that would
48 be a reasonable timeline to have everybody done.

49

50 Thank you.

1 MADAME CHAIR CHYTHLOOK: Yeah, that
2 would be -- we will really appreciate your help,
3 because I don't think at this level Donald would be
4 able to do as much work as BBNA can with the tribes.
5 Thank you.
6
7 Somebody's phone is ringing on line.
8
9 Do we have anything more, because we
10 can break for lunch and then pick up the rural
11 determination after lunch. Any other comments. John.
12
13 MR. JONES: Is this going to be taken
14 up in BBNA next month? I mean, we've got a meeting,
15 what, the 10th?
16
17 MS. STICKMAN: The BBNA full board
18 meeting is next month. I haven't been back to BBNA for
19 a while. I'll bring it up with Courtenay Gomez and
20 Ralph.
21
22 MR. JONES: What day is it, the 10th?
23 I'm supposed to go to it, and I don't know.
24
25 MS. STICKMAN: I think it's the 10th
26 and the 11th.
27
28 MR. JONES: 10th and 11th. But is this
29 going to be on the agenda now?
30
31 MS. STICKMAN: I'll talk with Courtenay
32 and Ralph and try to see if it could be put on the
33 agenda. Most likely it will be.
34
35 MR. JONES: I'm not educated on it, so
36 that's why I was wondering.
37
38 MADAME CHAIR CHYTHLOOK: Dan O'Hara.
39
40 MR. O'HARA: Yeah. There may be other
41 agencies, I don't know if the Lake Clark SRC is going
42 to weigh in or not, but we need to hear from some
43 entities, similar entities if they're available on this
44 issue. And maybe after lunch or whatever. Thank you.
45
46 MADAME CHAIR CHYTHLOOK: Okay. So
47 after lunch we'll kind of pick this up again and wrap
48 it up then. But let's break for lunch now. Would 1:30
49 be good enough to come back, or do we need an hour and
50 a half? 1:30. Okay. Be back at 1:30.

1 (Off record)
2
3 (On record)
4
5 MADAME CHAIR CHYTHLOOK: I'll call the
6 meeting to order. And I guess I want to remind the
7 public, Randy, we have these blue cards if the public
8 wants to testify, you can fill them out in the back.
9
10 And we'll continue with the wrap-up on
11 our C&T, so if we could get Pat and Jeff back up on the
12 table. Pat might need rescuing, so.....
13
14 And then you'll probably notice your
15 pink folders, Council members. Sorry. Council
16 members. And inside there is the Regional Advisory
17 Council list and I notice that there's four people's
18 terms are going to be up, expire 2014. Myself, Alvin,
19 John, and Dan Dunaway. And Donald I guess when do you
20 -- when do we need to enlist or not re-enlist.
21
22 (Laughter)
23
24 MR. MIKE: March 21st.
25
26 MADAME CHAIR CHYTHLOOK: March 21?
27
28 MR. MIKE: Yes.
29
30 MADAME CHAIR CHYTHLOOK: By March 21.
31 You can either delist or relist.
32
33 And if we can get Jeff and Pat to come
34 up to help us wrap up our C&T. Our brain will probably
35 be a little bit slower. Full of hamburger and full of
36 I don't know what else we all ate, but it was good
37 food.
38
39 Okay. For the C&T wrap up, I guess we
40 can continue with I guess, Nanci, did you guys come up
41 with something that you can give us?
42
43 MS. MORRIS LYON: Yeah. Thank you,
44 Madame Chair. Myself and a couple of the other Board
45 members, Dan O'Hara and Richard Wilson, were talking a
46 little bit further at lunch. And we thought that we
47 would like to expand on the question that I had already
48 proposed previous to lunch by adding to it also the
49 consideration that the tribal councils and Native
50 corporation members would take into consideration

1 anything that they might want to include in there as
2 well for -- I'm not really happy with the wording
3 they've got here, so I'm going to come up with my own,
4 and just say the amount of deference that the State
5 Board should offer to the Regional Boards on their
6 regional C&T determinations within the Regional Board.

7

8 And then there was also a question
9 asked at lunch time about now this would move forward,
10 and I was under the assumption, and please correct me
11 if I'm wrong, Donald, that you would probably take it
12 upon yourself to write up what you've heard from use
13 here and issue it out to BBNA so they can move forward
14 to the tribal councils, and you'll reach out to the
15 other tribal councils and Native corporations that they
16 are not pursuing that are within our region; is that
17 correct?

18

19 MR. MIKE: Madame Chair. That's
20 correct.

21

22 MADAME CHAIR CHYTHLOOK: Okay. Dan,
23 did you have your hand up?

24

25 MR. DUNAWAY: Yeah. A question for
26 Nanci again. So you're -- maybe you can repeat that,
27 you could ask the State to defer to the Federal?

28

29 MS. MORRIS LYON: Madame Chair. Yes.
30 Where that came from, Dan, was out of the Southeast's
31 question to us about the deference that should be given
32 to Regional Councils to the State. So basically I'm
33 saying, I'm reaching out to our members in our
34 communities, and saying what do you think about this
35 idea, and how much deference should be given. So I
36 guess I'm passing along that portion of the question
37 that was issued to us in order to gather more
38 information so we can make a more informed and
39 knowledgeable decision at the fall meeting on what we
40 may perhaps want to put forward as a proposal for our
41 area.

42

43 MR. DUNAWAY: Okay. Thank you.

44

45 MADAME CHAIR CHYTHLOOK: Dan.

46

47 MR. DUNAWAY: Madame Chair. Okay.
48 That helps. It probably is good to make them aware of
49 that part of the question. I'm just -- in my mind I
50 start asking the State Board to defer to any Federal

1 Board, and I can see there will be a few members, that
2 their hackles are going to go up instantly, but it is
3 good for the tribal folks to be aware of the full
4 question, so thank you.

5

6 MADAME CHAIR CHYTHLOOK: Yeah, I think
7 this way it will make the tribal councils and also
8 Native corporations members -- a lot of times they're,
9 you know, all in one, give them a better understanding
10 of where we're going and what we're expecting of them
11 instead of just throwing them out a piece of paper.

12

13 Pat, did you have a comment.

14

15 MS. PETRIVELLI: I guess I was just
16 questioning. Is it deference to the Federal? You're
17 asking for the Federal Subsistence Board to defer to
18 the Councils, not necessarily the State Board of Fish
19 and Board of Game. It's the Federal Board.

20

21 MS. MORRIS LYON: I misspoke.

22

23 MS. PETRIVELLI: Yeah. And you're just
24 saying that the -- because the Board deals with the
25 whole State, yeah, but that they defer to the Bristol
26 Bay region on Bristol Bay regional matters, or whatever
27 region they're -- yeah, I think that's what -- but
28 that's what Southeast had questions about whether the
29 Board would expressly defer to them or expressly say
30 they defer to the Council.

31

32 MADAME CHAIR CHYTHLOOK: Nanci.

33

34 MS. MORRIS LYON: Yeah. Thank you,
35 Pat. That is exactly what I intended to say. Thank
36 you for pointing out that correction. It would have
37 been terrible.

38

39 (Laughter)

40

41 MS. MORRIS LYON: Please make sure that
42 that's part of it, Donald.

43

44 MADAME CHAIR CHYTHLOOK: Okay. And I
45 guess, Donald, I need to hear from you when you could
46 accomplish this. I want to at least have something to
47 expect and, you know, the timeline.

48

49 MR. MIKE: Madame Chair. Before the
50 Council adjourns, I'll meet with Staff and we'll draft

1 up language and I'll present it to the Council
2 tomorrow.

3

4 MADAME CHAIR CHYTHLOOK: Okay.
5 Anything else. Did I see where you -- okay. Susanna,
6 I think you were getting up.

7

8 MS. HENRY: No, Madame Chair. I was
9 just trying to read (indiscernible - away from mic).

10

11 MADAME CHAIR CHYTHLOOK: Okay. Any
12 other comments on the C&T. Pat.

13

14 MS. PETRIVELLI: And I did read those four C&T
15 options, and when I make that little sheet that
16 compares the State and the Feds, I'll do a summary of
17 those four different options. But they were kind of
18 like the first one, they will use the State process
19 completely. The second, they would depend upon Federal
20 agencies. The third was something else. And then the
21 fourth was what they picked. And that fourth one said
22 they would seek the advice of the Councils. But it
23 will be included in that description comparing how we
24 got from the State, and then the Federal process. So
25 I'll prepare that summary sheet, and include those for
26 options that Dan found.

27

28 MADAME CHAIR CHYTHLOOK: Okay. And
29 then I guess, Donald, after you get that done, would
30 the document be ready for like BBNA to take, or would
31 it -- would you need a little bit more time? Because I
32 still would like to have those two criterias attached
33 to this information.

34

35 MR. MIKE: Yes, Madame Chair. I'll
36 work with the Staff here, and then we'll get out the
37 draft language and present it to you before we leave.
38 And we'll try to have the draft or the correspondence
39 out to BBNA by next week. We need to go through the
40 screening process in our office.

41

42 Thank you.

43

44 MADAME CHAIR CHYTHLOOK: Would you be
45 able to cc me copies?

46

47 MR. MIKE: Yes, Madame Chair.

48

49 MADAME CHAIR CHYTHLOOK: Thank you.

50

1 Anything else on this C&T.
2
3 (No comments)
4
5 MADAME CHAIR CHYTHLOOK: We're good.
6 Thank you. We've got it.
7
8 Now our next agenda item is our rural
9 determination. Do we have somebody with the rural
10 determination. Okay. You have the floor.
11
12 MR. JONES: Rural status?
13
14 MADAME CHAIR CHYTHLOOK: Oh, we're
15 going to be dealing with the rural determination
16 process review update. And it's on Page 26.
17
18 Oh, John. Okay. Sorry, John.
19
20 MR. JONES: I've got a little question
21 here before we get too far along here. What happened
22 to Richard and Nanci going up to that meeting that's in
23 Anchorage next month.
24
25 MADAME CHAIR CHYTHLOOK: Oh, that March
26 11 to 15. How many people could we appoint for that?
27
28 MR. MIKE: Madame Chair. We'll need to
29 get -- like I said earlier, I encourage this Council to
30 send a delegate to that meeting, because it's an
31 important issue, and we'll have to have approval for
32 travel. And Mr. Peltola will address that.
33
34 MADAME CHAIR CHYTHLOOK: Yeah, I
35 figured we'd probably need to have approval on even how
36 many we can send.
37
38 MR. PELTOLA: Madame Chair. Gene
39 Peltola, OSM.
40
41 Although the Office of Subsistence
42 Management is very supportive of RAC participation,
43 what we'd have to do is -- what we operate under is a
44 travel cap, which means we can spend X amount of
45 dollars per year on travel. We'd have to see how we
46 are with regard to that cap before we could make a
47 commitment. That's the budgetary constraint that we
48 operate under. Typically when we do a -- well, we
49 provide travel for the Regional Advisory Councils
50 throughout the State. Those are anywhere from say 15

1 to 20,000, up to \$35,000 per Regional Advisory Council.
2 And so we'd have to see where we are in regard to that
3 travel cap in order -- before we make a commitment.
4 And I apologize for that, but that's the limitations we
5 work under.

6
7 MADAME CHAIR CHYTHLOOK: Yeah. And
8 then I guess as soon as you find that out, you can pass
9 the information to Donald and Donald will, you know,
10 let us know.

11
12 MR. PELTOLA: Yes, we will.

13
14 MADAME CHAIR CHYTHLOOK: Thank you.
15 Dan.

16
17 MR. DUNAWAY: Yeah. Madame Chair. I'm
18 expecting to be in Anchorage March 8 through 10 on my
19 own business, and I may be able to just stay longer if
20 you would like me to. So I'll just through that out
21 there. Thank you.

22
23 MADAME CHAIR CHYTHLOOK: Yeah. That
24 would also an option. We can work that out.

25
26 Any other comments. Richard.

27
28 MR. WILSON: Madame Chair. Yeah, I'd
29 rather Donald just take poll of members that are
30 willing to do that, you know, when the time comes after
31 they know how many seats you can fill.

32
33 MR. MIKE: Yes. Madame Chair. I can
34 do that, Mr. Wilson. Thank you.

35
36 MADAME CHAIR CHYTHLOOK: Okay. You've
37 got the floor.

38
39 MR. LORRIGAN: Thank you, Madame Chair.
40 For the record my name is Jack Lorrigan. I'm the
41 Native liaison for the Office of Subsistence
42 Management. I'll be giving you the brief on where we
43 are with rural determination, starting on Page 26
44 through 33 of your packet.

45
46 As you may recall, last fall the
47 Federal Subsistence Board was tasked with asking for
48 public, tribal, and ANCSA corporation comment on five
49 criteria that the Board uses to determine who's rural
50 or not. Those were population threshold, information

1 sources, timelines, rural characteristics, and
2 aggregation of communities. As you can see on those
3 pages, there's a compilation of the summaries from each
4 Regional Advisory Council.

5
6 Currently at this time there's a team
7 at OSM that's going through the comments and the
8 transcripts from the public comment period, the
9 letters, and the Councils' input. And what they're
10 trying to find is comments specific to those five
11 criteria. And what will happen is the team will then
12 forward them to the analyst who will then write up a
13 report and forward it to the Federal Subsistence Board
14 in April. Then the Board will decide which criteria
15 they wish to forward to the Secretaries. And again the
16 public will be allowed an opportunity to comment on
17 those criteria.

18
19 So this isn't the end by any means. So
20 there will be ample opportunity for the public to be
21 involved in this process all the way.

22
23 The anticipated end of timeline is 2017
24 I believe, so it's got a ways to go yet.

25
26 So that's where we are right now.
27 Madame Chair.

28
29 MADAME CHAIR CHYTHLOOK: Okay. Any
30 questions or comments for Jack. Nanci.

31
32 MS. MORRIS LYON: I may not have been
33 listening carefully enough, but when is the analyst
34 going to have something for us?

35
36 MR. LORRIGAN: He'll be getting
37 comments from the team that's going -- that's straining
38 through all the comments, and he will be taking it up
39 very shortly and having it to the Board by April, for
40 the next Board meeting in Anchorage.

41
42 MADAME CHAIR CHYTHLOOK: Okay. During
43 our Dillingham discussion, there was quite a lot of
44 comments on -- what is that, combination, combining,
45 you know, two villages if they were connected by road.
46 And the concern was, like for instance
47 Dillingham/Aleknagik, the concern was if two
48 communities like that, like for instance Naknek/King
49 Salmon, if those two communities are connected and the
50 populations, you know, I guess totalled together, then

1 the 2,500 threshold would easily be met for rural
2 determination. I didn't see this in our report, but
3 there was a lot of concern about that. And I still
4 have concern about that.

5
6 I don't know if that's still in place
7 or did it go away?

8
9 MR. LORRIGAN: Madame Chair. You're
10 not the only region that's been concerned with that.
11 And if you look through the report, you'll see that the
12 Kodiak/Aleutians had a very detailed comment on that
13 very same topic. The Southeast Council also has it in
14 regards to Ketchikan and Saxman. And the Bethel area I
15 believe was concerned about having so many communities
16 closely lying together. They're also concerned about
17 it.

18
19 So it's something that the Board will
20 be looking at through the analysis. I can't give you
21 what the answer will be on that, but it's definitely a
22 singular concern for any one Regional Council.

23
24 MADAME CHAIR CHYTHLOOK: My main
25 concern was that there should have been a comment from
26 the BB RAC regarding our concern about doubling
27 communities, too, as well as the other areas.

28
29 MR. BROOKS: Madame Chair. You're
30 suggesting that on Page 31, the top section under
31 Bristol Bay that there should be a category called
32 aggregation of communities. If that was truly
33 discussed at your meeting in depth and is art of the
34 transcripts, I don't know why it's not in here.

35
36 Perhaps that's a question for Donald.
37 She's referring to Page 31, Donald.

38
39 MS. GOMEZ: Could I comment, please.

40
41 MADAME CHAIR CHYTHLOOK: Okay,
42 Courtenay.

43
44 MS. GOMEZ: I was talking with some of
45 my Staff about this same issue, because they were
46 reviewing transcripts and the meeting minutes and
47 saying that their comments regarding rural
48 determination weren't incorporated into the minutes
49 either. And one of our I guess discussion items was
50 that during the RAC meeting there was like the eight to

1 five RAC meeting both days, and then there was the
2 evening rural determination hearing. And it looks like
3 only comments made during the evening rural
4 determination-specific public meeting were incorporated
5 into the comments, and that any comments made during
6 the RAC meeting regarding rural determination weren't
7 incorporated into the rural determination notes or
8 outcome notes. And so I don't know if that's part of
9 this. I just wanted to put that out there as we've had
10 that same discussion also.

11

12 Thank you.

13

14 MADAME CHAIR CHYTHLOOK: Nanci.

15

16 MS. MORRIS LYON: Jack, can you tell us
17 then will they be working off meeting transcripts or
18 will they be working off of this more general -- or,
19 yeah, either one. I'm sorry, I didn't mean to
20 imply.....

21

22 MR. BROOKS: Thank you, Madame Chair.
23 My name is Jeff Brooks for the record.

24

25 And the group, the team that's charged
26 with pulling out these comments has looked at -- we're
27 looking at the RAC transcripts, and we're separating
28 comments from the public testimony during the meetings
29 and with RAC deliberations.

30

31 So as to why your summary of
32 aggregation of communities doesn't appear in the
33 meeting booklet, Courtenay may be correct that this
34 only reflects the public testimony at night. But for
35 the overall process, we are examining all RAC
36 transcripts from both meetings, and we're taking out
37 the public comments on rural and the RAC deliberations
38 on Rural.

39

40 MR. PELTOLA: Madame Chair.

41

42 MADAME CHAIR CHYTHLOOK: Okay.

43

44 MR. PELTOLA: Madame Chair. Gene
45 Peltola, RAD OSM.

46

47 One thing I'd like to point out is that
48 when we get the Regional Advisory Council booklets out,
49 we tried to get those, and we're required by regulation
50 to try to get those out 30 days prior to the meeting.

1 In addition to that, within-house at OSM, we formed a
2 group to summarize all the comments, so this could be
3 considered being not all inclusive. And then we're
4 working towards getting all the comments, in addition
5 to notes from the Regional Advisory Council, in
6 addition to public testimony compiled at this time.
7 We've been working on that for about two weeks now.

