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1 BRISTOL BAY FEDERAL SUBSISTENCE  
2 REGIONAL ADVISORY COUNCIL MEETING

3

4

5 VOLUME II

6

7 Naknek, Alaska

8 Naknek Civic Center

9 October 1, 2002

10 8:30 o'clock a.m.

11

12

13 COUNCIL MEMBERS PRESENT:

14

15 Daniel O'Hara, Chairman

16 Andrew Balluta

17 Robert Heyano

18 Shirley Kelly

19

20

21 Coordinator: Clifford Edenshaw

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1 PROCEEDINGS

2

3 (Naknek, Alaska - 10/1/2002)

4

5 (On record)

6

7 CHAIRMAN O'HARA: We'd like to call the  
8 meeting back to order this morning and I don't know if  
9 anyone, other than Orville Lind has showed up that has  
10 not been here. Orville, it's nice to have you with us  
11 today. Anyone else new who's come in who we need to  
12 introduce, would like to introduce today. Okay.

13

14 Well, we will continue on with our  
15 proposals. At the end of the meeting today under new  
16 business we'll be talking about some of the concerns that  
17 we have and just to let you managers know that we have a  
18 pretty grave concern about the residents taking moose or  
19 the lack thereof. And we'll probably want to, as a  
20 Council, at least maybe make a recommendation perhaps for  
21 the local people who only have lunds and these type of  
22 things might have a separate time on Federal lands to do  
23 a little more moose hunting.

24

25 And then I think one of the grave  
26 concerns that we have is that we have a pretty consistent  
27 survey on the Alaska Peninsula and make sure that we are  
28 taking care of these animals.

29

30 I think where we're at this morning is on  
31 06 dealing with the rainbow trout and, who, on the  
32 Federal side, Pat, you're going to come talk to us? All  
33 right.

34

35 MS. McCLENAHAN: Thank you, Mr. Chairman.  
36 Pat McClenahan, Staff anthropologist. I'll be presenting  
37 the (a) portion of Proposal 6.

38

39 This proposal was submitted by the  
40 Bristol Bay Subsistence Regional Advisory Council and it  
41 includes two requests. First that the existing customary  
42 and traditional use determination for the rainbow trout  
43 for the remainder of the Bristol Bay area be expanded to  
44 specify for the Bristol Bay area, that is, for the waters  
45 for Federal jurisdiction in the Bristol Bay management  
46 area for all the rural residents of the Bristol Bay area.  
47 It also recognizes the Egegik and Ugashik drainages as  
48 distinct districts separate from the remainder of Bristol  
49 Bay as currently written in our regulations.

50

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1           On Page 95 at Tab E you can see the  
2 existing Federal regulations. And on Page 96, you can  
3 see the proposed Federal regulations. Those changes that  
4 are suggested are highlighted and on Page 96. For  
5 Federal waters you can refer to map 7 and also we have a  
6 good map on our wall over there that shows Federal lands  
7 very clearly if you need to refer to that.

8  
9           For the Central Alaska Peninsula,  
10 Federally administered waters lie within Kenai National  
11 -- I'm sorry, within Katmai National Park and Preserve  
12 and the Alaska Peninsula Becharof National Wildlife  
13 Refuge. However, neither the Egegik River and the King  
14 Salmon River in the Egegik River drainage nor the  
15 Ugashik, King Salmon River and Dog River in the Ugashik  
16 River drainage lie entirely within those Federal units.  
17 This proposal addresses only those portions of the named  
18 drainages that are under Federal jurisdiction.

19  
20           CHAIRMAN O'HARA: What page are you on?

21  
22           MS. McCLENAHAN: Page 96 and 97.

23  
24           CHAIRMAN O'HARA: Okay.

25  
26           MS. McCLENAHAN: Prior to this proposal,  
27 the Egegik and Ugashik drainages were assigned the status  
28 of subdistricts as part of the remainder of the Bristol  
29 Bay area. Proponents of the proposal under consideration  
30 here indicate they wish to have the Egegik and Ugashik  
31 drainages identified as separate districts and separate  
32 from remainder.

33  
34           Generally, when we consider customary and  
35 traditional use determinations we emphasize factor one  
36 and factor four.

37  
38           Factor one is long-term consistent  
39 pattern of use excluding interruptions beyond the control  
40 of community or area. On Page 98 you'll see that the  
41 patterns of subsistence use of freshwater fish in the  
42 Bristol Bay region including rainbow trout vary among  
43 subregions and from year to year and have done so through  
44 time. Non-salmon freshwater fish have long been used for  
45 food throughout the region.

46  
47           ADF&G harvest records from the 1970s to  
48 the present show relatively stable and consistent use of  
49 this resource. And Table 1 provides you with ADF&G  
50 harvest records for the subsistence harvest of all non-

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1 salmon fish and rainbow trout by the Bristol Bay  
2 communities between 1980 and 2000.

3

4           In a 1973/74 study of Bristol Bay  
5 communities rainbow trout made up 9.4 percent of the  
6 total subsistence harvest of freshwater fish by all  
7 Bristol Bay communities except Togiak and Twin Hills.  
8 And 12 percent of all resident fish. In the 193/74 study  
9 year, rural residents of the Nushagak Bay region took  
10 1,306 rainbow trout, those of the Bristol Bay Alaska  
11 Peninsula region took 1,435 rainbow trout and those of  
12 the Iliamna Lake region took 4,061 rainbow trout. For  
13 the Togiak/Nushagak/Iliamna Lake area, freshwater fish  
14 made up five percent and 10 percent of the annual  
15 subsistence harvest while for Dillingham and the Alaska  
16 Peninsula communities, freshwater fish compromised less  
17 than five percent of the annual subsistence harvest.

18

19           With respect to factor four, for the most  
20 part Bristol Bay region rural residents fish for  
21 freshwater relatively near their respective communities  
22 and use the drainages and lakes nearest their villages.  
23 However, some Bristol Bay region communities use a number  
24 of different drainages around Bristol Bay. Rural  
25 residents using more distant locations on the Alaska  
26 Peninsula include those who fly to a distant location for  
27 resources, such as caribou, berries and freshwater fish  
28 and traveling to visit relatives elsewhere in Bristol Bay  
29 taking a variety of subsistence resources together.

30

31           On Page 100 and 101 there are more  
32 details about the drainages that particular communities  
33 are documented as using.

34

35           If adopted, the proposal will provide  
36 more clear and specific language in the Federal fisheries  
37 regulations for the rural residents of the Egegik and  
38 Ugashik districts. It's expected that the rural  
39 residents of the Bristol Bay region will continue to use  
40 the same resource use areas as they did before. Expanded  
41 access to the Bristol Bay region for all of the rural  
42 residents of Bristol Bay will provide opportunities for  
43 rural residents traveling from other locations in Bristol  
44 Bay to participate in subsistence harvest of rainbow  
45 trout with their families.

46

47           This Federal proposal is expected to have  
48 minimal impact on the resource.

49

50           The proposed changes to Federal

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1 regulations will align the portion dealing with rainbow  
2 trout and the portion listing the Egegik and Ugashik  
3 drainages as districts separate from the remainder of  
4 Bristol Bay with current State regulations and current  
5 State commercial fishing districts.

6

7           The rural residents of the Bristol Bay  
8 region frequently use a number of different river  
9 drainages for the harvest of rainbow trout and other  
10 freshwater fish. Some communities have recorded very  
11 broad subsistence use areas and subsistence resource  
12 users are known to travel considerable distances by plane  
13 within the region to harvest certain resources.

14

15           Broadening the customary and traditional  
16 use determination to include the rural residents of the  
17 Bristol Bay region for rainbow trout will provide  
18 enhanced opportunities while having little impact on the  
19 resource. For this reason, we recommend supporting the  
20 proposal and the regulation should read as it is set out  
21 at the top of Page 105.

22

23           That concludes my remarks.

24

25           CHAIRMAN O'HARA: Council members, do you  
26 have any questions?

27

28           Robert.

29

30           MR. HEYANO: Thank you, Mr. Chairman. On  
31 Page 99 under 2, where it says rural residents of Naknek,  
32 South Naknek, King Salmon and Pilot Point do not fish in  
33 the months between freeze up and break up.

34

35           MS. McCLENAHAN: Not true?

36

37           MR. HEYANO: Well.....

38

39           CHAIRMAN O'HARA: Oh, my goodness.

40

41           MR. HEYANO: .....it seems a little  
42 strange. I was just wondering if we could get some  
43 comment on that.

44

45           CHAIRMAN O'HARA: Hans, if you want to  
46 talk you got to get a piece of paper and sign up there if  
47 you want to make any comment. Did you want to answer  
48 that, Pat.

49

50           MS. McCLENAHAN: Thank you, Mr. Chairman.

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1 I believe this came from an ADF&G source. I didn't cite  
2 anything. If you disagree with that, I'll take that out.

3

4 CHAIRMAN O'HARA: I would think so.

5

6 MS. McCLENAHAN: You'd disagree?

7

8 CHAIRMAN O'HARA: I haven't a clue why  
9 you'd put something like that in. I mean, not you but I  
10 mean why that would even end up in there. That needs to  
11 come out of there.

12

13 MR. HEYANO: Yes, thank you, Mr.

14 Chairman.

15

16 CHAIRMAN O'HARA: Any other questions.

17 Robert.

18

19 MR. HEYANO: It just seemed that it's  
20 contrary to practices in other communities so it raised a  
21 red flag as to the accuracy of the statement.

22

23 MS. McCLENAHAN: I'll remove it.

24

25 CHAIRMAN O'HARA: Anything else.

26 Questions, Council members. Pat, on Page 104, it says  
27 effects of the proposal and you go down to the bottom of  
28 that paragraph to the last sentence that says the  
29 proposed changes to Federal regulations will align the  
30 portion dealing with rainbow trout and the portion  
31 listing Egegik and Ugashik drainage as districts separate  
32 from the remainder of Bristol Bay with current State  
33 regulations. Could you explain what that sentence means?  
34 Why there would be a differentiation between the two  
35 areas of the Bristol Bay drainage separating the Egegik  
36 and Ugashik drainages.

37

38 MS. McCLENAHAN: Thank you, Mr. Chairman.  
39 My wording should be changed to say for the Egegik and  
40 Ugashik drainages, to align it with the current State  
41 commercial fishing districts, not regulations.

42

43 CHAIRMAN O'HARA: Oh, okay.

44

45 MS. McCLENAHAN: And in addition to that,  
46 the State, and I think someone will speak to this here  
47 today, the State currently revisiting their rainbow trout  
48 policy and so I'd like to defer to someone from the State  
49 to kind of elaborate on that.

50

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1 CHAIRMAN O'HARA: Yeah, and I believe we  
2 do have.....

3  
4 MS. McCLENAHAN: We'll have comment  
5 coming up.

6  
7 CHAIRMAN O'HARA: .....some State  
8 biologist who is going to be talking to us today.

9  
10 MS. McCLENAHAN: If that doesn't clarify  
11 it then we'll revisit, is that all right?

12  
13 CHAIRMAN O'HARA: Okay. We'll go ahead  
14 and make sure that that's dealt with. Council members,  
15 any other questions of Pat.

16  
17 Okay, thank you very much. Alaska  
18 Department of Fish and Game, ADF&G, come on up this  
19 morning.

20  
21 MR. SCHWANKE: Craig Schwanke, assistant  
22 area management biologist with the Alaska Department of  
23 Fish and Game Sportfish Division.

24  
25 CHAIRMAN O'HARA: Monty [sic], what's the  
26 last name?

27  
28 MR. SCHWANKE: Schwanke.

29  
30 CHAIRMAN O'HARA: Schwanke, okay, good,  
31 thanks for coming up this morning.

32  
33 MR. SCHWANKE: Fish and Game doesn't have  
34 any issue with this part of the proposal, with Part (A)  
35 of the proposal. We recognize that there is subsistence  
36 use throughout the winter and the sportfish regulations,  
37 we liberalized back in the winter for that reason.

38  
39 I'll have more to comment on on the next  
40 section of the proposal, Section (B). At this time we  
41 don't have any further comment as to the users of the  
42 resource and the districts.

43  
44 CHAIRMAN O'HARA: Are you referring then  
45 to Page 113, ADF&G comments?

46  
47 MR. SCHWANKE: Well, those comments  
48 pretty much referred to Section (B), or Part B of the  
49 proposal.

50

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1 CHAIRMAN O'HARA: Okay. And you'll deal  
2 with that later you say?

3  
4 MR. SCHWANKE: Uh-huh.

5  
6 CHAIRMAN O'HARA: Okay. All right, any  
7 comments of Council members. Okay, Monty, that's all you  
8 have, thank you.

9  
10 Other Federal agencies comments on this.  
11 No other Federal agencies commenting on this proposal.  
12 How about the Alaska Department of Fish and Game Advisory  
13 Committee, is there anyone here this morning that wanted  
14 to make a comment on that. Summary of written comments,  
15 if you would -- none?

16  
17 MR. EDENSHAW: There weren't any, Mr.  
18 Chair.

19  
20 CHAIRMAN O'HARA: Okay. And then we have  
21 public testimony, Hans Kihle wanted to talk to us this  
22 morning on rainbow trout. Hans, do you want to come up  
23 and.....

24  
25 MR. KIHLE: Yes, sir, is there a certain  
26 limit we can catch of those things?

27  
28 CHAIRMAN O'HARA: Come up here and sit  
29 down and give us your name.

30  
31 MR. KIHLE: My name is Hans Kihle. I  
32 rented my house on the river above King Salmon, I'm just  
33 wondering is there a limit they can catch, like rainbow  
34 trout or pike or anything like that? It seems to me like  
35 I should be making more money -- Robert Heyano, hello  
36 Robert.

37  
38 MR. HEYANO: Hello.

39  
40 MR. KIHLE: Excuse me, Mr. Chairman.

41  
42 CHAIRMAN O'HARA: Yeah.

43  
44 MR. KIHLE: Anyway, I was just wondering  
45 if there is any limit to what they can catch?

46  
47 CHAIRMAN O'HARA: Hans, where is your  
48 building located?

49  
50 MR. KIHLE: About 10 miles above King



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1 Salmon on the south side of the river, you know, that big  
2 double house there.

3

4 CHAIRMAN O'HARA: No, that's State.

5

6 MR. KIHLE: That's where I was born and  
7 two sisters were born.

8

9 CHAIRMAN O'HARA: That's State waters,  
10 isn't it?

11

12 MR. KIHLE: Pardon me?

13

14 CHAIRMAN O'HARA: That's State waters?

15

16 MR. KIHLE: Yes, it's not Federal.

17

18 CHAIRMAN O'HARA: Okay, we're dealing  
19 with Federal, above that. So really what we're talking  
20 about here is more subsistence than dealing with the  
21 State waters, I think, as far as regulation goes. I  
22 don't know if that's right or not -- that's the right  
23 answer or not?

24

25 MR. KIHLE: You mean I can't go catch my  
26 own fish up there?

27

28 CHAIRMAN O'HARA: Oh, you can, but you're  
29 doing it in State water, we're dealing with the Federal  
30 waters is what we're dealing with here, not State waters.

31

32 Let's see.....

33

34 MR. KIHLE: Because I was just wondering  
35 if there was a limit.

36

37 CHAIRMAN O'HARA: I don't know what those  
38 are but the State biologists are sitting behind you and  
39 you can ask them and they'll be able to help you out.  
40 Was there any other comment that you had?

41

42 MR. KIHLE: No, I don't think so.

43

44 CHAIRMAN O'HARA: Okay, thanks, Hans.  
45 Appreciate it.

46

47 MR. KIHLE: Thank you. Thank you, sir.

48

49 CHAIRMAN O'HARA: Yeah.

50

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1 MR. KIHLE: I think it's very good what  
2 you're doing here.

3  
4 CHAIRMAN O'HARA: Regional Council, what  
5 are your concerns here, Council members?

6  
7 MR. HEYANO: Mr. Chairman, I don't have  
8 any comments or debate on the first part of the proposal.  
9 I think it's one that we've generated and supported so  
10 I'm prepared to make a motion.

11  
12 CHAIRMAN O'HARA: All right, let's go for  
13 it.

14  
15 MR. HEYANO: Thank you, Mr. Chairman. I  
16 move that we adopt Proposal 03-6(a) as written on Page  
17 105.

18  
19 CHAIRMAN O'HARA: Okay.

20  
21 MS. KELLY: Second.

22  
23 CHAIRMAN O'HARA: There's a second. Did  
24 you want to address your motion at all, Robert?

25  
26 MR. HEYANO: Well, thank you, Mr.  
27 Chairman. Well, you know, I think what the proposal does  
28 is it recognizes the rainbow trout as having a customary  
29 and traditional use for all the residents of the Bristol  
30 Bay area that we felt was omitted in the previous  
31 regulation.

32  
33 MR. KIHLE: There's got to be a limit.

34  
35 CHAIRMAN O'HARA: Any other Council  
36 members have any comment. Question.

37  
38 MR. BALLUTA: Question.

39  
40 CHAIRMAN O'HARA: If there's no further  
41 comment, all those in favor say aye.

42  
43 IN UNISON: Aye.

44  
45 CHAIRMAN O'HARA: Opposed.

46  
47 (No opposing vote)

48  
49 CHAIRMAN O'HARA: Motion passed.  
50 Clifford.

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1 MR. EDENSHAW: Larry Buklis is going to  
2 do the second portion for the rainbow trout.

3  
4 CHAIRMAN O'HARA: 03-06(b), okay, Larry.  
5

6 MR. BUKLIS: Good morning, Mr. Chairman.  
7 My name is Larry Buklis, fishery biologist with the  
8 Office of Subsistence Management. The (b) portion of the  
9 proposal analysis deals with the harvest regulation part  
10 of the proposal. And the analysis for that part is found  
11 on Page 107.

12  
13 As for the (a) portion this proposal was  
14 submitted by your Bristol Bay Subsistence Regional  
15 Advisory Council. It requests that harvest regulations  
16 be established for the subsistence take of rainbow trout.  
17 Such regulations are not currently in place. The State  
18 subsistence regulations allow retention of rainbow trout  
19 taken incidentally in other subsistence net fisheries or  
20 taken through the ice. Rainbow trout may also be taken  
21 for subsistence uses under State sportfishing  
22 regulations.

23  
24 Wild rainbow trout are found in abundance  
25 throughout most of the Bristol Bay area. Some exceptions  
26 are Lake Clark and tributaries and the Egegik and Ugashik  
27 River drainages where trout are not in high abundance.  
28 Rainbow trout stocks of the region are world famous and a  
29 cornerstone of the large sportfishing industry.

30  
31 The Alaska Board of Fisheries established  
32 policies back in February of 1990 that emphasized  
33 conservative wild stock management of rainbow trout in  
34 Southwest Alaska. These policies try to maintain wild  
35 stock populations as well as size and age compositions of  
36 the stocks so that hatchery stocking is not needed to  
37 supplement the wild stocks. The Board of Fisheries, as  
38 Pat mentioned is currently addressing development of a  
39 statewide policy and management plan for rainbow trout  
40 during this winter regulatory cycle. And just recently  
41 they issued notice that they were going to treat the two  
42 parts separately. They're going to deal with the policy  
43 issues of rainbow trout management in October, I believe  
44 it's October 20th in Anchorage and then the management  
45 planning part of rainbow trout management is going to  
46 come up in March.

47  
48 CHAIRMAN O'HARA: Interesting. Good.

49  
50 MR. BUKLIS: Even so, with that being

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1 said, recognition of rainbow trout as a subsistence  
2 species in Bristol Bay has been emerging in State  
3 regulation. The Board of Fisheries ruled back in 1993  
4 that rainbow trout caught incidentally to other species  
5 may be retained by subsistence users and in 1994, the  
6 State Board of Fisheries recognized subsistence use of  
7 rainbow trout among other fish in Bristol Bay.

8

9 Opportunities for harvesting rainbow  
10 trout under sportfishing regulations are liberalized from  
11 fall to late spring when most local residents pursue  
12 rainbow trout for food.

13

14 Methods used for harvest of rainbow trout  
15 have consisted of rod and reel use in open water, hook  
16 and line through the ice and incidental take by gillnets  
17 that are set or swept.

18

19 Freshwater fish harvest usually consist  
20 of a variety of species. Much of the rainbow trout  
21 harvest in the outlying smaller communities occurs while  
22 people are targeting other species such as fishing nets  
23 for whitefish or pike or fishing through the ice for  
24 grayling, pike or dolly varden. The State's community  
25 profile database indicates that rainbow trout subsistence  
26 harvest estimates by community have ranged from none to  
27 3,600 per year. However, rainbow trout harvest is  
28 usually only a portion or is only a portion of the  
29 overall freshwater harvest. As an example, on the high  
30 end, the estimated freshwater fish harvest for Nondalton  
31 in 1983 was 44,000 while rainbow trout accounted for  
32 eight percent of the total.

33

34 The proposed regulation attempts to  
35 parallel State sportfishing regulations. But some areas  
36 have further conservation features than have actually  
37 been laid out in the proposal such as closure to fishing  
38 during spring spawning period, no retention in some areas  
39 during the summer or restrictions on the kinds of lures  
40 and bait that can be used.

41

42 The proposed regulations with the  
43 modifications that I've added in the analysis would allow  
44 retention of rainbow trout taken incidentally in other  
45 subsistence net fisheries or through the ice so that  
46 feature would be added to what's been proposed but the  
47 proposal, as modified, would also establish seasons,  
48 harvest and possession limits and methods and means more  
49 fully aligned with the State sportfishing regulations for  
50 use of rod and reel and jigging gear for targeted take.

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1 The regulations would parallel the current State  
2 sportfishing regulations and should provide for continued  
3 opportunity to meet subsistence uses without resulting in  
4 higher, overall harvest under normal conditions. And by  
5 that, I mean, under normal conditions, these kinds of  
6 methods and means could be used under State regulation,  
7 although this would be Federal Subsistence regulation so  
8 it would be a priority use. So if there were responses  
9 to resource issues, sportfishing would probably be cut  
10 back first and so this would be a priority use.

11

12 A subsistence fishing permit is currently  
13 required for the take of salmon and char. The analysis  
14 recommends that this requirement be extended to include  
15 rainbow trout for purposes of harvest monitoring and  
16 enforcement.

17

18 Mr. Chairman, that concludes my prepared  
19 remarks. I think I would just comment that as you looked  
20 the analysis, you'll see that as it was proposed it was  
21 fairly brief and maybe straightforward but by bringing in  
22 all the additional features that are in the sportfish  
23 regulations, it makes the proposed regulation longer and  
24 more complex, but that's required to capture the  
25 conservation features in the sport regulations.

26

27 Another way to parallel sportfishing  
28 regulations would be a lot simpler, simply have the  
29 Federal regulation read that regulations for take are as  
30 stipulated in and then reference the sportfish code.  
31 That makes it much simpler and would literally parallel  
32 our regulations with sportfishing. If done that way,  
33 though, any changes in the sportfish regulations in that  
34 code location would cause the Federal Subsistence  
35 regulations to automatically, by reference be so changed.  
36 And you may prefer to have the Federal regulations  
37 stipulated and then change them if you think it's  
38 warranted through the proposal process. And that's how  
39 your proposal came in and that's how it's been analyzed  
40 to this point.

41

42 CHAIRMAN O'HARA: Okay, Larry. Any  
43 questions, Council members, of Larry. Could you deal a  
44 little bit with the Federal permitting system that you  
45 mentioned here in your presentation today?

46

47 MR. BUKLIS: Mr. Chairman, my  
48 understanding is that a permit is required under State  
49 and Federal regulation for subsistence take of salmon or  
50 char. That permit system does not impose a particular

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1 limit in numbers of fish to be taken but it's a harvest  
2 reporting system and this analysis recommends that that  
3 requirement be extended to include trout.

4

5 CHAIRMAN O'HARA: Okay. Any other  
6 comments, Council members, Robert.

7

8 MR. HEYANO: Then if we adopt the  
9 proposed modified regulation, have we met the charge of  
10 providing a subsistence priority for rainbow trout if  
11 they mirror just sportfish regulations?

12

13 MR. BUKLIS: Mr. Chairman. Mr. Heyano,  
14 if you mirror the sportfish regulations for targeted take  
15 and you mirror the State subsistence regulations for  
16 allowance, recognition of retention of incidental take in  
17 other net fisheries and through the ice, you've mirrored  
18 the State's current subsistence and sport opportunities  
19 in the Federal Subsistence regulations. In terms of  
20 priority, if you're interpreting priority to mean a more  
21 liberal opportunity then, no, you've not provided  
22 something more liberal. If you interpret priority to  
23 mean it has a higher priority use such as other fisheries  
24 would be cut back first, then you have established a  
25 priority because sportfishing would be reduced or  
26 eliminated before Federal Subsistence would be in the  
27 face of a resource concern.

28

29 CHAIRMAN O'HARA: Robert.

30

31 MR. HEYANO: As I read the proposed  
32 modified regulations there's periods of times when there  
33 isn't any subsistence harvest in some of these streams.  
34 And I guess I'm having a little bit of problem with that.  
35 And then the other thing I'm having a problem with is in  
36 order to protect the resource, does that mean we can't  
37 allow any harvest during those particular months and then  
38 at a later period of time we allow the take of five? I  
39 guess I'm trying to justify our charge, which is to  
40 protect the resource and then provide a subsistence  
41 priority with reasonable opportunities. I guess it's a  
42 little confusing to me, how in certain months we can  
43 allow the take of five and other months of the year we  
44 can't allow any harvest to take place for subsistence  
45 users.

46

47 MR. BUKLIS: Mr. Chairman. Mr. Heyano,  
48 you're correct to note that these regulations, like State  
49 sportfishing regulations would identify some places and  
50 times when retention or take is not allowed, that's

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1 correct.

