

BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING
October 1, 1993
Bristol Bay Borough Assembly Hall
Naknek, Alaska

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COUNCIL MEMBERS PRESENT:

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~~D~~ANIEL J O'HARA, CHAIRMAN
~~R~~OBERT HEYANO, VICE CHAIRMAN
~~S~~AM G. STEPANOFF, SECRETARY
~~T~~IMOTHY J. LaPORTE. MEMBER
~~P~~ETER M. ABRAHAM, MEMBER
~~R~~OY S. MATSUNO, MEMBER
~~H~~AROLD ROBIN SAMUELSEN, JR. MEMBER

17

~~H~~elga Eakon, Coordinator

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P R O C E E D I N G S

1
 2 MS. EAKON: I will now call the meeting of the
 Bristol Bay Subsistence Regional Advisory Council to order.
 For the record my name is Helga Eakon, Coordinator for this
 Council. At this time I would like the Council members to
 introduce themselves starting with Robin.
 7
 8 MR. SAMUELSEN: Robin Samuelson from
 Dillingham.
 10
 11 MR. MATSUNO: Roy Matsuno from Ugashik.
 12
 13 MR. HEYANO: Robert Heyano from Dillingham.
 14
 15 MR. ABRAHAM: Pete Abraham, Togiak.
 16
 17 MR. O'HARA: Dan O'Hara, Naknek.
 18
 19 MR. LaPORTE: Tim LaPorte, Iliamna
 20
 21 MR. STEPANOFF: Sam Stepanoff from Chignik.
 22
 23 MS. EAKON: I would like to advise your
 presence of our Court Reporter, please state your name.
 25
 26 COURT REPORTER: Joseph Kolasinski.
 27
 28 MS. EAKON: Also for the record I would like to
 acknowledge the presence of Dick Marshall from the office of
 Subsistence Management, Taylor Brelsford and Dave Fisher and
 also Moses Dirks from our office.
 32 Our first order of business this morning is
 election of officers and I am acting chair until your new
 chairman is elected.
 35
 36 MR. SAMUELSEN: I make a motion that for
 Chairman, nominate Danny O'Hara.
 38
 39 MR. ABRAHAM: Second.
 40
 41 MS. EAKON: Danny O'Hara and there has been a
 second. All in favor signify by saying aye.
 43
 44 (Ayes respond)
 45
 46 MS. EAKON: Those opposed say no.
 47
 48 (No responses)
 49
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1 MR. SAMUELSEN: I make a motion that Peter
2 Abraham be Vice Chair.
3
4 MS. EAKON: Okay, at this point I need a motion
5 that nomination for office of Chair be closed.
6
7 MR. HEYANO: I so move.
8
9 MS. EAKON: Robert Heyano has moved, is there a
10 second?
11
12 MR. ABRAHAM: Second.
13
14 MS. EAKON: Peter Abraham has seconded. All
15 those in favor signify by saying aye.
16
17 (Ayes respond)
18
19 MS. EAKON: Those opposed say nay.
20
21 (No responses)
22
23 MR. SAMUELSEN: Make a motion nominations be
24 closed.
25
26 MS. EAKON: Nominations are closed. I will now
27 turn the meeting over to Mr. Dan O'Hara, the new Chair.
28
29 MR. O'HARA: Quite a railroad job that we got
30 here.
31
32 (General laughter)
33
34 MR. O'HARA: I appreciate this. Yes.
35
36 MR. SAMUELSEN: Make a motion that Sam
37 Stepanoff be Secretary.
38
39 MR. O'HARA: Okay, there's a motion that Sam be
40 Secretary, is there a second.
41
42 MR. MATSUNO: I second.
43
44 MR. O'HARA: Seconded by Roy. Any more
45 discussion on this?
46
47 MR. ABRAHAM: Question.
48
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1 MR. O'HARA: Question. All in favor say aye.
2 (Ayes respond)
3
4 MR. O'HARA: All opposed.
5
6 (No responses)
7
8 MR. O'HARA: Let the minutes show that it's
9 unanimous. Any more officers that need to be
10
11 MS. EAKON: Yes, Vice Chair.
12
13 MR. O'HARA: Vice Chair.
14
15 MR. SAMUELSEN: Peter is already.
16
17 MR. ABRAHAM: I decline.
18
19 MR. O'HARA: Now wait a minute now, he was
20 already nominated. Did we vote on him being Vice Chair?
21
22 MR. SAMUELSEN: Yeah.
23
24 MR. ABRAHAM: For what?
25
26 MR. O'HARA: Vice Chair. Right?
27
28 MR. ABRAHAM: No.
29
30 MS. EAKON: No, that was for the Chair so we
31 need to open the nominations for Vice Chair.
32
33 MR. ABRAHAM: I nominate Robert Heyano.
34
35 MR. SAMUELSEN: Second.
36
37 MR. O'HARA: Excuse me, Ma'am Chairman, you're
38 still conducting the meeting?
39
40 MS. EAKON: No, you are.
41
42 MR. O'HARA: Oh, I conduct the meeting at this
43 time.
44
45 MS. EAKON: Yes.
46
47 MR. O'HARA: Okay. A motion has been made by
48 me and Seconded by Robin that Robert be Vice Chair. Okay,
49
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any more discussion on that?