8

9 MADAME CHAIR CHYTHLOOK: Okay. Donald.
10

11 MR. MIKE: Thank you, Madame Chair. I
12 don't mean to confuse the issue further, but my
13 understanding of the rural determination process, we
14 had one evening for the public to come and testify on
15 rural issue, and that included the Council members to
16 attend the public hearing in the evening. And that was
17 a tool for the Council to listen in to the public
18 comments, and then the following day it was presented
19 to the Council for them to make their recommendations
20 for the Federal Subsistence Board's consideration. And
21 as a result, this Council submitted a correspondence to
22 the Federal Subsistence Board through official
23 correspondence, and Molly had signed it. And I have a
24 copy here, too, but if we need a copy of that, I can
25 provide it.

26

27 Thank you, Madame Chair.

28

29 MADAME CHAIR CHYTHLOOK: Okay. Jeff --
30 or Nanci.

31

32 MS. MORRIS LYON: Well, I would just
33 say that my comment would be that knowing that they're
34 working off of official transcripts gives me the
35 comfort in knowing that they're seeing everything that
36 was said instead of just what was summarized.

37

38 MR. BROOKS: Madame Chair. Yes. I'm
39 part of the team, and we are definitely going through
40 the meeting transcripts with a fine-tooth comb, and
41 it's very time consuming and detailed.

42

43 One thing to know is that in addition
44 to the five criteria and the nine questions that Jack
45 mentioned that we're sorting these by, we've also added
46 a category called other for comments about the rural
47 process that don't fit nicely into one of those slots.
48 So we're trying to capture all the diversity that's out
49 there.

50

1 MADAME CHAIR CHYTHLOOK: Okay. Any
2 other comments. Do you have any more. Richard.
3
4 MR. WILSON: When are we going to hear
5 about those comments that we made? Is that at our next
6 RAC meeting, or is this going to come before the
7 Federal Board here shortly?
8
9 MR. BROOKS: The comments will be
10 compiled into an analysis that will go before the Board
11 and then I believe will go out as a draft document
12 again to the RACs for comment further, so it will
13 probably be in your fall meeting when you see what has
14 been compiled now, and what the Board has agreed to
15 send out to you for further comment.
16
17 MR. WILSON: Thank you.
18
19 MADAME CHAIR CHYTHLOOK: Okay. Any
20 other comments regarding this rural determination.
21
22 (No comments)
23
24 MADAME CHAIR CHYTHLOOK: If not, I
25 guess we're -- that was fast for rural determination
26 versus C&T. Thank you Jack.
27
28 MR. LORRIGAN: Thank you.
29
30 MR. BROOKS: Thank you, Madame Chair.
31
32 MADAME CHAIR CHYTHLOOK: And at this
33 time we had this morning's agenda item, we had the
34 public and tribal comment on non-agenda items. And if
35 the council doesn't mind right now, I'd like to have
36 Randy Alvarez come up and make a statement/ comment.
37
38 MR. ALVAREZ: Thank you, Madame Chair.
39 My name is Randy Alvarez. I live in Igiugig.
40
41 And as most of you know, I serve on
42 Lake Iliamna AC. And I just recently got this in the
43 mail. It's from Board Support concerning game issues.
44 And last Board cycle the Board tabled until this coming
45 statewide issues a proposal here. Let me read some of
46 it to you. It's concerning harassment of game, and you
47 all know it's illegal to harass game. But here's the
48 problem.
49
50 It's Proposal 177. The Board of Game

1 asked the Kotzebue Advisory Committee to submit it.
2 But they're bringing it up on this next statewide
3 cycle. And part is unlawful methods of taking game
4 exceptions on definitions, modify the restriction for
5 using snowmachines for taking wolves and wolverine.
6 And it changed the general hunting restriction to allow
7 the use of snow machines to track and pursue caribou,
8 wolves and wolverines. So that the prohibition against
9 driving, herding, harassing and molesting game with a
10 snowmachine will not apply.

11
12 And, well, most of you know in
13 wintertime we use snowmachines for hunting, whether
14 hunting caribou or moose or wolf or wolverine. But
15 it's also against the law to harass, so what the Board
16 wants to do is straighten out what -- more define
17 clearly so you can -- where the law stops and -- where
18 harassment stops and hunting takes place, you know,
19 like I'm out there -- if I go hunt wolves, I'm going to
20 pursue a wolf on my snowmachine. So we need -- I think
21 the State wants to do that, the State Board of Game,
22 and also I think you guys need to consider the same
23 thing on Federal lands, because we have a lot of
24 Federal lands that we use, you know. And if I'm out
25 with a snowmachine and I'm hunting wolves or caribou, I
26 have my gun with me, and if I see a wolf, I'm going to
27 pursue it.

28
29 The RAC needs to ask the Federal
30 Subsistence Board to define more clearly, because the
31 people in Kotzebue were concerned that the officer up
32 there was thinking about giving them a citation,
33 because where does the line for harassment end and
34 hunting starts, because you know, I'm not out -- if I'm
35 chasing a wolf on my snowmachine, that could be
36 considered harassment by some people, but my intention
37 is not to harass them, it's to kill them. There's a
38 difference there.

39
40 The same with caribou. We're out
41 hunting caribou, three or four of us a couple of weeks
42 ago and got some. And you have to pursue them.

43
44 So the Board of Game is going to be
45 taking this up, and I think it's the same issue on
46 State lands that we all use. So what I'm asking you
47 guys to do is ask the Federal Subsistence Board to kind
48 of define, you know, more clearly so you won't have to
49 worry about going out on a snowmachine or a fourwheeler
50 when you're pursuing caribou or wolverine or wolves

1 that you're not going to get cited.

2

3 Thank you.

4

5 MR. HILL: Madame Chair.

6

7 MADAME CHAIR CHYTHLOOK: Lary.

8

9 MR. HILL: A comment. Randy, and maybe
10 Tinny can also address this. It was several years ago
11 we had a guy from Fish and Game, an officer up there,
12 and he said -- we asked him, what is his definition,
13 what he went by whether he was going to give somebody a
14 citation for harassment. And he said, if I come up on
15 you and found that you shot that wolf with a .22 at
16 close range, that's harassment. In other words, you've
17 chased the animal so far that it can't move any more,
18 and you're just up there with no sport to -- and that
19 was his definition.

20

21 MR. ALVAREZ: I know it. And that's
22 the problem. Because, you know, if you're out there
23 pursuing a wolf on a snowmachine, you know, you're
24 going to have to chase them until you get close enough
25 to shoot them. So that's the situation we're faced
26 with. So it probably will generate a lot of
27 discussion, especially amongst the Board, the Federal
28 Subsistence Board, because that's just the way hunting
29 is being done, specially up north. Those guys, you
30 know, they're bringing this before the Board of Game,
31 and the Board of Game decided there's such a big enough
32 impact that they put it before the statewide Board of
33 Game meeting, because it's going to affect the whole
34 State. I don't know what -- but they needed to come up
35 with a definition that doesn't make you liable for a
36 citation when you're wanting to -- when you're after a
37 wolf or caribou or wolverine.

38

39 MADAME CHAIR CHYTHLOOK: Dan Dunaway.

40

41 MR. DUNAWAY: Yeah, I haven't read all
42 my mail yet. I must have missed that one. But, yeah,
43 I've sat through different troopers coming to our AC
44 meetings, and it's a little bit in the eye -- or quite
45 a bit in the eye of the beholder what constitutes
46 harassment versus hunting. And all I know, I haven't
47 really had the opportunity to do it, it intimidates me
48 from trying, because it's not been real clear to me.
49 And so I would look to those folks who've actually done
50 it, is there a place where you see a clear line, or

1 would it be easier to just say, if you're hunting
2 wolves, you can chase them? Because, boy, we get
3 several different troopers come through Dillingham, and
4 each one's definition is a little different. And you
5 get the folks that want to protect wolves, if you make
6 the wolf stand up, you're harassing the wolf if he's
7 laying down. So I'd really like to hear some
8 suggestions that would help, because it is a problem.

9

10 MADAME CHAIR CHYTHLOOK: Randy.

11

12 MR. ALVAREZ: Thank you, Madame Chair.

13 I do a lot, I have done a lot of wolf hunting,
14 wolverine hunting, caribou hunting with a snowmachine,
15 and I have never harassed the animals. I've chased
16 them because I wanted to get them. I suppose if
17 somebody was out on a snowmachine, didn't have a gun
18 with them, and was chasing in pursuit of an animal or
19 caribou, that could be construed as harassment. But
20 when somebody has a gun and they're trying to get
21 something to eat or trying to shoot a furbearer, I
22 wouldn't consider that harassment, you know. You know,
23 maybe if you ran over them before you shot them, you
24 know, a situation like that, but it's just -- to get
25 this figured out is going to take a lot of debate I
26 think before, you know, because it's such a fine line
27 between the two. But in my opinion, you know, when
28 somebody has a gun in their snowmachine, they're out to
29 get what they're chasing or pursuing. And if they
30 didn't have a gun, what would they be doing?

31

32 Anyway, that's what I wanted to bring
33 before you guys, because the State Board of Game is
34 considering it, so it's going -- you know, and a lot of
35 our land is Federal land that we use, so we need to
36 have that definition so we're not worried about getting
37 cited by the Federal officer.

38

39 MADAME CHAIR CHYTHLOOK: Would you be
40 able to develop like a proposal, or how would be fix
41 this.

42

43 MR. ALVAREZ: I don't know. I think
44 the Board of Game is going to be meeting pretty soon,
45 and I'm sure they're going to be trying to figure out
46 how to write it up. Maybe you can see what they come
47 up with. Maybe ask the protection officer or Staff.

48

49 I know the state troopers that we have,
50 you know, they don't cite anybody for doing this and

1 that sort of thing, because I have never heard of them
2 doing that for harassment, but you never know.
3 Apparently this is why it's came about up in Kotzebue.
4 In the Kotzebue AC somebody must have said something to
5 one of the guys that was doing it, so know they're
6 having to have the Board of Game come up with a better
7 definition.

8

9 MADAME CHAIR CHYTHLOOK: Yeah. Well, I
10 think once that proposal becomes a regulation, then I'm
11 sure the Federal people would have to deal with that on
12 Federal lands. So I was thinking maybe there could be
13 a proposal written under Federal. I don't know.

14

15 Nanci, do you have a comment.

16

17 MS. MORRIS LYON: No. That's exactly
18 -- you answered my original question, Randy, was when
19 is the State Board looking at this, because this is our
20 cycle for fisheries proposals. And I would propose
21 that we would put it on our agenda when hunting
22 proposals open, Donald, if you could make a note, so
23 that we could address it at that time for Federal lands
24 and have a proposal presented then, and if the State
25 passes it, we'll have wording to work off of. And if
26 they don't, we can decide if we want to take the
27 initiative and come up with wording that might work for
28 us. That would be something I would think about.

29

30 MADAME CHAIR CHYTHLOOK: Donald.

31

32 MR. MIKE: Thank you, Madame Chair. We
33 just got done with the wildlife cycle in 2013, so the
34 next opportunity will be in 2015. But we have Staff in
35 our office that can follow this issue and report back
36 to the Council.

37

38 MADAME CHAIR CHYTHLOOK: Richard, did
39 you have a comment.

40

41 MR. WILSON: I was just a short one. I
42 think, Randy, as we're going along, I was thinking, you
43 know, if we could put the word intent in there, or have
44 a category for intent. You know, it's intention to
45 catch that animal, not to harass it. So just if
46 somewhere in the language or in the regs it could have,
47 you know, what are you intending to do there. It might
48 help some of that, at least to categorize it.

49

50 MADAME CHAIR CHYTHLOOK: John.

1 MR. JONES: When you're hunting these
2 wolves and whatever on the snowmachine, are you
3 required to have a permit to do it as a snowmachine
4 hunt.
5
6 MR. ALVAREZ: Madame Chair. John, no,
7 not on State lands or not even on the Federal lands.
8 All you have to do is just have a hunting license, or
9 you can use a trapping license also, but you can take
10 two wolves with a hunting license, but you can take up
11 to 10 if you have a trapping license I think. but
12 there's no permit involved.
13
14 MR. JONES: So when you're snowmachine
15 hunting, you're allowed two?
16
17 MR. ALVAREZ: Yes. But if you have a
18 trapping license, you're allowed to get I think 10.
19
20 MR. JONES: But you wouldn't be
21 trapping off a snowmachine?
22
23 MR. ALVAREZ: You've got to go check
24 your traps.
25
26 MR. JONES: Yeah. But I mean as far as
27 -- so if you see one, and you decide to go after it, if
28 you already had your limit of two, is it two a day
29 or.....
30
31 MR. ALVAREZ: I think it's two a
32 season. I'm not -- the regulation's changed. It might
33 have because there's been so many wolves and people
34 having to -- there haven't been so many predator
35 management plans that I think the Board upped the limit
36 before they did some of those management plans, so it
37 might be more than two now.
38
39 MR. JONES: Yeah. Well, what I'd see
40 is if a person wrote up a proposal stating that, you
41 know -- everybody loves paperwork, you know, they love
42 paperwork, I love it, too. It's great. But if you seen
43 it coming where they're calling it harassment, if
44 you've got say a permit to hunt them the way you
45 originally hunt them off the snowmachine, it would be
46 more paperwork, but at least you'd have a permit that
47 would classify you not harassing, right?
48
49 MR. ALVAREZ: Madame Chair. I don't
50 think there's anywhere in the State where you have to

1 have a permit, unless it's a permit from the Board of
2 Game that lets you fly and shoot. That's the only
3 permits I know about wolf permits.

4

5 MR. WILLIAMS: Madame Chair.

6

7 MADAME CHAIR CHYTHLOOK: Lary.

8

9 MR. WILLIAMS: One more thing. Randy,
10 you earlier spoke about what you thought was a
11 definition of harassment, and if you're a licensed
12 hunter or trapper, you're chasing that animal to kill
13 it, you're not harassing it. If you're out with a
14 snowmachine, you don't have a rifle, you don't have
15 anything, you're just chasing that animal just for the
16 fun of it, that's harassment, I believe.

17

18 MR. ALVAREZ: Yeah. And I think that's
19 what I would consider, you know, if your intent, like
20 Richard said -- they have to -- the officers needs to
21 consider what your intent is.

22

23 MR. O'HARA: Madame Chairman.

24

25 MADAME CHAIR CHYTHLOOK: Dan O'Hara.

26

27 MR. O'HARA: Thank you. Yeah.

28

29 Randy, I guess we have proposals coming
30 up in 2015, and there's a proposal before the State
31 Board of 177, is that what you said? And so before --
32 I think Nanci mentioned that, I guess we can't put in a
33 proposal until it's timely for the proposal, but I
34 think that we would be -- I would be very interested in
35 following up on your testimony. And then if they don't
36 do it, we likely could try doing it, too. But I think
37 it's a really good thing with the North Peninsula
38 Caribou Herd declining and bear population pretty
39 healthy and the wolf population pretty healthy. You
40 know, we try to manage that so we can get some resource
41 back, so I really appreciate you coming before the
42 Council.

43

44 MR. ALVAREZ: Madame Chair. I guess, I
45 don't know if we have a wildlife officer here to
46 explain that regulation. What the Federal regulation
47 says and what they consider harassing when you're
48 pursuing caribou or wolves or wolverine on a
49 snowmachine. Is there somebody here that can do that.

50

1 MADAME CHAIR CHYTHLOOK: I don't see
2 anybody jumping up in the back there.
3
4 (Laughter)
5
6 MADAME CHAIR CHYTHLOOK: So we must not
7 have one. There's somebody.
8
9 MR. WALSH: Madame Chair. I'm Pat
10 Walsh.....
11
12 REPORTER: You have to turn the
13 microphone on.
14
15 MR. WALSH: I'm Pat Walsh from Togiak
16 Refuge. And as I understand the rule, if you chase an
17 animal and alter its behavior, then you are harassing
18 the animal under the Federal rules. If it moves away
19 from you, then you're harassing the animal and you're
20 in violation.
21
22 MADAME CHAIR CHYTHLOOK: I think Randy
23 has a question for you. I wouldn't leave yet.
24
25 MR. ALVAREZ: Thank you, Madame Chair.
26
27
28 Pat, thank you for that. That's
29 exactly -- what Mr. Walsh said is the situation we have
30 to fix, because that currently would put everybody
31 breaking the law.
32
33 MR. WALSH: Correct.
34
35 MADAME CHAIR CHYTHLOOK: Nanci.
36
37 MS. MORRIS LYON: Yeah. I totally
38 agree. I mean, that applies to me walking through the
39 woods on a nature hike and a moose gets up and moves.
40 I just harassed him. And, you know, you're right. I
41 mean, if you get a zealous officer out there who's just
42 dying to fill up his ticket book, we're all in jeopardy
43 by just enjoying the world around us.
44
45 MADAME CHAIR CHYTHLOOK: So would you
46 be willing to find a better definition for that or are
47 you guys locked up in that definition?
48
49 MR. WALSH: The rule would have to
50 change before that definition would change.

1 MR. JONES: Could I just ask one?
2
3 MADAME CHAIR CHYTHLOOK: John.
4
5 MR. JONES: If you allow hunting from a
6 snowmachine now, why is it harassing if you're allowing
7 a person to go out and hunt with that snowmachine? Why
8 would you call it harassing if it's already allowable?
9
10 MR. WALSH: You've got to look at the
11 definition or the rule of harassment, which I don't
12 have in front of me, but it is defined. Basically the
13 crux of it is if you cause the animal's behavior to
14 change. Okay. The definition of harass is means to
15 disturb, worry, molest, rally, concentrate, harry,
16 chase, drive, herd or torment. So if you do any of
17 those things, then you're harassing.
18
19 The rule doesn't say you can't take
20 your snowmachine or your automobile or your fourwheeler
21 to the place where you're going to hunt. It says you
22 can't chase the animal from it.
23
24 MR. JONES: Well, if you're duck
25 hunting, you're sneaking up on the duck, you scare the
26 duck, you're harassing the duck when you shoot him.
27 That's what you just told me.
28
29 MR. WALSH: Well, I'm not the one who
30 would be writing the ticket. I'm not a law enforcement
31 officer. So it's going to be his judgment when he sees
32 you do whatever you do.
33
34 MR. JONES: Well, I think you need to
35 change the law.
36
37 MADAME CHAIR CHYTHLOOK: Dan.
38
39 MR. O'HARA: Yeah. Your name was Pat?
40 Yeah.
41
42 It's a good conversation. I mean, it's
43 a good thing to discuss. For instance, you're coming
44 home and you look out on the lake and there's about
45 eight or nine wolves out there. And as you're cruising
46 along, you stop, you know -- or before you stop, the
47 wolves start to run, so you jump off your snowmachine
48 and start shooting. If the wolves hadn't moved by the
49 time you stopped your machine, you were totally legal.
50 You're not harassing an animal. But if that wolf

1 decided to take off, then that would be a definition of
2 harassment; is that right?