2

3           The rationale for that and the State can  
4 speak to their regulations better than I can, but my  
5 understanding is the rationale is probably two-fold. In  
6 some situations it's because it's the spring spawning  
7 period, it's a period to protect the fish from harvest at  
8 that time so that the stocks can reproduce and be more  
9 sustainable. And in other cases, it may be a strategy of  
10 not allowing retention because of an intensive use area  
11 during a summer fishing period. So it's not, perhaps,  
12 spawning, it's a way of limiting mortality due to a high  
13 use area and that wouldn't be a subsistence approach.  
14 You're right.

15

16           It's my understanding that typically  
17 where rainbow trout subsistence opportunity is allowed,  
18 it typically has been patterning after sportfishing  
19 opportunity elsewhere in the state, that there are some  
20 situations where there is a more liberal opportunity  
21 allowed. And what comes right to mind is parts of the  
22 Kuskokwim. I think there's seven villages in the  
23 Kuskokwim area that have a liberal opportunity for  
24 rainbow trout take and those exceed what would be allowed  
25 under sportfishing. They can use nets and other gear and  
26 there aren't any particular harvest limits. But other  
27 than those seven villages, the remainder of the Kuskokwim  
28 area is not allowed to retain rainbow trout.

29

30           So there are some situations where it's  
31 more like you described. But in other areas of the state  
32 it's typical to parallel sportfishing regulations. And,  
33 in fact, in the Prince William Sound/Copper River area,  
34 even though there are sport regulations for rainbow  
35 trout, there aren't subsistence regulations for targeted  
36 take. So there is kind of a spectrum of approaches.

37

38           This would be kind of right in the  
39 mainstream of paralleling sport. There's an example in  
40 Prince William Sound where retention is not allowed  
41 except in incidental take and there's an example in the  
42 Kuskokwim where some fairly liberal approaches are  
43 allowed.

44

45           CHAIRMAN O'HARA: Council members, any  
46 other questions. I guess, Larry, one of the concerns I  
47 have is if we mirror too closely the State regulations in  
48 the Federal regulations, we had talked a little bit off  
49 record about it almost becomes a sportfishery rather than  
50 a subsistence-type fishery.

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1           And I guess I might use an example of  
2 between June the 8th and October 1, you can't take any  
3 rainbow trout on the Kvichak but that's State waters and  
4 then you go over to the Alakanuk or the Branch where you  
5 have one-third State and two-thirds Federal, during that  
6 period of time for subsistence use, would you be able to  
7 go and harvest -- not during the time when they were  
8 spawning, you know, I mean that's understandable but what  
9 is the use then? We can't -- as far as I'm concerned,  
10 that's Federal water and if they're going to go up from  
11 Levelock or Iguigig and Naknek or South Naknek, any of  
12 these areas that have used this area all the time, go up  
13 there during the sport season and harvest trout for  
14 subsistence use, I think -- could you address that or  
15 does the State of Alaska have to address that? Or is  
16 there a place for that to address?

17

18           MR. BUKLIS: Well, Mr. Chairman I guess  
19 to answer your question I'd have to look at the Proposed  
20 regulation on Page 111 and see where your example would  
21 fit in in these parts of the regulation.

22

23           Are you talking about, on Page 111, would  
24 it be in that second set of restrictions, would it be  
25 Item (C)?

26

27           CHAIRMAN O'HARA: Uh-huh.

28

29           MR. BUKLIS: Okay.

30

31           CHAIRMAN O'HARA: Yeah, that's exactly --  
32 yeah, the concern that I have right there.

33

34           MR. BUKLIS: Mr. Chairman, you're  
35 interpreting that correctly. These regulations would  
36 stipulate, as does State sportfishing regulations, that  
37 during that April 10 through October 31st period which  
38 would be spring spawning and the intensive summer  
39 sportfishing season, retention would not be allowed,  
40 harvest would not be allowed, that's correct.

41

42           CHAIRMAN O'HARA: Yeah, I just can't live  
43 with that. And that's what I wanted to make sure that  
44 this Council.....

45

46           MR. KIHLE: Yeah.

47

48           CHAIRMAN O'HARA: .....understands that  
49 there's some restrictions that I don't want to see  
50 mirroring the State regulations. So thank you very much,



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1 I appreciate that. Any other comments, Council members.

2 All right, thank you very much, Larry, appreciate that.

3

4 We'll go with the ADF&G comments.

5

6 MR. SCHWANKE: Craig Schwanke, Alaska  
7 Department of Fish and Game, assistant area management  
8 biologist. Larry did an excellent job expressing some of  
9 the concerns the State has, basically to support with  
10 modification. We do want it to mirror the sportfishing  
11 regulations included in the spring closures -- the  
12 proposed regulations, for example, the Alagnak River,  
13 that's -- we just want them to mirror the sportfishing  
14 regulations.

15

16 We worked really hard, did a lot of  
17 research, put a lot of thought into our rainbow trout  
18 management and these regulations.

19

20 CHAIRMAN O'HARA: And that's it?

21

22 MR. SCHWANKE: (Nods affirmatively)

23

24 CHAIRMAN O'HARA: Okay. I think probably  
25 that goes back to the same question I asked Larry of  
26 whether or not you can take during this sport proposed  
27 season on the Branch, where you have Federal waters.....

28

29 MR. SCHWANKE: Uh-huh.

30

31 CHAIRMAN O'HARA: .....the use of  
32 subsistence and I think this is where this Council is  
33 going to have to come up and recommend to the Federal  
34 Board that the regulation probably can't mirror the State  
35 regulation as far as I'm concerned on that.

36

37 You understand 11(C), what we're talking  
38 about here?

39

40 MR. SCHWANKE: Yes.

41

42 CHAIRMAN O'HARA: Okay, good. Any other  
43 comments, Council members you might have. Yeah, Robert.

44

45 MR. HEYANO: Thank you, Mr. Chairman.  
46 The State's opposition to retention, I understand the  
47 spawning closures. But then the other times of the  
48 years, primarily during the summer months when there is  
49 no allowed retention, that's for the conservation of the  
50 stock?

00087

1 MR. SCHWANKE: Yeah, Mr. Buklis hit on it  
2 very well when he spoke to the increased effort during  
3 the summer periods, for example, Alagnak River has quite  
4 a few float trips, there's several lodges on that river  
5 that operate all summer long. Rainbow trout are targeted  
6 basically every day of the summer. Due to the high  
7 effort, that's why we restrict the retention of rainbow  
8 trout at that time. When it reopens to a bag limit of  
9 five per day it's when effort is low and then we perceive  
10 the small amount of opportunity or angling that does  
11 occur up there would not impact the stock due to the low  
12 effort and the low harvest.

13

14 MR. HEYANO: But would you agree that if  
15 we're just referencing Federal Subsistence users, that  
16 effort doesn't go up or go down, it probably remains a  
17 constant unless we have a large influx of population.

18

19 MR. SCHWANKE: I think that would vary by  
20 location. For example, I think it's correct on Alagnak,  
21 however there is other examples where, for example, Upper  
22 Naknek River actually falls within Katmai National Park  
23 and I know in the winter, locals, residents of Naknek,  
24 South Naknek, King Salmon, do go up to the Upper Naknek  
25 River and ice fish for rainbow trout at that time and  
26 that would be an instance where there may be increased  
27 local effort during that time period and there's no other  
28 effort from -- per chance, a commercial operator such as  
29 guides and sportfishermen.

30

31 MR. KIHLE: Katmai Guide Service.....

32

33 CHAIRMAN O'HARA: Hey, Monty.....

34

35 MR. KIHLE: .....hey, that.....

36

37 CHAIRMAN O'HARA: Hey, Hans, this is not  
38 the time for the public to talk. I think the guides work  
39 year-round in the Naknek River. Their effort has  
40 increased so much that, you know, and I don't think we're  
41 dealing with -- you know, if it becomes an issue of  
42 allocation, sports versus the subsistence users on the  
43 Federal waters of the Naknek, we will not mirror your  
44 regulations; as far as I'm concerned anyway. But I think  
45 there's a tremendous -- and the river's healthy. You  
46 know, the way the system works right now, as far as I'm  
47 concerned, that it works just fine.

48

49 I think our people have become rod and  
50 reel efficient and whatever else method they want to use

00088

1 to catch trout is fine.

2

3 Could you deal a little more with the  
4 Becharof/King Salmon River regulations here on Page 111,  
5 if you would; could you explain that to us?

6

7 MR. SCHWANKE: Well, as written here, the  
8 regulation in this proposal does mirror the sportfishing  
9 regulation for that area.

10

11 CHAIRMAN O'HARA: Uh-huh. So you have  
12 from June 8th until October 31, one per day?

13

14 MR. SCHWANKE: Correct, Mr. Chair.

15

16 CHAIRMAN O'HARA: No size limit on the  
17 Egegik River. And then where do you address the King  
18 Salmon River in this?

19

20 MR. SCHWANKE: Well, the King Salmon  
21 River is a drainage.....

22

23 CHAIRMAN O'HARA: The same regulation as  
24 Egegik?

25

26 MR. SCHWANKE: Correct.

27

28 CHAIRMAN O'HARA: Okay.

29

30 MR. SCHWANKE: That's a tributary of the  
31 Egegik.

32

33 CHAIRMAN O'HARA: All right, good. Okay.  
34 Any other comments you might have. Any questions,  
35 Council members. Well, thank you, Monty, we appreciate  
36 it, unless you had more to say.

37

38 MR. SCHWANKE: No.

39

40 CHAIRMAN O'HARA: Okay, good, thank you.  
41 Other State or Federal agencies like to comment at this  
42 time.

43

44 MS. LIGGETT: Mr. Chair, I'm having  
45 difficulty following all the ins and outs of this and I'm  
46 glad to see Robert smiling at that.

47

48 (Laughter)

49

50 MS. LIGGETT: There are two questions

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1 that I would have that I don't know the answer to so I  
2 pose them here in hopes that folks, someone here can  
3 answer them. What effect, if any, would this have on a  
4 place like the mouth of the Tazimina?

5

6 CHAIRMAN O'HARA: Excellent question,  
7 yeah.

8

9 MS. LIGGETT: And Andrew might have some  
10 personal knowledge, currently under the sockeye  
11 sportfishing plan was closed this past year to taking of  
12 sockeye, perhaps someone can answer if there were  
13 restrictions on rainbow trout?

14

15 The second thing that I would remind the  
16 Council although I'm hesitant to bring it up is we are  
17 somewhere in the midst of a comprehensive river  
18 management plan on the Alagnak. And it's possible that  
19 one of the recommendations or alternatives would specify  
20 recommendations of proposals that should go forward. One  
21 of the potential outcomes, I think of that would be -- of  
22 the comprehensive river management plan, potentially  
23 would be there might be recommendations to proposals that  
24 should be put before the Federal Board.

25

26 CHAIRMAN O'HARA: Okay.

27

28 MS. LIGGETT: And so I don't know the  
29 answer to either one of those, I just throw them in the  
30 mix of general conversation.

31

32 CHAIRMAN O'HARA: That's still in the  
33 making then as far as the Branch goes, okay.

34

35 MS. LIGGETT: Yes.

36

37 CHAIRMAN O'HARA: And I think your  
38 comment on the Tazimina is very important because I know  
39 Andrew has voiced some concerns on that and I don't know  
40 if there has been a -- I didn't see anyone floating it  
41 this summer but it still may be open to sportfishing.

42

43 MS. LIGGETT: And since I failed to  
44 identify myself, for the record, I'm Deb Liggett,  
45 superintendent, Katmai and Lake Clark National Parks and  
46 Preserves.

47

48 CHAIRMAN O'HARA: Before you leave, we  
49 might have some questions. Any questions Council members  
50 that you might want to have. Okay, thanks, Deb,

00090

1 appreciate that.

2

3 MR. CHEN: Thank you, Mr. Chair. This is  
4 Glenn Chen from the Bureau of Indian Affairs. Some  
5 information that you and the Council might consider in  
6 these deliberations on this proposal are the issues of  
7 harvest methods which have not been discussed this  
8 morning.

9

10 The original proposal on Page 107 calls  
11 for no restriction on harvest methods, however the  
12 modification that Larry presented on Page 111 which  
13 mirrors the State's regs calls for methods of harvest  
14 that include artificial flies and so forth. And we'd  
15 like to question the need for harvest method restrictions  
16 in light of the fact that this is a subsistence fishery  
17 and the intent is retention and take.

18

19 CHAIRMAN O'HARA: Okay, very good. Any  
20 questions Council members. All right, thank you very  
21 much. Yes, go ahead.

22

23 MR. HEYANO: I'll take an attempt at  
24 answering your question. I think if the Council wants to  
25 have a size restriction on rainbow trout then we need to  
26 look at unbaited hook -- unbaited or single hook.

27

28 CHAIRMAN O'HARA: Uh-huh.

29

30 MR. HEYANO: Artificial or single hook to  
31 reduce the mortality. Now, if the Council wants to not  
32 impose a size restriction then I think your comments  
33 would apply. You're going to fish until you get X number  
34 of fish and then you're going to quit.

35

36 CHAIRMAN O'HARA: Okay, that raises a  
37 question then of the methods and means, I guess, of  
38 taking the fish. You know, artificial lures and these  
39 types of things don't necessarily work too well through  
40 the ice fishing as most -- I mean that's mainly when the  
41 subsistence take's -- Robert, bait use and things like  
42 that, we're dealing with not necessarily the size but the  
43 number of fish and how we're going to take them, is that  
44 what your comment was?

45

46 MR. HEYANO: Well, I think, Mr. Chairman,  
47 my comment was is if we're going to impose a size or  
48 limit, the number of a certain size of rainbow trout  
49 we're going to allow subsistence users to harvest, then  
50 we need to look at, you know, the type of gear they're

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1 using to harvest the rainbow. My understanding is, is  
2 that when you allow bait, the mortality rate increases  
3 substantially. And, you know, just if they could only  
4 keep one -- for instance, if they're only allowed to keep  
5 one fish over 20 inches and they have a five bait limit,  
6 they might be catching more than five fish but having to  
7 let them go if they already kept one that was over 20  
8 inches. Does that make sense?

9

10 CHAIRMAN O'HARA: It makes sense and I  
11 think therein lies the problem of subsistence versus  
12 State regulations.

13

14 Anyway, that's a good point to bring up  
15 and I appreciate you, Glenn, mentioning that. Because I  
16 guess we're going to have to wrestle with, you know, I  
17 think Egegik River and the guys get on their four-  
18 wheelers and they go up there, whether the stream is open  
19 or whether they cut a hole in the ice to get rainbow  
20 trout like you do up there, it's a subsistence use, you  
21 know. I don't think they're there with the rod and reel  
22 to a great extent, you know, during the sport season.  
23 And it could be the Branch could be a total separate  
24 situation, there, Levelock and Iguigig and those people  
25 who are qualified to go to Federal lands might want to  
26 take their rod and reel and go and take five fish,  
27 regardless of size, you know, and I think that is going  
28 to have to -- what this Council is going to have to make  
29 a recommendation to the Federal Board, the different use  
30 on that.

31

32 I could be wrong. And then there's some  
33 places that they don't even deal with trout, Clark's  
34 Point maybe they don't have a place where they go to get  
35 it.

36

37 Anyway, I don't know if there's any other  
38 comments, if not, thank you very much.

39

40 Okay, are we down to written comments now  
41 -- unless there's any Federal or State who wants to make  
42 a comment here today on this. How about Advisory Board  
43 Councils, anybody have any concerns. I always mention  
44 that just in case you happen to be here. Written  
45 comments.

46

47 MR. EDENSHAW: Mr. Chair, there weren't  
48 any written public comments.

49

50 CHAIRMAN O'HARA: Council members.

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1 MR. HEYANO: Well, I think, Mr. Chairman  
2 this is getting to be a very complicated proposal. I  
3 think the Council needs to decide on some certain key  
4 issues and then attempt to draft a proposal around it.  
5

6 One, is are we going to -- should we  
7 recommend that the subsistence users be -- have a size  
8 limit. I think that's one. The other thing I think we  
9 need to decide is are we going to allow a subsistence  
10 harvest in some of those streams where there currently is  
11 no harvest, primarily during the summer months. And I  
12 say that with the -- I'm not including the spawning  
13 season. I think there should be no effort during the  
14 spawning season. And I think those are the two key  
15 issues and then once we decide how we're going to tackle  
16 that we can address the artificial lure issue and some of  
17 those other issues.  
18

19 CHAIRMAN O'HARA: Okay. Any other  
20 comments from the Council members before we begin to try  
21 to draft a proposal here.  
22

23 MR. BALLUTA: Mr. Chairman, in Lake Clark  
24 there's hardly any Federal waters to fish rainbow trout  
25 so only Tazimina and that's kind of died down for rainbow  
26 trout. That's all the comments I have. The rest of it  
27 is all State waters.  
28

29 That's all I have.  
30

31 CHAIRMAN O'HARA: Okay. Tazimina is  
32 State waters, is that State managed? Who, in the Federal  
33 program can answer that question? Yeah, Larry.  
34

35 MR. BUKLIS: I need to look at the map.  
36

37 CHAIRMAN O'HARA: Okay. Let's take a  
38 little break and you can go look at the map and we'll be  
39 back in 10 minutes.  
40

41 (Off record)  
42

43 (On record)  
44

45 CHAIRMAN O'HARA: We'll call the meeting  
46 back to order.  
47

48 Larry is going to talk to us about  
49 Tazimina and then Laura is going to talk to us about the  
50 Federal program up in the Yukon or in the Interior and

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1 then after that we'll have a recommendation from the  
2 Council. Larry.

3

4 MR. BUKLIS: Thank you, Mr. Chairman.  
5 When we broke you had a question on the floor about  
6 Tazimina River and it's our jurisdiction. I confirmed on  
7 the map, talking to Andrew Balluta that the river's  
8 entirely within the Federal jurisdiction area. So State  
9 regulations would apply, of course for the sportfishery  
10 and we do have jurisdiction for Federal subsistence  
11 management on Tazimina and it would be covered in our  
12 proposed regulations on Page 111.

13

14 In terms of harvest limit it would be  
15 that B portion, B as in Bravo. It would be closed April  
16 10 to June 7, no harvest allowed, I should say -- no  
17 harvest would be allowed during that period except in the  
18 Tazimina River from the falls downstream to one mile  
19 upstream from its outlet into Sixmile Lake, no harvest is  
20 allowed April 10 to October 31, so the whole summer  
21 season. So the spring season closure would apply to the  
22 lower Tazimina and the entire spring and summer season  
23 closure would apply, closure in terms of no harvest, no  
24 retention from the falls to one mile above the mouth. So  
25 that's where the Tazimina would be covered in the  
26 regulations and it's in jurisdiction.

27

28 CHAIRMAN O'HARA: Council members do you  
29 have any questions? Larry, before you leave I just want  
30 to give the Council a chance to ask you but if they don't  
31 have a question -- it's presently under State management,  
32 but the question I have is if this Council should not  
33 decide to mirror the regulation you have here under Page  
34 111(B), then the Federal Board could do that management  
35 if the proposal were to go through; is that right?

36

37 MR. BUKLIS: Mr. Chairman, if I  
38 understand your question, the Federal regulations could  
39 take a form separate from the State sportfishing, yes.  
40 And your recommendation would go forward to the Board for  
41 consideration.

42

43 CHAIRMAN O'HARA: Good enough, that's the  
44 question I wanted answered. Thank you.

45

46 Okay, if you have no more comments from  
47 the Council, thank you, appreciate that.

48

49 Laura, did you want to come up and talk  
50 to us if you would, please.



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1           We have some additional information that  
2 might be helpful to the Council and ask Laura if she  
3 would make a comment.

4

5           MS. JURGENSEN: Thank you, Mr. Chair. My  
6 name is Laura Jurgensen, anthropologist with Office of  
7 Subsistence Management. As a related story there is  
8 precedent in the Federal program for changing rainbow  
9 trout regulations or liberalizing them. In 2001, the  
10 Native Village of Quinhagak submitted a proposal to do  
11 away with having to have the Alaska Department of Fish  
12 and Game sportsfish regulations on all subsistence users  
13 for the harvest of rainbow trout in their area.

14

15           So they wanted those eliminated. They  
16 also wanted to increase the number of gear types that  
17 could be used. And they also wanted to just change that  
18 -- previously it had been just incidental take, sort of  
19 like accidental take of rainbow trout that they could  
20 keep when they were salmon fishing.

21

22           So what the Board and the Councils  
23 adopted was that they did do away with the Alaska  
24 Department of Fish and Game sportfish regulations and  
25 especially locals, and this is the Kuskokwim fishery  
26 management area for all villages in that area. They had  
27 a lot of problems with being held to catch and release or  
28 as many, you know, consider hook and release and a lot of  
29 sportfishing in that area, did away with that, added  
30 different gear types to be used all year-round by  
31 subsistence users; spear, rod and reel, jigging, nets,  
32 for example, fyke or funnel nets, fish-forks, lysters,  
33 but basically all traditional forms could be used. And  
34 the only restriction that was kept in place and there was  
35 some discussion on this because the proponent, Native  
36 Village of Quinhagak wanted no restrictions at all but  
37 the restriction that was remaining on the books and still  
38 is, March through June, the spawning period, subsistence  
39 users cannot direct harvest by using nets for rainbow  
40 trout. So for example, if you're putting a net in, you  
41 know, the mouth of the stream, they were concerned about  
42 spawning and so that was retained on the books. But  
43 during that same spawning period, people incidentally  
44 taking rainbow trout is legal.

45

46           So if that's clear, I hope. Thank you.

47

48           CHAIRMAN O'HARA: Any questions, Council  
49 members. Well, thank you very much, we really appreciate  
50 you coming up from the floor and helping us with that.

00095

1 Thanks, okay.

2

3 MS. JURGENSEN: Thanks.

4

5 CHAIRMAN O'HARA: What's the wishes of  
6 the Council here.

7

8 MS. KELLY: Mr. Chair.

9

10 CHAIRMAN O'HARA: Yes, Shirley.

11

12 MS. KELLY: I'd like to make a motion to  
13 delay action on this proposal until later on today,  
14 before the close of the meeting.

15

16 CHAIRMAN O'HARA: Is there a second.

17

18 MR. BALLUTA: Second the motion.

19

20 CHAIRMAN O'HARA: Any further discussion.  
21 All those in favor say aye.

22

23 IN UNISON: Aye.

24

25 CHAIRMAN O'HARA: Opposed.

26

27 (No opposing votes)

28

29 CHAIRMAN O'HARA: Okay, then let the  
30 minutes reflect that we will deal with this issue prior  
31 to the Council leaving today. All right, Cliff, where  
32 are we at?

33

34 MR. EDENSHAW: Mr. Chair, we're on  
35 Tuxedni Bay, Proposals 8, 9 and 10 and Pat McClenahan is  
36 going to address those. We're going to combine all three  
37 of those together.

38

39 CHAIRMAN O'HARA: Okay.

40

41 MS. McCLENAHAN: Thank you, Mr. Chairman.  
42 Pat McClenahan, regional anthropologist. We are on Page  
43 127 at Tab E. I'm going to cover the (A) portion of  
44 FP03-8, 9 and 10. This analysis combines three  
45 proposals.

46

47 Proposal 8 was submitted by Machele  
48 Haynes who claims residency at Chisik Island, Tuxedni Bay  
49 in Western Cook Inlet. She requests a positive  
50 customary and traditional use determination for shellfish

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1 for the residents of Chisik Island and Tuxedni Bay only.

2

3 Proposal 9 was a deferred proposal, FP01-  
4 33, it was submitted by Henry Kroll who claims residency  
5 in Tuxedni Bay in Western Cook Inlet. It requests a  
6 positive customary and traditional use determination for  
7 crab and razor clams in Tuxedni Bay for the residents of  
8 Tuxedni Bay only.

9

10 Proposal 10 is deferred proposal FP01-13  
11 that was submitted by Ninilchik Traditional Council,  
12 Stephen Vanek and Fred H. Bahr, it requests a positive  
13 customary and traditional use determination for all  
14 shellfish in the Cook Inlet area for the Kenai Peninsula  
15 District.

16

17 Currently there are no customary and  
18 traditional use determinations for shellfish for the Cook  
19 Inlet area. You can see the existing and proposed  
20 regulations on Page 127.

21

22 Marine water jurisdiction where shellfish  
23 resources relevant to this analysis may occur applies in  
24 the Tuxedni subunit which surrounds Chisik Island and  
25 Federal waters within the exterior boundaries of Lake  
26 Clark National Park and Preserve in Tuxedni Bay. This is  
27 referred to in this analysis as the Tuxedni Bay area and  
28 it can also be seen on the map behind you of Cook Inlet  
29 area.

30

31 This is a fairly complex write up and I'd  
32 like to just cut to the chase here. With regard to the  
33 questions of whether or not these resources were used by  
34 the rural residents of the Cook Inlet area and where  
35 these resources were used, the information about the use  
36 of shellfish by Tuxedni Bay residents was provided by the  
37 two resident families of Tuxedni Bay. Use of shellfish  
38 resources and the area by other residents of the Kenai  
39 Peninsula Borough has been documented in the 1984 ADF&G  
40 Subsistence Division study of Tyonek. The 1990 resource  
41 use area mapping of Hope and Cooper Landing by ADF&G  
42 mapping done in 1994 by the Ninilchik Traditional Council  
43 subsistence survey and a 1992 survey conducted for the  
44 National Park Service about the use of the Tuxedni Bay  
45 area.

46

47 There's written documentation that the  
48 rural residents of Tuxedni Bay, Chisik Island, Tyonek,  
49 Cooper Landing, Hope, Ninilchik and Seldovia used clams  
50 and the rural residents of Tuxedni Bay and Chisik Island

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1 used crab and that they used them and took them from the  
2 Federal waters of Tuxedni Bay.

3

4 As far the use area documentation for the  
5 remaining rural areas of the Kenai Peninsula Borough,  
6 resource use maps for Beluga do not show any use of the  
7 Tuxedni Bay area. There is no documentation available  
8 about the subsistence harvest and use areas for residents  
9 of Halibut Cove and Jakolof Bay.