1

2 MR. MATSUNO: Question.

3

4 MR. O'HARA: All those in favor say aye.

5

6 (Ayes respond)

7

8 MR. O'HARA: Opposed.

9

10 (No responses)

11

12 MR. O'HARA: Any more officers?

13

14 MS. EAKON: No.

15

16 MR. O'HARA: Okay. Well, thank you for the
17 opportunity of being your Chairman and I think that's an
18 opportunity.

19 Anyway, before we begin I'd like to ask the
20 Council if you would like to lay down some ground rules on how
21 the meeting should be run. Maybe we should use Robert's Rules
22 of Order

23

24 MS. EAKON: Yes.

25

26 MR. O'HARA: or the Federal people may
27 have a set of guidelines already.

28

29 MS. EAKON: According to the Federal Advisory
30 Committee Act we use Robert's Rules of Order and I do have copy
31 here. And also we will be operating by the Operations Manual
32 and various items on the agenda and I will address that,
33 MS. Chair.

34

35 MR. O'HARA: Okay. What item; where's that at?

36

37 MS. EAKON: It's after introduction of Council
38 Charter, the draft Operations Manual.

39

40 MR. O'HARA: Okay. I guess as the Chairman of
41 the Council -- the Chairman has no more power than one vote
42 himself, we would like to, if the Council agrees to this,
43 continue right straight through our business, keep the subject,
44 you know, on the floor to what we're talking about. We don't
45 want to be rude to anyone, but we have a lot of work to do and
46 we're going to keep the subject right to that matter.

47

48 The Council at anytime can recognize other
49 people that need to be brought into the system, they have as

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much say so as the Chairman has. I think with the amount of work we do we will probably get right to business and get the job done without leaving out that have important things to say.

3 But sometimes we do have a tendency to roam on
4 other things and at such times we do I'll have to call you
5 back into the direction we're going, if that's okay with the
6 Council, so we can get the work done. Anytime you feel
7 differently, you can raise your hand and say, Mr. Chairman, we
8 need to address this a little bit more and that's your
9 privilege as a Council. So if that's okay with the rest of you
10 members we'll go ahead and do it that way.

11 Robin, did you have a comment?

12

13 MR. SAMUELSEN: Three of us, Robert, I and Roy
14 here will be leaving at 5:30, four of us and Pete. And
15 yesterday Helga mentioned that right after election of officers
16 we could switch our agenda around if we so wished. And I would
17 like to move we determine time and place of the next meeting
18 right after the election of officers.

19

20 MR. O'HARA: Okay. Is there any objection from
21 the Council to rearranging the agenda? Okay, hearing none then
22 we will take the time and place of the next meeting to the next
23 order of business and -- yes, Robin.

24

25 MS. EAKON: Mr. Chair, because I am Coordinator
26 for three Regional Advisory Councils I would like to state that
27 the Kodiak Aleutians Regional Advisory Council has blocked
28 February 8, 9 and 10 of 1994 for their next meeting. South
29 Central has blocked 14, 15, 16 of February 1994 for the
30 February meetings, so this is open. Any time after February 4
31 is open for a meeting.

32

33 And may I suggest you block a three day for
34 meetings because we don't know the amount of proposals that
35 you're going to have to consider. Go ahead and block those
36 days and if get your business done in less than three days,
37 that's fine.