3

4 MR. WALSH: I think Solomon would do a
5 better job of answering this question than me when you
6 go through those kind of alternatives. But it's going
7 to be the opinion of the officer that sees it, and it's
8 hard to say there's a black and white thing there, you
9 know. How many times have people been cited for it?
10 It's been very few times, so it's not a real common
11 thing that people are found in violation of.

12

13 MR. O'HARA: Madame Chair. The fact is
14 that Solomon doesn't answer his phone any more, so we
15 really can't figure out.....

16

17 (Laughter)

18

19 MR. O'HARA:(indiscernible -
20 laughter).

21

22 MADAME CHAIR CHYTHLOOK: Okay. Randy.

23

24 MR. ALVAREZ: Madame Chair. I think
25 that's why the Board of Game is taking it up, because
26 apparently some protection officer up around Kotzebue
27 was -- didn't like the way that people were
28 implementing their hunt. So I guess there just needs
29 to be a better definition. That's what the Board of
30 Game is working on I think is a better definition. And
31 probably the Federal Subsistence Board needs to be a
32 little more -- have a better definition, because the
33 definition that Mr. Walsh had read off, that would make
34 us all illegal when we're out hunting on snowmachines.
35 For the most part we'd be -- once the animal, the
36 caribou or the wolf saw you on your snowmachine, you
37 could no longer pursue them.

38

39 MADAME CHAIR CHYTHLOOK: Tim.

40

41 MR. HEDLUND: Thank you, Madame Chair.

42

43 Yeah, I've hunted both commercially and
44 with an airplane, snowmachine, and everything else.
45 And I always went to the local Fish and Game agent and
46 asked him, you know, what is harassment. And they said
47 making the wolf or animal do what it doesn't normally
48 do. And I've never seen a wolf stand there when I come
49 over the hill with a snowmachine.

50

1 (Laughter)
2
3 MR. HEDLUND: So he's normally running.
4 And, I mean, that's normal. And that's the same with
5 the caribou.
6
7 (Laughter)
8
9 MR. HEDLUND: So that's the definition
10 I've had. Thank you.
11
12 MADAME CHAIR CHYTHLOOK: That is too
13 cool. Randy, do you have any more comment?
14
15 (No comments)
16
17 MADAME CHAIR CHYTHLOOK: Well, I think
18 Thomas answered our question.
19
20 MR. O'HARA: Madame Chair.
21
22 MADAME CHAIR CHYTHLOOK: Dan.
23
24 MR. O'HARA: Yeah. I just want to
25 thank you for testifying, because I was planning on
26 taking a little nap about now after that hamburger, but
27 I think I'm going to be wide awake until 3:00 o'clock.
28
29 (Laughter)
30
31 MR. ALVAREZ: Thank you. I know we had
32 no snow this year, so I couldn't do it, but I'm
33 normally hunting something on my snowmachine. So, you
34 know, I probably do as much as anybody, but, yeah, so I
35 don't want to get cited for something we've always
36 done, you know. And my intent is not to harass them,
37 it's just to kill them.
38
39 MADAME CHAIR CHYTHLOOK: I guess just
40 remember what Tinny told us. Normal. Okay.
41
42 Any other comments or questions for
43 Randy.
44
45 (No comments)
46
47 MADAME CHAIR CHYTHLOOK: If not, let's
48 go on to our -- oh.
49
50 MR. HEDLUND: Thank you, Madame Chair.

1 Just to back up a little bit, when you were talking
2 about trapping. You could use a trapping license
3 hunting wolves. You don't have to have a trap. You
4 could use a trapping license to hunt wolves. And I
5 think there is no limit on trapping wolves. And I
6 think they might have changed the wolf hunting, too, to
7 where there's no limit now. But you can hunt them with
8 a -- that's what we used to use, we use a trapping
9 license for hunting wolves with an airplane and with a
10 snowmachine.

11

12 MADAME CHAIR CHYTHLOOK: Richard.

13

14 MR. WILSON: Just maybe a final comment
15 for me at least. John was asking about the permit
16 system. John, the only permit I'm aware of is that if
17 you're on private lands, like corporation lands, you
18 have to have a permit in order to do any hunting or
19 trapping or anything on that. That's the only thing I
20 know of that's in place.

21

22 MR. JONES: I thought the permit would
23 just clarify that you're hunting them from a
24 snowmachine and not harassing. That's what I was --
25 you know, I'd like -- I'd really love to see this where
26 you would write something that made it legal to do it
27 without calling it harassment. I'd really like to see
28 that proposal. Good luck to the person that's going to
29 write it.

30

31 (Laughter)

32

33 MR. JONES: So that's all I had to say.

34

35 MADAME CHAIR CHYTHLOOK: Okay. Well,
36 thank you, Randy and everybody else. Yeah, you did
37 wake us up. Now we're ready to work.

38

39 Our next item on the agenda is briefing
40 on Fisheries Resource Monitoring Program. And do we
41 have somebody? The information is on Page 34 of your
42 booklet. Do we have somebody that will deal with this.
43 We're really kind of short-staffed out there.

44

45 MR. MIKE: Madame Chair.

46

47 MADAME CHAIR CHYTHLOOK: Donald.

48

49 MR. MIKE: Jeff Brooks and I think
50 Karen Hyer on line should be available. Karen, are you

1 on line?
2
3 MADAME CHAIR CHYTHLOOK: Karen, are you
4 on line? I guess we're looking for you.
5
6 MS. KENNER: Madame Chair, this is
7 Pippa Kenner with OSM. I'll go check on her.
8
9 MADAME CHAIR CHYTHLOOK: I assume this
10 is update information.
11
12 MR. BROOKS: Madame Chair. My name is
13 Jeff Brooks, Office of Subsistence Management.
14
15 And I was hoping to do this with Karen
16 Hyer, and hopefully she will come on to answer any
17 specific questions that we may not be able to address.
18 And I say that because one of your requests at the last
19 meeting was to get more information on the process and
20 the TRC, the Technical Review Committee. And that may
21 be information that Karen Hyer can provide.
22
23 But for an overview.....
24
25 MS. HYER: Ms. Chairman. I'm here.
26 I'm on the line.
27
28 MADAME CHAIR CHYTHLOOK: Karen, you're
29 on line now?
30
31 MS. HYER: Yeah, I'm on the line. I
32 just was having trouble, I'm using my phone.
33
34 MADAME CHAIR CHYTHLOOK: Okay. Jeff is
35 introducing the project now, and I guess we'll help for
36 your help once he gets done. Is that correct?
37
38 MS. HYER: Okay. I'm having a really
39 hard time hearing, so just let me know when you need
40 me.
41
42 MADAME CHAIR CHYTHLOOK: Yeah. When
43 you're talking, you're loud and clear. You might be
44 having problem with hearing us.
45
46 MS. HYER: Yeah, I just picked up my
47 phone, hoping it was better, but it's not, so I'm going
48 to try you back on microphone again.
49
50 MADAME CHAIR CHYTHLOOK: Okay. Jeff,

1 you can continue, and then, you know, let her take over
2 if need be.

3

4 MR. BROOKS: Okay. Thank you, Madame
5 Chair. I'm Jeff Brooks.

6

7 Last round of meetings that you had, we
8 were in the process of reviewing proposals that came
9 into the program for funding to monitor fish species in
10 Alaska for subsistence use. And the decision has been
11 made by the Board to fund a series of projects based on
12 the TRC recommendations, based on feedback from RACs
13 and other sources, and also based on the limit of money
14 that was available. And those contracts are now being
15 awarded. The letters have been sent to the principal
16 investigators, and the OSM Staff is working on getting
17 the contracts together, the agreements together and
18 working those through our contracting office so that
19 projects can start by this spring that need to get
20 going. So that's where we are with that.

21

22 MADAME CHAIR CHYTHLOOK: I guess,
23 Karen, do you have additional information. Karen,
24 could you hear us?

25

26 MS. HYER: Madame Chair, can you hear
27 me?

28

29 MADAME CHAIR CHYTHLOOK: Yes.

30

31 MS. HYER: Okay. Am I sounding okay,
32 because I'm on speaker phone, and I can pick up the hand
33 set if I need to. I just can't hear very well.

34

35 MADAME CHAIR CHYTHLOOK: You're loud
36 and clear. So you've got the floor.

37

38 MS. HYER: Okay. I was just going to
39 briefly go over the whole process for the Fisheries
40 Resource Monitoring Program, because we actually just
41 finished a cycle, and we're going to start up on the
42 next cycle this fall. When I get done with this, we're
43 going to talk a little bit about what the priorities
44 are for the region, because this fall is the time when
45 we come to the RACs and we ask them what their priority
46 information needs are, and then we take those and we
47 put them in the call.

48

49 So I have just a brief overview. We --
50 the Fisheries Resource Monitoring Program seeks

1 projects every other year. So our call goes out every
2 other year. And that call goes out, and in that call
3 are the priorities that the RAC would like to see
4 future (indiscernible, breaking up) considered on. And
5 so seeks out proposals from investigators.

6
7 And when the proposals come in, they're
8 reviewed by our Technical Review Committee. And if
9 turn to Page 34 in your book, this is kind of an
10 overview of the Fisheries Resource Monitoring Program.
11 The Technical Review Committee makes recommendations on
12 strategic priorities, technical soundness,
13 investigator's ability, and capacity building. And so
14 they make a recommendation, and then that
15 recommendation goes to the Advisory Council. And at
16 that time the Regional Advisory Council's
17 recommendation on the project as to whether it's a
18 priority in their region. And the Regional Advisory
19 Council is not privy to the investigation plans, only
20 the Technical Review Committee possess these plans. So
21 the job of the Technical Review Committee is to make a
22 recommendation on technical merits, it's up to the
23 Regional Advisory Council is to make a recommendation
24 on what is important for research in their area.

25
26 Those two recommendations go to the
27 Staff Committee. Staff Committee also does not have
28 access to the investigation (indiscernible). So they
29 make a recommendation based on what the Technical
30 Review Committee recommended and based on what the
31 Regional Advisory Council recommended.

32
33 And those recommendations then are
34 forwarded on to the Federal Subsistence Board. And
35 then the Federal Subsistence Board at that point
36 (indiscernible) or not fund the project.

37
38 And then list of projects that were
39 recommended by the Federal Subsistence Board
40 (indiscernible) back to the Office of Subsistence
41 Management, and the Office of Subsistence Management
42 then funds those projects if they have sufficient funds
43 for those projects.

44
45 Now currently we have funded all the
46 projects that we know we have the budget for. And if
47 we have -- we have a couple projects that were
48 recommended for funding, and we're holding them back to
49 see what our final budget looks like. So we may fund
50 more projects than is funded at the moment depending on

1 what our budget is.

2

3 And so that's basically an overview of
4 the whole program -- or the whole process. I'll stop
5 and take any comments, and then we can lead into the
6 priority information needs, and we can start to discuss
7 that. Are there any questions.

8

9 MADAME CHAIR CHYTHLOOK: Any questions
10 for Karen from the Board here.

11

12 (No comments)

13

14 MADAME CHAIR CHYTHLOOK: Seeing none,
15 Karen. I guess you can continue.

16

17 MS. HYER: Okay. Then I just want to
18 make one more point and then I'll turn it back over to
19 Jeff, and (indiscernible) other priority needs
20 (indiscernible). It's kind of (indiscernible)
21 formalized now, and we're interested in hearing what
22 your ideas are. And so it's (indiscernible) but it's
23 what we see in your region.

24

25 And with that I will turn it back over
26 to Jeff.

27

28 MADAME CHAIR CHYTHLOOK: Karen, before
29 you turn that -- leave us, I guess the -- is it 14-451
30 proposal that BBNA brought out. One of the main
31 reasons why it wasn't funded was because there was too
32 many researchers? There was an issue -- well, there
33 was a concern about funding all those extra people that
34 were listed as research personnel, but looking under
35 your funding recommendations, unless I'm missing it, I
36 don't see that concern listed.

37

38 MS. HYER: Madame Chairman and Council
39 members. My understanding was there were issues with
40 the investigation plan, and not (indiscernible) decided
41 that met all of -- I interpreted as too many
42 investigators, but I think it's (indiscernible) it
43 wasn't clear who was going to be doing what, and what
44 the level of expertise was. And I think it had to do
45 with the investigation plan not clearly defining really
46 the priorities and methodologies.

47

48 MADAME CHAIR CHYTHLOOK: Yeah. Okay.
49 Well, that wasn't my understanding. When the proposal
50 came back to us, that concern of too many investigators

1 seemed like the main reason, but I may be mistaken.

2

3 And then another I guess issue I had
4 was as we testified for that proposal, I guess because
5 even our Council had recommended an approval for the
6 ones that were approved already, that 451 wasn't
7 approved. Yeah. Well, thanks for the information.

8

9 Was there any other comments from this
10 Board regarding this, and, Jeff, do you have any more
11 additional information. I guess it sounded like
12 Karen's done her part. Do you have any other additions
13 for this?

14

15 MR. BROOKS: Madame Chair. Jeff Brooks
16 here for the record.

17

18 I am going to hopefully work with you
19 in a discussion in the next few minutes with the
20 assistance of Karen if necessary to discuss what you
21 feel are the priority information needs for your region
22 for the upcoming cycle of grant proposals.

23

24 MADAME CHAIR CHYTHLOOK: For fisheries?

25

26 MR. BROOKS: That's correct, for
27 fisheries.

28

29 MADAME CHAIR CHYTHLOOK: Richard.

30

31 MR. WILSON: Madame Chair. We
32 discussed it last fall, you know, these monitoring
33 programs that went through. There was some priority
34 list. But on that list Mr. O'Hara was trying to get
35 eel grass and Chinook salmon as a monitoring program.
36 And I'm wondering if there could be discussion here, or
37 if we still would like to pursue some of that type of
38 monitoring, and to put it on the list if possible for
39 this winter.

40

41 MR. O'HARA: Madame Chair. I think the
42 discussion ended there, because, if I remember
43 correctly, that is off of the peripheral project that
44 would cover the monitoring program on State waters and
45 off land, and so it didn't qualify. And so they just
46 said, thank you very much, but no thank you. So that's
47 where it went. But we always want to keep in mind that
48 we want to do a research project on the eel grass
49 should anybody ever come along that line.

50

1 Mr. Brooks, looking at our book here,
2 starting on Page 34, and then I didn't see the dollar
3 amount. Did I miss that somewhere that they are -- the
4 funding that's going to go for the six projects here?
5 Do you have any access to the amounts, or who would be
6 talking about that?

7

8 MR. BROOKS: Madame Chair.

9

10 Yes, Dan, the dollar amounts were I
11 believe displayed in the RAC meeting book from last
12 time, and I brought one of those with me. We could
13 look at that if you would like to do that now. But for
14 this meeting, the main purpose was just to provide you
15 an update, and then to talk about the upcoming cycle,
16 and what are the needs of your communities in this
17 region for research.

18

19 MR. O'HARA: Madame Chair.

20

21 Just following up on that, Mr. Brooks,
22 we don't need to look at that. I've got my book at
23 home as well.

24

25 You know, the Bristol Bay Borough
26 septic system is supposed to be 175,000 gallons a day.
27 When they're processing, they've gone to 375,000
28 gallons up to 400,000 in July. So we put in a request
29 for funding, and it falls right in this category of
30 what we're doing here. And up to BBNA actually,
31 Bristol Bay Native Association. And out of the 10
32 projects that could have got into the Governor's
33 budget, we were number 8 and we missed it by 8 points.
34 And that's a \$26 million project. And so that's really
35 close, but not close enough. So, you know, if you have
36 a little secret on how to get Bristol Bay into next
37 year, we -- you probably shouldn't buy him lunch since
38 he's a Federal guy I guess, but that's okay. But it
39 would be -- you know, we would like to get in on that
40 very much, so appreciate those comments.

41

42 MADAME CHAIR CHYTHLOOK: Nanci.

43

44 MS. MORRIS LYON: Yeah. Another
45 suggestion that actually came up at lunch time is
46 somebody said the Newhalen fish count is -- and that's
47 on Federal lands up there, and that's really important
48 for subsistence users in the Lake Clark region to know
49 what those counts are, so I would love to see a project
50 initialized and hopefully with real long-term

1 monitoring available for us for salmon for that region.

2

3 Thank you.

4

5 MR. O'HARA: Madame Chair. The
6 counting on the Newhalen I believe would start on
7 Federal lands which I think is -- I don't know if it's
8 the beginning of Six-Mile Lake or at the end of Six-
9 Mile Lake, but it still would be a good counting
10 station.

11

12 Thank you.

13

14 MR. DUNAWAY: Madame Chair.

15

16 MADAME CHAIR CHYTHLOOK: Dan.

17

18 MR. DUNAWAY: Yeah. I was hoping to
19 see or hear from some of the agencies around the bay
20 that have some ideas. I know last fall I appealed to
21 folks that we need to be proposing some ideas, and
22 sometimes they're closer to the ground than we are. I
23 haven't heard anything. I try to keep eyes and ears
24 open.

25

26 It did occur to me that a pretty big
27 issue in the last Board meeting with the Area M issues
28 in Anchorage was concern for king salmon and other
29 salmon escaping into the Meshik River. And I followed
30 up with that on talking to I think George Pappas and
31 some other people, that could we possibly come up with
32 some sort of a weir or a counting process in the Meshik
33 River, because when I spent some time in Port Heiden,
34 the folks there were saying, they were having trouble
35 getting their subsistence fish, and there were some
36 commercial fisheries going on outside, and there's a
37 lot of politics going on right there. The Board made
38 some changes to how the commercial fishery was supposed
39 to be executed, but if -- I guess maybe I should send
40 an email to Port Heiden. I got the idea it was going
41 to be very, very difficult to do anything down there,
42 but I would hope that maybe some of the folks here,
43 maybe the Aniakchak SRC could maybe help fill in that
44 blanks. And we don't have anybody from Port Heiden
45 here, or that area right now. But I'm still concerned.
46 When, I mean, I go to a community for other work and I
47 hear about, you know, it's getting a little tough to
48 get these fish, and it is kind of this black hole that
49 hasn't been looked at. So if that was even a tentative
50 possibility in some manner, I'd encourage us to

1 consider it.