10

11 Our preliminary conclusion is to support  
12 the proposal with modification to make positive  
13 determinations of customary and traditional use of clams  
14 for residents of Tuxedni Bay, Chisik Island, Tyonek,  
15 Cooper Landing, Hope, Ninilchik, and Seldovia and a  
16 positive determination of customary and traditional use  
17 use of crab for the rural residents of Tuxedni Bay and  
18 Chisik Island.

19

20 The proposed regulatory language can be  
21 seen on the top of Page 141. So it would read;

22

23 Cook Inlet area, shellfish, clams,  
24 residents of Tuxedni Bay, Chisik Island, Tyonek, Cooper  
25 Landing, Hope, Ninilchik and Seldovia and;

26

27 Crab, residents of Tuxedni Bay and Chisik  
28 Island.

29

30 Mr. Chairman, that concludes my remarks.

31

32 CHAIRMAN O'HARA: Council members, any  
33 questions or comments.

34

35 Tuxedni Bay in relationship to Pedro Bay,  
36 Nondalton, Kokhanok, Iliamna, these places, there is no  
37 connection between them?

38

39 MS. McCLENAHAN: Mr. Chairman, I did  
40 investigate that and what I found was that it appears  
41 that the residents of these communities, while they do  
42 use the Pacific side were using bays farther to the  
43 southwest and so I have no immediate evidence that they  
44 were going to Tuxedni Bay. That doesn't mean they  
45 weren't and I'm open for information in that respect.

46

47 CHAIRMAN O'HARA: Well, if the Hill boys  
48 can go from the east side of Cook Inlet all the way down  
49 to Bruin Bay, probably those guys from Nondalton probably  
50 could have gone up there, too, but it may be a long shot.

00098

1 I noticed they're mentioned in your proposal here. But  
2 there's no evidence that they've -- they've gone to  
3 Iliamna Bay and they've gone up to Bruin Bay and all  
4 those places and they did all the use there of clams and  
5 shellfish and halibut and these types of things way back  
6 in the '30s and '40s, we know that, coming from the area  
7 we know that. But that's not the issue.

8

9 Okay, thank you.

10

11 MS. McCLENAHAN: Unfortunately, ADF&G  
12 records don't indicate any use in that area. I went  
13 through all their subsistence use area maps that are  
14 available on GIS and didn't show this area.

15

16 Thank you.

17

18 CHAIRMAN O'HARA: Yes, but the issue is  
19 not dealing with them and their request, it's the Tuxedni  
20 Bay people that want this C&T finding that we're having.

21

22 MS. McCLENAHAN: (Nods affirmatively)

23

24 CHAIRMAN O'HARA: Okay. All right, no  
25 other comments from the Council. Thank you, very much,  
26 go ahead.

27

28 MS. McCLENAHAN: I'd just like to  
29 reiterate, Mr. Chairman, that the request by the Tuxedni  
30 Bay residents is for exclusive use while the request  
31 coming from the other side is for the residents of the  
32 Kenai Peninsula district.

33

34 CHAIRMAN O'HARA: Thank you.

35

36 MR. HEYANO: Mr. Chairman.

37

38 CHAIRMAN O'HARA: Go ahead, Robert.

39

40 MR. HEYANO: How does residents ask for  
41 exclusive use if there's other people who are found to  
42 have positive C&T?

43

44 MS. McCLENAHAN: They can request. I  
45 mean anyone can request exclusive use but it's up to you  
46 whether or not you want to grant it.

47

48 CHAIRMAN O'HARA: I guess along that same  
49 line, where do we fall into this category? I mean this  
50 really isn't our jurisdiction, is it?

00099

1 MS. McCLENAHAN: Yes, sir, we have  
2 jurisdiction. Those are Federal waters, there's a little  
3 yellow line around -- Cliff, can you see it there,  
4 there's a yellow line right around the area where Chisik  
5 Island is in Tuxedni Bay, within that little area  
6 designated by the yellow line, that's our jurisdiction.

7

8 CHAIRMAN O'HARA: So we can say yes to  
9 Tuxedni Bay and no to Kenai?

10

11 (Laughter)

12

13 MS. McCLENAHAN: I provided you with  
14 evidence that there are other communities that have used  
15 this customarily.

16

17 CHAIRMAN O'HARA: We're trying to entrap  
18 you, Pat.

19

20 (Laughter)

21

22 MS. McCLENAHAN: And it's up to you.

23

24 CHAIRMAN O'HARA: Okay. Alaska  
25 Department of Fish and Game, comment.

26

27 MR. EDENSHAW: Mr. Chair, inside the  
28 proposal they're deferring their comment until the  
29 completion of the Staff analysis at the time they  
30 submitted comments. So there's no written public  
31 comments.

32

33 CHAIRMAN O'HARA: Any other State or  
34 Federal agency that would like to make comment at this  
35 time. ADF&G Advisory Committee comments. Summary of  
36 written public comments on these three proposals, give us  
37 a page.

38

39 MR. EDENSHAW: Mr. Chair, there weren't  
40 any written public comments.

41

42 CHAIRMAN O'HARA: Okay. Any public  
43 testimony on this. Okay, hearing none, what's the  
44 Council recommendation.

45

46 MR. HEYANO: Thank you, Mr. Chairman. I  
47 would be prepared to support the proposal with the  
48 amended language with the exception of exclusive use and  
49 I don't quite know how to form the motion to get at my  
50 intent.

00100

1 CHAIRMAN O'HARA: Well, Robert, if you  
2 don't have the language for exclusive use?

3

4 MS. McCLENAHAN: (Nods affirmatively)

5

6 CHAIRMAN O'HARA: Cliff can help us with  
7 that.

8

9 (Laughter)

10

11 CHAIRMAN O'HARA: That's why we pay him  
12 what we do, to do that type of thing.

13

14 (Laughter)

15

16 CHAIRMAN O'HARA: So if you need a little  
17 time, Cliff, to work this up we certainly can come back  
18 to it at a later time, if necessary. If over lunch you  
19 want to work on it, that's fine.

20

21 MR. EDENSHAW: I think -- well....

22

23 CHAIRMAN O'HARA: Okay, what is your  
24 comment, Cliff?

25

26 MR. EDENSHAW: I was going to say -- I'll  
27 wait until Pat completes what she wanted to explain. But  
28 that's something we could do.

29

30 CHAIRMAN O'HARA: Okay, Pat.

31

32 MS. McCLENAHAN: I'd like to clarify  
33 first.

34 CHAIRMAN O'HARA: Give us your name  
35 again.

36

37 MS. McCLENAHAN: Pat McClenahan, Staff  
38 anthropologist. You do not intend exclusive use for  
39 Tuxedni Bay; is that correct, you intend to go with the  
40 preliminary conclusion?

41

42 MR. HEYANO: (Nods affirmatively)

43

44 MS. McCLENAHAN: Then it doesn't say  
45 anything about exclusive use here. So we modified the  
46 proposal already to include these other communities.

47

48 MR. HEYANO: Thank you.

49

50 MS. McCLENAHAN: Thank you.

00101

1 CHAIRMAN O'HARA: Okay, where did you do  
2 that Pat?

3  
4 MS. McCLENAHAN: We modified the  
5 proposal.

6  
7 CHAIRMAN O'HARA: Yeah.

8  
9 MS. McCLENAHAN: The original proposal  
10 was written to.....

11  
12 CHAIRMAN O'HARA: Give us a page number.

13  
14 MS. McCLENAHAN: On Page 127 there were  
15 three proposals and we combined those three proposals,  
16 one of them was for exclusive use by the rural residents  
17 of Tuxedni Bay. And one of them was for use by the  
18 residents of Kenai Peninsula district. So we modified --  
19 Staff modified those proposals to read;

20  
21 Support the proposal with modification to  
22 make positive determinations for the residents of Tuxedni  
23 Bay, Chisik Island, Tyonek, Cooper Landing, Hope,  
24 Ninilchik and Seldovia, and that's for clams. And then  
25 positive determinations for the residents of Tuxedni Bay  
26 and Chisik Island.

27  
28 I also would like to clarify and maybe  
29 you can back me up, I don't believe that Machel Haynes  
30 intended to say that she lives on Chisik Island, isn't  
31 that correct, she doesn't -- she lives in Tuxedni Bay,  
32 does she not?

33  
34 MS. LIGGETT: Mary, do you know, does  
35 Machel live.....

36  
37 CHAIRMAN O'HARA: You need to identify  
38 yourself if you're going to talk in the mike.

39  
40 MS. McBURNEY: Well, if she is she's  
41 probably in Seldovia.

42  
43 CHAIRMAN O'HARA: Pardon me, we can't be  
44 talking between front and back, you need to step up to a  
45 mike and identify yourself or else we're not going to get  
46 it on record. Go ahead.

47  
48 MS. LIGGETT: Deb Liggett, National Park  
49 Service.  
50



00102

1 CHAIRMAN O'HARA: All right.

2

3 MS. LIGGETT: I guess, we think that that  
4 submitter is a part-time resident of -- but may meet the  
5 requirements. Pat, don't go away, I did want to clarify  
6 for the Council as is true in National Parks throughout  
7 the State, when I first read this proposal it gave me  
8 pause because it seemed that residents of the Kenai  
9 district Peninsula was a little broad. But unless you  
10 are a member -- unless you live in the Park or live in a  
11 resident zone community, you still would have to submit  
12 an application to the Park superintendent for a 1344  
13 permit to conduct subsistence activities in the Park.

14

15 Additionally, the subsistence resource  
16 cannot be accessed by aircraft. And so that draws some  
17 lines around the scope of the proposal.

18

19 CHAIRMAN O'HARA: Okay, thank you, Deb,  
20 we appreciate that. Pat, did you have any other comment?

21

22 MS. McCLENAHAN: No, Mr. Chairman unless  
23 you had some questions.

24

25 CHAIRMAN O'HARA: Thank you, very much,  
26 okay. We're ready for a recommendation. Robert.

27

28 MR. HEYANO: Thank you, Mr. Chairman.  
29 Then I would move that we support amended Proposal 03-8a,  
30 9a, 10a, to read; for a positive C&T finding for clams in  
31 the Cook Inlet area, residents of Tuxedni Bay, Chisik  
32 Island, Tyonek, Cooper Landing, Hope, Ninilchik and  
33 Seldovia and for crab, residents of Tuxedni Bay and  
34 Chisik Island.

35

36 CHAIRMAN O'HARA: Is there a second to  
37 the motion?

38

39 MS. KELLY: Second.

40

41 CHAIRMAN O'HARA: All right. Robert,  
42 would you like to speak to your motion.

43

44 MR. HEYANO: Yes, Mr. Chairman. After  
45 reviewing all the comments and Staff's input, my limited  
46 knowledge, I'll have to go along with the comments and  
47 the justification that's provided to us by Staff. There  
48 is no written comments from the public opposing it so I  
49 have to go under the assumption that the analysis was  
50 done correctly.

00103

1 CHAIRMAN O'HARA: Any other comments from  
2 the Council members. Hearing none, call for the  
3 question.

4

5 MR. BALLUTA: Question.

6

7 CHAIRMAN O'HARA: All those in favor say  
8 aye.

9

10 IN UNISON: Aye.

11

12 CHAIRMAN O'HARA: Opposed.

13

14 (No opposing votes)

15

16 CHAIRMAN O'HARA: Let the minutes show  
17 that it passed. Next one, Cliff.

18

19 MR. EDENSHAW: Yes, Mr. Chair, the next  
20 portion, Larry Buklis will address the harvest  
21 regulations.

22

23 CHAIRMAN O'HARA: Give us a page number  
24 there, Larry when you start.

25

26 MR. BUKLIS: Mr. Chairman, my name is  
27 Larry Buklis, fishery biologist, Office of Subsistence  
28 Management. The B portion, the harvest regulation  
29 portion of the analysis is on Page 145. And at times  
30 you've talked about the jurisdiction around Tuxedni Bay  
31 and Chisik Island and I don't mean to have you going back  
32 and forth amongst pages but there is a map on Page 124  
33 that would apply to the A and B portions and gives you  
34 some detail on that area.

35

36 CHAIRMAN O'HARA: Okay, good.

37

38 MR. BUKLIS: So 124 for the map, 145 for  
39 this part of the analysis.

40

41 CHAIRMAN O'HARA: Okay.

42

43 MR. BUKLIS: Current Federal regulations  
44 do not allow the take of shellfish for subsistence  
45 purposes in the Cook Inlet area. This Staff analysis  
46 addresses the harvest regulation portion of these three  
47 combined proposals for shellfish.

48

49 Commercial shellfish fisheries have been  
50 concentrated in Lower Cook Inlet. Tuxedni Bay is located

00104

1 on the west side of the Central District, north of this  
2 area. The abundance of shellfish resources within the  
3 specific waters of Federal jurisdiction in and around  
4 Tuxedni Bay is uncertain. By that I mean people will  
5 talk about Tuxedni Bay as a general area. The  
6 availability and abundance of shellfish specifically  
7 within those waters that are under Federal jurisdiction  
8 is uncertain. They may be referring to the general area  
9 and there is both State and Federal jurisdiction in that  
10 area.

11

12         The Greater Gulf of Alaska region which  
13 includes the Cook Inlet area supported rapid expansion of  
14 crab and shrimp commercial fisheries during the 1960s to  
15 the 1980s. But since then most of these fisheries have  
16 collapsed. Climate change and overfishing are typically  
17 given as the causes of these stock collapses. Current  
18 State regulations for shellfish allow the take of clams  
19 in the Port Graham subdistrict for subsistence purposes  
20 and that's in Southern Cook Inlet. So State subsistence  
21 regulations for shellfish are limited to take of clams in  
22 the Port Graham area.

23

24         For the Cook Inlet management area I will  
25 go over a few resource profiles to summarize the status  
26 of the various stocks.

27

28         King crab fishing has been closed to all  
29 user groups in State regulations for over 15 years due to  
30 depressed stocks. Dungeness crab commercial fishery was  
31 closed in regulation by the Board of Fisheries beginning  
32 in 1997 and in March 2000 the personal use and  
33 sportfisheries for dungeness were closed. Tanner crab  
34 commercial fisheries have been closed since 1995, other  
35 uses are allowed under restrictive limits. For shrimp,  
36 commercial, personal use and sportfisheries were closed  
37 in regulation beginning in 1997.

38

39         Razor clam concentrations are present in  
40 many areas of Cook Inlet but are most dense near Polly  
41 Creek on the west side and from Clam Gulch to Ninilchik  
42 on the east side. That east side has been set aside for  
43 personal use and sport since 1959 but the west side has  
44 supported commercial fisheries as well.

45

46         Information is lacking, as I said  
47 earlier, regarding the abundance of shellfish specific to  
48 our area of jurisdiction in the Tuxedni Bay area. Status  
49 of crab and shrimp stocks generally is depressed and  
50 fishing opportunities targeting these species in State

00105

1 regulations are very restrictive or closed. Effort and  
2 harvest are expected to be low in the Federal subsistence  
3 fishery due to the remoteness of the location, the  
4 limited area of our jurisdiction and uncertain abundance  
5 of the shellfish resources. Even so, a precautionary  
6 approach is warranted given the depressed status of these  
7 stocks in the Cook Inlet area.

8

9 The analysis recommends modification of  
10 the proposals to parallel the conservation features in  
11 place in State personal use regulations. The limited  
12 geographic area of jurisdiction in Tuxedni Bay and lack  
13 of information on shellfish in the area should be noted  
14 as not to misinform the public relative to this fishery.

15

16 So the modifications include a statement  
17 that would be in the regulations focusing people on the  
18 limited area of jurisdiction and the uncertainty of the  
19 abundance of the resource so as not to mislead as to the  
20 level of opportunity that there is there.

21

22 That concludes my analysis.

23

24 CHAIRMAN O'HARA: Any questions Council  
25 members. Okay, thank you very much Larry, appreciate  
26 that.

27

28 ADF&G comments, Alaska Department of Fish  
29 and Game, any comments from that department. Is there  
30 anyone here representing that or -- no, okay.

31

32 MR. EDENSHAW: No, just from what was  
33 inside the Staff analysis regarding their written  
34 comments, Mr. Chair. And the ADF&G, at the time,  
35 submitted these comments, they do not support. No stock  
36 assessment data area available in Tuxedni Bay to identify  
37 a harvestable surplus of crabs. The forthcoming Staff  
38 analysis of this proposal should address each stock that  
39 occurs on lands and waters subject to Federal  
40 jurisdiction. The best available information suggests  
41 dungeness crab stocks in Cook Inlet are depressed. The  
42 Alaska Board of Fisheries recently adopted a  
43 comprehensive tanner crab management plan that  
44 responsibly addresses a sustainable level of non-  
45 commercial use.

46

47 Razor clam harvest in this area is  
48 essentially unrestricted. Thus, the proposed regulatory  
49 language does not appear to provide an added benefit to  
50 users.

00106

1 In the event that either or both of these  
2 proposals are approved, we recommend a permit system and  
3 harvest limits similar to the State regulations,  
4 particularly in situations such as this where the  
5 subsistence area is essentially a Federal inholding  
6 surrounded by State lands.

7  
8 And regarding 10b, they do not support.  
9 This proposal seeks to establish subsistence shellfish  
10 opportunities in Cook Inlet. Except for Tuxedni Bay, no  
11 shellfish stocks fall within Federal jurisdiction. This  
12 proposal needs to be limited to shellfish stocks that  
13 occur within Federally managed waters.

14  
15 CHAIRMAN O'HARA: Council members,  
16 anything to ADF&G comments. Other State or Federal  
17 agencies care to comment on this one. Okay, ADF&G  
18 Advisory Committees, I guess we don't have any comment on  
19 that. I'm just wondering if we had any public comment,  
20 anybody wanted to make comment on this.

21  
22 Hearing none, what's the wish of the  
23 Council on the B section of these proposals. No comment.  
24 No action. Nope, okay.

25  
26 MR. KIHLE: Let's keep out of Iraq.

27  
28 (Laughter)

29  
30 CHAIRMAN O'HARA: That will be an agenda  
31 item at the end of the day.

32  
33 (Laughter)

34  
35 CHAIRMAN O'HARA: Robert.

36  
37 MR. HEYANO: Well, Mr. Chairman, it's in  
38 our jurisdiction, I have to confess I know very little  
39 about it. There seems to be some concern about the crab  
40 stocks but I'm not sure the amount of harvest we're  
41 referencing for those people who reside in Tuxedni Bay  
42 are going to be -- you'll be able to determine it. I can  
43 support the modified proposed regulation, I guess, is  
44 what I'm saying, Mr. Chairman.

45  
46 CHAIRMAN O'HARA: Yeah, I would think so,  
47 too. I think the tendency is to take away everything you  
48 can and don't give them anything seems to be the trend  
49 these days. So I think we can probably support this  
50 recommendation if someone wants to make a motion on that.

00107

1 MR. HEYANO: Well, thank you. Then, Mr.  
2 Chairman, I would move that we support the modified  
3 language on Proposal 03-8b, 9b, 10b as stated on Page  
4 149.

5  
6 CHAIRMAN O'HARA: Is there a second to  
7 that motion.

8  
9 MS. KELLY: Second.

10  
11 CHAIRMAN O'HARA: Okay, Shirley seconded.  
12 Robert, do you want to address your motion or you already  
13 addressed it.

14  
15 MR. HEYANO: Well, Mr. Chairman as our  
16 previous action would limit the take of the crab stocks  
17 for those residents of Tuxedni Bay and Chisik Island,  
18 what appears to be very, very few residents there and  
19 although the crab stocks are somewhat in question, the  
20 proposed regulation is fairly restrictive in my opinion.  
21 And I don't believe the amount of subsistence harvest  
22 would be detrimental to the resource. And as stated in  
23 ADF&G comments, there is currently no restrictions on the  
24 harvest of clams so that portion of the proposal would  
25 have no affect on the resource.

26  
27 CHAIRMAN O'HARA: Thank you, Robert. Any  
28 other comments Council members. Hearing none, call for  
29 the question.

30  
31 MR. BALLUTA: Question.

32  
33 CHAIRMAN O'HARA: All those in favor say  
34 aye.

35  
36 IN UNISON: Aye.

37  
38 CHAIRMAN O'HARA: Opposed.

39  
40 (No opposing votes)

41  
42 CHAIRMAN O'HARA: It's unanimous, the  
43 aye's have it. What else do you have Clifford.

44  
45 MR. EDENSHAW: That concludes the  
46 proposal with the exception of the one with the rainbow  
47 trout which we'll take up before the close of business  
48 today.

49  
50 CHAIRMAN O'HARA: All right.

00108

1 MR. EDENSHAW: Then, Mr. Chair, the next  
2 agenda item would be the customary trade.

3

4 CHAIRMAN O'HARA: Yes, and Peggy Fox is  
5 going to be handling that. And Peggy, if you're ready  
6 and available to give us that information we appreciate  
7 that.

8

9 MS. FOX: Thank you, Mr. Chair, and other  
10 Council members. For the record, my name is Peggy Fox,  
11 Deputy Assistant Regional Director for Subsistence. I  
12 would like to refer you to the supplemental material that  
13 Cliff placed before you earlier today. If anyone else in  
14 the audience would like to follow along, I understand  
15 there are some copies on the table over here to the  
16 right.

17

18 In response to public and Council  
19 requests, the Board, during their May 2002 meeting  
20 deferred action on the proposed rule for customary trade  
21 until January of 2003.

22

23 This decision provides for an extended  
24 review opportunity for the Regional Advisory Councils,  
25 the public, tribal organizations and Federal and State  
26 agencies. Since this meeting, the Board has been  
27 analyzing public and Council comments and agency comments  
28 received to date. The supplemental materials provided  
29 for your review are the results of this analysis.

30

31 I'd like to briefly review with you why  
32 we're looking at the issue of customary trade. Title  
33 VIII of ANILCA specifically identifies customary trade as  
34 a recognized part of subsistence uses. The term  
35 customary trade is defined in regulation as the cash sale  
36 of fish and wildlife resources to support personal or  
37 family needs and does not include trade which constitutes  
38 a significant commercial enterprise.

39

40 It is important to know the distinction  
41 between the terms customary trade and barter.

42

43 Customary trade is the exchange of  
44 subsistence resources for cash. Barter is defined as the  
45 exchange of subsistence resources for something other  
46 than cash and is provided for in Title VIII.

47

48 While exchange of subsistence resources  
49 as customary trade may involve fish or shellfish or  
50 wildlife resources, this proposed rule only covers the

00109

1 customary trade of fish resources.

2

3           The Federal Subsistence Board has found  
4 the term significant commercial enterprise to be unclear.  
5 The lack of a definition is hampering effective law  
6 enforcement to prevent abuses. The Board wants to  
7 preserve traditional customary trade practices and  
8 recognized regional differences while preventing abuse.  
9 The proposed rule adopted by the Board in December of  
10 2001, and that is described on Page 1 of the document I  
11 referred to earlier, recommends that no dollar limit be  
12 set on the exchange for cash of subsistence caught fish,  
13 parts or eggs between residents. The proposed rule  
14 prohibits such exchanges for fisheries businesses whether  
15 rural or non-rural. However, the exchange for cash  
16 between rural residents and others would be allowed as  
17 long as the exchange does not make up a significant  
18 commercial enterprise.

19

20           Public comments received as result of the  
21 publication of the proposed rulemaking generally fell in  
22 three categories and I'll refer you to Page 3 where we  
23 describe the three categories otherwise known as three  
24 alternatives. I'd like to note that the bulk of the  
25 comments that we received supported either alternative  
26 one or alternative two. Alternative three, however, is  
27 the result of the recommendations developed during public  
28 meetings held by the 10 Regional Advisory Council  
29 meetings.

30

31           I'd like to briefly summarize the three  
32 alternatives.

33

34           Alternative one on Page 3, this option  
35 would maintain the status quo which permits customary  
36 trade unless it results in a significant commercial  
37 enterprise. In the future any perceived abuses would be  
38 addressed on a case by case basis, with appropriate  
39 regulatory language. This would be responsive to  
40 comments questioning the need for any new regulation or  
41 change to present regulations regarding customary trade.

42

43           Alternative two on Page 4 would prohibit  
44 subsistence caught fish from entering into the commercial  
45 market while permitting customary trade practices between  
46 individuals to continue. This option would be responsive  
47 to comments that the primary concern is to prevent  
48 subsistence caught fish from entering commercial markets.

49

50           Alternative three, which also begins on



00110

1 Page 4 is an option that responds to comments that  
2 differing regional practices and needs must be provided  
3 for and would prohibit subsistence caught fish from  
4 entering into the commercial market. To be effective a  
5 system of record keeping would need to be instituted if  
6 regional regulations limit the amount of fish exchanged  
7 for cash or the amount of cash exchanged. What we  
8 interpret that and intend to implement if this is the  
9 selected alternative would be either permits being issued,  
10 harvest calendars, some other type of harvest record  
11 keeping would be required and individuals would need to  
12 verify that they took the subsistence caught fish from  
13 Federal public lands or waters.

14

15 The time schedule for working towards a  
16 final rule is covered on Page 9 of the document. And  
17 we're currently at step there where the document,  
18 summarizing public comments, has been distributed and  
19 we're asking for Regional Council comments at this time.  
20 The public comment period overall ends November 1st, the  
21 Board will meet on January 14th to make a decision on a  
22 final rule. The final rule will become effective on  
23 April 1st of 2003.

24

25 So in summary, the Board would like to  
26 ask the Councils to review their recommendation. Bristol  
27 Bay's recommendation specifically is on Page 14 of the  
28 document. And indicate to us whether or not you wish to  
29 reaffirm your recommendation or modify it. And modify it  
30 could mean, you know, looking at some of the other  
31 alternatives that were identified from public comment or  
32 changing the existing language that you developed at your  
33 last meeting.

34

35 And then secondly, we'd like to ask you  
36 to help us identify how limitations for defining  
37 customary trade affect subsistence needs, traditions and  
38 values, in other words, the subsistence way of life.

39

40 That concludes my remarks, Mr. Chair, and  
41 Council members. Thank you.

42

43 CHAIRMAN O'HARA: Thank you, Peggy. Any  
44 comments or questions from the Council members. All  
45 right you have a request for some input from the Council?