37

38 MR. O'HARA: Okay, looking at the dates, let's
39 just take into consideration where -- we're not tied to having
40 the meeting in Naknek, are we?

41

42 MS. EAKON: No, any place -- a regional center
43 in the region is appropriate where the public -- where you have
44 lodging -- lodging is a consideration, restaurants and a
45 meeting place and a place that's accessible to the public.

46

47 MR. O'HARA: Okay. You can sleep on the floor
48 your school, you know, that's been done before by various

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ones. You do have Naknek, Dillingham, Iliamna that's accessible with travel. Togiak, you can get in and out of Togiak, they have daily runs to Togiak, Port Heiden is an area that is part of our region and Chignik might be a little bit difficult to get into.

5 And if we can get there as Council members the best of the bureaucrats can get there the same way we get there. So I think we need to take into consideration those areas. And if we're going to be on here for any length of time, then we need to take into consideration going to our region and give these people an opportunity to attend our meetings.

12 So we have before us on this agenda item the date and location of the next meeting. What's the wishes of the Council? Dillingham okay for the next one -- Robert?

15
16 MR. HEYANO: I was just going to work on the dates first.

18
19 MR. O'HARA: Okay, the dates first.

20
21 MR. HEYANO: It's got to be sometime in February?

23
24 MS. EAKON: Any time after February 4th. The reason being -- let's see where's the schedule. Somewhere in your packet there's a schedule of -- right there under Tab 3, the Proposed and Final Rule Process Schedule for 1994/1995 Subsistence Regulations on Seasons and Harvest Limits and Methods and Means. If you will look down under Paragraph C, Number 4, Regional Council meetings will review proposals with local users, regional teams and agency specialist and make recommendations to Board between February 7th and February 28th of 1994.

34
35 MR. O'HARA: Anybody have a problem with the list? Do you know what your schedules are like?

37
38 MR. SAMUELSEN: Maybe we can set a tentative date, Dan, and then get back to you or Helga. I got to look at my calendar, what's happening in February.

41
42 MR. O'HARA: I know that on the 14th through the 19th I'm tied up that at a BBNC strategic planning board meeting that we usually have on an annual basis that usually takes place on the 17th, but that's blocked off, so that's fine.

47
48 MR. HEYANO: 21st should be okay.

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1 MR. O'HARA: Sam, what does your time look like
2 on the 21st?
3
4 MR. MATSUNO: Sam or Roy?
5
6 MR. O'HARA: Roy, excuse me.
7
8 MR. MATSUNO: Fine that's -- everything looks
9 fine with me.
10
11 MR. O'HARA: Pete.
12
13 MR. ABRAHAM: My times flexible, you know,
14 where what's going on back there, I can put it off.
15
16 MR. O'HARA: Okay. Sam.
17
18 MR. STEPANOFF: I'm pretty flexible too.
19
20 MR. O'HARA: Tim.
21
22 MR. LaPORTE: Somewhere in February I've got to
23 be a jury deal -- not a jury, but a witness for the State in
24 Kenai for that Dariee (ph) guy, but I'm not sure what the dates
25 are. We can work around it though.
26
27 MR. O'HARA: So should we tentatively plan to
28 have Helga and myself get together and call the Council member
29 within a couple of months to find out -- let me see this is
30 October, settle it by November. And if those dates are -- Tim
31 if you're going to be gone on those dates, we make phone calls
32 with one another until we can get it set up, is that okay?
33
34 MR. SAMUELSEN: Yeah, 21, 22, 23.
35
36 MR. O'HARA: Okay. Tentatively that's what
37 we'll do then and the other one we can discuss is where you'd
38 like to have the next meeting.
39
40 MR. SAMUELSEN: Mr. Chairman, I make a motion
41 we have it in Dillingham, this next one. I think it's
42 important that since this is a new process that we move and
43 expose the region to this process as a whole. Possibly, you
44 know, not just alternate between Dillingham and Naknek, but try
45 to go out and reach as many points as possible within the area
46 to give the residents exposure to this board, so I'd move the
47 next meeting be in Dillingham and hopefully we'll move on to
48 another part, maybe up to the lake and then down the peninsula
49
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on the next two.

1
2 MR. O'HARA: Could you incorporate in your
motion the tentative dates of the 21st through the 23rd then,
would that be okay?

5
6 MR. SAMUELSEN: Yeah the 21st through the 23rd.