2

3 MADAME CHAIR CHYTHLOOK: Okay. And I
4 don't think we -- there was a proposal, the Council
5 might need to help me. It seemed like there was a
6 proposal on Chignik fishery information and the reason
7 why it didn't go through is because there wasn't enough
8 information on subsistence salmon harvest at that time.
9 And I don't -- Donald, do you remember that proposal?
10 It was during the last cycle. Even Federal Subsistence
11 Board passed it through -- or rejected it, because
12 there wasn't enough subsistence salmon information,
13 although from this Council we told them that the reason
14 why there wasn't any updated subsistence information
15 was because of budgetary issue, but still that
16 subsistence information I guess was crucial enough that
17 that proposal didn't go through. I guess we need to --
18 I need to get -- we need to go back -- look back to
19 that proposal.

20

21 Do you remember, Dan or anybody
22 regarding that? Donald.

23

24 MR. MIKE: Thank you, Madame Chair.
25 The Chignik Lake proposal, we discussed this two years
26 ago. It was a proposal from the Chignik Lake Village
27 Council, and the proponent was Alvin Boskofsky and the
28 Native Village of Chignik Lake to harvest I believe it
29 was for more Chinook salmon for subsistence uses. And
30 I think if I remember right, the proposal requested to
31 include gillnetting of Chinook, but the Board struck
32 that down and allowed Chinook harvest with rod and reel
33 I believe.

34

35 Mr. Jones, can you remember that? We
36 had a lengthy discussion on that.

37

38 MR. JONES: My understanding of that
39 fishery is you can fish it any way you wanted under
40 subsistence in that river system, and I didn't care for
41 that. I still don't care for it. I'd like to see that
42 whole thing thrown out myself.

43

44 MR. BROOKS: Madame Chair, if I may.
45 That was a regulatory proposal, correct? And it sounds
46 like John would have ideas for other regulatory
47 proposals.

48

49 What are the needs? If there are needs
50 for that fishery there for research, would it be

1 possible for us to discuss that.

2

3 MADAME CHAIR CHYTHLOOK: Nanci.

4

5 MS. MORRIS LYON: I think knowing that
6 I've sat in on all those discussions, I would love to
7 see some TEK knowledge or usage from C&T for years. I
8 mean, I think we need to almost start there, because
9 there seems to be a real lack of numbers and usage by
10 whom, and locations for that area. It always seems to
11 be a bone of contention for us to be able to make
12 informed decisions with.

13

14 MADAME CHAIR CHYTHLOOK: Donald.

15

16 MR. MIKE: Thank you, Madame Chair.

17

18 I believe that particular proposal when
19 this Council discussed it was that we had some data
20 that related to sportfishery, but we had some data
21 lacking on the subsistence side.

22

23 MR. JONES: Well, you know, you can't
24 get no data from something that's closed down before it
25 even starts. You know, you have a lack of fish, how
26 can you get any determination on what you're catching
27 or doing anything, when there isn't enough return in
28 there to do anything in that river system. I mean, the
29 kings have been declining everywhere in the State of
30 Alaska. I've been watching. It's just not Chignik.
31 But a proposal that is like that, if the season is open
32 there for a week, when they're running, you're going to
33 wipe out that part of the counted fish that have gone
34 through there. And it happened last year. There was a
35 week before they closed the sportsfishing, and when
36 they closed the sportsfishing, the subsistence closed
37 down. Well, before that, you're up there at the corner
38 of that river with a gillnet grabbing kings out of
39 there, or snagging them out of there, whatever you're
40 doing to them. But when you have a low count, what's
41 your data going to be? Nothing.

42

43 I mean, you're just wiping it out at
44 the upper end of that thing. That's what I see. And
45 I'm going to try to get a proposal to get rid of that.
46 I mean, it's foolishness, it's a waste of time. Under
47 sportsfishing, it's regulated perfectly fine. It's
48 closed. You don't have all the people going up there
49 catching more than a sports fisherman would catch, and
50 it's closed, then it's -- and you're not really killing

1 the run-off. And that's what I was afraid of when this
2 proposal went in there, is you're going to kill the
3 run-off and we are doing it right now. One year of it.

4

5 MR. O'HARA: Madame Chair.

6

7 MADAME CHAIR CHYTHLOOK: Dan.

8

9 MR. O'HARA: Yea. Monitoring a program
10 like this, Mr. Brooks, for instance I was flying for
11 Penair and we were going to Moller, and I was about 13
12 miles north of Port Heiden, and I saw this tender
13 sitting out there, and I looked along there, and there
14 was a whole bunch of boats, and I thought they were
15 just traveling. Well, the new boundary line here a few
16 years back was 13 miles above Port Heiden, completely
17 cutting off the Meshik River. And, of course, that's
18 when the reports came in that the subsistence use of
19 kings were just dwindling. And since then the fin fish
20 and the Fish Board has moved them past Stroganof, which
21 is on the other side. And yet they, you know -- we're
22 not here to change the regulations of Area M, but they
23 need to be at Three Hills, not Stroganof. And, for
24 instance, you would just ask any guide in Meshik who
25 used to do -- with their clients, you know, they would
26 be hunting, and then they would go down and go fishing.
27 That fishery has dropped off so drastically that those
28 guides, and they have a right to do that as well, it's
29 just not there any more.

30

31 So I think there's some justification,
32 probably when Mr. -- we're getting down there to
33 putting in our next proposal, I'll bet you we could
34 come up with some idea.

35

36 Thank you, Madame Chair.

37

38 MADAME CHAIR CHYTHLOOK: Okay.

39

40 Any more discussions regarding this.

41

42 (No comments)

43

44 MADAME CHAIR CHYTHLOOK: Okay. Thank
45 you.

46

47 MR. BROOKS: You're welcome, Madame
48 Chair.

49

50 MADAME CHAIR CHYTHLOOK: Our next on

1 the agenda is the Partners briefing, preview of call
2 for proposals. And I guess call for proposal for
3 fisheries deadline is March 28, 2014 for fisheries
4 proposals.
5
6 Do we have somebody that is going to do
7 the presentation on Partners briefing.
8
9 MS. HYER: Madame Chair, can you hear
10 me? It's Karen again.
11
12 MADAME CHAIR CHYTHLOOK: Okay. Hi,
13 Karen. You're on. You've got the floor.
14
15 MS. HYER: Karen Hyer with OSM for the
16 record. And I'm not sure I said that last time; I
17 think I just started talking.
18
19 So we have a Partners for Fisheries
20 Monitoring Program where we have funded fisheries
21 biologists, anthropologists and educators
22 (indiscernible -- feedback) season. They have to live
23 in the areas where they work. And BBNA has a Partner's
24 position right now, so you're familiar with the
25 program.
26
27 And the purpose of this presentation is
28 just to let you know the next call will be in November,
29 2014. And so as we get closer then we can define
30 exactly how we're going to go about the call. We'll
31 have more information for you. But this is just kind
32 of a placeholder to let you know it is coming and if
33 anybody has any questions or you know any organizations
34 that might be interested, they're welcome to contact
35 our office, and we will certainly make sure they get
36 the information when it comes out.
37
38 And, Madam Chair, that's all I had for
39 this. You can see Palma Ingles contact information at
40 the very bottom. She's our Partners coordinator.
41
42 MADAME CHAIR CHYTHLOOK: Okay. Any --
43 oh, Karen.
44
45 MS. STICKMAN: Madame Chair. This is
46 Danielle Stickman. I'm the current partner for the
47 Partners program, based out of Dillingham. So I work
48 at the Bristol Bay Native Association.
49
50 And if you have any ideas, you can

1 contact me. I have a couple cards, or my email address
2 is dstickman@bbna.com. It could be found on their
3 website.

4

5 That's all. Thank you, Madame Chair.

6

7 MADAME CHAIR CHYTHLOOK: Okay.

8 Orville, did you have something? Was it Orville? I've
9 got note here.

10

11 MR. LIND: Oh, yeah. I do.

12

13 (Laughter)

14

15 MADAME CHAIR CHYTHLOOK: Orville would
16 like to address RAC from Alvin.

17

18 MR. LIND: I tell you, that salad did
19 (indiscernible - away from mic)

20

21 (Laughter)

22

23 MR. LIND: Thank you, Madame Chairman.

24 Orville Lind, Alaska Peninsula/Becharof National

25 Wildlife Refuge.

26

27 I just wanted to give a report on Alvin
28 Boskofsky. I had a long talk with him last night, and
29 he said to say hi, of course. Hi to everybody, hope
30 everybody's doing well. He's struggling with leukemia,
31 and the operation didn't go too well. He's still
32 struggling with the medicine and how it's affecting his
33 body. And his body's breaking down pretty good. But
34 he was in good spirits and he said to say high
35 everybody and hope everybody's doing well.

36

37 Thank you.

38

39 MS. MORRIS LYON: Give him our best.

40

41 MADAME CHAIR CHYTHLOOK: Yeah. When
42 you talk to him next time, give him our best.

43

44 MR. LIND: I will.

45

46 MADAME CHAIR CHYTHLOOK: Yeah. Tell
47 him we miss him on the Board.

48

49 Okay. I guess next on our agenda,
50 we're down to old -- or new business. And call for

1 fisheries regulatory proposals. Is somebody going to
2 give us a spiel on this.
3
4 MS. HYER: Madame Chair. It's Karen
5 again in Anchorage.
6
7 MADAME CHAIR CHYTHLOOK: Okay. You
8 have the floor.
9
10 MS. HYER: Okay. Karen Hyer with OSM.
11
12 We are heading into our regulatory
13 cycle, and this week we sent an announcement
14 that the call for proposals to change Federal
15 subsistence fish and shellfish regulations has gone out
16 and the deadline is March 28th. And so if there are
17 any changes to regulations, now is the time to submit
18 them. And I'd be happy to work with anybody or the
19 Council if they need any assistance in this area. It's
20 a little bit hard to do over the teleconference,
21 because I'm having a really hard time hearing, but if
22 there are any issues, please make sure Donald Mike
23 understands them, and then he can bring them back and I
24 would be happy to work with anybody that's interested
25 in putting forth a proposal.
26
27 And that's all I have on that.
28
29 Madame Chair.
30
31 MADAME CHAIR CHYTHLOOK: Any questions
32 for Karen.
33
34 (No comments)
35
36 MADAME CHAIR CHYTHLOOK: Donald,
37 there's a little asterisk here for an action. Would
38 that be after the discussions on -- after Richard's
39 proposal.
40
41 MR. MIKE: Madame Chair. Yes, it's
42 just a public announcement that we're accepting Federal
43 fisheries -- or wildlife -- Federal regulatory
44 proposals, and the due dates March 28th. That deadline
45 I mean, March 28th, 2014. So we have the proposal form
46 for the public to have, so just for your information.
47
48 Thank you, Madame Chair.
49
50 MADAME CHAIR CHYTHLOOK: Okay. We

1 added Richard under this call for fisheries regulatory
2 proposals.

3

4 Richard, you have the floor.

5

6 MR. WILSON: Thank you, Madame Chair.

7

8 This is a proposals that's been long in
9 coming. We've been trying to do this for several
10 years, and we finally got it on paper. I don't have
11 the page number. Donald was going to try to help me
12 out there. It was a the last minute thing this morning
13 in our regulatory book. But it's in the 5AAC 01.320,
14 lawful gear and gear specifications. And this is in
15 regards to the spawned-out salmon in Naknek Lake. And
16 we with the Park Service and the community have been
17 working together in putting together this proposal. I
18 don't have a number for it. This is just in the draft
19 form for us to discuss.

20

21 Everything that you see on here in bold
22 is -- in the green is new information, and everything
23 that you see in yellow is actually -- is added
24 information. So I'll give you guys a minute to look at
25 that if you want before I continue, or do you want me
26 to just go?

27

28 MADAME CHAIR CHYTHLOOK: Just go.

29

30 MR. WILSON: Okay. With the help of
31 Donald here in the last three weeks, I gave him a draft
32 and he helped me, and added language which is real good
33 language that I could have never done. And so with it,
34 we have before us this proposal, and basically the
35 changes that are there are all in agreement with the
36 Park Service. We held a meeting with them, gave them
37 -- we worked out this together, and every change that's
38 on here is agreement with them, and it's actually
39 something that they're able to do.

40

41 So in doing that, it was -- we've
42 changed the dates, earlier dates in August, August 30
43 through December 30, and we've included breach seine in
44 this proposal. And further on down we've included
45 another area to take this fish in Ivan's Creek. And at
46 the Brooks River we're in agreement there. We've
47 decided to go from September 17 -- or 18 on through
48 December 31st. And that was in agreement with the Park
49 also, because on the 17th is the last day that they
50 have clientele. So these dates were good with them.

1 And they were good with the people that I've been in
2 touch with.

3

4 And also including the beach seine,
5 noting that beach seine is -- you know, it's a much
6 safer way of getting what you want and returning what
7 you don't want. So they were very much in favor of
8 that.

9

10 And that's pretty much it. And I'm
11 just submitting this, because I'd like this to come off
12 of this Board rather than -- I mean this Council here
13 rather than myself as an individual. I'd like to have
14 your blessing on this.

15

16 MADAME CHAIR CHYTHLOOK: Nanci.

17

18 MS. MORRIS LYON: Yeah.

19 Congratulations. I think this is great, and I would
20 love to see our Council support this as well.

21

22 I just have one point that we may want
23 to change. Your very last sentence in green, harvest
24 of spawned-out salmon occurs when the commercial
25 fishing season is closed and the sportfishing season is
26 closed for sockeye. There actually isn't a closure on
27 the sockeye that I'm aware of. It's just a point of
28 order. I would just change that sentence to read, the
29 sportfishing season does not occur any more at that
30 time. The actual closure doesn't happen. So it's just
31 not properly worded, but you've got the right intent.

32

33 So I like it, I'm in support of it.
34 And with that change I would fully support it for my
35 position on the Council.

36

37 MR. MIKE: Madame Chair.

38

39 MADAME CHAIR CHYTHLOOK: Donald.

40

41 MR. MIKE: Thank you, Madame Chair. I
42 told Mr. Wilson I'd help him with the technical issue
43 on this subject matter. And I believe in discussion
44 with Mr. Wilson, he was seeking endorsement from this
45 Council to submit to the Board of Fish. The reason I'm
46 stating that is that the Federal Subsistence Program
47 have no jurisdiction in Katmai. But with my discussion
48 with Mr. Wilson, it was my understanding that we'd try
49 to get endorsement from this Council and submit to the
50 Board of Fish.

1 But a couple years ago I tried
2 submitting an agenda change request to have this
3 addressed and it was turned down, but we're still
4 moving forward, but I'll continue working on it with
5 Mr. Wilson and the villages to get this proposal cycle
6 to the Board of Fish.

7
8 Thank you, Madame Chair.

9
10 MADAME CHAIR CHYTHLOOK: So, Donald,
11 the concern that Nanci had regarding the wording, we
12 need to keep.

13
14 MR. MIKE: Madame Chair. I wrote this
15 pretty quick, but thanks for the good catch, and we'll
16 continue refining the language, and we'll work with
17 Park Staff and Mr. Wilson, and we'll get this through.

18
19 MADAME CHAIR CHYTHLOOK: Okay. John,
20 did you have? No. Oh, Dan.

21
22 MR. O'HARA: Yeah. Thank you, Madame
23 Chair.

24
25 Richard, I wasn't involved in the last
26 set of proposals for this particular proposal you have
27 submitted to work with the Park Service. And I like
28 the fact that you got the Naknek Village Council, King
29 Salmon, and the South Naknek. And it probably will be
30 good for this Council to understand, and the audience,
31 that this is something you've been working on for a
32 long time with the Park Service in the area. And they
33 don't like the word subsistence, but that's really what
34 it boils down to.

35
36 I think the fact that you're using a
37 beach seine instead of a gillnet, that there's no
38 bycatch of other fisheries, and what you don't want,
39 you can turn loose. I know you're not catching rainbow
40 trout or Dolly Varden or any of those type of things.
41 And this is probably an amended version of what was the
42 original red fish program; is that right?

43
44 MR. WILSON: Yeah. That's correct.
45 Yeah, this is something that's in agreement with the
46 Park now, and what we've come up with. So this as it
47 reads, the Park is in favor of.

48
49 MR. O'HARA: One more thing, Madame
50 Chair, to follow up on that. When we have all these

1 people come in, and Richard and others have been
2 involved a potluck with the summer workers as they
3 begin the program up in Katmai, they come here to this
4 council, and we sit down together and have a potluck.
5 And we talk about these various issues, or what might
6 happen with people coming into the Park up there. And
7 with the exception of maybe the people who are law
8 enforcement with Katmai, they, the people coming in in
9 the summer not having a clue, and they might work all
10 the way into October. And then they catch you up there
11 with a net, and I don't know if you've made something
12 clear on how that the people up there at the Park
13 headquarters along with the traditional councils, if
14 they call up and say, what is this person doing with
15 this seine in the water, these councils will have an
16 idea that we can go actually do that. Have you looked
17 into that?

18
19 MR. WILSON: Yes, we discussed that,
20 and one of the trigger points, I mean, instead of going
21 to a separate permit system, which was what they had
22 originally said in their regulations, that they would
23 just be more informal, because it's not something that
24 everybody is wanting to do. It's just -- you know, if
25 you get a half a dozen families doing this, it's a
26 pretty big deal. I mean, you know, it's not that big a
27 thing here. But one of the thoughts was, well, if
28 you're intending to do this, then have some sort of
29 identification, whether it's a phone number, because
30 when the officer comes up to you and say, well, who are
31 you? What are you doing, you know? You're either
32 having your tribal card with you, or have access to --
33 give them a name where they can look up, okay, let me
34 make a call here, see if it's good to go. Those were
35 the only real concerns.

36
37 And then up at Brooks it was like, well,
38 if you're coming this way, please let us know ahead of
39 time so we can kind of, you know, help you out here,
40 because you've got to take turns with bears. So, you
41 know, they're willing to -- you know, they just wanted
42 a little heads up, so if we're coming that way, you
43 know, they can help us in that situation.