46

47 MS. FOX: (Nods affirmatively)

48

49 CHAIRMAN O'HARA: You do?

50

00111

1 MS. FOX: Yes.

2

3 CHAIRMAN O'HARA: All right.

4

5 MS. FOX: Two items specifically.

6

7 CHAIRMAN O'HARA: All right. Anything  
8 new or information that the Council wants to pass on at  
9 this time to the Federal Board?

10

11 MR. HEYANO: Mr. Chairman, I guess I was  
12 unclear on what was the second request.

13

14 MS. FOX: The second request would be to  
15 answer the question as follows:

16

17 How will limitations defining customary  
18 trade affect subsistence needs, traditions and values of  
19 the subsistence way of life.

20

21 Let me give you an example. If we go  
22 with alternative three, that requires record keeping, for  
23 example, at the Kodiak/Aleutians meeting, the Council was  
24 somewhat concerned about requiring individuals to get a  
25 permit or to report harvest every time they caught fish  
26 and sold them. And so they intend to look at what  
27 happens after one year of implementation and maybe get  
28 some input from tribes and so on as to how that's  
29 working. Because they don't, generally, support  
30 permitting and consider it an intrusion on people's way  
31 of life. As an example. And not that every Council  
32 feels the same, certainly.

33

34 So, you know, we're concerned about how  
35 implementing these new regulations would affect people  
36 and many times permits are very well justified for  
37 conservation reasons or for enforcement purposes. So  
38 it's just how you would assess the affect on people.

39

40 CHAIRMAN O'HARA: Robert, do you have any  
41 further comment?

42

43 MR. HEYANO: Just one more. Then the  
44 permitting requirement as it pertains to this region will  
45 be just similar to a harvest recording? So the  
46 transaction, to track the dollar value, would that be  
47 part of the permitting process also?

48

49 MS. FOX: As I understand it, yes.  
50 Although you have to recognize since we don't have a

00112

1 decision we haven't fully developed an implementation  
2 plan, that will take a little bit -- a while, after the  
3 decision in January, depending on what it is. But our  
4 concept of how that would work is that we would have to  
5 have some record of who the transaction occurred with and  
6 in what dollar amount. Obviously if there is a dollar  
7 amount and this region is recommending a \$500 amount per  
8 household. Others are recommending dollar amounts by  
9 household member. So, you know, it'd be tracked a little  
10 bit differently from region to region with those two  
11 examples.

12

13 CHAIRMAN O'HARA: Any other comment,  
14 Robert?

15

16 MR. HEYANO: No.

17

18 CHAIRMAN O'HARA: Okay. I guess one of  
19 the first things you need is whether or not we want to  
20 make any changes on our proposal from our Council.

21

22 MS. FOX: That's correct.

23

24 CHAIRMAN O'HARA: So I don't know if the  
25 Council is interesting in making any comment along this  
26 line. I'm pretty happy with what our proposal is  
27 although there has been pressure for us, by the Alaska  
28 Federation of Natives, AFN, to up the ante on the dollar  
29 value. They have just simply made that comment vocally  
30 to me. But because the other regions seem to be higher,  
31 Bristol Bay is the lowest. So I guess it would be fair  
32 to ask the Council if they are interested in changing  
33 what our proposal is at this time.

34

35 MR. HEYANO: Mr. Chairman, I don't have  
36 any desire to change our proposal at this time. I think  
37 we thoroughly discussed it at the last meeting. I  
38 haven't seen any new information that convinces me that  
39 it needs to be changed.

40

41 CHAIRMAN O'HARA: Shirley, do you have a  
42 comment or not?

43

44 MS. KELLY: (Shakes head negatively)

45

46 CHAIRMAN O'HARA: No, okay, fine. And I  
47 feel the same as you. We went through the process, we  
48 know exactly where we stand on the issue.

49

50 As far as permitting in the Bristol Bay

00113

1 area, I think I'd be very interested in -- I think that  
2 one of the things that was difficult to deal with, Peggy,  
3 was for the Federal people to have to deal with us in a  
4 permitting system and keeping track of the dollar amount  
5 and to whom and where it's going, so it does not go out  
6 of control, I'm pretty sure we addressed that pretty  
7 thoroughly in our meeting and I don't think we're going  
8 to change on that.

9

10 It's going to be an inconvenience to the  
11 Federal people, but I guess the only thing I would  
12 mention and it's probably already been mentioned  
13 previously is if you can't keep track of it then it gets  
14 out of control and then it's not meeting the real purpose  
15 of what we want in the way of a dollar amount.

16

17 So I think that's basically where we  
18 stand.

19

20 Thank you very much. Clifford.

21

22 MR. EDENSHAW: Mr. Chair, we are on.....

23

24 CHAIRMAN O'HARA: Number 12.

25

26 MR. EDENSHAW: .....number 12, Fisheries  
27 Information Services and Laura Jurgensen is going to  
28 provide the Council with three proposals for the  
29 Council's action and other informational items.

30

31 CHAIRMAN O'HARA: Laura.

32

33 MS. JURGENSEN: Thank you, Mr. Chair.  
34 I'm Laura Jurgensen, anthropologist with Office of  
35 Subsistence Management. I've been assigned to work for  
36 your region for the Fisheries Information Services  
37 Division within OSM as the anthropologist. Steve Fried  
38 will continue to act in his capacity as fishery  
39 biologist. So we're a team that is available for the  
40 Council and anyone else interested to work with, submit  
41 proposals, et cetera. If you can turn to Tab H in the  
42 booklet, that's where we have all the FIS materials.  
43 It's Page 163.

44

45 It starts with the Fishery Resources  
46 Monitoring 2003 review draft.

47

48 On background, the study selection, there  
49 is a Technical Review Committee which is composed of  
50 three Federal scientists, three State scientists, the

00114

1 Chair or the Chief of Fisheries Information Services,  
2 Steve Klein. And they make recommendations on all pre-  
3 proposals and proposals that come in for research in the  
4 investigation plans for your region and statewide.

5  
6 They rank according to factors that are  
7 located on Page 166. There are four critical strategic  
8 priorities that they look at and the FIS program  
9 stresses. The most important one that -- or I shouldn't  
10 say the most important one, the one that probably needs  
11 the most work with cooperators and people who want to  
12 submit proposals is that of partnerships and capacity  
13 building. At FIS, we encourage people submitting  
14 proposals for the 2004 period and that period opens  
15 November 1st. That will be our first call for proposals.  
16 To really emphasize partnerships, building partnerships,  
17 cooperating with local agencies, tribes, non-profits and,  
18 again, the capacity building is not really just local  
19 hire or having consultations with meetings. It's  
20 providing and training the capacity of local people where  
21 a local agency or organization can actually run and  
22 monitor their own projects.

23  
24 So in the future we probably wouldn't  
25 consider arranging lodging with a tribal council as  
26 capacity building because I think we all know we do that  
27 all the time. There has to be more meat to that part.

28  
29 For 2003, Congress funded 7.25 million  
30 and with Fish and Wildlife's contribution being 5.25  
31 million and two million coming from the Forest Service.  
32 The projects in our whole program are multi-disciplinary  
33 in approach combining the biological and social sciences.

34  
35 So we have the projects for your review  
36 2003 and also for information, I gave a briefing with  
37 Ralph Andersen, BBNA, on the status of partners. But for  
38 the 2003 partners budget, there's available \$850,000.

39  
40 If you'd look on Page 170 and 171,  
41 there's a listing of the 2003 projects that were advanced  
42 for more complete investigation plans. And also on Page  
43 -- I'm sort of skipping around here but just for your  
44 information, many of the projects in the FIS, since the  
45 beginning and we're in our fourth year now with FIS,  
46 they're ending their funding. All projects were not able  
47 to get more than three years of funding. So when you're  
48 reviewing your projects and also your 2004 issues and  
49 information needs, we would really like some guidance on  
50 how you would like -- if you would like to fund longer

00115

1 term studies that require longer years of data, more than  
2 just a few years and what your thoughts on that are.

3

4 But on Page 173, your Council had  
5 previously itemized your issues and information needs and  
6 using these, the Technical Review Committee then  
7 recommended four stock, status and trends projects for  
8 2003. And five or I should say seven were submitted for  
9 Bristol Bay and two harvest monitoring and TEK projects  
10 were submitted originally. And then there was one first  
11 cut that was done by the TRC and that leaves the four  
12 that they are recommending for funding that they are  
13 recommending to the Board.

14

15 And I should say, I'm sorry, I'm probably  
16 -- yeah, stop me at any time for questions. Go ahead.

17

18 CHAIRMAN O'HARA: Okay. We'd like to  
19 know the bottom line on the recommendation for the four  
20 projects.

21

22 MS. JURGENSEN: Bottom line. On Page 175  
23 there's a good map. They are recommending Project 00-031  
24 -- excuse me, let me take that back. That one is the one  
25 that did not make the second cut.

26

27 00-032, which is sockeye salmon  
28 escapement in the Buskin River on Kodiak Island, and that  
29 is the only project in Kodiak/Aleutian area.

30

31 They're also recommending 01-195,  
32 escapement and smolt outmigration for Lake Clark sockeye  
33 salmon.

34

35 03-0343 estimation of coho salmon  
36 escapement in streams adjacent to Perryville, Alaska  
37 Peninsula National Wildlife Refuge.

38

39 And finally, 03-046, the fisheries  
40 biotechnician training program, which Mary McBurney of  
41 the Park Service spoke of yesterday. That is also being  
42 recommended for funding.

43

44 And as an aside, I did put together this  
45 salmon colored folder and it has an overview of the  
46 projects, the status of the 2000 through 2002 projects  
47 and the performance reports on those projects and any  
48 final reports we have on projects that are already  
49 finished.

50

00116

1           So for the Bristol Bay/Kodiak/Aleutians  
2 resource monitoring program, we have one issue requiring  
3 action by the Council and that is taking action on these  
4 2003 projects. In addition, there are possibly three  
5 other issues which the Council has the discretion to take  
6 action on or make a recommendation for. And that is one  
7 interregional project that had been submitted but the TRC  
8 has not recommended funding for it. So they are not  
9 recommending any interregional projects this year.

10  
11           We also request that you consider  
12 updating and prioritizing your issues and information  
13 needs for the 2004 call for proposals. When we send out  
14 the call for proposals, we include the issues and  
15 information list to possible investigators. And also as  
16 part of your strategic five year planning document, a set  
17 of criteria which a subcommittee of your Council formed  
18 earlier this year and to use in recommending studies for  
19 funding.

20  
21           And I'll end it there.

22  
23           CHAIRMAN O'HARA: You gave us a whole  
24 bunch of things there and it went by me too fast.

25  
26           MS. JURGENSEN: Sorry.

27  
28           CHAIRMAN O'HARA: Yeah, that's all right.  
29 I guess one of the questions I had is updating our 2004,  
30 that calls, you know, when it calls for proposals, what  
31 are the dates? When do the proposals have to be in, is  
32 that a fair question?

33  
34           MS. JURGENSEN: Oh, yes, it's a very fair  
35 question.

36  
37           CHAIRMAN O'HARA: Okay.

38  
39           MS. JURGENSEN: And in your booklet, and  
40 I have -- Pat, will get on the end of the table -- excuse  
41 me -- there's a table showing the schedule. Call for  
42 proposals go out November 1st and the preproposals, the  
43 first you call and then you have until the end of  
44 February -- no, I'll get it.

45  
46           MS. McCLENAHAN: I'm not sure -- I'm  
47 sorry.

48  
49           CHAIRMAN O'HARA: That's 2002 to 2003 --  
50 4 -- okay.

00117

1 MS. JURGENSEN: That one.

2

3 CHAIRMAN O'HARA: Okay.

4

5 MS. JURGENSEN: The call for 2004  
6 projects, the review period will go through 2003 but,  
7 yeah, these are only for 2004 projects.

8

9 CHAIRMAN O'HARA: All right.

10

11 MS. JURGENSEN: And people have three  
12 months to get in their first descriptive, what is termed  
13 a preproposal of one to three page summary. The  
14 Technical Review Committee will meet in February and then  
15 those projects, the TRC considers, they'd like more  
16 information on and then they request a longer, in-depth  
17 investigation plan.

18

19 CHAIRMAN O'HARA: Okay. Let me ask Cliff  
20 a question then, because if you've got 2002 up through  
21 February of 2003, if we're going to have a meeting in  
22 February and you get the proposals shortly after that, is  
23 that going to give you time to deal with our proposals?

24

25 MS. JURGENSEN: Yes.

26

27 CHAIRMAN O'HARA: It will, Cliff, that's  
28 just fine for us as far as our time frame goes, too?

29

30 MR. EDENSHAW: Yes.

31

32 CHAIRMAN O'HARA: Okay, that's good.

33

34 MS. JURGENSEN: Yeah.

35

36 CHAIRMAN O'HARA: If we don't we won't  
37 make the deadlines and then we won't have the input on  
38 the proposals so that....

39

40 MS. JURGENSEN: Right. Right.

41

42 CHAIRMAN O'HARA: Okay, thank you. Up to  
43 this point, before we go farther, is there any other  
44 comment from the Council members as we were given this  
45 information? All right, Robert.

46

47 MR. HEYANO: Thank you, Mr. Chairman.  
48 When was it? No, I said when? This spring some time, a  
49 committee of this group met with Steve and developed four  
50 or five recommendations for Council consideration when



00118

1 trying to prioritize these projects. To the best of my  
2 knowledge, this committee hasn't reviewed those and  
3 accepted them; is that correct?

4

5 MS. JURGENSEN: Well, it was my  
6 understanding -- I was told that you had met, the  
7 committee, and there were the draft criteria and, again,  
8 those are in the front of your book and they're also in  
9 the strategic planning document, in the yellow booklet,  
10 but no, the committee itself had not seen them. We  
11 thought and I apologize if this was an error, that then  
12 they would come before the full Council and Steve Fried  
13 and I had worked together to do a separate document for  
14 those draft criteria. So if you would like to, you know,  
15 if it needs another review period before it goes before  
16 the full Council, it's just we had them available for you  
17 now for the full Council to get a look at.

18

19 CHAIRMAN O'HARA: Robert, do you want to  
20 address that issue today or could that issue be addressed  
21 in February and still make the time frame?

22

23 MR. EDENSHAW: (Shakes head negatively)

24

25 CHAIRMAN O'HARA: You're shaking your  
26 head no.

27

28 MR. EDENSHAW: Mr. Chair, the information  
29 that Laura brought with her is what Robert is referring  
30 to as there are six selection criteria that the Technical  
31 Review Committee in conjunction with the FIS program used  
32 to pare down the preproposals that are submitted.

33

34 Just as an example, the preproposals are  
35 now -- will be accepted from November 1st through  
36 February 1st. And once our FIS Staff receive all of  
37 those preproposals, the Technical Review Committee, based  
38 on the selection criteria and direction that the Board  
39 provided when we assumed management of fisheries will  
40 utilize those criteria to pare down the preproposals  
41 based on those criteria. And when we met in Dillingham  
42 in January of this year Shirley and you were weathered in  
43 and Robert and Robin, Steve Fried and I met in Dillingham  
44 and we went through those six criteria which are included  
45 in this pink folder, whatever color this is, but those  
46 are in draft form and that is what Robert and Robin did  
47 -- well, they're looking at it right now, in the back  
48 here.

49

50 So at this time, if the Council has any

00119

1 recommendations at this time regarding those criteria or  
2 additional language or deletions that would be fine. But  
3 this could also, if there aren't any comments, perhaps  
4 what we could use from the Council, is in the form of a  
5 motion accepting these because this would become part of  
6 the strategic plan that the Council desired over a year  
7 ago when they addressed the criteria.

8

9 CHAIRMAN O'HARA: Where's that piece of  
10 paper that you're holding right now in our.....

11

12 MR. EDENSHAW: It's in the salmon colored  
13 folder.

14

15 CHAIRMAN O'HARA: Okay.

16

17 MR. EDENSHAW: Just flip that over.

18

19 CHAIRMAN O'HARA: Okay. These are the  
20 ones that you came up with.

21

22 MR. EDENSHAW: Did you get that Andrew,  
23 Shirley.

24

25 MR. BALLUTA: (Nods affirmatively)

26

27 MS. KELLY: (Nods affirmatively)

28

29 CHAIRMAN O'HARA: Made six proposals that  
30 we don't recognize here, now we got a problem.

31

32 (Laughter)

33

34 MR. HEYANO: For clarification then,  
35 Cliff, these are the six recommendations we worked on as  
36 a directive from the full Committee here?

37

38 MR. EDENSHAW: That's correct.

39

40 MR. HEYANO: Thank you.

41

42 MS. JURGENSEN: Mr. Chair.

43

44 CHAIRMAN O'HARA: Go ahead, Laura.

45

46 MS. JURGENSEN: For clarification, too,  
47 if you'd look on Page 207, it is in -- actually it's not  
48 -- it's not 207, it's 213 in your strategic planning  
49 document which you worked on, which is also referred to  
50 as the five year planning document for 2004, on Page 214

00120

1 there's the same list. And so Steve Fried had initially,  
2 since he's been working on this with you, integrated the  
3 draft criteria into the five year or strategic planning  
4 document and then he went on to work with some of your  
5 suggested projects and he also just suggested  
6 prioritizing certain projects just for discussion  
7 purposes.

8

9 CHAIRMAN O'HARA: All right, good.

10 Anything else, Laura, that you have?

11

12 MS. JURGENSEN: It's probably better if I  
13 let you guys lead. There's a lot of different things and  
14 I don't want to confuse you and confuse myself.

15

16 CHAIRMAN O'HARA: Thank you. Before you  
17 leave, any questions Council members. All right, thank  
18 you very much, we appreciate that.

19

20 We'll have to look this over, I think,  
21 two of us did not make it over to Dillingham because of  
22 weather and maybe there will be a little time during the  
23 lunch period when we can look this over, come back maybe  
24 and bring this up again and clarify a couple things,  
25 would that be okay?

26

27 MS. JURGENSEN: Yes, that'd be fine.

28

29 CHAIRMAN O'HARA: All right.

30

31 MS. JURGENSEN: And just for  
32 clarification, we do have, again, if you'd like to do  
33 that after, but to take action, your recommendations on  
34 the 2003 projects that the TRC is recommending. Again,  
35 everything else is at your discretion to change or  
36 modify, but the 2003 proposals that are going to go  
37 before the Board this December.

38

39 CHAIRMAN O'HARA: All right. Council  
40 members do you have any comments on the projects that  
41 we've previously recommended, to make sure that we take  
42 action now so that this can go forward.

43

44 MR. HEYANO: Mr. Chairman.

45

46 CHAIRMAN O'HARA: Go ahead.

47

48 MR. HEYANO: On this one in reference

49 to.....

50

00121

1 CHAIRMAN O'HARA: What page?

2

3 MR. HEYANO: Page 189/190, escapement  
4 estimates for Lake Clark sockeye salmon. Do I understand  
5 it correctly then that the Lower Newhalen River counting  
6 activities not be funded?

7

8 MS. JURGENSEN: The way and I can provide  
9 -- I can also get back on more details and we have the  
10 investigators right here with us, Mary.

11

12 MS. McBURNEY: Yes, for the record, I'm  
13 Mary McBurney, subsistence program manager for Lake Clark  
14 National Park. With regard to this proposal, the lower  
15 counting tower at Mile 1 of the Newhalen River was  
16 deleted from the original proposal. So this would  
17 essentially fund the counting activities at Mile 22.

18

19 CHAIRMAN O'HARA: Where is Mile 22?

20

21 MS. McBURNEY: June Tracy's subsistence  
22 fish camp, it's about two miles below Nondalton.

23

24 CHAIRMAN O'HARA: It's below Sixmile  
25 Lake?

26

27 MS. McBURNEY: Yes.

28

29 CHAIRMAN O'HARA: On the river?

30

31 MS. McBURNEY: Yes.

32

33 CHAIRMAN O'HARA: Okay. Robert.

34

35 MR. HEYANO: Thank you, Mr. Chairman.  
36 Refresh my memory, why did we count them at Lower  
37 Newhalen River if we were also counting them on the Upper  
38 River?

39

40 MS. McBURNEY: Basically for timing. To  
41 get a sense of when the fish had arrived. And then since  
42 there is also early subsistence activity that takes place  
43 around Alexi Creek and Landing, that that was also  
44 information that was helpful to the subsistence users in  
45 the area so that they could time when they could go down  
46 to get the early fish.

47

48 The Mile 1 tower, I believe Dr. Woody  
49 does plan to have a couple of interns that will be doing  
50 counts there, however, the component that was deleted

00122

1 from the original proposal was the portion that, I  
2 believe, was put in by the University of Washington. And  
3 I have no other details other than that.

4

5 CHAIRMAN O'HARA: Mary, is there anything  
6 in the proposal that deals with the outmigration of  
7 smolt?

8

9 MS. McBURNEY: No, not to my knowledge.

10

11 MS. JURGENSEN: Not this project.

12

13 MS. McBURNEY: Not this project.

14

15 MS. JURGENSEN: Not that project, no.

16

17 CHAIRMAN O'HARA: You know, I think the  
18 only area that we have jurisdiction in is dealing with --  
19 wherever the boundaries start for Lake Clark National  
20 Park, other than that it's State operated, so the  
21 counting station up there that we're dealing with is  
22 Federal and Federally funded, that's fine. But I think  
23 one of the big problems that we have is the proper count  
24 of the outmigration of smolt. How did we miss not  
25 addressing that issue?

26

27 MS. McBURNEY: I could only give you  
28 information that was passed on to me by Carol Ann Woody.  
29 She did submit a proposal, I believe in 1990 [sic], and  
30 the Technical Review Committee determined that it was not  
31 feasible, essentially. I believe that her original  
32 proposal was to do an outmigration study at Iguigig, at  
33 what they locally called Iguigig which is the out lake of  
34 Lake Clark flowing into Sixmile Lake.

35

36 CHAIRMAN O'HARA: Well, I think we're in  
37 big enough trouble where we had better get back up to, at  
38 least, where -- I think that, you know, one of the  
39 candidates came here for looking at the resource in  
40 Bristol Bay and one of the questions asked that candidate  
41 was the lack of State of Alaska having a proper count of  
42 the outmigration of the smolt. And I don't think there's  
43 -- and I don't know if Slim Morristad is here or not this  
44 afternoon, if he is -- is he here, Slim -- okay, we can  
45 talk about him all we want then if he's not here.

46

47 (Laughter)

48

49 CHAIRMAN O'HARA: Anyway, I think that  
50 this system is in bad enough trouble where we are looking

00123

1 at all the way down the chain to figure out if the  
2 beluga's having an effect or the smolt aren't strong  
3 enough to survive the outmigration of the estuary on down  
4 the Peninsula and I think that we're not -- I'm not  
5 satisfied anyway that they even had a count this year  
6 coming out of the Kvichak, there you are again, I don't  
7 know if you can even count them coming out of the Lake  
8 Clark at Sixmile Lake or that area, you know, it's a  
9 fairly clear river. It's a very narrow river. We might  
10 have more success trying to figure out what's coming out  
11 of Lake Clark.

12

13 But if it hasn't been put into the  
14 proposal form it may be too late to deal with it now.  
15 You know, maybe we're just wasting our time so.....

16

17 MS. McBURNEY: But I will mention it to  
18 Dr. Woody for perhaps 2004 submission.

19

20 CHAIRMAN O'HARA: Well, yeah, and that's  
21 something that this Council should think about, too, as  
22 far as that goes. Thank you very much.

23

24 MS. McBURNEY: Thank you.

25

26 CHAIRMAN O'HARA: Any other Council  
27 comments. Yes, Robert.

28

29 MR. HEYANO: One more, the biotech  
30 training program.

31

32 MS. McBURNEY: Yes.

33

34 MR. HEYANO: I see it's only recommended  
35 for one year of funding.

36

37 MS. McBURNEY: Yes.

38

39 MR. HEYANO: What happens to these people  
40 who go through the program if the funding's only for one  
41 year?

42

43 MS. McBURNEY: Well, as with the case of  
44 our recent graduates, I have attempted to either place  
45 them in internships and we'll be following them through  
46 the winter months and helping to find placements for them  
47 for the 2003 field season. Two of the graduates I intend  
48 to hire to work on fisheries projects in Lake Clark. So  
49 there is follow through in the sense that we're basically  
50 mentoring these young people, not just letting them go

00124

1 after they graduate but following them.

2

3 And for the most part, there's some very  
4 special people that we graduated. Out of the eight, four  
5 individuals are employee material, that's how good they  
6 are and we can't let those people fall through the  
7 cracks, we're going to follow them and we're going to  
8 help them find placements. And if they have an interest  
9 in this work, nothing would make me happier than to have  
10 some of these young people continue their studies,  
11 graduate and become biologists and come to manage these  
12 fisheries themselves, either for one of the agencies or  
13 for one of their communities.

14

15 MR. HEYANO: So they do come back to the  
16 Lake Clark system and work once they have completed or do  
17 they exit the region?

18

19 MS. McBURNEY: Well, the two individuals  
20 that I intend to hire are from the Lake Clark and Iliamna  
21 area and they're going to be returning to work. There is  
22 one young lady who is currently in Dillingham, she's from  
23 Dillingham and is working for the Fish and Wildlife  
24 Service there as an intern and from what I understand,  
25 doing very well.