7
8 MR. O'HARA: That would be tentative. Is there
a second to that motion?

10
11 MR. MATSUNO: I second.

12
13 MR. O'HARA: Okay, Roy second that motion. Any
more discussion on that motion that's on the floor?

15
16 MR. ABRAHAM: Question.

17
18 MR. O'HARA: Okay, we have before -- if you
don't mind.

20
21 MR. KNUTSON: I just want to make a comment.
My name is John Knutson and I'm a Director on the Village
Corporation here in Naknek. I just want to make a comment that
we think subsistence is important. When you do have a meeting,
be advertised well, I don't know who's responsible for that
advertising. And you have ample time to take of business at
your meeting schedule.

28 This idea of half the Council leaving early for
one reason or another doesn't sit well, nor does it look good
with the subsistence users in the village. So just that one
comment, it's very important that you give yourself ample time
to take care of business and not, you know, leave out before
all the business is done.

34
35 MR. O'HARA: Okay. Thank you, John. Any more
discussion from the Council members?

37
38 MS. EAKON: Mr. Chair.

39
40 MR. O'HARA: Helga.

41
42 MS. EAKON: I've just been notified that
February 21st is President's day. However, if -- it is
supposed to be a Federal holiday, but if you want that date,
that's fine.

46
47 MR. O'HARA: I don't see any problem with
setting it back a day. I have no problem with the Federal

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people traveling on a holiday if the work has to be done, you know, we give up days that we have to do too, but I think that unless we're really tied to a tight schedule, we can certainly make it a travel day the 22nd and the 23rd, 24th and 25th. We can all travel the day of the 22nd and still have a meeting. Is that one of the days? Helga, can you people do that?

6

7

MS. EAKON: Yes.

8

9

MR. O'HARA: And travel in that morning and have a meeting by noontime and go for two and a half more days?

11

12

MS. EAKON: Uh-huh (affirmative).

13

14

MR. O'HARA: And take care of business?

15

16

MS. EAKON: Uh-huh (affirmative).

17

18

MR. O'HARA: Robin, that be okay with you then to modify that motion?

20

21

MR. SAMUELSEN: Let the motion reflect.

22

23

MR. O'HARA: Okay, any more discussion? If not, call for the question.

25

26

MR. ABRAHAM: Question.

27

28

MR. O'HARA: Question is called for. All those in favor say aye.

30

31

(Ayes respond)

32

33

MR. O'HARA: Opposed.

34

35

(No responses)

36

37

MR. O'HARA: Let the minute show that it's unanimous by the Board. Were there any other agenda changes that need to take place before we go down to the -- after the draft Federal Subsistence Regional Advisory Council Operation Manual, we do have under that item appointments to the Advisory Committees, is that right, Helga?

43

44

MS. EAKON: That is -- the appointments to the Subsistence Resource Commissions of Lake Clark and Aniakchak.

46

47

MR. O'HARA: Would that be okay with the Council, want to deal with that after that? Robin.

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1 MR. SAMUELSEN: Mr. Chairman, to address why
 2 we're leaving at 5:30. Talking with Helga in the last two
 3 previous Regional Council meetings, I think she indicated that
 4 one person showed up to testify in the evening. Let the record
 5 show at 1:00 o'clock we're open for public testimony, we have a
 6 Court Reporter here, we'll get verbatim, word for word, on any
 7 public testimony that happens after 7:00 o'clock tonight.

8
 9 MR. O'HARA: Okay.

10
 11 MR. SAMUELSEN: And that combined, 6:00 o'clock
 12 was the last flight out tonight.

13
 14 MR. O'HARA: Thank you. All right if we don't
 15 have any more

16
 17 MS. EAKON: Mr. Chair.

18
 19 MR. O'HARA: Helga.

20
 21 MS. EAKON: Right after appointments to the
 22 Subsistence Resource Commissions I would like to go through the
 23 changes in the regulations, please.

24
 25 MR. O'HARA: Okay.

26
 27 MS. EAKON: Because I think it's important to
 28 go through changes in the regulations.

29
 30 MR. O'HARA: Okay, so you're going to do the
 31 draft Subsistence Regional Advisory Council Manual, we'll do
 32 the appointments of these committees and after that will be
 33 changes to the regulations?

34
 35 MS. EAKON: Uh-huh (affirmative).