44
45 So there was good cooperation I think
46 between the two with language and stuff. And we're
47 pretty satisfied at this point.

48
49 MADAME CHAIR CHYTHLOOK: Nanci.
50

1 MS. MORRIS LYON: Yeah. And I would
2 just task the Park Service, and you guys probably have
3 already thought of this, but I think it would be an
4 excellent opportunity, I can't think of who our
5 coordinator is with the CUAs now, to just set out a
6 notification. You guys have us all on that email blitz
7 that you do to us every time there's anything going on
8 up at Brooks. And allow those of us operators who
9 continue to operate even after the lodge itself is
10 closed down, to notify us that it's an excellent
11 opportunity, we may see people making use of
12 subsistence fish up there, and that, you know, just
13 beware that it could be happening, and what it's going
14 to be so that they can perhaps teach some of the guests
15 about our area and what happens rather than feel like
16 they're catching somebody doing something wrong.

17
18 MADAME CHAIR CHYTHLOOK: Lary.

19
20 MR. HILL: Madame Chair. Richard, or
21 maybe somebody else can answer this. Is there a
22 particular mesh size you're looking at for the beach
23 seine? Is that like a one-inch mesh size or how small
24 do you go on that? And what's the -- that's kind of
25 what I want to know.

26
27 MR. WILSON: Madame Chair. Mr. Hill,
28 no, we haven't. We haven't discussed any minimum
29 requirements, just realizing that what we're trying to
30 do is to target just the spawned-out salmon, you know,
31 and to be able to release the non-target fish, you
32 know, unharmed. And that's the intent of the proposal.

33
34 MR. HILL: Just so long as it's not a
35 gillnet.

36
37 MR. WILSON: You're still able to use a
38 gillnet if wanted.

39
40 MADAME CHAIR CHYTHLOOK: Troy, do you
41 have a comment.

42
43 MR. HAMON: Madame Chair. Troy Hamon
44 with the National Park Service. Just two quick follow-
45 ups. One, as Nanci, thank you, we have had subsistence
46 users, traditional fishery users out at Brooks Camp in
47 the past in October, and I don't believe we ever made
48 contact with our commercial operators about that
49 activity, and that's an excellent idea.

50

1 And it's been fairly sporadic. We were
2 hoping to host some of our local users this last fall,
3 and we didn't host anybody this last fall, because we
4 weren't working. So maybe that will happen this go
5 around.

6
7 (Laughter)

8
9 MR. HAMON: Yeah, just a point of
10 clarification for Mr. Hill on historically the
11 regulation that got passed that Richard is working on
12 revising only allowed gillnets. And that's one of the
13 reasons by biologically we're completely in favor of
14 authorizing beach seines, because certainly you can use
15 gillnets to capture fish, but you can use beach seines
16 to capture fish and mostly not hurt them if you're not
17 intending to keep them all. So that's one of the
18 reasons why we're in favor of making sure that they
19 have that option if they'd prefer to use it.

20
21 MR. HILL: Yeah, that makes more sense.
22 I mean, I've used both, and if you can get them in
23 close to the beach, the beach seine's a lot better,
24 because often you really get more than you need, you
25 know, and you want to be able to get rid of them
26 without killing them.

27
28 MADAME CHAIR CHYTHLOOK: Dan, did you
29 have.....

30
31 MR. DUNAWAY: Thank you, Madame Chair.
32 This seems really cool. I know I've kind of watched
33 this process for a long time. I really like hearing
34 local folks and the Park Service working together and
35 agreeing on things.

36
37 Does this solve the eligibility issue
38 that kind of keeps going around that? Or is that still
39 getting worked out? Maybe Richard can answer.

40
41 Thank you.

42
43 MR. WILSON: Madame Chair. Nothing new
44 has come. Lately with our village councils we're still
45 communicating, and once we get this in place, you know,
46 we're going to, you know, bring it forward to them
47 again and see if they can't give us an updated list is
48 what the Park Service is needing. But, you know,
49 they're willing to work there, you know, if it just
50 came from the village councils or, you know, family

1 members that are on the list now. So we're trying, but
2 we haven't to my knowledge yet accomplished any other
3 new list.

4

5 MADAME CHAIR CHYTHLOOK: Troy.

6

7 MR. HAMON: Yeah, Troy Hamon with the
8 National Park Service.

9

10 What I heard most recently from the
11 superintendent and the chief ranger, the law that
12 authorizes it doesn't make it so that it can be just
13 opened. But there's nothing that says we have to be
14 the ones responsible for the list. We don't think
15 that's really appropriate. We don't even necessarily
16 need to have the list, as long as there are people that
17 are reasonably expected to know who should be able to
18 do this. If we can call them and just check. The
19 village councils can have the list, and we don't even
20 need it. But we need to be able to know that we can
21 make a call and verify that somebody's eligible.

22

23 MADAME CHAIR CHYTHLOOK: Dan.

24

25 MR. DUNAWAY: Well, that's certainly
26 good news. And that sounds kind of like -- I think
27 we're kind of headed that direction, that, yes, if the
28 village council authorizes or sanctions this group of
29 folks to go do it, and then coordinates with the Park,
30 and if that's all you need, that's wonderful

31

32 Unless somebody else wants to do it,
33 I'm ready to move that we support this proposal in
34 theory with maybe some minor corrections. I'm
35 wholeheartedly supporting this.

36

37 Thank you.

38

39 MADAME CHAIR CHYTHLOOK: Troy.

40

41 MR. HAMON: And just sitting in the
42 back of the room, the wording that Nanci identified, I
43 would suggest a correction, and the correction that I
44 would suggest is that you change it from when the sport
45 and commercial fisheries are closed to just when the
46 sport and commercial fisheries are inactive.

47

48 MADAME CHAIR CHYTHLOOK: Nanci.

49

50 MS. MORRIS LYON: Yeah, I'm going to

1 accept that proposal and second it for you.

2

3 MADAME CHAIR CHYTHLOOK: Okay. I think
4 we've -- this is a good accomplishment. We've been
5 discussing this since I've been on the Council. So I'm
6 just thrilled. I'm a subsistence spawn-out user in our
7 area, and although beach seining under State I think is
8 still illegal, we've always beach seined our spawn-
9 outs, because that's the only way we could harvest
10 spawn-outs selectively, because we mainly target male
11 spawn-outs. And because the season, September, that we
12 harvest our spawn-outs, the males -- or females still
13 have eggs in them, so we use king salmon gear so that
14 the female salmon could go out of the net and just have
15 the larger males stay in the net. And then other
16 incidental harvests like trouts don't even get caught
17 unless they're huge trouts, and those huge trouts we
18 love, because they're nice and fat.

19

20 And I've always had kind of, I guess,
21 never really liked the listing, name listings part,
22 because how many -- after not -- after having the
23 community -- or the users, historical users not be able
24 to harvest spawn-outs -- spawn-outs are like sea
25 mammals. You have to acquire a taste for spawn-outs
26 before you hunger and thirst for them. Joe and I have
27 always had spawn-outs in our home, but our three boys
28 have never really got into eating them, so they won't
29 even touch them. But Joe and I, because they're air
30 dried and they're tasteless unless you put salt in
31 them. Well, they taste like fish unless you salt the
32 fish a little bit. We mainly eat them with seal oil.
33 That's probably why our boys aren't -- you know, don't
34 love them.

35

36 But again I want to breath a sigh of
37 relief knowing that we're this far along with this, and
38 hopefully we'll slide down the hill after this is done.

39

40 So thank you for all your work,
41 Richard, and anybody else that have been involved with
42 this. And I guess we're ready for a motion.

43

44 MS. MORRIS LYON: No, it's on the
45 floor.

46

47 MADAME CHAIR CHYTHLOOK: Oh, it's on
48 the floor.

49

50 MR. O'HARA: Were ready to vote.

1 MADAME CHAIR CHYTHLOOK: Okay. I guess
2 we're ready to vote with corrections. So all in favor
3 -- did you have.....
4
5 MR. LORRIGAN: What is the motion?
6
7 MR. MIKE: Donald, do you want to read?
8
9 MR. MIKE: Thank you, Madame Chair.
10 Mr. Dunaway moved to endorse or adopt the proposed
11 proposal by Mr. Richard Wilson. That includes the
12 language we discussed and to include beach seine and
13 locations at Ivan's Creek, and the dates, tot extend
14 the dates to December 31 for the shoreline near the
15 outlet of Naknek River, Johnny's Lake, and on the
16 northwest side of Naknek Lake, and outlet of Idavain
17 Creek.
18
19 MS. MORRIS LYON: And Brooks River.
20
21 MR. MIKE: And Brooks River.
22
23 MR. O'HARA: Madame Chair.
24
25 MADAME CHAIR CHYTHLOOK: Dan.
26
27 MR. O'HARA: With the correction that
28 the sportfishery still goes on, and should they have a
29 red on the line, and sometimes they'll just bite your
30 line, it's totally legal. So that was part of the
31 motion, wasn't it?
32
33 MADAME CHAIR CHYTHLOOK: Uh-huh.
34
35 MR. DUNAWAY: Well, yeah, I intended
36 that and correction on that last green line about with
37 regard to the sportfishing season. And I think
38 actually that Mr. Hamon made might be the best wording.
39
40 MR. MIKE: Yes.
41
42 MR. DUNAWAY: Thank you.
43
44 MADAME CHAIR CHYTHLOOK: Donald.
45
46 MR. MIKE: Yes, the suggested language,
47 the harvest of spawned out salmon occurs when the
48 commercial/sport fisheries are inactive.
49
50 Thank you.

1 MADAME CHAIR CHYTHLOOK: Okay. There
2 was a motion made by Dan Dunaway, second by Nanci. All
3 in favor say aye.
4
5 IN UNISON: Aye.
6
7 MADAME CHAIR CHYTHLOOK: Any
8 opposition.
9
10 (No opposing votes)
11
12 MADAME CHAIR CHYTHLOOK: We've got it.
13
14 REPORTER: Madame Chair. Your
15 microphone.
16
17 MADAME CHAIR CHYTHLOOK: Okay. Let's
18 take a five-minute stand up.
19
20 (Off record)
21
22 (On record)
23
24 MADAME CHAIR CHYTHLOOK: Call back to
25 order. Review and approve draft FY 2013 annual report,
26 and you can find that on Page 42 of your booklets. And
27 this is an action item, so let's look at it and vote to
28 approve. If there's any changes and discussions.
29
30 And, Donald, this is just how an annual
31 report needs to be written, is that my understanding?
32
33 MR. MIKE: Yes, it's just a guideline
34 for the Councils to consider. But at our last meeting
35 in October, the Council identified two issues, wolf and
36 bear population management and the Fisheries Resource
37 Monitoring Program, which starts on Part 48 in your
38 meeting materials.
39
40 MADAME CHAIR CHYTHLOOK: Nanci.
41
42 MS. MORRIS LYON: Yeah. Madame Chair.
43 I would make a motion to accept this letter and report
44 for -- I'm not really seeing a title on it, but it
45 starts on Page 48 and ends on Page 49, to be submitted.
46
47 MR. MIKE: It's the annual report.
48
49 MS. MORRIS LYON: Oh, did I not say
50 that? I meant to say that. Annual report. Okay.

1 MADAME CHAIR CHYTHLOOK: Dan.
2
3 MR. O'HARA: Madame Chair. I'll second
4 that motion.
5
6 MADAME CHAIR CHYTHLOOK: Okay. There's
7 been a motion to accept the annual report on Page, what
8 is it, 48.
9
10 MR. O'HARA: 48.
11
12 MADAME CHAIR CHYTHLOOK: 48/49.
13 Seconded by Dan O'Hara. All in favor say aye.
14
15 IN UNISON: Aye.
16
17 MADAME CHAIR CHYTHLOOK: Any
18 opposition.
19
20 (No opposing votes)
21
22 MADAME CHAIR CHYTHLOOK: It's carried.
23 Thank you.
24
25 Okay. The next item on our agenda is
26 tribal consultation implementation guidelines and draft
27 ANCSA consultation policy. Page 50. And Jack.
28
29 MR. LORRIGAN: Yes, ma'am. Good
30 afternoon, Madame Chair and Council.
31
32 Page 50 through 63 are in your packet.
33 The tribal consultation work group has asked for your
34 feedback on two documents.
35
36 The draft implementation guidelines,
37 the summary is the guidelines are intended to provide
38 Federal Staff additional guidance on the Federal
39 Subsistence Board tribal consultation policy. It
40 includes when consultation should be regularly offered,
41 main protocols including meeting flow, room set-up
42 suggestions, topics for consultation, preparation and
43 follow up for the meetings, communication and
44 collaboration with tribes throughout the regulatory
45 cycle, training guidance and topics for Federal Staff
46 and the Board. Reporting on consultation, and how to
47 make changes to the policy or guidance as needed or
48 requested. That's for the implementation guidelines.
49
50 We've also included the draft ANCSA

1 consultation policy. This policy is also adopted from
2 the Department of Interior policy on consultation with
3 the Alaska Native Claims Settlement Act corporations.
4 It includes a preamble, guiding principles and policy.
5 You can read the policy section if you wish. The draft
6 policy's been improved upon by the work group, which
7 now has representatives from village and regional ANCSA
8 corporations, thereby adding to the meaning of the
9 policy for the Board. It was originally drafted in
10 December 2011. The Federal Subsistence Board reviewed
11 this in their January meeting and now we've sent it out
12 to the tribes, the corporations and the RACs for
13 review.

14

15 And it's an action item on your agenda.
16 So if there's anything you would like to add or comment
17 on either now or if you wish, our comment ending period
18 from the tribes and the corporations is March 21, so
19 there's additional time if you need it to comment back
20 to us.

21

22 MR. HILL: Madame Chair.

23

24 MADAME CHAIR CHYTHLOOK: Lary.

25

26 MR. HILL: Jack, I'm new on this Board,
27 so I'm not that familiar with this part, but how were
28 the work group members chosen?

29

30 MR. LORRIGAN: We asked for volunteers
31 from the tribes and the corporations where we sent out
32 a request and we had people that stepped up and
33 indicated they'd like to be on board. And then we had
34 people from the Federal government who work with tribes
35 regularly that are part of the work group from the
36 Federal side. So we had representation from the
37 Federal, tribal, and corporation groups to have input
38 on these guidelines.

39

40 MR. HILL: It just seemed like we
41 didn't have a lot of representation from our area, and
42 I was curious how these people were selected.

43

44 MR. LORRIGAN: Well, and a lot of this
45 happened before I came on board myself, so I was one of
46 the last group members to be put on..

47

48 MADAME CHAIR CHYTHLOOK: Okay. Any
49 more additional questions.

50

1 MR. HILL: Page 53, your briefing
2 materials, Board members, we've got a lot of problems
3 with our mail service, and not everyone has an email
4 account that could hold all this information. Could
5 you maybe look at some other, a longer period of time
6 before these materials are sent to the Board members.
7
8 MR. LORRIGAN: We can -- that's part of
9 the comments. We could add that in. We realize that
10 communications around Alaska can be difficult at times,
11 so whatever we can do to make the process easier we
12 will attempt. We can't make a lot of promises, but we
13 certainly will try.
14
15 MADAME CHAIR CHYTHLOOK: Richard.
16
17 MR. WILSON: Madame Chair.
18
19 Jeff, are you a liaison position? Is
20 that what position you hold?
21
22 MR. LORRIGAN: Through the Chair. Yes,
23 my name is Jack Lorrigan. I'm the Native liaison for
24 the Office of Subsistence Management. Yes.
25
26 MR. WILSON: Liaison to which groups or
27 which entities?
28
29 MR. LORRIGAN: All Native entities,
30 including corporations, tribes, and non-profits.
31
32 MR. WILSON: You and Jean Gamache work
33 together, do you?
34
35 MR. LORRIGAN: Yes, we do.
36
37 MADAME CHAIR CHYTHLOOK: Jack, when
38 this document is I guess implemented, there will
39 probably be times when people could add to it, or is
40 this a final.
41
42 MR. LORRIGAN: Madame Chair. I think
43 one of the ideas was that -- the last bullet on Page 50
44 under draft implementation guidelines summary, there's
45 the last little bullet says, and how to make changes to
46 the policy or guidance as needed or requested. So it's
47 probably considered a living document that will go
48 through changed over time to fit and mold and amend to
49 things as they come up.
50

1 MADAME CHAIR CHYTHLOOK: Lary.
2
3 MR. HILL: Thank you. Well, I'm
4 looking at Page 58, I think this is part of the -- the
5 training. Recommended topics, recommended training
6 topics for Federal Staff and tribal citizens. I'm
7 interested in number letter d, effects of colonialism
8 on Alaska Natives peoples.
9
10 (Laughter)
11
12 MR. LORRIGAN: What page are you on?
13
14 MS. MORRIS LYON: 58.
15
16 MR. HILL: Page 58.
17
18 MR. O'HARA: 58, what line is it?
19
20 MR. HILL: d. Number 5.d.
21
22 MR. O'HARA: G as in golf?
23
24 MR. HILL: D as in dog. Delta.
25
26 MR. LORRIGAN: I found it. Do you have
27 a question about it?
28
29 MR. HILL: Yeah. What is that and who
30 does it?
31
32 MR. WALSH: That was a topic that came
33 up when there was a brainstorming. Essentially it
34 would address how Native cultures are today based on
35 their continuous contact with Western cultures since it
36 started. There's a lot to that that I won't get into,
37 but that was one of the ideas.
38
39 MR. HILL: Okay. I understand. I
40 understand, I'm a former Alaska history teacher, and
41 that's the first time I've ever seen this actually
42 written down in this way. I'm just curious as to why
43 it's being introduced at this time.
44
45 MR. DUNAWAY: I've seen it as a topic
46 (indiscernible - mic not on)
47
48 MS. MORRIS LYON: Madame Chair.
49
50 MADAME CHAIR CHYTHLOOK: Yeah. Nanci.