26

27 CHAIRMAN O'HARA: Did I give the report  
28 about the Kokhonak situation with your intern?

29

30 MS. McBURNEY: You did mention it to me.

31

32 CHAIRMAN O'HARA: Did I mention it to the  
33 public?

34

35 MS. McBURNEY: I don't believe so.

36

37 CHAIRMAN O'HARA: Did you hear about that  
38 Robert?

39

40 MR. HEYANO: (Shakes head negatively)

41

42 CHAIRMAN O'HARA: Well, I thought it was  
43 rather interesting that while visiting at Iguigig, one of  
44 the young people who is now a senior at Iguigig attended  
45 the program up at Lake Clark and was very, very excited  
46 about it. And so I thought this would help maybe, in the  
47 future funding of these type of things, Robert, Bristol  
48 Bay Native Corporation, Board of Directors has  
49 information meetings in the region and so I thought it  
50 would be good, since I was the pilot, I picked this

00125

1 student up and take them up to Kokhonak and have them  
2 give a little review on this program right here. Well,  
3 little did I know that she stole the whole show from us  
4 and became the real center of attraction. And I said,  
5 well, you have five minutes and she said, I have 20  
6 minutes and I have six pages of notes and so she took off  
7 and with great enthusiasm talked about, you know, they  
8 put up the tower, they counted the fish, they did some of  
9 the technical stuff, they knew how to handle a gun, take  
10 care of the bears, that will make the Park happy.

11

12 (Laughter)

13

14 CHAIRMAN O'HARA: And had a certificate.  
15 I thought it was excellent training. And then said, I  
16 got \$1,500 and five credits and they gave her a big round  
17 of applause. So I see this type of participation by Mary  
18 McBurney and Dr. Carol Ann Woody and those who have  
19 funded this program to be something really, really  
20 worthwhile where you have hands-on type situations. And  
21 I think that's a real success story that we need to  
22 continue to work on.

23

24 We've got to get this river system -- and  
25 just if you want a comment, Laura, I think the Perryville  
26 one and the Lake Clark one is still, in my estimation, a  
27 very high priority. I don't know what the rest of the  
28 Council is going to say on that.

29

30 MS. JURGENSEN: I just wanted to, on the  
31 biotechnician program and we're really excited about it  
32 and are very happy about the results and the work Mary  
33 and others have done and the students. There was just  
34 one year of funding for this, you know, they had their  
35 own funds before and so now they're getting one year of  
36 funding and it's intended that this type of project will  
37 be extended statewide.

38

39 And recently when the Kodiak/Aleutians  
40 Council met in Cold Bay, they did not recommend this for  
41 funding only because they would like to see it more in  
42 their regions. They support the whole concept. And just  
43 for your information, that is the reason they didn't  
44 recommend it and instead requested some funding and some  
45 other additional look into Afognak Lake in Kodiak. But  
46 they'd like to see it extended and I know FIS is  
47 intending that, too, this type of project.

48

49 That's it.

50



00126

1 CHAIRMAN O'HARA: I think that this is a  
2 system where if you want to bring local management or co-  
3 management, you're looking at one of the most natural  
4 methods of people walking into a program and taking  
5 ownership of it and perhaps giving it the strength that  
6 we couldn't do in a meeting, politically, really in the  
7 sense through a proposal, whatever we think is best, so I  
8 really do appreciate being able to do this and we'll do  
9 whatever we can to help you out.

10  
11 I don't know if there's any further  
12 Council comments. You need to direct us now to take more  
13 action here, Laura.

14  
15 MS. JURGENSEN: Yes, we need Council  
16 action on basically which of the projects you recommend  
17 for funding and which you don't. Or if you also -- you  
18 know, I want to make sure you do know that you have the  
19 opportunity to submit -- to put back projects that did  
20 not go forward for final investigation plan. I mean it  
21 would take people longer to get it ready but -- and I  
22 provided those in your folder, so, yeah, we need action.

23  
24 That's it, thanks.

25  
26 CHAIRMAN O'HARA: Okay. Any other  
27 Council comments. Deb, did you have a comment on this  
28 subject?

29  
30 MS. LIGGETT: I did, Mr. Chair. Deb  
31 Liggett, National Park Service. I appreciate -- Mary was  
32 actually encouraged to put a project proposal in through  
33 the Fisheries funding program and I appreciate that. I  
34 also think that it's prudent that we not ask for multi-  
35 year funding because I'm in hopes of finding, through a  
36 youth program's office, some funding. Mary, I recently  
37 counseled with her on not becoming a prisoner of her own  
38 success and the fact that we need to find permanent  
39 funding.

40  
41 Mary did a presentation on this pilot  
42 program to both our regional director and to the Deputy  
43 Secretary of Interior when they were here. So there is  
44 interest, I think, there's also very good interest from  
45 other Federal and State agencies to participate in the  
46 program and to try to take this pilot program in a single  
47 region and spread it statewide.

48  
49 You should also know that the National  
50 Park Service has recognized Mary's effort with a quality

00127

1 step increase. Those are rarely given in my agency. I  
2 have never gotten one. I've only given three previously.  
3 And it is a signal to Mary of how outstanding that we  
4 think her personal efforts have been and we've had  
5 support from virtually everyone. I looked at Mary's  
6 list, AFD&G, Fish and Wildlife Service, the Russian  
7 Orthodox Church and I said, Mary, you've even partnered  
8 with the Lord.

9

10 CHAIRMAN O'HARA: You can't go wrong.

11

12 MS. LIGGETT: And she said that the  
13 exchange there was that the National Park Service, that  
14 we dug two new pit toilets in exchange for the use of the  
15 camp.

16

17 (Laughter)

18

19 MS. LIGGETT: So I just want you to know  
20 that Mary's vision is large on this. And I would, rather  
21 than see this Council, at this time recommend multi-year  
22 funding for that to give the National Park Service and  
23 the other agencies a little bit of time to see if there's  
24 not another funding mechanism.

25

26 The only other piece that I would bring  
27 forward is that Bristol Bay Native Association and the  
28 National Park Service had asked for an extension on the  
29 counting tower on the Alagnak for an additional year.  
30 That was originally funded as a two year program and they  
31 got off to a rough start and had no data the first year  
32 and had, under Ralph Andersen's leadership this last year  
33 had a very successful year.

34

35 I'm only glad that I am not on the  
36 Technical Committee having to make the hard choices. And  
37 I think that one way or another we will try to find a way  
38 to fund the continuation of that tower. It seems to me  
39 that it's of vital importance to us as we continue  
40 planning on the Branch River and it also has relevancy  
41 here as the Council deals with its long-term planning  
42 efforts. And I think that currently, projects are not  
43 being funded beyond three years; is that right, Laura?

44

45 MS. JURGENSEN: Right.

46

47 MS. LIGGETT: And I realize, even funding  
48 a project for three years is a problem because it gives  
49 you less flexibility in the out years. But for many of  
50 those monitoring programs to be of any value, they have

00128

1 to be repeated every year.

2

3 On the Branch, the importance that I see  
4 to it is that our continuing planning efforts and the  
5 fact that wasn't it interesting this year that more fish  
6 went up the Alagnak than went up the Kvichak. And as we  
7 look at the entire Kvichak drainage, that's of interest  
8 to us. And then Dr. Woody tells us and Mary talked about  
9 this yesterday, that as those numbers decrease, I think  
10 702,000 passed the Iguigig counting tower, 29 percent of  
11 those fish went into Lake Clark. And for us, with the  
12 primary purpose of Lake Clark to protect the red salmon  
13 fishery of Bristol Bay, that means with the declining  
14 numbers there's a higher percentage of those fish going  
15 up to the lake. And so any information that we have on  
16 the Kvichak fishery, I think is vitally important at this  
17 point in time.

18

19 CHAIRMAN O'HARA: Is that all you have,  
20 Deb?

21

22 MS. LIGGETT: That's all. Thank you very  
23 much, Mr. Chair.

24

25 CHAIRMAN O'HARA: Council members, do you  
26 have any comments on that. Deb, the Branch has never  
27 been in trouble, they've always gone 800,000 to a million  
28 and this year, of course, no one touched the Branch from  
29 here all the way to Thailand as far as I understand, so  
30 totally unrestricted for that area, which is good,  
31 however, we do support the -- I would support the tower  
32 again, you know, I think it's a great idea.

33

34 Council members, do you have any changes  
35 or recommendations -- actually we only have two proposals  
36 here that we're getting funded for, that's Perryville and  
37 the Lake Clark.

38

39 MS. JURGENSEN: Three.

40

41 CHAIRMAN O'HARA: Three, what's the third  
42 one?

43

44 MS. JURGENSEN: The biotechnician.....

45

46 CHAIRMAN O'HARA: Oh, yes, okay.

47

48 MS. JURGENSEN: There's four.

49

50 CHAIRMAN O'HARA: Yeah, four, okay.

00129

1 Well, yeah, one is for Kodiak, which is not ours.

2

3 MS. JURGENSEN: Right, okay.

4

5 CHAIRMAN O'HARA: We do draw a line in  
6 the sand as far as those boundaries go. We refer to them  
7 as intercept fisheries, is that -- what do you guys call  
8 it, Kodiak?

9

10 MS. JURGENSEN: Kodiak. I don't call it  
11 anything.

12

13 CHAIRMAN O'HARA: Oh, good.

14

15 MS. JURGENSEN: I'm learning.

16

17 CHAIRMAN O'HARA: Yeah, you'll keep your  
18 job longer.

19

20 (Laughter)

21

22 CHAIRMAN O'HARA: We were looking for a  
23 job when we came here so we don't really care. But any  
24 changes or recommendations on these three proposals that  
25 deal with Bristol Bay Council members for Laura?

26

27 MR. EDENSHAW: Mr. Chair, perhaps what  
28 Laura and I are looking for from the Council is perhaps  
29 you can do it on the table in here, go down each of these  
30 preproposals that she would like to see funded in the  
31 form of a motion.

32

33 CHAIRMAN O'HARA: What's the wishes of  
34 the Council?

35

36 MS. JURGENSEN: Mr. Chair, just on Page  
37 176, Table 1, again, these show the four studies that TRC  
38 recommended for funding, for final funding and the one  
39 that wasn't recommended, again, continued funding for the  
40 Alagnak River mostly due to funding considerations and  
41 the TRC thinking that had just a lower strategic priority  
42 compared to other issues.

43

44 And what, Cliff your coordinator is  
45 referring to is that there were seven preproposals  
46 submitted, five -- excuse me, seven stock, status and  
47 trend preproposals submitted and two harvest monitoring  
48 and TEK proposals submitted and then those didn't --  
49 again, TRC didn't recommend to get more information on  
50 those. And one of those was what we've heard a lot

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1 about, Dr. Woody's study. And then the other part of  
2 that project was the fisheries biotech study that came --  
3 then we requested them to do a separate investigation  
4 plan and that's why that one went forward. So it is at  
5 your discretion on any of those issues.

6

7 Thank you.

8

9 CHAIRMAN O'HARA: All right, Laura,  
10 you're talking about number 31, 95, 43 and 46 on  
11 Page.....

12

13 MS. JURGENSEN: Yes, exactly.

14

15 CHAIRMAN O'HARA: Okay. All right. Any  
16 comments from the Council members.

17

18 If I were to -- those numbers, as far as  
19 I'm concerned would be to support as far as I'm concerned  
20 but it's up to the Council, the Chair can't make a  
21 motion, so let's have some action here by the Council.

22

23 MS. KELLY: I'll make a motion to support  
24 the proposals for funding.

25

26 CHAIRMAN O'HARA: That would be 031, 095,  
27 043 and 046?

28

29 MS. KELLY: Yes.

30

31 CHAIRMAN O'HARA: Second.

32

33 MR. BALLUTA: Second.

34

35 CHAIRMAN O'HARA: All right, any other  
36 discussion. Did you want to speak to the motion at all?

37

38 MS. KELLY: No.

39

40 CHAIRMAN O'HARA: Robert.

41

42 MR. HEYANO: Question. You mentioned  
43 031?

44

45 CHAIRMAN O'HARA: Yeah.

46

47 MR. HEYANO: That was not recommended for  
48 funding?

49

50 CHAIRMAN O'HARA: That doesn't mean we

00131

1 can't.

2

3 MR. HEYANO: I was just not clear on the  
4 motion, I guess, for Mr. Chairman. So which ones are we  
5 recommending for funding?

6

7 MS. KELLY: The four that the TRC  
8 recommends.

9

10 MR. HEYANO: Then that would exclude 031?

11

12 MS. KELLY: Correct.

13

14 CHAIRMAN O'HARA: So I'm sorry, I stand  
15 corrected on that. It's 095, 043 and 046; is that right?

16

17 MS. KELLY: (Nods affirmatively)

18

19 CHAIRMAN O'HARA: All right.

20

21 MR. HEYANO: And 032.

22

23 CHAIRMAN O'HARA: And which one?

24

25 MR. HEYANO: 032?

26

27 MS. KELLY: (Nods affirmatively)

28

29 CHAIRMAN O'HARA: Oh, all right, okay,  
30 then. So let the minutes, a correction on that, we're  
31 recommending what the TRC put up here.

32

33 Any further discussion, Council members.

34 Question. Call for the question.

35

36 MR. HEYANO: Question.

37

38 CHAIRMAN O'HARA: All those in favor say  
39 aye.

40

41 IN UNISON: Aye.

42

43 CHAIRMAN O'HARA: Opposed.

44

45 (No opposing votes)

46

47 CHAIRMAN O'HARA: Okay, thank you. Aye's  
48 have it. Anything else, Laura?

49

50 MS. JURGENSEN: Not at this time.

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1 CHAIRMAN O'HARA: Okay.

2

3 MS. JURGENSEN: Thank you.

4

5 CHAIRMAN O'HARA: Okay, thank you. I  
6 think at this time unless we're right in the middle of  
7 something we can't walk away from we probably should go  
8 for lunch. Be back in an hour. Okay, recess until  
9 12:30, an hour and five minutes.

10

11 (Off record)

12

13 (On record)

14

15 CHAIRMAN O'HARA: Are we ready, Salena?

16

17 REPORTER: (Nods affirmatively)

18

19 CHAIRMAN O'HARA: All right, we'll call  
20 the meeting back to order. There has been a request for  
21 public comment Everett Thompson would like to come up and  
22 address the trade issue. Everett, if you would come up,  
23 please, and give us your name, you can sit there and make  
24 sure that the little red light is on in front of you, on  
25 and off.

26

27 MR. THOMPSON: My name is Everett  
28 Thompson from the Naknek Village -- I'm a member, a  
29 tribal member. I was just notified of this pretty much  
30 today. I was coming in to talk to Viola yesterday and I  
31 didn't know what you guys were doing here. And I think  
32 this is, saying the same with a lot of my family members  
33 and other people of the community.

34

35 And I've been looking through this and I  
36 kind of understood before and now I understand what you  
37 guys are trying to do with it.

38

39 You're limiting it down to \$500 per  
40 family, for household, and when you process your fish  
41 culturally for whatever means, to sell to people that  
42 can't do it, you know, people that -- like for now we  
43 have an area that is economically having problems and we  
44 still have fish. Up north, they're having problems  
45 getting the fish, you know, and it seems like you're  
46 cutting out both ends because when you add up maybe -- if  
47 you're doing a good quality smoked fish for your friends  
48 and family and people around the state, \$500 is worth --  
49 comes to about 12 pounds of salmon, you know, if you're  
50 doing a really good quality product, it comes to about 12

00133

1 pounds, \$40 a pound. And that's what people would buy up  
2 there for good quality things and they're not being able  
3 to get it.

4

5           It seems to me that it's being changed  
6 because of the significant -- you know, like the  
7 definition of significant commercial enterprise. And  
8 that seems like the -- for only like -- the pretty much  
9 major thing on there, you know, of course you don't want  
10 to get a significant commercial enterprise, it's not --  
11 you know, it's hard enough to do that anyways, to me  
12 defining a significant commercial enterprise is around  
13 \$10,000 and if you're doing that amount of work you're  
14 really working hard to do that as a free person, you  
15 know, doing a lot of work on your free time.

16

17           I don't see much wrong with the original  
18 rules here, 11, 12 and 13, besides your guys' concern of  
19 commercial enterprise. I think per household, you'd be  
20 setting back a lot of people here locally and a lot of  
21 people in the state for not being able to process that --  
22 you know, as much fish as you can. If it's another issue  
23 of getting your fish, getting your escapement up the  
24 rivers, the subsistence will be going on openings, you  
25 know, it's not going to be an issue of overfishing. You  
26 know, the Fish and Game is going to keep track of what's  
27 going on and so -- but besides the definition of  
28 significant commercial enterprise there's not too much  
29 wrong with the original things in my view and I think the  
30 views of a lot of my family members. You know, it's  
31 rural -- maybe one thing you could, you know, even with  
32 non-rural, some people in the cities would love to have  
33 some of this product and some of the people -- for some  
34 of the people it's hard enough to put up fish anyway, so  
35 it's not like you're going to have an overrun of someone  
36 trying to go crazy, you know, to put up 400 or 500 fish  
37 for other people, you know, I don't think that's an  
38 issue.

39

40           CHAIRMAN O'HARA: So your recommendation,  
41 according to your card here was a thousand dollars per  
42 family, is that what you'd like to read into the record?

43

44           MR. THOMPSON: You know, I just put that  
45 in there because it seems like that's the trend of other  
46 people that are higher, but then you look under -- I  
47 think it was up there by Kotzebue or somewhere where it  
48 doesn't have a limit. And up there if you're talking  
49 about fish, they don't have much fish, you know, and I  
50 don't understand that.



00134

1 I would even ask that you guys keep with  
2 the original pieces and just give a definition of  
3 significant commercial enterprise.....

4  
5 CHAIRMAN O'HARA: And not put a limit on  
6 it?

7  
8 MR. THOMPSON: And not put a limit on it.

9  
10 CHAIRMAN O'HARA: Okay.

11  
12 MR. THOMPSON: And like I said,  
13 significant commercial enterprise would be a -- and when  
14 you're putting in dollar amounts is I'd say \$10,000. And  
15 that's putting up about over, I don't know, somewhere  
16 roughly around 300 pounds of fish.

17  
18 CHAIRMAN O'HARA: Oh, okay.

19  
20 MR. THOMPSON: And that's still not a  
21 lot, especially when other people around the state could  
22 enjoy a salmon, too, it's not going to be an issue, I  
23 think. The only issue is escapement and keeping our  
24 resource around here safe and I don't think that's my  
25 job, I think it's a lot of the people behind me, you  
26 know, so that was my speech.

27  
28 CHAIRMAN O'HARA: Council members, do you  
29 have any questions or comments. Well, thank you,  
30 Everett, we appreciate that.

31  
32 MR. THOMPSON: Yeah. I would have come  
33 earlier I just didn't know that this was going on and  
34 neither did a lot of my family and I was called, you  
35 know, from my grandma and a couple of other people just  
36 to be here.

37  
38 CHAIRMAN O'HARA: Sure.

39  
40 MR. THOMPSON: And so thank you.

41  
42 CHAIRMAN O'HARA: Well, this has been  
43 publicized on KAKN and KDLG and posters have been put up  
44 and announcements have been made and it's in the Federal  
45 Register I believe.

46  
47 MR. THOMPSON: Yeah, but also I think a  
48 few of these councils in town just received some of this  
49 information just recently.

50

00135

1 CHAIRMAN O'HARA: Is that true, Cliff,  
2 has there been proper notice going out to the public on  
3 this trade issue?

4  
5 MR. EDENSHAW: Yes.

6  
7 CHAIRMAN O'HARA: Uh-huh.

8  
9 MR. EDENSHAW: There's been statewide  
10 public notice mailed out.

11  
12 CHAIRMAN O'HARA: Yeah, this has been  
13 going on for a long time and it's been a big hot issue.  
14 And I'm just surprised more local people haven't come out  
15 to voice their -- Lynn showed up yesterday and he's the  
16 only one we've ever had, two years we've been dealing  
17 with it.

18  
19 MR. THOMPSON: Well, my sister manager of  
20 Pavik, she's -- at the chamber, she just got these a  
21 couple days ago. And my -- and some of us, you know, I  
22 listen to KDLG and not as much KAKN, and I, myself, don't  
23 have cable here in town, so that's another reason why I  
24 might not have known about it.

25  
26 CHAIRMAN O'HARA: Okay.

27  
28 MR. THOMPSON: And some other people as  
29 well. Some of the people have satellite and, you know,  
30 and the only time they get to check out on the reader  
31 board from the cable department is when they're at  
32 someone else's house.

33  
34 CHAIRMAN O'HARA: Yeah, okay, thank you  
35 very much we appreciate you taking the time today to come  
36 in. We just might mention again, if you're interested in  
37 addressing the Council we certainly do leave time for  
38 you, the general public, to certainly come in and make  
39 comment if you'd like to. All right, where are we at  
40 here, Cliff, on the agenda?

41  
42 MR. EDENSHAW: Mr. Chair, I just wanted  
43 to let the gentleman also know that we have extra  
44 booklets for those individuals who still wish to submit  
45 written public comments and we have our mailing address  
46 in here. So, you know, they can grab, we have some extra  
47 ones here on our table over here that they may submit to  
48 the Federal Subsistence Board because we extended this  
49 time frame so, just as Peggy had given in her  
50 presentation this morning, additional time for the public

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1 and the Regional Councils to provide public comment to  
2 the Board.

3

4 CHAIRMAN O'HARA: Well, that would be  
5 good if you could do that, Everett, that would certainly  
6 go on record to the Feds.

7

8 All right.

9

10 MR. THOMPSON: All right, thanks.

11

12 CHAIRMAN O'HARA: Where are we at here on  
13 the agenda?

14

15 MR. EDENSHAW: Mr. Chair, if Robert's  
16 ready we could revisit the 6b proposal for rainbow trout  
17 and if not, then we could move on to agency reports where  
18 we'll discuss the Regional Council composition and  
19 Helga's going to provide the Council with that.

20

21 CHAIRMAN O'HARA: Okay, that would be a  
22 good idea. I think we're still writing a couple things  
23 on the rainbow trout issue. So Helga, we would love to  
24 hear from you. We thank you for taking the time to come  
25 back and visit us, our original coordinator for the  
26 Council, not that we're not happy with Cliff.

27

28 (Laughter)

29

30 CHAIRMAN O'HARA: But it's really nice to  
31 have you back again.

32

33 MS. EAKON: Thank you, Mr. Chair, members  
34 of the Council. For the record, my name is Helga Eakon,  
35 policy interagency coordinator with the Office of  
36 Subsistence Management.

37

38 A little while ago I placed in front of  
39 you in case you have not received this letter dated  
40 September 26th, 2002, it is addressed to all of the  
41 Regional Advisory Council members in the state and it's  
42 signed by Mitch Demientieff, Chair of the Federal  
43 Subsistence Board. And this is the latest communication  
44 on this topic. But I do have extra copies for those in  
45 the audience.

46

47 Thank you.

48

49 You do have a briefing paper in your  
50 booklet under Tab I entitled Regional Advisory Councils

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1 that touches upon the topic of the review of Regional  
2 Council composition for compliance with the Federal  
3 Advisory Committee Act. For this briefing let me present  
4 an overview and then we'll open it up for questions.

5  
6 Earlier this year you received a copy of  
7 a letter from the Department of the Interior. The letter  
8 is now referred to as the Griles' letter. IT spoke to  
9 Department concerns about the membership balance of the  
10 Regional Advisory Councils. The Councils are subject to  
11 the requirements of the Federal Advisory Committee Act  
12 referred to, as I said awhile ago, as FACA.

13  
14 FACA requires the membership of an  
15 advisory committee to be fairly balanced in terms of the  
16 points of view represented and the functions to be  
17 performed by the advisory committee. The Department  
18 asked the Federal Subsistence Board to review the  
19 procedures used to select members for the Councils. The  
20 Board did complete its proposed changes to the Council  
21 composition and you received a copy of the August 26th  
22 letter from the Board to Mr. Griles and the report which  
23 explains the changes in depth. I don't know if you  
24 recall it, it was in a manilla envelope and it did  
25 contain the report that the Board submitted to the  
26 Department.

27  
28 On December 17th our office received a  
29 letter from Mr. Griles which stated that the Board  
30 recommendations are to be implemented without delay. He  
31 said that the Board recommendations will strengthen the  
32 program to the benefit of all residents of Alaska. What  
33 are these changes?

34  
35 First of all, increased membership on  
36 most Councils. The Yukon-Kuskokwim Delta and  
37 Southcentral Councils will increase their membership from  
38 11 and seven respectfully to 13 in each Council. The  
39 Southeast Council will remain at 13. The remaining  
40 Councils will increase their membership to 10. Larger  
41 Councils will allow additional opportunities for  
42 representation of other directly affected interests,  
43 recreational, sport and commercial uses that have a  
44 direct and legitimate interest in subsistence  
45 allocations.

46  
47 The second change is a change in the  
48 Council composition. Councils will have designated  
49 seats. 70 percent for representative of subsistence  
50 interests and 30 percent for representatives of

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1 recreational, sport and commercial interests.

2

3           For the Councils with 10 members, three  
4 seats will be designated to recreational, sport and  
5 commercial interests. One of the designated seats will  
6 represent commercial interests, that is guide,  
7 transporter, commercial fisher or hunter. One seat will  
8 represent recreational and sport interests. One seat  
9 will represent either interests. On the three Councils  
10 with 13 members, four seats will be designated  
11 recreational, sport and commercial interests.

12

13           For example, your Regional Council  
14 currently has seven members. Under the proposed changes,  
15 the membership will increase to 10 members. Of these,  
16 seven seats will represent subsistence interests, one  
17 seat will represent recreational/sport interests and one  
18 seat will represent commercial interests, one seat will  
19 represent either interest.

20

21           All Council members will continue to be  
22 residents of their Council region as required by Title  
23 VIII of ANILCA. All members must be knowledgeable about  
24 subsistence uses of fish and wildlife with the region.  
25 Council members may be either rural or non-rural  
26 residents of their own respective regions.

27

28           Alternates, some Councils do have  
29 alternates, they're going to be allowed to complete their  
30 terms but alternates will be discontinued in future  
31 years.

32

33           The package that you received contained  
34 information about the nomination application evaluation  
35 and selection process and I'm not going to address that  
36 particular process here.

37

38           Implementation. These changes will be  
39 phased in over three years beginning with the application  
40 and nomination process in 2003. Full implementation of  
41 the new composition of the Councils will be complete in  
42 2006.

43

44           By now you have had a chance to read the  
45 letter from Mr. Demientieff. In the letter he stated  
46 that while the Councils serve to ensure that the  
47 subsistence priority in ANILCA is preserved, the Board  
48 also wants to ensure that the question of membership  
49 balance is in compliance with the Federal Advisory  
50 Committee Act. He stated that the Board does not believe

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1 that these two laws are in conflict but, in fact, will  
2 help the Board made well informed decisions.

3

4 He stated compliance with ANILCA protects  
5 the subsistence priority and compliance with FACA insures  
6 that all interests directly affected by the Board's  
7 regulatory decisions are involved in the process.

8

9 He encourages the Council members to work  
10 with the Board as these changes take place.

11

12 Thank you, Mr. Chair.

13

14 CHAIRMAN O'HARA: Council members, any  
15 questions. Go for it, Robert.

16

17 MR. HEYANO: Thank you, Mr. Chairman.  
18 Helga, then do I understand that some of these Councils  
19 can have urban residents serving on them?

20

21 MS. EAKON: Non-rural residents have  
22 always been able to serve on Councils since the beginning  
23 of the program and those areas are Southcentral Alaska  
24 region, Region 2 because we do have current membership  
25 from non-rural areas such as Anchorage. And that is also  
26 the case with Eastern Interior, where we have a member  
27 from Fairbanks. The only two legal requirements that the  
28 person be knowledgeable about subsistence and secondly  
29 must be a resident of the region for which he or she  
30 applied.

31

32 That is true.

33

34 MR. HEYANO: So as it pertains to the  
35 Bristol Bay RAC, we would not have.....

36

37 MS. EAKON: Non-rural.

38

39 MR. HEYANO: .....an urban person  
40 serving?

41

42 MS. EAKON: No, because currently the  
43 entirety of the Region 4, Federal Subsistence resource  
44 region is rural only. There are no non-rural areas in  
45 this particular region.

46

47 MR. HEYANO: Then has there been  
48 discussion on how the system will distinguish between a  
49 recreational and a subsistence user as it pertains to our  
50 region?

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1 MS. EAKON: Could I get some help here,  
2 Peggy.

3  
4 MS. FOX: If I may address the Council,  
5 Mr. Chair.

6  
7 CHAIRMAN O'HARA: Sure go ahead.

8  
9 MS. FOX: I can answer some of these  
10 questions, I've been perhaps more involved in the.....

11  
12 CHAIRMAN O'HARA: That will be fine,  
13 Peggy. Go ahead and just give us your name.

14  
15 MS. FOX: Thank you. Peggy Fox, Office  
16 of Subsistence Management. In answer to your question,  
17 we've revised the application nomination form. We've  
18 revised the candidate interview form. To include a  
19 question that asks the person who's applying or being  
20 nominated who they represent. Do they represent  
21 subsistence? Do they represent sportfishing, commercial  
22 fishing, transporters and so on. And then in the  
23 candidate interview form, when we get back to each of the  
24 applicants, we ask them if they have any indication of --  
25 you know, like an endorsement from an organization or so  
26 on and then we do call those organizations and we do  
27 check references so that we don't have somebody  
28 maintaining they represent an interest when they don't.

29  
30 So we've provided for that.

31  
32 MR. HEYANO: Thank you.

33  
34 CHAIRMAN O'HARA: Council members, any  
35 further questions. There's a couple here that you might  
36 want to stay for Peggy.

37  
38 Helga, the letter that -- you know, the  
39 information on Page 219 that you were addressing just  
40 now, it says on the first little bullet, it says, change  
41 proposed by the Federal Subsistence Board are, the first  
42 bullet. The second one says the Council composition will  
43 be 70 percent represents subsistence, 30 percent will  
44 represent commercial, you're talking about a commercial  
45 fisherman or a guide?

46  
47 MS. EAKON: Yes.

48  
49 CHAIRMAN O'HARA: Who is a recreational  
50 hunter, the second one?

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1 MS. FOX: That term seems to be going  
2 through -- the term, sport seems to be going through some  
3 evolution in the state. I think that the State has been  
4 looking at changing the word sport to recreational  
5 fishing and so we've been confused ourselves as to what  
6 it's being called these days, sportfishing, recreational  
7 fishing.

8

9 CHAIRMAN O'HARA: Uh-huh.

10

11 MS. FOX: Because that term seems to be  
12 changing, like I said, in some discussions.

13

14 CHAIRMAN O'HARA: So then you also said,  
15 Helga, that one person of the three could represent two  
16 different -- let's see I wrote it down here and I want to  
17 make sure that this is what I heard you say. One seat  
18 could represent both, what did you mean by both? You  
19 could have nine members but we'd still have three  
20 representatives, 30 percent?

21

22 MS. EAKON: Okay, I said, one seat will  
23 represent either interest.

24

25 CHAIRMAN O'HARA: Either interest meaning  
26 what?

27

28 MS. EAKON: Recreational/sport or  
29 commercial interest. Commercial meaning guide,  
30 transporter, commercial fisher or hunter.

31

32 CHAIRMAN O'HARA: Okay. But there still  
33 will be three people appointed.

34

35 MS. EAKON: Yes.

36

37 CHAIRMAN O'HARA: And they can fall under  
38 the category commercial, recreational hunting or sports?

39

40 MS. EAKON: Yes.

41

42 CHAIRMAN O'HARA: Okay, that clarifies  
43 that then. And then the last question I have is the  
44 reason we're putting three people on is because the Bush  
45 Administration doesn't like subsistence? That's not a  
46 good question probably.

47

48 (Laughter)

49

50 CHAIRMAN O'HARA: But really what it



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1 boils down to, I guess, on the legal issue is, maybe we  
2 haven't been in compliance with Title VIII as far as our  
3 -- is that really the bottom line?

4

5 MS. EAKON: Yes. Well, there's two major  
6 forces at work here. One is, as you say, the new  
7 Administration. The second.....

8

9 CHAIRMAN O'HARA: So there's some truth  
10 to that?

11

12 MS. EAKON: Yes. And the second is that  
13 we -- ever since 2000, we have had an active lawsuit  
14 against the program. And one of the claims alleged is  
15 that -- is this very question, that the Regional Advisory  
16 Councils are not complying with the Federal Advisory  
17 Committee Act, which applies to all advisory committees  
18 nationwide.

19

20 And I might add that this review is just  
21 part of a nationwide review of all of these advisory  
22 committees.

23

24 CHAIRMAN O'HARA: Okay, thank you very  
25 much, I really appreciate that. And I kind of had an  
26 idea maybe we weren't fully carrying out our obligation  
27 as far as representing all the interests, which is fine,  
28 and so thank you very much. And I think Robert's  
29 question was really good, of these special interest  
30 groups that will be coming on board, who -- you know, if  
31 they are qualified users from our region, well, that's  
32 fine. You know, we just didn't want three of them out of  
33 Anchorage or something, for example.

34

35 Okay, thank you very much. Any other  
36 questions. Yes, Shirley.

37

38 MS. KELLY: I just want to be clear, you  
39 said that all the people who are appointed to this RAC  
40 must live within region.

41

42 MS. EAKON: That is correct. That is one  
43 of the rules of requirement under Title VIII of ANILCA.  
44 If appointed, that person must reside within the region.

45

46 CHAIRMAN O'HARA: Any other Council  
47 members comments or questions. Thank you very much  
48 ladies, we really appreciate that.

49

50 Does that satisfy that agenda item here,

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1 Clifford?

2

3 MR. EDENSHAW: Yes, Mr. Chair.

4

5 CHAIRMAN O'HARA: I'd like to make an  
6 announcement. If you've come in late and you do have a  
7 desire to address the Council, we pretty much have a  
8 policy here on the agenda that you certainly can, at any  
9 time come in and make any concerns that you have. If you  
10 do want to address the Council you can go through the  
11 process of getting one of these cards and filling it out  
12 and talking to us.

13

14 Okay, let's continue on here with the  
15 agenda items.

16

17 MR. EDENSHAW: Mr. Chair, the next one is  
18 Peggy Fox, she's going to discuss the statewide rural  
19 determination and update.

20

21 CHAIRMAN O'HARA: All right, Peggy.

22

23 MS. FOX: Thank you, again, Mr. Chair,  
24 and Council members. Peggy Fox, Office of Subsistence  
25 Management. This will be very brief, it's intended to be  
26 an update. There is a fact sheet in your book, I don't  
27 know what tab it's under, J, I think or K.

28

29 Anyway, briefly, as you know the Board is  
30 required by regulation to review rural determinations  
31 upon receipt of the census every 10 years. So last year  
32 we contracted with the University of Alaska, Institute of  
33 Social and Economic Research and they have been working  
34 in collaboration with Dr. Robert Wolfe and his associates  
35 to develop methods, scientific methods in order to make  
36 sound decisions on rural determinations.

37

38 Due to issues raised by the Kenatize  
39 Tribe relative to those determinations for the Kenai  
40 Peninsula, we've decided to have a scientific review of  
41 our process, our methodology and the application of that  
42 methodology and that's why we went to the contract. So  
43 we're hoping to have something that is as scientific as  
44 you can get on a social issue.

45

46 Anyway, that process will be complete,  
47 they will have a recommended methodology maybe looking at  
48 a couple of different recommended methodologies for us  
49 sometime in November of 2002. The Board will be  
50 presented with the results of that in January, no the

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1 15th, actually, following the customary trade discussion  
2 on the 14th, and then they will develop a proposed rule  
3 on the methodology that will go out to the Councils and  
4 the public for comment. Then we're looking at in May of  
5 2003 a decision on the methodology to be used and we  
6 will, again, be looking for a contractor to apply it. So  
7 we'll be reviewing all the rural communities and I should  
8 just say all the communities statewide, certainly we  
9 won't have to do very much review on most of the  
10 communities because they meet our minimum criteria for  
11 being rural.

12

13 But that process will result and a list  
14 of communities that they will identify as proposed for  
15 non-rural status. We don't expect a lot of change but  
16 there will be probably some change recommended in our  
17 current list of communities for non-rural status.

18

19 Then that will go out to the Councils for  
20 comment and the public and we're hoping for a decision in  
21 May of 2004. We shouldn't have a problem getting that  
22 decision in May of 2004, we're giving ourselves plenty of  
23 time for public involvement.

24

25 Anyway, that concludes my comments, if  
26 you have any questions.

27

28 CHAIRMAN O'HARA: Council members, do you  
29 have any questions on the concern that we have here of  
30 rural determination. Robert, do you have a question?

31

32 MR. HEYANO: (Nods affirmatively)

33

34 CHAIRMAN O'HARA: Okay, go for it.

35

36 MR. HEYANO: Thank you, Mr. Chairman.  
37 What eight communities did the ISER go to in Alaska?

38

39 MS. FOX: Uh-huh, can't answer you. I  
40 bet Laura knows, where's Laura -- there's Laura.

41

42 MS. JURGENSEN: I think I can remember.

43

44 MS. FOX: Laura administered the contract  
45 for us. Thank you.

46

47 MS. JURGENSEN: Thank you, Mr. Chair, and  
48 Council members. I'm Laura Jurgensen with Office of  
49 Subsistence Management. The contractor went to the --  
50 they held focus groups in eight communities and those

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1 communities were Kenai, Soldotna -- and they had two  
2 separate meetings there, they had one that was strictly  
3 tribal with the Kenaitze and one with people just from  
4 the community itself, it was a different -- open meeting.  
5 And it was Ketchikan and Saxman. And Kotzebue and  
6 Deering, up north. Fairbanks. How many is that?

7

8 MR. HEYANO: Seven.

9

10 MS. JURGENSEN: And we wanted to go to  
11 all communities, at least, all regions represented by the  
12 Councils but it was funding. And the last one -- it will  
13 come to me, sorry.

14

15 CHAIRMAN O'HARA: Any time it comes to  
16 you just put your hand up and come back and see us.

17

18 MS. JURGENSEN: Sorry. But the whole  
19 point was to solicit more comments from people in the  
20 region or especially directly effected and what they  
21 thought rural and non-rural was.

22

23 MR. EDENSHAW: Mr. Chair, I think that  
24 was Juneau, was the eighth one.

25

26 CHAIRMAN O'HARA: Robert.

27

28 MR. HEYANO: Thank you, Mr. Chairman.  
29 The January 14th and 15th meeting, is that going to be --  
30 is the public going to be provided the opportunity to  
31 provide comments?

32

33 MS. FOX: Yes. That's going to be an  
34 open public meeting at that time in Anchorage. But that  
35 will basically be a decision on what to put in a proposed  
36 rule, that then will go out during the winter Council  
37 meetings and during the months of February and March for  
38 public comment in general. So no decisions will be made  
39 that are final with regard to the regulations in January,  
40 it will be a decision on what to put into the regulations  
41 as a proposal.

42

43 MR. HEYANO: Do I understand then that  
44 this will be a process that the Federal Subsistence Board  
45 would make the first cut and narrow it down to what will  
46 be considered for the -- or what would be considered for  
47 comment on the February/March '03 meeting or comment  
48 period, review?

49

50 MS. FOX: Basically that's correct.

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1 Because we have contracted with social science experts to  
2 help us to identify a methodology and then they've been  
3 given the latitude to look at two different methodologies  
4 and present their results to the Board. And in that  
5 process, their product, their recommendations are also  
6 being reviewed by peers in the social science field. So  
7 it should be pretty well worked out. It's a rather  
8 complex, I guess, process that's been used to develop  
9 this methodology.

10

11           Anyway, so it should have been reviewed  
12 by peers by then and we will know what their comments are  
13 on the product that the ISER and Dr. Wolfe have come up  
14 with.

15

16           MR. HEYANO: And Regional Councils can  
17 provide input at this time also?

18

19           MS. FOX: We don't currently have a  
20 process at this stage while the contract is under way for  
21 the Councils to provide input on the development of a  
22 methodology.

23

24           The Councils are being asked to comment  
25 on methodology and probably an alternative. I'm not sure  
26 how that's going to come out yet because it's in the  
27 formulation stages but once that is available to the  
28 Board and the Board puts it in a proposed rule, we will  
29 have presentations that will hopefully bring people along  
30 as to how that was developed and people will have an  
31 opportunity to make suggested changes or throw out a new  
32 alternative.

33

34           CHAIRMAN O'HARA: Any other comments,  
35 Council members. Okay, thank you very much, ladies,  
36 appreciate it.

37

38           MS. JURGENSEN: Mr. Chair.

39

40           CHAIRMAN O'HARA: Yes.

41

42           MS. JURGENSEN: I'm sorry, I did remember  
43 the eighth community.

44

45           CHAIRMAN O'HARA: Oh, so did Cliff.

46

47           MS. JURGENSEN: Sorry, it's not Juneau.  
48 That was considered, it almost was Juneau but Ketchikan,  
49 Saxman was selected, it was Copper Center. The idea was  
50 to have one road connected rural community and one non-

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1 road connected. The non-road connection was Deering.

2

3 CHAIRMAN O'HARA: Thank you very much. I  
4 notice that we have here one of the people in the  
5 community who would like to make a comment to the  
6 Regional Council, Allan Aspelund, Sr., would you like to  
7 come up and identify yourself and talk to us today. We  
8 appreciate you coming out.

9

10 MR. ASPELUND: My name is Allan Aspelund,  
11 Sr., and I'm a watershed resident of the Bristol Bay area  
12 for 71 years. I've been pretty well understanding of the  
13 position -- or the requirement of the Advisory Council  
14 and one thing that's my concern is right now, the  
15 Department of Interior is requesting the subsistence  
16 Board to more or less create sort of a new Board,  
17 otherwise I felt you people are doing real well as  
18 representatives as the subsistence board.

19

20 It seems to me now that what they're  
21 doing is requesting -- the Department of Interior is  
22 requesting that they increase the Board and you're  
23 starting to do into a -- for instance, I read where it  
24 says 70 percent of the Council seats will represent  
25 subsistence interests, well, I thought now you were doing  
26 it 100 percent and I don't feel there should be any  
27 change.

28

29 Because what's happening, they're  
30 suggesting you have other user groups. You have the  
31 commercial, recreation hunting and fishing. I think they  
32 have a very strong lobby now themselves, going before the  
33 Fish and Game Board and they got -- otherwise -- they  
34 also got money to lobby and they can also proceed to  
35 lobby the board, the Federal Board, besides you folks who  
36 are representing the subsistence.

37

38 And I just feel what they're -- it's like  
39 an ax-grinder, these groups will get in there and they'll  
40 be slicing the pie, the subsistence, a little bit of  
41 piece gone for commercial or hunting or whatever. I'd  
42 like to see it maintained like it is. I see this is only  
43 a request and I'm just on record now to be in opposition  
44 feeling that you folks are doing real well the way it is.

45

46 My theory is if it isn't broke, don't fix  
47 it. To me this is sort of a -- it looks like a political  
48 move of -- I look at it like watering down, for instance,  
49 right now you folks do have a quorum here but by bringing  
50 these other folks aboard, somewhere down the road there

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1 might be items on the agenda that I felt could be more  
2 leaning to these other two user groups and if we don't  
3 have a majority attendance of -- I felt the original  
4 subsistence board, like you folks are here now, these  
5 things are going to gradually get whittled away. So I'm  
6 just in total opposition of this here method of adding  
7 other user groups.

8

9 I felt that you folks are doing what the  
10 requirement of the law and also the -- they refer to the  
11 Federal Advisory Commission [sic] Act, I just can't  
12 believe that all of a sudden they found this little  
13 loophole after that many years that they're digging it  
14 out now and saying, you people need to be -- or the Board  
15 needs to be doing this.

16

17 So I just want to close out that I am in  
18 opposition to changing the Board in a method that is  
19 established now.

20

21 Thank you.

22

23 CHAIRMAN O'HARA: Well, thank you very  
24 much Allan. Does any Council member have any comments.  
25 Thank you for taking time, Allan, it's good to see you  
26 again. We appreciate your comments today.

27

28 MR. ASPELUND: Thank you.

29

30 CHAIRMAN O'HARA: All right, that's some  
31 food for thought.

32

33 All right, we're down to, I think, 17(A),  
34 aren't we?

35

36 MR. EDENSHAW: There's some additional  
37 information under 16 also, Mr. Chair, and 14 -- 13, 14,  
38 16.

39

40 CHAIRMAN O'HARA: Oh, yeah, all right.  
41 We're going to end this thing a little soon here. Okay.  
42 Which one are we on now?

43

44 MR. EDENSHAW: The new business regarding  
45 moose.

46

47 CHAIRMAN O'HARA: Yeah, that's 17(A).

48

49 MR. EDENSHAW: Yeah.....

50

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1 CHAIRMAN O'HARA: Under new business?

2

3 MR. EDENSHAW: Yes.

4

5 CHAIRMAN O'HARA: Who's handling 17(A)?

6

7 MR. EDENSHAW: Perhaps if Andy and Dave  
8 can come up here to the table to answer additional  
9 questions. What I could touch upon right now to get the  
10 easy one out of the way. Since we're handling proposals  
11 to change wildlife regulations, perhaps the Council can  
12 look at a proposal for the remainder of 9(C), currently  
13 there is a special action that eliminated the antlerless  
14 moose season in 9(C) remainder at which time they had a  
15 winter hunt from December 1st through December 31st and  
16 under special action, those are only temporary so the  
17 Council, with a motion could request that a proposal be  
18 submitted which would eliminate the antlerless moose  
19 season in Unit 9(C) remainder, specifically to December  
20 1st through December 31st season.

21

22 Because if you look -- I have a copy of  
23 our current regulations and that was covered under this  
24 special action where the antlerless moose season was  
25 eliminated.

26

27 CHAIRMAN O'HARA: All right, we'll just  
28 take one at a time.

29

30 MR. EDENSHAW: Okay.

31

32 CHAIRMAN O'HARA: 17(A) and then we'll do  
33 9(C) after that. I see Dick Sellers is still here with  
34 the Alaska Department of Fish and Game if we need some  
35 additional input from him. Let's go to 17(A).

36

37 MR. EDENSHAW: Okay. Go ahead, Andy.

38

39 MR. ADERMAN: Thank you, Mr. Chair. Andy  
40 Aderman, Togiak National Wildlife Refuge. Mark just gave  
41 you a couple handouts. I'll talk to the first one with  
42 the picture of the moose on it.

43

44 Just a real brief background on moose in  
45 Unit 17(A), the second page is a land status map of  
46 showing Togiak Refuge and some of the private inholdings.  
47 It also has the game management unit boundaries overlaid  
48 on that as well. Of course, we're talking about Unit  
49 17(A), the Togiak area and while a majority is Federal  
50 public lands there is a pretty significant private share



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1 there, the lower river and also along the main Togiak  
2 River.

3

4           The third page is a graph of population  
5 -- moose population counts that have been conducted in  
6 the unit over the last 20 or so years. I might add that  
7 most of these counts occurred in late winter, February  
8 and March, it's a time when the moose population is at  
9 its lowest. The very early counts were not complete  
10 surveys and the entire area was not searched for moose  
11 but an effort was made and trying to look at the best  
12 areas and very few moose were counted. It wasn't until  
13 '94/95 that we seen the first increase and along with  
14 that increase we stepped up our efforts surveying moose  
15 in a much more intensive effort. And as you may recall  
16 from your last meeting, this last February we conducted a  
17 survey with nearly perfect snow conditions and counted a  
18 minimum of 652 moose.

19

20           The fourth page are some of the reasons  
21 that we feel this population has increased. Obviously  
22 the moose came from somewhere, we believe from the east  
23 in this case. When they got to the area, they found good  
24 winter habitat in the form of willows, that, in turn, has  
25 meant good calf production and many of those calves are  
26 surviving and the population has increased. We've also  
27 benefited from some mild winters. The Mulchatna Caribou  
28 Herd was growing at the time and coming into this area  
29 and new opportunities to harvest that resource were  
30 created and I think took some of the pressure off the  
31 moose at the same time.

32

33           Also that last one, I think, is very  
34 important and it didn't occur over night but I think  
35 folks took an interest in the moose resource and allowed  
36 them to get where they are today. Not everybody, but I  
37 think there's much more interest now in that moose  
38 population then there was 15 or even 10 years ago.

39

40           CHAIRMAN O'HARA: Andy, the lack of  
41 predators probably got to have something to do with it,  
42 too?

43

44           MR. ADERMAN: We don't have good numbers  
45 on predators. The brown bears, to my knowledge, have  
46 always been in that drainage or in that area. We know  
47 there's wolves in there, but again, we don't have the  
48 scientific information to say they've increased or not.

49

50           CHAIRMAN O'HARA: Okay, thank you.

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1 MR. ADERMAN: The fourth page is a map  
2 and it shows some movements of some moose that we caught  
3 this past April and we put radio collars on five 11-month  
4 females, just short of being yearlings and also five  
5 adult females. I have six of those animals on this  
6 graph. But I guess the interesting thing is three of the  
7 yearlings moved out to the west and were actually seen in  
8 Unit 18. Whether or not they'll stay out there remains  
9 to be seen. But in four and a half years of following  
10 moose around, this is the farthest west I've had any  
11 radio collared moose go.

12  
13 And the folks in those western villages,  
14 Goodnews and Quinhagak and Platinum, we've been working  
15 with and they're quite excited. They have a few moose in  
16 their area but not many but they're very interested in  
17 seeing moose population grow. And if you look on the  
18 next page, that's a graph of moose population surveys  
19 we've conducted in those drainages, Goodnews, Arolik and  
20 Kanektok and you can see this last year, again, a late  
21 winter survey we had our highest count of five.  
22 Certainly there's probably more moose there this time of  
23 year. But they are where Unit 17(A) was 10 years ago.  
24 Very few moose. There's very similar habitat conditions.  
25 Very similar weather conditions.

26  
27 I think the moose will get there.

28  
29 The very last page is just -- I put the  
30 same two graphs showing those western drainages in Unit  
31 18 and the graph showing the Unit 17(A) counts.

32  
33 I mentioned in my report here yesterday  
34 that we held a teleconference last Thursday with Togiak.  
35 And we also had traditional councils of Quinhagak,  
36 Platinum and Goodnews on line with Refuge Staff and Jim  
37 Woolington with Fish and Game. We also invited BBNA,  
38 Nushagak and Togiak advisory committees. And Robin --  
39 unfortunately they were not able to attend that  
40 teleconference.

41  
42 But the primary reason for having that  
43 teleconference was to discuss a proposal that BBNA had  
44 submitted on behalf of the Togiak Traditional Council to  
45 the Board of Game and that was asking for a winter hunt  
46 in Unit 17(A) and it had -- they had to submit it as an  
47 agenda change request because it's out of the cycle for  
48 Board of Game. So we went over the same information that  
49 I just talked about in the handouts and wanted to get  
50 their thoughts on what exactly do they want as far as

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1 this winter hunting opportunity and we discussed it at  
2 length.

3

4 And basically as a result of that, this  
5 special action that the Traditional Council come up with  
6 is what they're forwarding to the Federal Subsistence  
7 Board. The idea is to have, both, the Board of Game and  
8 the Federal Subsistence Board create identical seasons  
9 and do it under a State registration permit.

10

11 And I can get into the special action  
12 request that the traditional council submitted.

13

14 CHAIRMAN O'HARA: Council members, did  
15 you want to ask any questions at this point or do you  
16 want to go into the special action request? Robert.

17

18 MR. HEYANO: On the information provided,  
19 the Goodnews, Kanektok and what's the third?

20

21 MR. ADERMAN: Arolik.

22

23 MR. HEYANO: Arolik moose surveys, these  
24 are in Unit 18?

25

26 MR. ADERMAN: Yes.

27

28 MR. HEYANO: And the highest number is  
29 five?

30

31 MR. ADERMAN: Yes.

32

33 MR. HEYANO: Those areas currently have a  
34 moose season of what, under Federal regulations, is a 30  
35 day season?

36

37 MR. ADERMAN: No.

38

39 MR. HEYANO: What is it?

40

41 MR. ADERMAN: There's no Federal season  
42 and in addition the Federal public lands are closed in  
43 that area as well so there's no State season on Federal  
44 lands.

45

46 MR. HEYANO: So there is only a State  
47 season on State lands?

48

49 MR. ADERMAN: Correct.

50

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1 MR. HEYANO: All right, thank you.