1 MS. MORRIS LYON: Thank you, Madame
2 Chair.
3
4 I guess my comment, actually it doesn't
5 have a question to this, but I see our effort to read
6 out to tribal and Native entities in the search for
7 more input on our C&T determination questions as a
8 great litmus test to see how this process will work; is
9 that how you're possibly envisioning contacting these
10 folks and getting the word and information back to us?
11
12 MR. LORRIGAN: Consultation can be
13 requested by the tribes at any time. The C&T process
14 is not in a consultation phase yet, because there
15 hasn't been a regulation coming out of it. We do want
16 to hear from tribes on what they think of it, but right
17 now that -- you're talking about the Southeast's?
18
19 MS. MORRIS LYON: Madame Chair.
20
21 No, actually I'm addressing directly
22 the directive that we asked Donald to prepare the
23 letter/statement to the groups and organizations around
24 our region to encompass their thoughts on the C&T
25 determination that we're trying to deliberate at a
26 Board level right now.
27
28 MR. MIKE: Madame Chair. Ms. Nanci,
29 are we talking about the correspondence? I'm sorry,
30 I'm trying to get my brains here I suppose. I wasn't
31 paying quite attention, but the correspondence
32 regarding the C&T; is that correct?
33
34 MS. MORRIS LYON: That is correct. I'm
35 just wondering if you're planning on using this format
36 to hopefully glean information from these entities.
37
38 MR. MIKE: Yes, I am.
39
40 MS. MORRIS LYON: Is that how it works?
41
42 MR. MIKE: Yes, I am. Thank you.
43 Madame Chair.
44
45 MADAME CHAIR CHYTHLOOK: I guess I've
46 got a question on Page 53, item 5 under briefings.
47 What Board members are we talking about? Briefing
48 materials, such as those given to Board members, should
49 be made available to all tribal governments one week,
50 or earlier as they're available, before the

1 consultation.
2
3 MR. LORRIGAN: They're referring to the
4 Federal Subsistence Board.
5
6 MADAME CHAIR CHYTHLOOK: Is that the
7 Federal Subsistence Board?
8
9 MR. LORRIGAN: Yes, ma'am.
10
11 MADAME CHAIR CHYTHLOOK: Okay. And not
12 the -- okay. Maybe you should put parenthesis, FSB.
13
14 MR. LORRIGAN: I put it in.
15 Considering it part of the comments.
16
17 MR. DUNAWAY: Madame Chair.
18
19 MADAME CHAIR CHYTHLOOK: Dan Dunaway.
20
21 MR. DUNAWAY: Yeah. Thank you, Madame
22 Chair.
23
24 A question for Mr. Lorrigan. I'm
25 realizing I didn't read this near as careful as I
26 should have. I'm trying to -- so I'm going to ask you,
27 is how would this work then? You would take some
28 information to this work group member, then it's
29 eventually supposed to come back to us; is that
30 correct? Or is this on other -- tribal consultation on
31 other issues? I'm trying to get a bigger picture on
32 the process here.
33
34 Thank you.
35
36 MR. LORRIGAN: I'm not sure I follow
37 your question.
38
39 MR. DUNAWAY: Well, we want Regional
40 Advisory Council feedback, but a lot of the folks, to
41 my knowledge, the folks I know on here, I don't know if
42 they're on any RACs, but I'm assuming it will be some
43 issue you take to this work group member as a tribal
44 consultation, and then once you gather that material
45 up, will it be summarized and brought to us if it's an
46 issue we deal with or -- like I say, I didn't read it
47 very carefully.
48
49 MR. LORRIGAN: Through the Chair. The
50 list of people are on the work group and they helped

1 formulate the guidance document. We've put these out
2 for comment from the Regional Advisory Councils, the
3 tribes and the corporations. It's not a public -- it's
4 not for the general public, it's for the tribes. We'll
5 bring the comments back from everybody and get the
6 group back together and try to incorporate them in a
7 document so it fits better with what everybody's
8 expectations of it are.

9

10 As individuals, these people don't have
11 a lot of individual say over the document. They're not
12 acting on their own in any way. We're working as a
13 group.

14

15 And then I believe we will bring it
16 back to the RACs again after it's done. But we're
17 intended to bring it before the Board in April for
18 final acceptance.

19

20 MADAME CHAIR CHYTHLOOK: Pat.

21

22 MS. PETRIVELLI: I just wanted to add
23 something, because we keep doing this. We run into
24 this problem about -- because we're developing the
25 policy and the guidelines as we go along. So this work
26 group was just an advisory group that helped develop
27 the tribal consultation, the policy and the
28 implementation. But in the regular course of business
29 with the RAC involvement, and they've been told, the
30 Federal Board's first responsibility is to the RACs,
31 because Congress said they have to defer to the RACs.
32 So in these implementation guidelines, the Board talks
33 to the tribes before they talk to the RACs, and then
34 they're supposed to report to the Councils what they
35 do.

36

37 And on Page 53 it has the information
38 availability. And once after the post-meeting in 7.b.,
39 it says a written summary of consultations will be
40 provided to RACs and tribes by email, fax, or mail as
41 appropriate. So the summary of whatever is learned in
42 these consultations is supposed to be shared with the
43 RACs so that you know what their concerns are before
44 you make your recommendation back to the Board. So as
45 they act upon proposals, like proposals that are
46 submitted, then you hear the tribes' concerns. The
47 Board will have a consultation, talk to the tribes, and
48 then that information will be shared with the RAC. And
49 that way you know what their concerns are.

50

1 Now, of course, you know, once the
2 Council meeting's over with, the tribes can go before
3 the Board, you know, they can go to that April meeting,
4 and any member of the public can do so also. Any
5 public member can, and the tribe can go there, and then
6 if they raise a concern that's sufficient enough that
7 the Board -- like if they go against something the RAC
8 has recommended, then maybe the Board might postpone
9 their action and ask the tribe to work with the Council
10 if there's a conflicting recommendation from either
11 place.

12
13 But technically they're supposed to
14 defer -- the Board's supposed to defer to the Council,
15 but the Secretary said that the Board also has to
16 consult with the tribes. So that's why we've been
17 doing this dance as we develop this policy.

18
19 MR. DUNAWAY: Thank you. And, sorry,
20 my question was partly because I was so uninformed. It
21 kind of looks like a dumb question now, but thank you
22 very much. You both helped me understand it better.

23
24 MADAME CHAIR CHYTHLOOK: I guess, Pat,
25 my question is you -- it sounds like this b. is just a
26 summary, and you added a lot of explanation to it.
27 Like, for instance, I guess this is supposed to read
28 like the information -- the consultation will be
29 provided to the RACs first and then to the tribes?
30 7.b. Because you added a lot to this sentence than
31 what's on here. This looks like it's generalized and
32 you added more to it, will make it more explanatory I
33 guess.

34
35 MS. PETRIVELLI: Well, I kind of
36 provided the context of why there needs to be a
37 protocol, and then the reasons behind it. But then in
38 the next couple of pages in the implementation
39 guidelines, and it says, it has the actual steps where
40 they say when they'll tell the tribes, the specific
41 guidelines. And so that work group has been through
42 all of this. I only got to sit on one meeting when
43 Glenn couldn't come, because Glenn's the official
44 member of the work group. But they're very much aware
45 of the obligations the Board has to the Councils, too,
46 so that they have to keep that in mind as they develop
47 these guidelines. And as you keep going through Pages
48 54 through 57, you'll see how it outlines all the
49 little steps to make sure that the RAC is informed
50 about what the tribes are doing or saying.

1 MADAME CHAIR CHYTHLOOK: Okay. And
2 then the -- okay. I got it.
3
4 Any other comments. Questions.
5
6 (No comments)
7
8 MS. MORRIS LYON: Is this an action
9 item?
10
11 MADAME CHAIR CHYTHLOOK: Yes, this is
12 an action item. We need to.....
13
14 MS. MORRIS LYON: Should I make a
15 motion?
16
17 MADAME CHAIR CHYTHLOOK: Uh-huh.
18
19 MS. MORRIS LYON: Okay. Madame Chair.
20 I'm going to propose that we accept this draft document
21 with the change that Lary suggested. I think that it's
22 a -- it looks to me like it's loosely enough woven that
23 we will be able to work with it and mold it as we
24 continue forward in the future. So I would like to
25 support the content of it as it's currently written to
26 begin with, and obviously know that we'll be visiting
27 it again in the future.
28
29 Thank you.
30
31 MADAME CHAIR CHYTHLOOK: Okay. There's
32 been a motion by Nanci to accept this. Any second. I
33 need a second.
34
35 MR. DUNAWAY: Second.
36
37 MADAME CHAIR CHYTHLOOK: Dan Dunaway.
38 All in favor say aye.
39
40 IN UNISON: Aye.
41
42 MADAME CHAIR CHYTHLOOK: Any
43 opposition.
44
45 (No opposing votes)
46
47 MADAME CHAIR CHYTHLOOK: Seeing none.
48 Thanks. Thank you, Jack.
49
50 MR. LORRIGAN: Thank you, Madame Chair.

1 MADAME CHAIR CHYTHLOOK: Nominations.
2 Donald.
3
4 MR. MIKE: Thank you, Madame Chair.
5 The Office of Subsistence Management is accepting
6 membership applications and nominations for the 10
7 Regional Advisory Councils. And it's just
8 informational for the Council purposes. And I brought
9 some applications, so you can apply or reapply, and if
10 you want to nominate someone, that's an option with the
11 concurrence of the nominee, of course. So the closing
12 date is March 21, 2014.
13
14 And we've been doing some outreach
15 through press releases and radio ads, and newspaper
16 ads.
17
18 Thank you, Madame Chair.
19
20 MADAME CHAIR CHYTHLOOK: Okay. Thank
21 you. Next on our -- Jack.
22
23 MR. MIKE: He's got more information on
24 the nominations process.
25
26 MR. LORRIGAN: Thank you, Madame Chair.
27 I was given this at the last moment, some talking
28 points about the nominations. Donald gave an overview.
29
30 The Council terms are for three years.
31 There are annual nominations and appointment process.
32 Nominations are open the beginning of the fall cycle
33 and they close at the end of the winter cycle.
34 Appointments typically are made by December 3rd.
35
36 On Page 66 of your packet, the number
37 of applications has been decreasing across the board.
38 So you can take a look at where your Regional Advisory
39 Council is and the number of applicants.
40
41 Appointments this year, as of today,
42 only the Bristol Bay Regional Advisory Council has
43 completed all their appointments. Four Councils have
44 received some, but not all of their appointments. Five
45 Councils have no appointment letters. And Pat Pourchot
46 of the Department of Interior office has been working
47 with D.C. to get the appointments completed.
48
49 MADAME CHAIR CHYTHLOOK: Okay. Any
50 questions.

1 MR. O'HARA: Madame Chair.
2
3 MADAME CHAIR CHYTHLOOK: Dan.
4
5 MR. O'HARA: Two of us who have been
6 confirmed on the Council, we get the letters from.....
7
8 MR. DUNAWAY: The Secretary?
9
10 MR. O'HARA:upstairs, yeah, that
11 Nanci and I are on for another three years. So we've
12 done our share, okay.
13
14 (Laughter)
15
16 MR. LORRIGAN: Thank you.
17
18 MR. O'HARA: And you didn't need to
19 push my arm very good and hard.
20
21 (Laughter)
22
23 MADAME CHAIR CHYTHLOOK: Okay. No more
24 questions.
25
26 MR. O'HARA: Yeah, Madame Chair. Who
27 from our Council is up for re-election or nominations?
28
29 REPORTER: Molly, your microphone.
30
31 MADAME CHAIR CHYTHLOOK: Myself, and I
32 had a list here earlier. I know it's myself. Right
33 here. It's Molly, Alvin, John and Dan. Or Dan
34 Dunaway, John Jones, Alvin Boskofsky, and Molly.
35
36 MR. O'HARA: Dan Dunaway and John
37 Jones?
38
39 MADAME CHAIR CHYTHLOOK: Yes.
40
41 MR. O'HARA: And who else?
42
43 MADAME CHAIR CHYTHLOOK: Alvin.
44
45 MR. O'HARA: Alvin.
46
47 MADAME CHAIR CHYTHLOOK: Okay. We're
48 done.
49
50 (No comments)

1 MADAME CHAIR CHYTHLOOK: Okay. We're
2 down to agency reports. I guess there's a special
3 action. Donald.

4
5 MR. MIKE: Yes, Madame Chair. I was
6 hoping Mr. Andy Aderman, our biologist from Dillingham
7 would do a presentation on special actions. We had one
8 special action that occurred early in the year from the
9 Village of Manokotak requesting a two-week extension on
10 the moose season. But that was an item I wanted to
11 bring forward to the Council for updates.

12
13 Thank you.

14
15 MADAME CHAIR CHYTHLOOK: Yeah. I think
16 Andy or somebody from Fish and Wildlife -- oh, is going
17 to be here.

18
19 MR. WALSH: Madame Chairman. I'm Pat
20 Walsh from Togiak Refuge.

21
22 There were two things that happened
23 relative to moose management on Togiak Refuge that I'll
24 mention now that both relate to this.

25
26 The Unit 17A winter moose hunt started
27 late this year, because of bad weather. We couldn't --
28 it normally starts in December, but it can start
29 anytime from the beginning of December up through the
30 end of January and last for a month. It started on
31 January 7th and by the end of the month hunters had
32 only taken four cows and three bulls. And this was due
33 to the bad weather.

34
35 The Alaska Department of Fish and Game
36 extended this hunt for another two weeks until February
37 14th, or up until the quota of 10 cows was taken. As
38 it turned out, the total harvest was eight cows and
39 four bulls, half of them in January and half of them in
40 February.

41
42 So that was an unusual occurrence
43 relative to moose management.

44
45 And the second one is the one that
46 Donald just referred to, which was a request from the
47 Village of Manokotak and the Bristol Bay Native
48 Association to extend moose hunting in Unit 17C during
49 January. This request was first made to the Alaska
50 Department of Fish and Game and the Alaska Board of

1 Game, and that request was denied.

2

3 The request was then made to the
4 Federal Subsistence Board, which did support a two-week
5 season. The season dates were January 22nd until
6 February 4th. And this was restricted only to Federal
7 lands. Actually only Togiak Refuge Federal lands in
8 Unit 17C. And as of our knowledge, no moose were taken
9 during this hunt. The weather conditions didn't permit
10 travel, and, in fact, the lands that were available
11 were still far enough away from the village that there
12 was an extensive amount of State lands that had to be
13 crossed before the Federal lands could be accessed.

14

15 So that's really all we've got, other
16 than that this is a new precedent for Togiak Refuge.

17

18 MADAME CHAIR CHYTHLOOK: Okay. Any
19 questions for -- Dan Dunaway.

20

21 MR. DUNAWAY: Yeah. Pat, I missed the
22 total harvest over there in the 17A moose hunt that you
23 have to date.

24

25 MR. WALSH: The total harvest in 17A
26 was eight cows and four bulls during the winter season.

27

28 MR. DUNAWAY: Okay. Thank you.

29

30 And then I'd just like to make a
31 comment. You know, I watch this pretty close, because
32 this took a lot of work with the advisory committee,
33 Fish and Game, and Fish and Wildlife, and RACs and
34 such. And it was pretty interesting. It worked pretty
35 congenially and in a pretty nice order. It's
36 frustrating that in the end no extra animals were
37 taken, but it seemed to me it played out really well
38 and congenially. There wasn't a lot of nastiness or
39 anything. And it was kind of exciting to see things
40 work the way it seems to me they should. So I want to
41 commend all the folks that worked on it.

42

43 Thank you.

44

45 MADAME CHAIR CHYTHLOOK: You must have
46 been -- that must have been for 17A, because that
47 Nushagak Peninsula, the request from Manokotak didn't
48 go as smoothly. It took a little bit of effort to get
49 that. But at the end I'm glad, even though there
50 wasn't any moose harvested, I'm glad that it turned out

1 the way it did, because it developed a PR for I think
2 Manokotak with Fish and Wildlife. Or Manokotak
3 realizing that Fish and Wildlife made an effort to help
4 them, you know. And so I'm glad it turned out the way
5 it did, even though there was no moose harvested for
6 that area.

7
8 So thank you, you know, if you're one
9 of the people that helped with that. I know it was --
10 I've worked with Frank and Donald on that, and it was
11 good.

12
13 Any other comments. Richard.

14
15 MR. WILSON: That's a good problem to
16 have. Many years ago we sent caribou that way. How
17 about bringing some moose this way?

18
19 (Laughter)

20
21 MR. WALSH: We'll talk about caribou
22 here when we get into the rest of the Staff report.

23
24 (Laughter)

25
26 MR. DUNAWAY: That's harassment.

27
28 (Laughter)

29
30 MADAME CHAIR CHYTHLOOK: Okay. John.

31
32 MR. JONES: I've got a question for
33 you. What warrants the weather-wise to extend
34 something? And the other part of the question would be
35 now bad of weather is this, you know? And then is
36 these areas, is there a lot of moose, less moose?
37 What's the problem there?

38
39 MR. WALSH: You're asking a number of
40 different questions there.

41
42 MR. JONES: Yeah, I know.

43
44 MR. WALSH: I'll start with your last
45 question, what's the number of moose there in Unit 17C
46 around the Village of Manokotak. The number has been
47 relatively stable or slightly declining over the last
48 10 years, but there's sufficient moose. So there was
49 no biological basis to deny the request to harvest
50 moose then. The number of moose that were likely to be

1 harvested by that village was not enough for us to say
2 there's a biological reason to say no.

3
4 Relative to your question on what kind
5 of weather constitutes such an emergency, if you want
6 to use that word, that was the choice of the people who
7 asked for it. And then it was basically the Office of
8 Subsistence Management that makes the decision on it.
9 It's not the Togiak Refuge that makes that decision.

10
11 MR. JONES: So each area that you
12 extend these areas in, it is requested.....

13
14 MR. WALSH: I'm sorry, it wasn't the
15 Office, it's the Federal Subsistence Board that makes
16 the decision, so let me correct myself on that.

17
18 MR. JONES: All right. I was just kind
19 of curious how that works, you know. Sometimes if you
20 have bad weather and you don't see no moose, and you're
21 still hunting, does that mean that there isn't enough
22 moose in that area.

23
24 MR. WALSH: I think some times that
25 could be the case, and then other times that may not be
26 the case.

27
28 MR. JONES: Yeah. Well, I was just
29 kind of curious how that worked.

30
31 MR. DUNAWAY: Madame Chair.

32
33 MADAME CHAIR CHYTHLOOK: Dan.

34
35 MR. DUNAWAY: Yeah, John, I might be
36 able to help a little bit. There's a couple other
37 things, and it was -- it is unfortunate that right now
38 the State has no game biologist in Dillingham, and I
39 think that made it -- the other more remote biologist,
40 the supervisor who's based in Wasilla, very reluctant
41 to extend the season. And I think that really crimped
42 things a bit from the State standpoint.