2

3 CHAIRMAN O'HARA: Okay, maybe I'll ask  
4 you a question here. Why did Togiak, was it the Village  
5 Council, that made the request to the Alaska Department  
6 of Fish and Game Board for a season, isn't that all  
7 Federal lands that we're dealing with?

8

9 MR. ADERMAN: No. You asked two  
10 questions there. The first is, yes, that Togiak  
11 Traditional.....

12

13 CHAIRMAN O'HARA: They did make the  
14 request.....

15

16 MR. ADERMAN: .....Council through.....

17

18 CHAIRMAN O'HARA: .....made the  
19 request.....

20

21 MR. ADERMAN: .....BBNA made a request to  
22 the Board of Game.

23

24 CHAIRMAN O'HARA: Okay.

25

26 MR. ADERMAN: That second page and, I  
27 guess, if you look at that map over on the black file  
28 cabinet shows Federal lands and obviously right around  
29 the village of Togiak and Twin Hills and to the east and  
30 west and along the Togiak River it's private lands, it's  
31 corporation and allotments.

32

33 CHAIRMAN O'HARA: Yeah, but dealing with  
34 17(A), that we're dealing with, that's all Federal lands?

35

36 MR. ADERMAN: No.

37

38 CHAIRMAN O'HARA: Well, I mean there's  
39 private lands, I can see that, but it's not State lands?

40

41 MR. ADERMAN: Okay.

42

43 CHAIRMAN O'HARA: So the question I had  
44 is why would they make a request to the State of Alaska  
45 if in 17(A) it's only Federal lands?

46

47 MR. ADERMAN: Well, they made it to both  
48 boards. I think they would like to have the opportunity  
49 to hunt not only on Federal lands but on their private  
50 lands as well.

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1           CHAIRMAN O'HARA: I see, okay. But who  
2 deals with the private lands, the State of Alaska or the  
3 Feds -- okay, so the State of Alaska is responsible for  
4 corporation lands. Okay, thanks. Okay, go ahead.

5  
6           Are you going to deal with the special  
7 action now?

8  
9           MR. ADERMAN: Sure, I can.

10  
11          CHAIRMAN O'HARA: All right.

12  
13          MR. ADERMAN: I guess what come out here  
14 is several things. First and foremost is they would like  
15 an opportunity in the form of a winter hunt and what we  
16 come up with is to have a to be announced hunt, a 14 day  
17 hunt sometime between December 1st and January 31st and  
18 what this would do is allow the managers flexibility when  
19 -- to ensure that there's adequate snow conditions so  
20 people can get out and hunt.

21  
22          A second thing that it calls for is an  
23 antlered, one antlered bull. One of the comments that we  
24 heard from Togiak was, while they felt that the older  
25 hunters are experienced and could tell the difference  
26 between a cow and a bull that had lost its antlers is  
27 maybe some of the younger hunters might have difficulty  
28 and it was they that suggested that it be an antlered  
29 bull instead of just a bull.

30  
31          A third thing, and I think is pretty  
32 significant, is they're not talking about all of Unit  
33 17(A) being opened. They're suggesting that a majority  
34 of the lands west of the Togiak River remain closed and  
35 that's in an effort to promote moose expanding to the  
36 west.

37  
38          CHAIRMAN O'HARA: Number of animals?

39  
40          MR. ADERMAN: What?

41  
42          CHAIRMAN O'HARA: Number of animals  
43 you're talking about?

44  
45          MR. ADERMAN: We counted 652 this spring.  
46 We had excellent calf production but really the real  
47 measure will be how many of those calf survive. Based on  
48 the last four years over half of the calves have survived  
49 to November. Given 50/50 sex ratio or 40 percent bulls,  
50 60 percent cows, we're talking about a fall population

00155

1 probably around lower 700.

2

3 CHAIRMAN O'HARA: No, the question I had  
4 is how many animals are you going to take in this special  
5 hunt?

6

7 MR. ADERMAN: We'll work with the Alaska  
8 Department of Fish and Game, I think we're talking pretty  
9 conservative numbers.

10

11 CHAIRMAN O'HARA: What is pretty  
12 conservative numbers?

13

14 MR. ADERMAN: No more than 15.

15

16 CHAIRMAN O'HARA: Fifteen, your average  
17 annual type over a period of time.

18

19 MR. ARCHIBEQUE: Mr. Chair.

20

21 CHAIRMAN O'HARA: Yes.

22

23 MR. ARCHIBEQUE: Aaron Archibeque. I'm  
24 the Refuge manager for the Togiak Refuge. We didn't want  
25 to get into setting a number under the hunt. But what  
26 Togiak came up with is that they want to work with all  
27 the affected villages and try to shoot for a conservative  
28 target, a no more than 15 animals. They want to get into  
29 this as conservatively as well. And their neighbors  
30 there were on line and they were very supportive of that.

31

32 CHAIRMAN O'HARA: Well, thank you very  
33 much, I appreciate that.

34

35 MR. ADERMAN: I guess I didn't have  
36 anything else myself.

37

38 CHAIRMAN O'HARA: That's it then from  
39 both of you on that -- okay. Council members, do you  
40 have any questions, comments to make to the report today.  
41 Yes, Robert.

42

43 MR. HEYANO: The restriction to an  
44 antlered bull then would require the successful hunter to  
45 bring the head out of the field?

46

47 MR. ADERMAN: I don't believe so.

48

49 MR. HEYANO: My question to you then, if  
50 it's going to be an antlered bull how is the protection

00156

1 officer going to determine if the animal had an antler or  
2 not?

3

4 MR. ADERMAN: It would probably be very  
5 similar to the existing regulation for the fall hunt.  
6 Where it's one bull only but because it's restricted to  
7 one sex you have to provide evidence of sex.

8

9 MR. HEYANO: Well, correct me if I'm  
10 wrong but when you're hunting in an area where there's an  
11 antler restriction you have to bring the antlers out to  
12 prove that the animal you shot met the antler  
13 restriction. If this was just a bull moose season then I  
14 could agree you don't have to bring the antlers out. But  
15 if it's tied to an antler, so it could be a bull moose,  
16 if it doesn't have an antler, the way I read the proposed  
17 regulation, it would be an illegal animal to take.

18

19 MR. ARCHIBEQUE: Yeah, it could be. I  
20 mean and that's what they were asking so if that's what's  
21 in the regulation then you would require them to bring  
22 out an antler.

23

24 MR. HEYANO: Thanks.

25

26 CHAIRMAN O'HARA: Any other questions,  
27 Council members. How do you determine when you reach 15,  
28 are you just going to give 15 permits out or going to be  
29 a whole bunch of permits given out and when you reach 15  
30 you just cut it off?

31

32 MR. ARCHIBEQUE: No, that's a number that  
33 the village is talking about. Again, we didn't want to  
34 get into setting any specific numbers. Given some of the  
35 restrictions that they have put in themselves as far as  
36 limiting the hunt area, going with an antlered bull only  
37 during that time of the year, we felt like, you know,  
38 what they could take within that 14 day period wouldn't  
39 be an issue. So that's something that Togiak wants to  
40 try to target for themselves. So as well as their  
41 neighboring villages. And the traditional council said  
42 that what they wanted to do, hopefully, was work with  
43 some of the other villages in the area when the permits  
44 were issued.

45

46 CHAIRMAN O'HARA: Okay, thank you. Any  
47 other comments, questions, Council members. Thanks a lot  
48 guys, anything else you have to offer?

49

50 MR. ARCHIBEQUE: No, I'd just like to say

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1 that this has been a long effort. We've been before you  
2 on this numerous times and right now, that was probably  
3 one of the best meetings we've ever had with a village  
4 and it's gotten to the point where the neighboring  
5 villages in Unit 18 are looking at this as an example and  
6 they want to try to do something similar. They're seeing  
7 the successes that have been here. You've had to deal  
8 with these requests for winter hunts and have denied  
9 those because we had this management plan in place and  
10 we're now there so this is a really positive thing. And  
11 I think we look forward to working with the users here  
12 and also with our neighbors there in Unit 18 because  
13 they're looking to do the same there.

14

15 CHAIRMAN O'HARA: Good. Thanks a lot,  
16 guys, appreciate it. Next.

17

18 MR. EDENSHAW: I just wanted to, in  
19 regards to what Aaron and Andy brought up before the  
20 special actions, that was just recently submitted and the  
21 Board has yet to address that and Dave Fisher will be  
22 handling the analysis for that.

23

24 CHAIRMAN O'HARA: All right. Why don't  
25 we just take a little break here and then we'll come up  
26 with 9(C).

27

28 (Off record)

29

30 (On record)

31

32 CHAIRMAN O'HARA: Okay, we'll call the  
33 meeting back to order. Who gave us this CD.

34

35 MR. HEYANO: Federal Subsistence people,  
36 I guess, it was here when we sat down.

37

38 CHAIRMAN O'HARA: Okay. We do have a  
39 public comment to make by -- Hans Nicholson is going to  
40 come talk to us on 17(A) and if you're available Hans, we  
41 would like to have you come up at this time.

42

43 MR. NICHOLSON: Thank you, Mr. Chair.  
44 For the record, my name is Hans Nicholson. I'm the  
45 subsistence coordinator at the Bristol Bay Native  
46 Association. Thank you for this opportunity to speak to  
47 you on the 17(A) moose issue, winter hunt.

48

49 BBNA fully supports a concept of a winter  
50 moose hunt in 17(A). BBNA did submit a proposal to the



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1 Alaska Board of Game. It is Proposal No. 52, which is an  
2 ACR that the Board of Game will take up at the December  
3 meeting or October meeting. Ralph and I were unable to  
4 participate in the teleconference last Thursday because  
5 of prior commitments in Anchorage. But since our last  
6 discussion with significant others, the special action  
7 that you have before has come out. We do support that  
8 concept. This would enable residents of Togiak to  
9 participate in that winter hunt and to harvest bull  
10 moose.

11

12         The only reservation that I have is the  
13 antler recommendation. I believe that -- I spoke to Dick  
14 Sellers and got his opinion on when he thought that moose  
15 would begin dropping their antlers and his response was  
16 just basically that by December 10th, they usually don't  
17 conduct any moose surveys after that because a  
18 significant amount of moose -- I shouldn't say  
19 significant but increasing numbers of moose are dropping  
20 their antlers by then.

21

22         So I believe if the antler restriction  
23 was in place then I think this would preclude residents  
24 of the area from opportunities to harvest moose if they  
25 saw that.

26

27         The special action boundaries are  
28 different than the original proposal submitted to the  
29 Alaska Board of Game. We don't have a problem with that.

30

31

32         The hunt by State registration permit  
33 would enable any State resident to hunt on those lands  
34 specified in the special action. I would much prefer, I  
35 guess, Federal language or a Federal permit, which would  
36 give preference to residents of the area, but of course  
37 that discussion is on the table.

38

39         You know, like Andy and Aaron said, you  
40 know, we worked on this a long time. We do have a draft  
41 moose management plan. And, of course, the threshold of  
42 -- a minimum of 652 animals in the area warrants a winter  
43 moose hunt.

44

45         I appreciate everybody's work that has  
46 gone into this, all the preparation and, of course, we  
47 have it on the table before us now and, we, of course, at  
48 BBNA would support your confidence in supporting a winter  
49 moose hunt.

50

00159

1 Thank you.

2

3 CHAIRMAN O'HARA: All right, thank you,  
4 Hans. We appreciate you taking time today. Any  
5 questions or comments from the Council members today.

6

7 We do have a long range plan on that  
8 moose management plan, you know, the numbers continue on  
9 out and the take broadens along with it. And you've  
10 given us a lot of good information here that's been kind  
11 of going along with the previous presentation so thank  
12 you very much.

13

14 MR. NICHOLSON: Thank you.

15

16 CHAIRMAN O'HARA: Okay, what are the  
17 wishes of the Council on 17(A).

18

19 MR. HEYANO: Mr. Chairman, I would like  
20 to offer a motion for Council consideration as a  
21 recommendation to the Federal Subsistence Staff when  
22 they're doing their analysis of this special action  
23 request.

24

25 CHAIRMAN O'HARA: You have the floor, go  
26 for it.

27

28 MR. HEYANO: Okay, thank you, Mr.  
29 Chairman. I would move that we support the special  
30 action request with the exception that the language be  
31 one bull moose by Federally administered permit hunt.

32

33 CHAIRMAN O'HARA: And the motion.

34

35 MS. KELLY: Second.

36

37 MR. HEYANO: Yes, and the motion.

38

39 CHAIRMAN O'HARA: Okay, second. Would  
40 you like to speak to your motion.

41

42 MR. HEYANO: Thank you, Mr. Chairman. I  
43 think that in meeting our mandate in providing a  
44 preference for Federally recognized subsistence hunters,  
45 we need to have the hunt administered by -- the permits  
46 administered by the Togiak Wildlife Refuge. The way it  
47 stands now is it does -- the fall hunt, is that it's a  
48 State administered permit. Those permits are only issued  
49 in the community of Togiak. Also aircraft access is  
50 restricted. And my understanding is that most likely

00160

1 that this winter hunt State registration permits will  
2 carry those same restrictions.

3

4 I think that my understanding, when you  
5 have an antlered bull season, then the moose not only has  
6 to be a bull it has to have an antler. And lately our  
7 snow conditions has been warm and less snow so based on  
8 Hans Nicholson's comments, I think that a lot of the bull  
9 moose that would be available probably won't have their  
10 antlers on. I just think it's a lot cleaner if it's a  
11 bull moose then they don't have to bring the head out  
12 with the horns attached.

13

14 I need to mention for the record, Mr.  
15 Chairman, is there's subsistence users who reside in  
16 17(C) who close their winter moose season to provide this  
17 west migration of moose. And although we're considering  
18 a moose hunt in 17(A), a winter moose hunt, those folks  
19 are still closed to their winter season. I hope that  
20 when the words goes out to those folks further west, you  
21 know, I think that needs to be brought to their attention  
22 that there is folks, when they had a harvestable surplus  
23 that they asked for closures to expand that moose  
24 population for the benefit of all of us.

25

26 That's all I have, thank you, Mr.

27 Chairman.

28 CHAIRMAN O'HARA: Council members, any  
29 other comments. Andy, do you have -- no.

30

31 No other comments.

32

33 Call for the question then.

34

35 MR. BALLUTA: Question.

36

37 CHAIRMAN O'HARA: All those in favor say  
38 aye.

39

40 IN UNISON: Aye.

41

42 CHAIRMAN O'HARA: Opposed.

43

44 (No opposing votes)

45

46 CHAIRMAN O'HARA: Okay, ayes have it.

47 And Andy and Aaron, we want to thank you for that really,  
48 really good report today. A lot of good information  
49 there and we thank you for that.

50

00161

1 We're down to 9(C).

2

3 MR. EDENSHAW: Mr. Chair, what I could do  
4 is when I get back to the office I can just draft up a  
5 proposal for 9(C) remainder, to eliminate the antlerless  
6 moose hunt for December 1st through December 31st and  
7 send that back to the Council, if that's their wishes, if  
8 that's what they would like to do I can do that.

9

10 CHAIRMAN O'HARA: There's no other  
11 further action required by this Council?

12

13 MR. EDENSHAW: Mr. Chair, then that would  
14 be taken up in the regulatory cycle because the special  
15 action for this December 1st, December 31st, 2002 winter  
16 moose hunt, that's been eliminated, temporarily.

17

18 CHAIRMAN O'HARA: Okay.

19

20 MR. EDENSHAW: And what I would do is if  
21 you look under Tab F, in there, we're accepting proposals  
22 to change wildlife regulations and that's what I would  
23 do, is, I would fill out -- Dave and I and Pat, we would  
24 work together to draft up a regulation to eliminate the  
25 antlerless moose hunt in 9(C) remainder for the winter  
26 and then we'd send that out to you for your signature and  
27 then that would be taken into consideration for the 2004  
28 -- 2003/2004.

29

30 CHAIRMAN O'HARA: Okay. Yes, Dave, would  
31 you like to come up and address the Council.

32

33 MR. FISHER: Yes, I just have a....

34

35 CHAIRMAN O'HARA: Name.

36

37 MR. FISHER: Dave Fisher with the Office  
38 of Subsistence Management in Anchorage.

39

40 I just want to get a little feedback from  
41 the Council on this 9(C) moose. I'm wondering what your  
42 feeling is on aligning the winter season. The State  
43 regulation goes from December 15th to January 15th and  
44 the Federal regulation is December 1st through December  
45 31st. Do you want to leave it like that or do you want  
46 to try to align it with what the State is?

47

48 Is we had kind of an indication now it  
49 would make everything sail a little easier as far as the  
50 proposal and the analysis and so on.

00162

1 Thanks.

2

3 CHAIRMAN O'HARA: You come up with real  
4 good hard questions at the end of the day, uh?

5

6 (Laughter)

7

8 CHAIRMAN O'HARA: Nice guy.

9

10 (Laughter)

11

12 CHAIRMAN O'HARA: What's the wish of the  
13 Council on this matter. Do we have a problem with  
14 aligning the dates? State of Alaska, Sellers, would it  
15 help to have a little input from you on that, if you  
16 wouldn't mind?

17

18 MR. SELLERS: Thank you, Mr. Chair and  
19 members of the Council. Dick Sellers with Alaska  
20 Department of Fish and Game.

21

22 The reason the winter hunt was set back  
23 was at the request local people that thought travel  
24 conditions would be much improved with a later season.  
25 And of course for the State season there was also some  
26 concern about sport or recreational hunters from outside  
27 coming in early in December with a target of getting  
28 trophy moose and we'd get more antler drop and have less  
29 incentive for people from outside the area to come in to  
30 hunt for any reason other than to get meat. So that's  
31 the rationale behind the later State in that area.

32

33 I think it's proven fairly popular with  
34 local residents here in the drainage that in many years  
35 have a hard time getting up there with snowmachines early  
36 in December.

37

38 CHAIRMAN O'HARA: Dick, would you give us  
39 the dates again, the State hunt is what date?

40

41 MR. SELLERS: The State hunt in that  
42 portion in 9(C) is December 15th to January 15th.

43

44 CHAIRMAN O'HARA: Okay. And the Federal  
45 is?

46

47 MR. SELLERS: Currently is the entire  
48 month of December.

49

50 CHAIRMAN O'HARA: All the month of

00163

1 December, yeah.

2

3 MR. SELLERS: Uh-huh.

4

5 CHAIRMAN O'HARA: I don't know, I  
6 wouldn't have a problem with aligning the dates. I think  
7 it would certainly be to the advantage of the local  
8 people to have maybe better snow coverage, a little less  
9 pressure for some outside interests. So I think aligning  
10 the dates would not be a problem.

11

12 Do you want to take over the Chair?

13

14 MR. HEYANO: No.

15

16 (Laughter)

17

18 MR. HEYANO: I guess, Mr. Chairman, then,  
19 if we need a motion to support a proposal that would  
20 close the winter cow season in Unit 17(C)....

21

22 MR. EDENSHAW: 9(C) remainder.

23

24 MR. HEYANO: 9(C) remainder and also  
25 change the dates, I think we can do that with you serving  
26 as the Chair.

27

28 (Laughter)

29

30 CHAIRMAN O'HARA: Was that a motion?

31

32 MR. HEYANO: Mr. Chairman, I would move  
33 that we instruct Cliff to draft a proposal that would  
34 eliminate the cow moose season, remainder 9(C) and to  
35 have the moose hunt start, the winter moose hunt start  
36 December 15th to January 15th.

37

38 CHAIRMAN O'HARA: Is there a second to  
39 that motion?

40

41 MR. BALLUTA: I second the motion.

42

43 CHAIRMAN O'HARA: Thank you, Andy, you're  
44 a very good guy. Did you want to make any more comment  
45 to your motion?

46

47 MR. HEYANO: Yes, Mr. Chairman. To the  
48 first part of the motion, eliminating the cow moose  
49 season, I think it falls with our first priority, the  
50 protection of the resource, you know, information

00164

1 presented to us when we supported the special action  
2 clearly demonstrated that we can't allow a cow moose  
3 season anymore.

4

5 I think based on Mr. Sellers' explanation  
6 on why the State changed the dates from December 1 to  
7 December 15th was at the request of the local people for  
8 better access, then I sure can support that.

9

10 CHAIRMAN O'HARA: Any other comments from  
11 the Council members. All right, call for the question.

12

13 MS. KELLY: Question

14

15 CHAIRMAN O'HARA: All those in favor say  
16 aye.

17

18 IN UNISON: Aye.

19

20 CHAIRMAN O'HARA: Opposed.

21

22 (No opposing votes)

23

24 CHAIRMAN O'HARA: Ayes have it. Thank  
25 you, Dick, appreciate that.

26

27 We're still under new business?

28

29 MR. EDENSHAW: No, Mr. Chair, that  
30 concluded it for those two issues.

31

32 CHAIRMAN O'HARA: Actually there was one  
33 more issue under new business that we need to deal with  
34 it and that would be, at least, reading into the minutes  
35 that we need a -- I think somewhere along the line  
36 between the Park Service and the U.S. Fish and Wildlife  
37 or Refuge or whoever these entities are and they  
38 seemingly are endless.....

39

40 (Laughter)

41

42 CHAIRMAN O'HARA: .....going on. We need  
43 a moose survey on the Alaska Peninsula. I think, you  
44 know, we're coming to the place where we're going to have  
45 to start on Federal lands, making a comparison to what  
46 the local people have got versus what the commercial  
47 effort is happening. And I don't see how we can do that  
48 without a good survey. I think we might be limited to  
49 probably what the Feds and the State of Alaska considers  
50 December -- middle of December, by the time the horns

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1 drop, you're really not going to get a good and accurate  
2 count.

3

4 So whatever time is going to take place  
5 between Refuge people and the Preserve people, I don't  
6 think it's prudent to send your pilots off on some  
7 training mission when game might be at stake here as far  
8 as what we're required to do under Title VIII.

9

10 That sounds pretty legal to me, you can  
11 write that in under comments if you'd like, Clifford.

12

13 We do have an individual who would like  
14 to do a public hearing with us and Steve Angasan, would  
15 you like to come up and address the Council at this time?  
16 We thank you for taking time to come over today and talk  
17 to us about one of the public concerns. We've kind of  
18 been leaving it open as people drift in if they would  
19 like to make comment to us.

20

21 MR. ANGASAN: Well, I'm on the Naknek  
22 Village Council.....

23

24 CHAIRMAN O'HARA: She needs your name.

25

26 MR. ANGASAN: My name is Steven Angasan.  
27 They directed me to come to this meeting since you guys  
28 are going to be in town and tell you that the \$400  
29 subsistence limit trading is in their view ridiculous and  
30 unneeded. Because everyone knows around here that the  
31 fisheries has been in collapse for the last five or six  
32 years. People are having a hard time to pay their fuel  
33 and electric bills. And they don't see how customary and  
34 usual trade which has never been regulated throughout  
35 history will now be regulated. And they see that this  
36 will hurt the cultural of our people also.

37

38 So that's why I am here today is to tell  
39 you that my village council directed me to come and tell  
40 you that it's unneeded and to testify against that  
41 proposal.

42

43 CHAIRMAN O'HARA: Okay, Steve. So the  
44 direction from the council is that they don't want a  
45 dollar amount.....

46

47 MR. ANGASAN: No.

48

49 CHAIRMAN O'HARA: .....none whatsoever?

50



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1 MR. ANGASAN: None whatsoever.

2

3 CHAIRMAN O'HARA: All right.

4

5 MR. ANGASAN: Because of the collapse of  
6 the fisheries, they think that it is hard enough for  
7 people to survive without unnecessary regulations, they  
8 see as unnecessary.

9

10 CHAIRMAN O'HARA: Okay. Council members,  
11 do you have any comments or questions of Steve? Well,  
12 thank you. We've had a variety of people come and talk  
13 to us today.

14

15 MR. ANGASAN: Thanks.

16

17 CHAIRMAN O'HARA: Thank you for taking  
18 the time.

19

20 MR. ANGASAN: Thank you, Danny.

21

22 CHAIRMAN O'HARA: You bet. Does that  
23 conclude the new business there?

24

25 MR. EDENSHAW: Yes, Mr. Chair.

26

27 CHAIRMAN O'HARA: All right. Election of  
28 officers, we don't have probably a full quorum at this --  
29 we have a quorum but if it's okay with the Council  
30 members we would probably hold off until the February  
31 meeting, if it's okay, to go ahead and do the election of  
32 officers, kind of talk among ourselves and see what we  
33 might want to do next time.

34

35 Not that we have a go behind closed  
36 doors, by any means, we'll just put that off until then.

37

38 MR. HEYANO: Right.

39

40 CHAIRMAN O'HARA: Where are we at as far  
41 as replacing the late Johnny Christensen?

42

43 MR. EDENSHAW: Peggy, would you like to  
44 address that, please?

45

46 CHAIRMAN O'HARA: Okay.

47

48 MS. FOX: Thank you, Mr. Chair. Peggy  
49 Fox, Office of Subsistence Management. Currently the  
50 Staff Committee is receiving copies of panel

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1 recommendations on the nominations and we expect to have  
2 those recommendations from Staff Committee to the Board  
3 on October 17th. And as you are aware, the Board makes a  
4 recommendation that then goes to the Department, to the  
5 Secretary for approval. So we're hoping to have the  
6 announcements as to who the new Council members are by  
7 about mid-December.

8

9 CHAIRMAN O'HARA: Mid-December, uh?

10

11 MS. FOX: Yes.

12

13 CHAIRMAN O'HARA: Okay. I think that's a  
14 good question because that are has been now without a  
15 representative for over a year and we really would like  
16 to have someone.

17

18 Thank you very much for that Peggy,  
19 appreciate that.

20

21 Fox, we have you down under the time and  
22 place of next meeting, is that something you'd like to  
23 address?

24

25 MS. FOX: Yes, I would, Mr. Chair, thank  
26 you.

27

28 We provided a letter in your book under  
29 Tab I from Tom Boyd regarding Council meetings, locations  
30 and scheduling. The letter is intended to open a  
31 dialogue with the Councils around concerns that have been  
32 raised about some Council meeting locations and conflicts  
33 with scheduling.

34

35 I hope that by the time I'm finished with  
36 my remarks, you'll understand why we believe these  
37 concerns have raised to the level of importance that we  
38 need to address them with the Councils. However, the  
39 concerns that have been raised do not really directly  
40 affect all the Councils. I think this Council, in  
41 particular, in the decisions that you've made with regard  
42 to your location and scheduling, it hasn't been a point  
43 of concern to date.

44

45 But for the benefit of the other Staff  
46 and for the record, I do want to offer a few talking  
47 points here and then give you an opportunity to respond  
48 and contribute to the feedback from the Councils to Tom.

49

50 As you are all aware, our program, Staff

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1 and responsibilities have increased dramatically since  
2 October 1st of 1999. Expanding into fisheries management  
3 has added enormous complexity and dramatically increased  
4 the need for additional information and decision-making.  
5 As a result, we have seen increased needs for  
6 communication with the Councils and we are now working  
7 regularly with a number of new organizations, such as the  
8 Yukon River Drainage Fishermen's Association, with new  
9 agencies, such as the National Marine Fisheries Service,  
10 new publics, such as the sportfishers, commercial  
11 fishers, transporters and guides and even our long time  
12 relationship with the Alaska Department of Fish and Game  
13 by new working relationships with two additional  
14 divisions, Sportfish and Commercial Fisheries.

15  
16 All this is to say that there are now  
17 many more stakeholders with direct and legitimate  
18 interests to be considered as we move through the  
19 subsistence management decision-making processes.

20  
21 The concerns, in brief, evolve around  
22 giving the public and agency Staff adequate access to the  
23 Regional Advisory Councils, the cornerstone of our  
24 program. Specifically we see the need to carefully  
25 evaluate our travel to smaller communities, having the  
26 meetings in hub areas such as Naknek, King Salmon,  
27 Dillingham with regard to this region makes it easier and  
28 less expensive for people to travel and participate in  
29 the meetings. And when local issues of concern arise,  
30 affecting a single village, additional meetings can be  
31 held in that effected village where it is important to  
32 directly interact with those residents.

33  
34 In most cases, however, issues are more  
35 broad than a single community and so we struggle with how  
36 we can best consider the interests of a number of  
37 communities.

38  
39 As you know, agency Staff members serve  
40 more than one region. Therefore, more than one Council  
41 meeting per week and we often have three, sometimes four,  
42 where it becomes the problem, result in overlap or back  
43 to back meetings and can create Staffing problems for the  
44 Councils. We've always sought to do our best to serve  
45 the Councils. Similarly, we know it's important to you  
46 to have the technical support that you need to conduct  
47 your business.

48  
49 With the additional fisheries  
50 responsibilities and decisions to be made, there is a

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1 larger audience that wants to work directly with you.  
2 How can we assure that the Staff support that you need is  
3 able to attend your meeting and that other agency Staff  
4 who want to serve you are able to participate.

5  
6 One way we believe that we can prevent  
7 conflicts would be to plan our meetings one year out,  
8 instead of just asking you for February and March when  
9 you want to meet but also next fall have you identify a  
10 location and a date. We're hoping that we can discuss  
11 any apparent scheduling conflicts that that may create,  
12 at least six months in advance. And this year we had to  
13 do that with three different Councils only about six  
14 weeks out from the meetings and that causes a lot of  
15 disruption that we don't want to go through again. So  
16 that's why we're trying to ask the Councils to give us  
17 dates a year out.

18  
19 As I said, some regions are not likely to  
20 be affected by this letter. Your track record with  
21 meeting, decisions on meeting locations and scheduling,  
22 when you tend to schedule your meetings has not created  
23 conflicts in the past. And that's the case for Barrow,  
24 the North Slope, they always have them early in September  
25 and early in February and it seems that many of the  
26 Councils seem to bunch up around the end of the window.  
27 So those are the reasons that, in particular, we need to  
28 probably work with more closely in the future.

29  
30 So I just wanted to ask you that you  
31 consider these concerns. Again, if you have any feedback  
32 for Tom, he has been quite interested in hearing from the  
33 Councils on this in hopes that it will help minimize any  
34 changes that we might need to be able to -- or be  
35 required to make with regard to scheduling of meetings in  
36 particular.

37  
38 Thank you.

39  
40 CHAIRMAN O'HARA: Okay, Council members  
41 any comments you might like to have to Peggy Fox.

42  
43 Well, Peggy, I think, you know, we're  
44 geared around moose and then come the ducks and if we can  
45 have a meeting in between before the caribou go in rut  
46 we're going to be in real good shape.

47  
48 (Laughter)

49  
50 CHAIRMAN O'HARA: And that's really how

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1 we're going to have to do ours, you know, because moose  
2 season is not going to work and we want to get in some  
3 birds and, you know, after the 15th of October it's just  
4 not going to work with caribou. And then I think come  
5 February we really ought to start nailing down a time  
6 when these two meetings of ours will become concrete with  
7 you a year in advance because we only have two a year.

8

9 So thank you very much, appreciate that.

10

11 All right, we have one more member of the  
12 public who would like to testify. Tom, would you like to  
13 come up and talk to us today? Put a different hat on and  
14 come see us.

15

16 MR. O'HARA: My name is Tom O'Hara and  
17 I'm with the National Park Service. And I just had a  
18 request for clarification on the comment you made about  
19 moose surveys and information from Federal agencies. You  
20 just made it a little bit ago. And I wanted to make sure  
21 that I had written down to take back to my superintendent  
22 what you were requesting.

23

24 I'm sure I will get the opportunity to  
25 help out with the survey that Fish and Wildlife does  
26 again this year and some of our own. But you asked for  
27 additional information and I'm just wondering what you  
28 wanted, what kind of information you were looking for.

29

30 CHAIRMAN O'HARA: I think one of the  
31 concerns, I guess I have in making that statement is  
32 there came a time here about three or four years ago when  
33 all the permits had been issued to the various guides for  
34 a certain amount of use in the lower part of the  
35 Peninsula and then I don't know whether it was the Refuge  
36 or the Alaska Department of Fish and Game ran out of  
37 money or Aniakchak Preserve didn't get their work done,  
38 there wasn't an adequate moose survey done on the  
39 Peninsula. And so our Council recommended that they just  
40 shut the season down. Well, this created a big conflict  
41 among the guides.

42

43 I mean they were sleeping in the back  
44 until that happened and then they all came rushing  
45 forward. I mean there was a stampede because now they  
46 had received their money, and we were recommending that  
47 there not be any Federal hunting for moose on Federal  
48 lands. And then of course here come May 5th, you know,  
49 without any ground cover, all the agencies were out doing  
50 a moose survey because they had to determine the next day

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1 or two that there was enough animals to have this Federal  
2 hunt, or this commercial hunt on Federal lands. And you  
3 went from the next day, you and everybody else was out  
4 looking at the moose.

5  
6 I think it's prudent for this Council to  
7 request that we have an adequate survey prior to the  
8 first of the year when animals start dropping their horns  
9 on all the Federal lands and if State can do it too, even  
10 combine travel, airplane, money, gas, whatever you can do  
11 to cover this. Because I think as fewer residents get  
12 animals and commercial efforts still go on, it's going to  
13 be our responsibility to make sure that we cover the  
14 subsistence needs of the people. I think the only way we  
15 can do that is with an adequate survey of moose.

16  
17 MR. O'HARA: Okay.

18  
19 CHAIRMAN O'HARA: I don't know if that  
20 helps you or not.

21  
22 MR. O'HARA: Oh, it does. I mean last  
23 year we did have problems with snow cover because it was  
24 here one day and it was gone the next. And we didn't --  
25 we weren't able to jump on it that one day that we did  
26 have snow and the next day, you know, the southeast wind  
27 blew and it blew it all away. But I know I've talked to  
28 Troy, who's our resource manager and he'll be working  
29 with Ron, again, I'm sure and I know Troy and our  
30 superintendent have both said, you know, whenever we can  
31 start doing a survey, we will be doing one.

32  
33 And I don't know if this is what you  
34 asked for, did you want information on guides, how many  
35 guides got moose or how many locals got moose? You  
36 mentioned something about harvest take. And I know we  
37 have some people that we work with in the field that are  
38 guides that we can get information back on that, rough  
39 numbers for your February meeting, whatever date that  
40 will be. We could have rough numbers for our area for  
41 that, the harvest by the locals will be harder to come up  
42 with. I'm not sure how to do that yet but I'm sure  
43 someone will have a good idea.

44  
45 CHAIRMAN O'HARA: I guess I should listen  
46 to what I'm saying. I think in relationship to this past  
47 season, places like Iguigig and Levelock and Ugashik and  
48 Pilot Point and some of these places were, the complaints  
49 have come back that they have not had an opportunity or  
50 just could not get the moose, maybe it's too warm or the

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1 animals weren't moving or they weren't there at the right  
2 time. If we could have that information it would be good  
3 for the February meeting.

4

5 Who, Cliff, gives us that kind of  
6 information, to be able to find out that comparison?

7

8 MR. EDENSHAW: Regarding, on Fish and  
9 Wildlife -- on Refuge lands as well as Park Service?

10

11 CHAIRMAN O'HARA: Yeah, all the Federal  
12 lands.

13

14 MR. EDENSHAW: All of them. Well, the  
15 land managers, I'm sure Aaron and Andy and Darryl and Ron  
16 Squibb from the.....

17

18 MR. LONS: Thank you, Mr. Chairman and  
19 Council members. For the record my name is Darryl Lons,  
20 I'm the Refuge manager for the Alaska Peninsula and  
21 Becharof National Wildlife Refuges.

22

23 Yeah, Dan, you didn't hear the  
24 presentation of our Refuge earlier because you weren't  
25 here but Ron Squibb reported that we would be starting a  
26 moose census on the Upper Alaska Peninsula this year. We  
27 worked really closely with Dick Sellers, Fish and Game  
28 and he Park Service and we'll be starting in the winters  
29 of 2003 and 2004, a complete moose census, so to speak,  
30 line transect density estimate for moose on the  
31 Peninsula.

32

33 We're also starting this winter to do  
34 winter habitat moose study. We'll be putting 20 GPS  
35 collars on moose around the Ugashik Lakes so it's  
36 definitely a high priority with the Refuge to look at  
37 moose very closely.

38

39 CHAIRMAN O'HARA: Well, that's good. I  
40 apologize for kind of coming in the back door here and  
41 not picking up on that. But that would, I think, be very  
42 good information. Do you think you might have that back?  
43 Well, you'd probably have the take of animals back by  
44 February?

45

46 MR. LONS: Well, we'll be starting, it  
47 will probably be a census that will take two winters to  
48 conduct.

49

50 CHAIRMAN O'HARA: Oh.

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1 MR. LONS: It's actually a new technique  
2 so that hopefully we'll be able to do a better job than  
3 the historical way that we've done in the past because  
4 you need snow cover and you have to bring in a whole army  
5 of Super Cubs to get a good estimate and we'll be using  
6 one helicopter. And we've worked very closely with the  
7 local helicopter operator, Sam Igley, to develop the  
8 technique to buy a lot of high tech instruments. And so  
9 when we get snow cover on the Peninsula we'll be able to  
10 just jump on the opportunity and go out really quickly  
11 instead of trying to bring planes from different Refuges  
12 around the state.

13

14 CHAIRMAN O'HARA: I guess one of the kind  
15 of things, that's a good plan for 2003 up through 2004  
16 and you'll have a lot of data for us by then. But I  
17 guess in relationship to Tom's comment, one of the things  
18 I was wondering is you've got a number of guides on your  
19 Refuge, you know who they are, you know how many clients  
20 they have, would you know how many animals they've taken  
21 by February of 2003?

22

23 MR. LONS: Yes, we will. Last year 2001,  
24 22 moose were taken by commercial guides on both of the  
25 Refuges for 2001.

26

27 CHAIRMAN O'HARA: Okay.

28

29 MR. LONS: And this fall they haven't  
30 reported yet, but by the February meeting we'll have  
31 those numbers.

32

33 And just some additional information.  
34 Several of the guides that we checked on this year did  
35 not take moose clients at all this year, like in the  
36 Ugashik, Gus Lamaroux in the Ugashik district, he didn't  
37 have one moose client. And Howard Flynn who guides in  
38 the Mother Goose area didn't have one moose client this  
39 year. So the numbers should be fairly low.

40

41 CHAIRMAN O'HARA: Okay. And then  
42 Aniakchak, other commercial people there then you got  
43 the.....

44

45 MR. O'HARA: We will have those numbers  
46 by then.

47

48 CHAIRMAN O'HARA: Great. I don't know  
49 about Dillingham, I was just kind of concerned over here.  
50 I know that there's other people who are experts and it



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1 doesn't seem to be an issue over there like it is over  
2 here. That's fine, I just kind of wanted to see what was  
3 happening with the Branch River drainage up there, you  
4 know. I know there's the permitting system for a certain  
5 number of animals off of SugarLoaf. And granted, you  
6 know, somebody's probably not going to go to SugarLoaf  
7 and get that big bull but he may walk down over the hill  
8 one day and so that was what I was wondering about.  
9

10 MR. O'HARA: We have a guide that is  
11 allowed to hunt off the SugarLoaf area and he does  
12 occasionally but we'll have his numbers also, both of our  
13 guides up there.

14

15 CHAIRMAN O'HARA: Okay, thank you very  
16 much appreciate that.

17

18 MR. O'HARA: Thanks.

19

20 MR. LONS: Thank you.

21

22 CHAIRMAN O'HARA: I don't know if there's  
23 any other public comment or not. I guess about the only  
24 other thing we have left is to bring a motion off the  
25 table to deal with trout.

26

27 MR. EDENSHAW: Also, Mr. Chair.

28

29 CHAIRMAN O'HARA: Yep.

30

31 MR. EDENSHAW: Under Tab D, you also Item  
32 No. 14, there's the 2002 annual report issues and  
33 concerns. Under Tab D, on Page 43 was the Federal  
34 Subsistence Board's response to the Council's 2001 annual  
35 report response and those were issues that the Council  
36 has raised and requested that be included in their annual  
37 reports and this is the Board's response to that.

38

39 So in lieu of the 2002 annual report, if  
40 there are any additional issues or concerns that the  
41 Council would like for inclusion into the 2002 annual  
42 report, this is the time for you to do that. So when you  
43 meet in the winter I will have a draft annual report  
44 before the Council regarding issues and concerns they  
45 have for the 2002 report.

46

47 CHAIRMAN O'HARA: Council members, did  
48 you have any concerns or thoughts along that line.  
49 Anybody. Are you thinking Robert.

50

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1 MR. HEYANO: When's the deadline to  
2 submit comments?

3  
4 MR. EDENSHAW: I can go ahead and contact  
5 you, you know, after the meeting. The deadline would be  
6 prior to the winter meeting so that I could have a draft  
7 report for the Council to review.

8  
9 CHAIRMAN O'HARA: So we could take care  
10 of that on an individual basis then with you?

11  
12 MR. EDENSHAW: That's correct.

13  
14 CHAIRMAN O'HARA: Okay. We don't have  
15 any problem with that.

16  
17 MR. EDENSHAW: And in the case with Robin  
18 and Pete absent, I could also contact those individuals.  
19 And with the what the Council provides me I could also  
20 share with them.

21  
22 CHAIRMAN O'HARA: Okay, that was number  
23 14, then the issues and concerns on the annual report?

24  
25 MR. EDENSHAW: That's correct, Mr. Chair.

26  
27 CHAIRMAN O'HARA: Now, are we ready to  
28 deal with the item that you brought up before?

29  
30 MR. EDENSHAW: That's correct. The  
31 rainbow trout for the harvest regulations for 6(B).

32  
33 CHAIRMAN O'HARA: Whenever a motion has  
34 been made to table something it stays on the table until  
35 the one who made the motion takes it off the table. So  
36 I'd like to ask at this time if Shirley would be  
37 interested in making a motion to bring the trout issue  
38 back on the floor.

39  
40 MS. KELLY: I make a motion to bring the  
41 trout issue back to the floor.

42  
43 CHAIRMAN O'HARA: Is there a second.

44  
45 MR. BALLUTA: Second.

46  
47 CHAIRMAN O'HARA: All those in favor say  
48 aye.

49  
50 IN UNISON: Aye.

00176

1 CHAIRMAN O'HARA: Opposed.

2

3 (No opposing votes)

4

5 CHAIRMAN O'HARA: What's the wishes --  
6 that is a unanimous consent -- I mean unanimous vote.  
7 What's the wishes of the Council, what recommendation do  
8 we have for the Federal Board on the trout issue?

9

10 Well, just thinking before we adjourn the  
11 meeting today, I would like to remind you to go vote.  
12 This is election day for the local municipalities so be  
13 sure and go out and take care of your responsibility of  
14 voting.

15

16 Does anyone have a prepared statement  
17 that they want to make on this?

18

19 MR. HEYANO: I do, Mr. Chair.

20

21 CHAIRMAN O'HARA: All right, Robert.

22

23 MR. HEYANO: Well, Mr. Chairman, on Page  
24 111, I would move that all the waters described on Page  
25 111 as they pertain to the subsistence taking of rainbow  
26 trout by rod and reel and jigging gear from April 10th to  
27 October 31st, daily limit of two rainbow and two in  
28 possession. November 1st to April 9th, five rainbow  
29 trout as a daily bag limit, five in possession.

30

31 CHAIRMAN O'HARA: Is there a second to  
32 the motion.

33

34 MR. BALLUTA: Second the motion.

35

36 CHAIRMAN O'HARA: Okay, Andy seconded the  
37 motion. Robert would you like to address your motion.

38

39 MR. HEYANO: Yes, Mr. Chairman. This is  
40 a highly complicated proposal, it deals with a very  
41 valuable resource, not only to the subsistence users but  
42 to other users who reside in the state and outside of the  
43 state of Alaska. At this time I quite don't know how to  
44 address us providing a subsistence priority for rainbow  
45 trout without what I just proposed in the motion.  
46 Recognizing that this would be in effect for only one  
47 year and we could revisit it in the following year. If  
48 we have somehow potentially hurt the resource, I would  
49 hope that those managers in those Federal waters would  
50 bring that back for our consideration. I believe what

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1 we've done won't significantly increase the harvest of  
2 rainbow trout that's currently taking place under the  
3 existing regulations.

4

5           The intent of this proposal is not to  
6 address the incidental retention of rainbow trout with a  
7 subsistence net fishery, it just addresses allowing the  
8 subsistence users to use rod and reel and jigging gear.

9

10           CHAIRMAN O'HARA: Any other comments from  
11 Council members. I think if I were to make a comment on  
12 it, I think probably be less amount of waters that's  
13 going to be affected by this recommendation, this  
14 proposal that we're going to be submitting -- I guess  
15 taking action on this proposal.

16

17           I've always thought that we have kind of  
18 become a sportstype person in the area of dealing with  
19 the trout and whereas a lot of our people who work with  
20 the State of Alaska on their regulations have been happy  
21 with taking State waters and allowing only for hook and  
22 release from January 8th until October 1 and that's fine.  
23 But I think if the people who would like to maybe go get  
24 a rainbow trout in between those dates in Federally  
25 regulated waters, then I think we've given them the  
26 opportunity to do that. So I do not have any qualms  
27 about, you know, voting in that direction at all to help  
28 out what I consider those who would like to be able to  
29 have that resource along that line.

30

31           If there are no other questions from the  
32 Council, we'll call for the question.

33

34           MS. KELLY: Question.

35

36           CHAIRMAN O'HARA: All those in favor say  
37 aye.

38

39           IN UNISON: Aye.

40

41           CHAIRMAN O'HARA: Opposed.

42

43           (No opposing votes)

44

45           CHAIRMAN O'HARA: Anything else to come  
46 before this Council?

47

48           MR. EDENSHAW: No, Mr. Chair.

49

50           CHAIRMAN O'HARA: You can't dig up

00178

1 anything more? Yes, Robert.

2

3 MR. HEYANO: I can, Mr. Chair. I just  
4 need a -- maybe just an update, I received in the mail, I  
5 think along with the other Council members some  
6 information from Cliff in regards to a huge moose summit  
7 that's going to take place in Aniak and then possibly  
8 Bethel. Can anybody give us a status as to where that is  
9 in the planning process and who will be attending?

10

11 MR. EDENSHAW: Robert, the Chair asked me  
12 to -- he thought of Pete Abraham and I spoke to Pete the  
13 week before and asked if he would be interested in  
14 attending the moose management meeting which will be  
15 October 15, 16, 17 in Aniak and Randy Rogers is  
16 spearheading that effort and Pete said that he would be  
17 more than happy to attend the meeting and he will.

18

19 CHAIRMAN O'HARA: Cliff, can we only have  
20 one Council member go or if Robert is interested in going  
21 or if someone else is interested in going can we make a  
22 provision for them to go as well or are we tied to only  
23 one individual out of our Council. Would you be  
24 interested in going?

25

26 MR. HEYANO: No, Mr. Chairman, I was just  
27 inquiring as to the status.

28

29 CHAIRMAN O'HARA: Yeah, okay.

30

31 MR. HEYANO: Thank you.

32

33 CHAIRMAN O'HARA: What I mean is we don't  
34 want to limit it to just -- it's not my place to say Pete  
35 you go ahead and go because there may be other Council  
36 members who would be interested in going.

37

38 Someone has the budget strings here.

39

40 MS. FOX: I don't know that any limit has  
41 been sent. We need a representative. If two seems  
42 appropriate because of the issues I'm okay with that but  
43 probably wouldn't want to go beyond two, at least, from  
44 the Council.

45

46 CHAIRMAN O'HARA: Thank you, Peggy, we  
47 appreciate that. That was Peggy Fox talking to us there.  
48 And that's fine. I think it's a very good issue.

49 Anything else before us today. Motion to adjourn.

50

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1 MS. FOX: Meeting dates.

2

3 CHAIRMAN O'HARA: Dates?

4

5 MR. EDENSHAW: Mr. Chair, she was  
6 referring to the back of the book on Page 230, the winter  
7 2003 meeting dates and time.

8

9 CHAIRMAN O'HARA: Okay.

10

11 MR. EDENSHAW: That's at the end, J --  
12 Tab J.

13

14 CHAIRMAN O'HARA: 27th, 28th of February.  
15 I'm sure I'll be on vacation in Mexico at that time, this  
16 looks like a couple of good dates.

17

18 (Laughter)

19

20 CHAIRMAN O'HARA: I don't know, Council  
21 members do you have any thoughts or concerns on when you  
22 might want to meet.

23

24 MR. EDENSHAW: Perhaps Dave could recall  
25 when the Kodiak was going to meet because Dave serves as  
26 the biologist on the Kodiak group.

27

28 MIKE: They're meeting the 18th through  
29 the 21st of March.

30

31 MR. EDENSHAW: Okay, thank you, Mike.

32

33 CHAIRMAN O'HARA: 18th through the 21st,  
34 okay. So we're looking to have to travel on the morning  
35 of the 27th, meet half a day, all day on Friday and all  
36 Friday evening.

37

38 MR. EDENSHAW: That's fine.

39

40 CHAIRMAN O'HARA: Is that okay, Council  
41 members -- okay.

42

43 MR. EDENSHAW: In Dillingham?

44

45 CHAIRMAN O'HARA: In Dillingham.  
46 Anything else to come before this Council?

47

48 MR. EDENSHAW: No, Mr. Chair.

49

50 CHAIRMAN O'HARA: Okay. Peggy, okay,

00180

1 come on up.

2

3 MS. FOX: I requested in my comments on  
4 the subject of meetings that you identify a year out from  
5 now as well. If you are willing to do that there is a  
6 calendar provided on the back side of the one you just  
7 looked at.

8

9 Thank you.

10

11 CHAIRMAN O'HARA: Cliff, we had planned  
12 this meeting a few days earlier than what we actually  
13 ended up with, September 30th/October 1, we had wanted to  
14 go -- do you remember how that got changed?

15

16 MR. EDENSHAW: Yes, the Council had  
17 requested, a Thursday and a Friday, like for instance if  
18 you're looking at this one, they requested a week  
19 earlier, like the 25th and 26th for the 2002.

20

21 CHAIRMAN O'HARA: And there again, we'll  
22 go back to the geese haven't arrived yet, you know, your  
23 frost hasn't hit the Kuskokwim, the birds are getting  
24 pretty close, October 1, they might come through in one  
25 day and so I think along those lines, you know, we still  
26 got some time before the caribou might show up or before  
27 they go into rut, we're done with moose, so I think the  
28 26th and 27th is fine with me but that's up to the  
29 Council, whatever you might be doing at that time.

30

31 Robert.

32

33 MR. HEYANO: Mr. Chair, 26th and 27th is  
34 a Saturday, how about the 29th and 30th or something like  
35 that, Monday/Tuesday.

36

37 CHAIRMAN O'HARA: That's fine.

38

39 MR. HEYANO: I don't know, that would  
40 require Staff to -- do they have to travel on Sunday  
41 then?

42

43 MS. FOX: Well, it depends on the  
44 flights.....

45

46 CHAIRMAN O'HARA: Peggy.

47

48 MS. FOX: Peggy Fox, excuse me, Office of  
49 Subsistence Management. If you're starting after lunch,  
50 we should be able to travel on Monday morning.

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1 CHAIRMAN O'HARA: One more time, do we  
2 have anything else coming before this Council today?

3

4 MR. EDENSHAW: All clear.

5

6 CHAIRMAN O'HARA: All right. A motion.

7

8 MS. KELLY: I'll move to adjourn.

9

10 CHAIRMAN O'HARA: Second.

11

12 MR. HEYANO: Second.

13

14 CHAIRMAN O'HARA: We're out of here. You  
15 don't even need to vote on it, we're gone.

16

17 Thank you very much all.

18

19 (END OF PROCEEDINGS)



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C E R T I F I C A T E

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Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 04/17/04