43
44 But as far as the weather issue, it was
45 so thawed. I'll tell you my definition of hell is the
46 bog between Dillingham and Manokotak, especially in the
47 summer. I hope I never get sentenced -- do something
48 so bad that I get dropped off out there. But the flat
49 couldn't get out. It was horrible. It was slush. The
50 rivers opened up. And we've had a lot of that, and

1 folks just can't travel. There was a guy that died out
2 trying to hunt last year out of Manokotak, got stuck in
3 the slush, burned up his gas, tried to walk home, and
4 just died. So that's the kind of conditions that we're
5 dealing with.

6

7 MR. JONES: Well, the reason I ask some
8 of these questions is because I like to educate myself
9 on why you guys do things. You know, it's just, you
10 know, oh, this place here extended their hunting season
11 because of what, you know.

12

13 We don't have a caribou season. We're
14 running out of moose down there in our area. Pretty
15 we're going to be zipping along in a speedboat shooting
16 them ducks, harassing them, but, you know, that's the
17 way it goes.

18

19 You know, that's why I was asking why
20 you would be extend a place if the -- you know, a lot
21 of times you go hunting, you know, everybody has new
22 means of going out there and going hunting. You know,
23 you can't walk it, you take your skiff. If you can't
24 take your skiff, you take the airboat. Whatever you've
25 got, you know. And you go out into these bogs or
26 whatever you want to call it, and go hunting. And I've
27 heard a lot of reports people had to go farther and
28 farther to get their animal, so I was just wondering
29 what made you guys, you know, see the reasoning being
30 extending and opening it up at a different time.

31

32 MR. WALSH: The number of moose that
33 had been harvested in December by the Village of
34 Manokotak was believed to be one at the time that this
35 rule was approved. It later turned out that there was
36 actually three I think, but the reports hadn't come in
37 yet. So there was a request made based on the fact
38 that people had not gotten their winter moose, and that
39 was considered.

40

41 MR. JONES: Yeah. Well, it's been
42 about 20 years since I got a caribou down there, too,
43 so, you know, I was just kind of curious.

44

45 MADAME CHAIR CHYTHLOOK: Okay. Any --
46 Dan.

47

48 MR. O'HARA: I guess you've got to go
49 the Anchorage zoo to see your caribou.

50

1 MR. JONES: Yeah.
2
3 (Laughter)
4
5 MR. O'HARA: Anyway, Mr. Walsh, back
6 many, many years ago, and I think Alvin and I are the
7 only ones that were maybe here, there may have been
8 more, but you didn't have that kind of moose back then.
9 You had maybe 110. And there was an agreement made
10 between Manokotak, Togiak, and Twin Hills that there
11 will be no animals taken in that area. And the first
12 thing that happened, a couple of kids going up there
13 and shot a couple of moose and let them lay. And then
14 people are really up in arms. But the people were
15 very, very careful in those villages of growing that
16 herd. What is it, 1700 how? Something like that. Up
17 there in Sunshine Valley. From that number on, you
18 talk about a success story.
19
20 And then in relationship to John's
21 question, I think some of the local guys here in Naknek
22 have spent 1,000 bucks on gas trying to get a moose,
23 and never saw a moose. And it would have been I think
24 a perfect time when we could have requested an
25 extension for that moose season. It wouldn't have done
26 us any good, because we didn't have any snow, we
27 couldn't get on the lakes anyway. So it was just one
28 of those things where it just didn't work out.
29
30 The question I had though, that was a
31 comment, the question I had was it was January 24 to
32 February what? The dates that it was extended?
33
34 MR. WALSH: I think that was February
35 4th.
36
37 MR. O'HARA: You said January 24th to
38 February 4th?
39
40 MR. WALSH: January 22nd to February
41 4th.
42
43 MR. O'HARA: Oh, February 4th, 04,
44 okay. And nothing much happened. Well, thank you very
45 much.
46
47 MADAME CHAIR CHYTHLOOK: Okay. Thank
48 you.
49
50 REPORTER: Your microphone.

1 MADAME CHAIR CHYTHLOOK: Okay. Yes,
2 thank you for that report.

3
4 And before we go to the other agenda
5 item, I would like to call up Randy. Wake us up.

6
7 MR. ALVAREZ: Thank you, Madame Chair.
8 Randy Alvarez from Igiugig.

9
10 I was at a meeting last week in
11 Levelock, and at the end of the meeting there was some
12 discussion on Levelock concerns. And one of their
13 concerns was Branch River and what's going on up
14 there. And one of the questions asked was why is there
15 not an SRC for Alagnak Wild River National Park or
16 Katmai Preserve like there is at Lake Clark and
17 Aniakchak. Because the people in their area have --
18 there's no way for them to submit their concerns.

19
20 And one of their concerns that Levelock
21 has, the people, is that there's a lodge owner up there
22 that has this big jet boat with two big jets in it that
23 hauls fuel up the river, 3, 400 gallons at a time, and
24 there's such a big wake that they -- the Levelock
25 Corporation owns a lot of land up the Alagnak, up to
26 probably where the wild river starts, the National
27 Park. And then from there on up there's allotments all
28 the way up to the lake. And their concern was that
29 that big jet boat is causing a lot of erosion, and who
30 do they complain to about it. And I told them, well,
31 if it's State land down below, DNR, but I believe that
32 the Park Service has jurisdiction on the wild river,
33 and they would be -- that would be the one to talk to.

34
35 But one of the questions I didn't have
36 an answer to was why they're not a -- why isn't there
37 an SRC for that. Maybe Staff can answer that.

38
39 MADAME CHAIR CHYTHLOOK: Troy.

40
41 MR. HAMON: Madame Chair. Members of
42 the Council. Troy Hamon of the National Park Service
43 in King Salmon.

44
45 The Subsistence Resource Commissions
46 were authorized by ANILCA specifically for national
47 park and national park monument units that were
48 established by ANILCA. And I don't know why they did
49 it that way. We have had a lot of opportunity in the
50 years since then to learn that it is an extremely

1 helpful opportunity and venue for us to connect with
2 our local users and we don't have that for national
3 preserves, not just Katmai Preserve, but any preserve
4 in the State there's no SRC for. And the wild river
5 was completely overlooked as well.

6

7 This the same for our compatriots in
8 the Forest Service and the Fish and Wildlife Service
9 that have Federal lands. They have authorized
10 subsistence uses. They do not have Subsistence
11 Resource Commissions.

12

13 I don't have the ability to create a
14 statute that would make an SRC for those kinds of
15 units. What I think we are certainly actively trying
16 to do right now, and it's something that our new
17 superintendent is very keen on, is trying to make sure
18 that we are present in the villages, that we have
19 interaction with the villagers. And we have not made
20 it to Levelock yet, so this will be helpful for me to
21 pass on to her.

22

23 I should pass on to you that she's
24 scheduled her entire winter around your meeting, but
25 that was the meeting that was arranged two weeks ago
26 instead of this one, so she would be here.

27

28 As far as the specific details of
29 motorized activity on the water on the wild river, it
30 is a very contentious area when you talk about who has
31 regulation over which part of a land unit like that.
32 The National Park Service does not own the submerged
33 land beneath the river even where it's designated wild
34 under our management. We do have in regulation the
35 authority to manage activity on the water within that
36 boundary. The State doesn't necessarily agree with
37 that. And we have tried to work with them when we are
38 dealing with issues of concern to us so that we don't
39 spend more time in court than being helpful.

40

41 I don't believe we've taken a call from
42 Levelock on this issue in our office recently, at least
43 not that I'm aware of, and so I'm not sure that our new
44 superintendent's even had it on her radar. So we can
45 change that in a hurry. That's certainly been on my
46 radar, because I've seen the same vessel. And I know
47 exactly what they're talking about, and I share the
48 concern. That doesn't mean that I'm going to have a
49 way to do something about it, but she might. She's
50 pretty clever.

1 MADAME CHAIR CHYTHLOOK: Nanci.
2
3 MR. HAMON: Was there another part of
4 that?
5
6 MS. MORRIS LYON: No. I would just ask
7 you, Troy, if there's anything we as a Council can do
8 to assist you in possibly somehow moving forward with
9 getting SRCs in place for the areas that you see
10 lacking in those, especially if you're finding them
11 useful.
12
13 MR. WALSH: I don't know that there is
14 a mechanism outside of -- I mean, SRCs are in place
15 because of law, not regulation, but law. So certainly
16 that's the one immediate solution, but it isn't very
17 immediate if you've spent any time trying to get a law
18 past. I don't know outside of that, but if I think of
19 anything clever, or if you do, let me know, and we'll
20 see what we can come up with.
21
22 I honestly really feel like one of the
23 things that we're making huge strides on that we've
24 never done well in my time here, is just being present
25 in the villages regardless of whether we have an SRC or
26 not.
27
28 MADAME CHAIR CHYTHLOOK: Dan Dunaway.
29
30 MR. O'HARA: Okay. Oh, I'm sorry.
31
32 MR. DUNAWAY: Thank you, Madame Chair.
33
34
35 Yeah, I've experienced that boat in the
36 days when I was working on the Alagnak. And I've
37 wondered if there's a proper fuel spill contingency
38 plans, equipment and so on. I would wonder if we
39 couldn't as a group, and I'm thinking the Coast Guard,
40 and I might be overlooking some other agency, but if we
41 could draft a letter expressing our concerns for fuel
42 handling and transportation on that river. And send a
43 letter to the Park Service.
44
45 I want to commend you if you're trying
46 to get to the villages. Just I think, yeah, encourage
47 them to pick up the phone.
48
49 But if we wrote a letter supporting the
50 concern, and if there's some other agencies you can

1 help us think of that we might send it to. DNR or DEC.
2 If they are properly handling it. And some of -- we've
3 gone through a little bit of this on the Nushagak, too.
4 And people have had to really tighten up their
5 practices.

6
7 As far as forming an SRC, I keep seeing
8 a lot of news lately about how they're trying to cut
9 Federal government everywhere, including the military.
10 It could be pretty challenging, but I'd sure encourage
11 the Park to stay vigorous on developing the lines of
12 communication to the various communities around here.

13
14 And one last thing. I don't know, we
15 haven't quite recognized it, and some of you might not
16 know, Randy here used to be Chair of this RAC and he's
17 done a lot of service on here. And I just wanted to
18 acknowledge that.

19
20 Thank you.

21
22 MADAME CHAIR CHYTHLOOK: Randy.

23
24 MR. ALVAREZ: Thank you, Madame Chair.

25
26
27 I don't know if I agreed with Dan on
28 the Coast Guard coming in and doing something about
29 hauling fuel, because, you know, that guy is hauling
30 fuel for his other boats for the business, but when we
31 go up there, we haul fuel for each other, and we're
32 always -- we have quite a bit of fuel in our boats when
33 we go up there, so that would impact non-business
34 owners, people that are just going hunting.

35
36 I think Levelock's concern was because
37 that boat is so big and so heavy, and going so fast
38 that it has a big wake. And their concern was about
39 the erosion. They didn't say anything about hauling,
40 you know, the fuel, Coast Guard stuff.

41
42 MADAME CHAIR CHYTHLOOK: Nanci.

43
44 MS. MORRIS LYON: Well, it's a safety
45 issue, too. I've had some of my guides in the field
46 with clients and they've had very narrow misses. It's
47 definitely a safety issue as well, and I suppose maybe
48 that would be a way to approach the Coast Guard as
49 well.

50

1 MADAME CHAIR CHYTHLOOK: Dan O'Hara.
2
3 MR. O'HARA: Yeah. Okay. Troy.
4
5 MS. MORRIS LYON: Your mic.
6
7 REPORTER: Your microphone.
8
9 MR. O'HARA: There we go. Yeah, okay,
10 there we go. Sorry.
11
12 Well, let's see, Troy, where does your
13 boundary authority come? You dealt with the bottom of
14 the river, that is a navigable river, so it makes it a
15 little different regulation than an unnavigable. Where
16 do your boundaries begin? Right where that wave hits
17 that first part of the riverside, or where does that
18 begin? And that's the first question.
19
20 The second question is, would we have
21 to go back to Congress to amend to get an SRC into the
22 -- the Alakanuk, by the way, is the name of that river.
23 The white man called it the Alagnak, but that's just a
24 little bit of history for free.
25
26 (Laughter)
27
28 MR. O'HARA: So what do you think?
29
30 MR. WALSH: The boundary of the river,
31 where -- are you familiar with Clancy O'Neal's
32 allotment at the old Fish and Game cabin? Actually it
33 wasn't Fish and Game's cabin, but they used it. Which
34 is now our cabin. We'd rather have a cabin somewhere
35 else on the river more useful to us. That, just a
36 couple miles downriver right there.
37
38 In fact, there's a recently constructed
39 cabin, maybe three years ago, from I think some of the
40 villagers from Levelock put up. That's just a little
41 ways below our boundary. So the boundary of the
42 National Park Service lands starts there, and the lands
43 coincide with where the river is designated. So the
44 river, although the State owns the submerged lands, the
45 river itself, including those State submerged lands is
46 designated as a wild river in the National Wild River
47 System. And that goes all the way from that point up
48 to both lakes.
49
50 So we have management authority on that

1 entire stretch of water. It's a shared managed
2 authority, because the State also has management
3 authority in those waters.

4
5 Navigability is a long topic. I'll
6 give you the very short version for the Alagnak is it's
7 one of the only places where there has been a
8 determination of navigability, not just -- there's a
9 number of different ways to do it, but there's been a
10 determination of navigability for title. The State
11 doesn't just assert ownership over those submerged
12 lands, which they do on most of the navigable waters in
13 the State, they actually own them on the Alagnak up to
14 the lake. It doesn't change the fundamental
15 circumstance, but it makes it more settled.

16
17 Your other question about how to get an
18 SRC started, I think -- the only SRCs that we have are
19 based on a Congressional mandate. I don't know if
20 that's the only reason we could have one. I could make
21 a few phone calls and reply back. I would think it
22 would be a pretty hard uphill push in an era of
23 declining budgets unless we were ordered to do it,
24 because of the sort of structured costliness of an SRC.
25 Not that that's a bad thing. It's just that the agency
26 bean counters would have to agree that it's worth the
27 money. And if Congress orders us to, then they have to
28 agree. If we just say out here we think it's a good
29 idea, they'll be looking at everybody else who will
30 want to follow suit, and adding it up, and it might be
31 a little harder push.

32
33 MR. O'HARA: Madame Chair.

34
35 You didn't answer the question. You
36 answered part of it on navigable waters. Where that
37 wave hits that sand, that bank, is that your property
38 and can you do something about it? One of the things
39 that's been brought to this Council before Randy, was
40 that they wanted a speed limit, you know, reduced down
41 there. But being a guide, Nanci, you know, when these
42 guys get on these recreational vessels and they've got
43 to go from point A to point B, they can't be going five
44 miles an hour. They have places, and that's their
45 business. And I appreciate that. I don't want to take
46 away from that.

47
48 And we have times when there was a big
49 conflict between the subsistence user and the sports
50 people, and that was cleared up, you know, where they'd

1 come down and harass the Levelock people because, you
2 know, they had silvers in their net and they didn't
3 have one on their hook. Well, those things have been
4 taken care of, and thanks to what you guys have done.
5 We do appreciate that.

6

7 What was the question?

8

9 (Laughter)

10

11 MR. O'HARA: Oh, hitting the banks of
12 the water.

13

14 MR. WALSH: So at the bank the details
15 depend on where the bank is, how high it is. Mean high
16 water is the definition of where the State land ends,
17 and the upland land owner, which in some cases is the
18 Village of Levelock, in some cases it's a private
19 allotment holder, and in a lot of miles of the river
20 it's the National Park Service. That's where our land
21 ownership begins.

22

23 One of the challenges that we have
24 encountered, we did invest some money in some hydrology
25 work out there in 1998 through 2000. And there's --
26 part of the challenge that we face in defining a
27 problem at a level that we could take action is the
28 fact that the banks are naturally eroding. It's a
29 natural process. It is also obviously, to anybody who
30 spends time on the river, including myself, heavily
31 affected by motorized boat traffic. So there's -- it's
32 a natural process with a pretty heavy human hand on
33 it. And defining it as a problem at one level versus
34 the other, and figuring out exactly what the
35 contribution of the jet boats or boats in general to
36 that erosion is, becomes pretty problematic. It's one
37 of those situations where it might sort of resemble
38 writing a ticket for harassment where it -- if we came
39 up with something, it would probably make everybody
40 pretty upset, because I don't know how we would do it
41 well.

42

43 At the same time it's well documented
44 that a rapidly moving boat that passes close to a bank
45 has a lot more effect and a lot more negative effect on
46 that bank than a slow moving boat or a boat that passes
47 farther from the bank. Power boat wakes carry a lot
48 more energy than the standing wave of a slower moving
49 boat. And they dissipate more rapidly as they move,
50 whereas a Missouri Riverboat might send the same wake

1 three miles away that it had three feet away from it.
2 By the time you get a power boat wake three miles away,
3 you've forgot it ever happened.

4
5 So there's a number of things that a
6 little bit of courtesy training and maybe careful
7 implementation on the part of the users could do. But
8 you reach a point where the boat's too big and you
9 can't employ any of those measures. And I think that's
10 one of the situation that we're talking about with the
11 boat in question. It just doesn't fit the river.

12
13 MADAME CHAIR CHYTHLOOK: Randy.

14
15 MR. ALVAREZ: Thank you, Madame Chair.

16
17 So then, Troy, could you limit
18 horsepower on a boat up there? Would the Park Service
19 be able to? Was that part of their jurisdiction?
20 Because if -- you realize that it's all jet boats up
21 there, it's because it's so shallow, but if you limited
22 horsepower, then you wouldn't have great big boats with
23 two engines in them, and, you know, you could ask
24 around what the biggest -- what would the villages like
25 to see for the amount of horsepower that you can put in
26 there. But anyway they asked that, they commented on
27 that if they could maybe limit the amount of
28 horsepower.

29
30 MR. WALSH: And, Madame Chair, in
31 response to Alvarez, I think the Park Service might
32 have the legal authority, but it might be very
33 difficult to accomplish it without some State partners.
34 In order to get the State partners on board, I think we
35 would be most likely successful if we were recommending
36 a working group in the mold of the moose working group
37 that we had for Bristol Bay. I do think it's feasible
38 that we could make some headway. The last time we had
39 this conversation was before the vessel in question
40 even existed. We were talking about people that were
41 frustrated about the 200 horsepower jet boats that now
42 seem pretty small compared to what we're dealing with.
43 I think a working group that incorporated multiple
44 perspectives from subsistence, and from the lodges, and
45 from the agency managers would be -- and from the
46 villages would really have a chance of getting the
47 State on board.

48
49 If we try to go in as the Park Service
50 and make a recommendation, it will not be well

1 received. Is that fair to say?

2

3 MADAME CHAIR CHYTHLOOK: Lary.

4

5 MR. HILL: Yeah. I'm a little
6 concerned, confused about the designation of that
7 river. Is it -- do salmon spawn within the river
8 itself on the banks?

9

10 MR. WALSH: Yes, they do.

11

12 MR. HILL: Okay. Wouldn't the wake
13 from those get boats, are they going to be washing out
14 some of the eggs that are deposited there?

15

16 MR. WALSH: That is a question that has
17 been looked at in a few places, not specifically on the
18 Alagnak. Salmon nests are quite resilient to jet boat
19 traffic. The apparent critical factor is just the
20 depth of burial. In places in the Lower 48 primarily
21 where they've studied rainbow trout, nest survival to
22 disturbance primarily from people walking over them.
23 They've shown that just even anglers walking over
24 rainbow trout nests can be pretty detrimental, harm
25 most of the eggs. They're dealing with smaller trout.
26 The trout that we have here are larger and it's pretty
27 apparent that we don't have that issue.

28

29 And we have done a pretty extensive
30 project before I was here in American Creek within our
31 park on salmon spawning nests. And they really did a
32 very thorough job, and it was pretty clear that the jet
33 boat traffic, and they even used experimental
34 treatments where they had a boat as part of the project
35 that they ran back and forth, and it was pretty clear
36 there was no damage. So it appears to be partly in
37 relation to the specific size and depth of salmon and
38 their nests.

39

40 But for the most part, no. There's
41 always a big enough boat where you can move stuff. I
42 don't know, that might be a reasonable question in the
43 case we're talking about, but as far as what we've
44 documented, it hasn't been an issue.

45

46 MR. HILL: Okay. In our area there's a
47 river that the big jet boats are going up. They're
48 actually washing the eggs up out of the stream, and you
49 can tell real easily just by walking the banks. So if
50 you look along the banks of the river, and you see

1 some, that there are eggs washed up there, that to me
2 is evidence that they're being, you know, taken out.

3
4 MR. WALSH: And I'm not familiar with
5 the case you talk about, and so I don't have any input
6 on that. But what I will say, having spent a lot of
7 years walking salmon streams is that a lot of naturally
8 spawned and undisturbed by people eggs get washed out
9 of the stream of the nest even during the process of
10 having them laid. And so Brooks River, there's
11 basically no boat traffic in Brooks River, there's eggs
12 floating down, there's eggs on the bank of Brooks
13 River.

14
15 I don't know the situation you're
16 dealing with, but seeing eggs on the bank doesn't
17 necessarily tell you what the mechanism that they
18 washed out was from. It doesn't mean it's not
19 accurate, it's just that documenting a reason why this
20 kind of stuff happens can be extremely expensive and
21 time consuming. and it may not even provide the answer
22 that seems obvious at the end.

23
24 MR. HILL: Well, the area I'm talking
25 about the eggs were washed like three or four feet up
26 on top of the bank. That was really obvious to me, and
27 there wasn't any flooding.

28
29 MR. WALSH: Right. And that is
30 understood, but how the eggs came to be out of the
31 gravel may have had nothing to do with the boat, and
32 then the boat provides the wake that carries it up. At
33 the same time, you could be right. I'm just.....

34
35 MR. JONES: Madame Chair.

36
37 MADAME CHAIR CHYTHLOOK: John.

38
39 MR. JONES: Well, don't you consider
40 that one is man-made and one is nature on loss of eggs?

41
42 MR. WALSH: If the egg is not in the
43 gravel, it's already lost. I understand what he's
44 asking, but as far as the question of whether floating
45 on the banks or floating out of the banks, either way
46 the egg is lost to salmon production.

47
48 MR. JONES: Another question, couldn't
49 you control your river the same as the Kenai River and
50 smaller during your portion, and good luck farther up

1 the river?

2

3 MR. WALSH: The Kenai River is
4 certainly one area where they have successfully worked
5 through some limitations on the manner in which boats
6 are used. Those limits are different for different
7 user groups. There's commercial fishing activity in
8 the river that has a whole different access to boats of
9 different size.

10

11 I don't know much about the way people
12 enjoy the Kenai River on the ground. I've only read
13 about it, but they've certainly been through this, and
14 they've succeeded in making some limits. Whether those
15 are the right limits and whether they're working for
16 them, I don't know. Hopefully we'll be able to do a
17 better job of making sure that's working for us if we
18 embark on something here.

19

20 MR. JONES: So a boat that's carrying
21 300, 400 gallons of fuel, going fast, makes a pretty
22 good wake, but going slower he's going to make even a
23 bigger wake, right? He's going to be bow heavy,
24 pushing everything around?

25

26 MR. WALSH: There's a difference
27 between the wake of a boat that is overloaded and is
28 push -- a power boat pushing a big wake because it
29 can't go fast puts out a very damaging wake. A power
30 boat that puts out a slow wake because it's traveling
31 slow may not put out such a big wake if it's not at
32 full power.

33

34 So it depends. There's a lot of detail
35 of what causes damaging wakes and what causes big wakes
36 and it isn't always straight forward. But a bigger
37 boat that's a power boat that's moving fast is going to
38 put out a pretty hefty wake.

39

40 MR. JONES: Well, I just sort of got a
41 little education on how far this guy goes up and down
42 this river to his lodge wherever that is. And most of
43 the area he's traveling through is your area. So
44 whatever comes up has to come from your area, right?

45

46 MADAME CHAIR CHYTHLOOK: Randy.

47

48 MR. ALVAREZ: As a comment for John, he
49 can't go slow. It's too shallow. He has to go really
50 fast. And it amazes me how he makes it up there,

1 because I have a jet boat, but don't draw nearly as
2 much as him, and it seemed like I'm always hitting
3 gravel bar or a rock once in a while.

4

5 But Troy's suggestion of forming a
6 working group, I think that's a good idea. That's a
7 start. So maybe that could happen. And I know
8 Levelock would be a heavy participant, and they need to
9 be, because they're such a big land owner and utilize
10 that as much as anybody. So that's my suggestion I
11 guess.

12

13 MADAME CHAIR CHYTHLOOK: Randy, when
14 you first started your comment, you stated that the
15 reason why Levelock was questioning about the SRC was
16 so that they can have somebody as a contact person.
17 And I think if this Council needs to do something, then
18 we need to move that direction in helping that.

19

20 What's the role on RITs? What's his
21 name, Orville, just went out the door. But is some of
22 the work that RITs do, it's not just educational, could
23 they be like Pete Abraham, is he like a contact person
24 for Togiak with concerns.

25

26 MR. WALSH: Madame Chairman. The
27 National Park has not had a position like that, but
28 it's been one that we've talked about a lot. The new
29 superintendent has taken stock of her staff and she's
30 working on trying to identify someone, not just a
31 person in our office, but she's trying to identify a
32 position, and she intends to fill a position for that
33 purpose. I would anticipate probably by the time of
34 the next RAC meeting we should at least -- we may have
35 a person to introduce by then, because she sees that as
36 an important component of interacting with these
37 villages where she wants to be there all the time, but
38 she's only one person and I'm only one person. But if
39 we had one person that had that as the major component
40 of their job, it would ensure better access, and that's
41 our goal. So we are working on a position. It will
42 have a different name, because we're not a refuge, so
43 it won't be an RIT, but it might be a PIT or something.

44

(Laughter)

46

47 MADAME CHAIR CHYTHLOOK: Yeah, it
48 sounds like Levelock's main concern was that they
49 needed somebody to contact with their concerns that
50 they thought SRC people can do. So if there can be a

1 position created for the Village of Levelock and other
2 communities that they can contact to, you know talk to
3 them about their issue, then I think that would solve,
4 you know, that concern Randy just started off with.

5

6 Dan.

7

8 MR. DUNAWAY: Yeah, maybe this is for
9 Randy. Back when I was working, I used to get
10 complaints about I think the same lodge, and then I had
11 a similar situation in Goodnews.

12

13 At this point, do you know if Levelock
14 still owns the land that lodge sits on? Is it a lease
15 type operation or what.

16

17 MR. ALVAREZ: No, that's a different
18 lodge. This is one way upriver.

19

20 MR. DUNAWAY: Oh, it is? Thank you.

21

22 MR. ALVAREZ: Yeah, it was a Native
23 allotment, then they bought the Native allotment, but
24 it's -- the Park Service has been watching them from
25 what I understand, because they built an airport there,
26 and it might be bordering more that his land. And then
27 he started a fourwheeler trail on Park Service land
28 that people were concerned about, because going up
29 there and taking moose out from underneath the
30 Sugarloaf was kind of the breeding area, or, you know,
31 most of the moose kind of hanging out at the time, and
32 there's not as many moose up there any more as there
33 used to be. And it was an area that you couldn't get
34 to, you know, it's too far to walk from the river, and
35 to, you know, go in there with motorized vehicles and
36 hunt, you're the only one doing it, and now it doesn't
37 seem like there's that many moose up there any more.
38 So it was a concern, and then now there's this other
39 concern. So it has a big impact on the river.

40

41 MADAME CHAIR CHYTHLOOK: Dan.

42

43 MR. O'HARA: Yeah. I can hardly wait
44 for you to come before us again, because, you know, it
45 gets more fun all the time.

46

47 (Laughter.

48

49 MR. ALVAREZ: Wake you up.

50

1 MADAME CHAIR CHYTHLOOK: Okay. If
2 there's no more questions, thank you.
3
4 I'd like to, from the audience there, a
5 show of hands, is there somebody here from OSM. U.S.
6 Fish and Wildlife, Togiak. NPS. Okay. BLM, is there
7 somebody from BLM. None. Nobody. ADF&G, I don't see
8 anybody from ADF&G.
9
10 UNIDENTIFIED VOICE: Drew Crawford was
11 on the phone.
12
13 MADAME CHAIR CHYTHLOOK: Okay. Next on
14 our agenda is OSM.
15
16 MR. O'HARA: Madame Chair.
17
18 MADAME CHAIR CHYTHLOOK: Yeah.
19
20 MR. O'HARA: We've got a Cub Scout
21 meeting, a big banquet tonight. That little guy right
22 there is going to go with me. He's my grandson. So
23 I'm going to take off. And are you planning on meeting
24 tomorrow morning?
25
26 MADAME CHAIR CHYTHLOOK: Yeah, I guess.
27 We still have some reports on our agenda.
28
29 MR. O'HARA: Okay. You've got a
30 quorum, so I'll see you tomorrow. Are we going to meet
31 here?
32
33 MADAME CHAIR CHYTHLOOK: Yeah.
34 Probably. What time is it now? Five?
35
36 (Off record conversation - no mics re
37 time)
38
39 MADAME CHAIR CHYTHLOOK: How long do
40 you guys -- OSM.
41
42 MR. PELTOLA: Five minutes.
43
44 MADAME CHAIR CHYTHLOOK: Okay. Let's
45 do your OSM then.
46
47 REPORTER: Molly, your microphone
48 again.
49
50 MADAME CHAIR CHYTHLOOK: Okay. We'll

1 do the OSM report, and then we'll adjourn until
2 tomorrow at 8:00.

3

4 MR. O'HARA: We'll recess.

5

6 MADAME CHAIR CHYTHLOOK: Or recess.
7 Recess until tomorrow at -- what time can we get in
8 here?

9

10 MR. MIKE: 8:30.

11

12 MADAME CHAIR CHYTHLOOK: 8:30. Okay.
13 Are you going to have to break down your system here?

14

15 REPORTER: No.

16

17 MADAME CHAIR CHYTHLOOK: So we just
18 come in here. So between 8:30 and 9:00. Okay. OSM.

19

20 MR. PELTOLA: Madame Chair. Council
21 members. Gene Peltola, Assistant Regional Director,
22 Office of Subsistence Management.

23

24 Thank you for the opportunity. As part
25 of the OSM report, I'd like to address two topics, one
26 being the budget and current staffing levels.

27

28 Here as you may recall a prior
29 presentation to the Regional Advisory Councils last
30 year, OSM took about a half million dollar budget cut.
31 If you look at the history of funding to our program,
32 there's been pretty much a continual decline since 2008
33 and prior. Last we were funded at a little over \$10
34 million. Of that, we give out between four and a half
35 and five million dollars between two different programs
36 -- or actually several different programs, but the
37 majority of those being FRMP in addition to Partners,
38 and then we divvy out a little small portion of the
39 money through wildlife.

40

41 Because of sequestration, we were
42 anticipating up to another \$600,000 cut in this year's
43 budget, although there is some relief on the horizon.
44 With the omnibus which passed through Congress here
45 recently, there's potentially more money coming to
46 subsistence management in Alaska, although we have not
47 at OSM received the final regional allocation of that
48 money. So we're hoping that the budget situation will
49 not be as bleak as we originally anticipated.

50

1 Now to staffing. As I mentioned, that
2 OSM has, you know, continued to decline with regard to
3 budget over the years. One of the approaches in that
4 which has been taken OSM is that we have not filled
5 positions in the past to minimize the effect on the
6 amount of money that we divvy out through different
7 programs. That has resulted into at the current time
8 we have currently 14 vacancies on the books, of which
9 that is about approximately a third of our staffing.

10

11 As I mentioned I came on as the ARD for
12 OSM in August, and I've taken the approach that the
13 service we provide to the Regional Advisory Councils,
14 to the different land management agencies in the
15 Federal management, and such has been adversely
16 affected by maintaining those vacancies, so we're
17 trying to fill those based on what we perceive to be
18 priorities.

19

20 Now, because OSM is seated within the
21 Fish and Wildlife Service, we have a process we have to
22 go through in order to fill a vacancy. The first thing
23 we do is we fill out a waiver request that goes through
24 our regional director. The director approves that or
25 disapproves it. Then it's forwarded to our
26 headquarters office in DC and they have to approve or
27 disapprove filling a vacancy. Currently we've been
28 successful here in the last several months in getting
29 some of the waivers approved.

30

31 So in the next week or two, we're going
32 to be interviewing for a subsistence outreach
33 coordinator. The position title is a little
34 misleading. That position's responsible for putting
35 together the Federal Subsistence Board packets, the
36 Regional Advisory Council packets, and such. So it's
37 more along the line of a publications specialist.

38

39 We currently have out an announcement
40 for the deputy assistant regional director. Our deputy
41 within the program retired effective December 31st. So
42 we're currently advertising for that.

43

44 We have an admin position which was
45 approved to fill. Currently we have two administrative
46 positions that help support the Regional Advisory
47 Councils, all the members -- our OSM Staff, and also
48 the public members of the Federal Subsistence Board,
49 which means they coordinate travel for hundreds of
50 people. So we have the admin position.

1 We also have waivers that are approved
2 to fill the head of the fisheries division within OSM.
3 We have one to fill the head of the wildlife division
4 who recently accepted a lateral reassignment over to
5 fisheries ecological services within the Fish and
6 Wildlife Service in Alaska. And then another fisheries
7 biologist position.

8
9 And we're in the process of preparing
10 another three to four waivers within the program to be
11 concerned to fill vacancies.

12
13 Currently, because we have our deputy
14 position at OSM is vacant, we have Karen Hyer, who was
15 on the phone earlier today, who is a fisheries
16 biologist, acting as our deputy for a short time. And
17 we have George Pappas who is our Fisheries Board
18 liaison to the State Board of Fish, he's acting as our
19 fisheries division chief.

20
21 And we are working towards filling
22 vacancies within OSM. We're going to have to maintain
23 some vacancies with the program, because of budgetary
24 constraints, but we're trying to fill strategically so
25 we don't adversely affect the service that we provide.

26
27 And I'm open to any questions that,
28 Madame Chair, you may or some of the Council members
29 may have.

30
31 MADAME CHAIR CHYTHLOOK: Okay. Any?

32
33 MR. O'HARA: Yeah.

34
35 MADAME CHAIR CHYTHLOOK: Dan.

36
37 MR. O'HARA: Yeah. You said you had a
38 possibility of 14 positions which have not been filled.
39 Was that because of lack of a budget or people not
40 applying?

41
42 MR. PELTOLA: No, as far as I could
43 tell, that was based on the determination of previous
44 people within OSM in order to maintain vacancies so we
45 would not have an adverse affect on the money we
46 provide to outside programs. It's not because we don't
47 have people applying.

48
49 MADAME CHAIR CHYTHLOOK: Nanci.
50

1 MS. MORRIS LYON: Well, I would just
2 say that I really appreciate filling those positions,
3 too. And I've been on this Board long enough to have
4 felt the decrease in support that we've been receiving
5 here recently, and I look forward to the level rising
6 again to an area where it makes us feel like our work
7 is being processed and handled in a fashion that we'd
8 like it to be.

9
10 MR. PELTOLA: You know, one thing I've
11 observed since I have come into OSM here is that we
12 have a lot of dedicated and very passionate people
13 about subsistence. And they have been doing their
14 darndest to carry the torch so to speak. And at times
15 we have had to remind people to go home at 6, 7, 8
16 o'clock at night, don't spend the weekend in the
17 office. But they have been coming in and try to put in
18 that effort in order to minimize the effect that we may
19 have on the programs. And I have told individuals at
20 OSM, I appreciate the effort that you've put in and try
21 to carry the torch, because it's been challenging with
22 that many vacancies.

23
24 MADAME CHAIR CHYTHLOOK: Okay. Any
25 other questions.

26
27 (No comments)

28
29 MADAME CHAIR CHYTHLOOK: Okay. Thank
30 you, Gene. And we'll recess.

31
32 MR. PELTOLA: Thank you.

33
34 MADAME CHAIR CHYTHLOOK: We'll recess
35 until tomorrow morning about 8:30, 9:00 o'clock.

36
37 (Off record)

38
39 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

I, Salena A. Hile, Notary Public in and for the
state of Alaska and reporter for Computer Matrix Court
Reporters, LLC, do hereby certify:

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Salena A. Hile
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My Commission Expires: 9/16/14