36
 37 MR. O'HARA: And at that time we should be
 38 ready to go to lunch. No objections to that from the Council,
 39 we'll go ahead and proceed from there. Okay, hearing none we'll
 40 do the agenda item, draft Federal Subsistence Regional Council
 41 Operations Manual. Helga, you going to handle that?

42
 43 MS. EAKON: I believe the next one is
 44 Introduction of Council Charter.

45
 46 MR. O'HARA: Oh, excuse me, I'm sorry.

47
 48 MS. EAKON: In your booklet you should have a
 49

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copy of the United States Department of Interior Charter for the Bristol Bay Subsistence Regional Advisory Council. Is there anyone who does not have a copy in the booklet?

3

4

MR. O'HARA: What tab number?

5

6

MS. EAKON: It should be Tab Number 2.

7

8

MR. O'HARA: Okay, found it, yes.

9

10

MS. EAKON: You do have it?

11

12

13

MR. O'HARA: Uh-huh (affirmative).

14

15

MS. EAKON: Paragraph one.

16

1. Official Designation: The Council shall be designated as the North Slope Subsistence Regional Advisory Council.

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its duties in conformity with the Operating Manual for the Federal Subsistence Regional Advisory Council.

2 7. Estimated Operating Costs: Annual operating costs
3 of the Council are estimated at \$100,000, which includes one
4 person-year staff support.

5 8. Meetings: The Council shall meet at least twice
6 each year at the call of the Council, Council Chair, Federal
7 Subsistence Board Chair, or designated Federal official, and
8 that is myself as the Regional Coordinator, with the advance
9 approval of the Federal Subsistence Board Chair or the
10 designated Federal officer, who shall also approve the agenda.

11 9. Membership: The Council's membership shall be as
12 follows:

13 Seven members who shall be knowledgeable and experienced in
14 matters relating to subsistence uses of fish
15 and wildlife and are residents of the region
16 represented by the Council.

Members shall be appointed by the Secretary of the Interior and
the Secretary of Agriculture, based upon the recommendations of
the Federal Subsistence Board.

20 Vacancy: Whenever a vacancy occurs among Council
21 members appointed under Paragraph 9, the Secretary shall
22 appoint an individual in accordance with Paragraph 9 to fill
23 that vacancy for the remainder of the applicable term.

24 Terms of Office: Except as provided herein, each
25 member of the Council shall serve a three-year term unless a
26 member of the Council resigns prior to the expiration of the
27 three-year term or he/she is removed for cause by the Secretary
28 upon recommendation of the Federal Subsistence Board.

29 The following paragraph addresses the staggered
30 terms.

31 Chair: Council members shall elect the Chair for a one
32 year term; the first elected Chair may serve a term of less
33 than one year.

34 Removal of Members: If a Council member appointed
35 under Paragraph 9 misses three consecutive regularly scheduled
36 meetings, the Chair of the Federal Subsistence Board may
37 recommend that the Secretary of the Interior with the
38 concurrence of the Secretary of Agriculture remove that
39 individual.

40 Compensation: Members of the Council shall receive no
41 compensation as members. Members shall, however, be allowed
42 travel expenses, including per diem, in the same manner as
43 persons employed intermittently in Government service are
44 allowed such expenses under 5 U.S.C. 5703.

45 10. Designated Federal Officer: The designated
46 Federal officer, pursuant to Section 10 (e) of the Federal
47 Advisory Committee Act, shall be the Federal Regional
48 Coordinator, or his/her designee.

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11. Authority: The Council is established by virtue of the authority set out in the Alaska National Interest Lands Conservation Act, (16 U.S.C. 3115 (1988)).

3 This was signed by the then Secretary of
4 Interior Manual Luyan Jr., January 19, 1993 and filed February
5, 1993.

6
7 MR. O'HARA: Are there any questions or
8 comments on the introduction and information that Helga has
9 given us? Any other comments, Helga?

10
11 MS. EAKON: No, it's pretty straightforward.

12
13 MR. O'HARA: Okay. Would you like to, then, go
14 to the draft Federal Subsistence Regional Advisory Operation
15 Manual?

16
17 MS. EAKON: We had planned to have a document
18 for your review, but it simply is not ready. It is still
19 undergoing intensive revision. I do have a copy here that --
20 and I could tell you what it's going to -- basically what it's
21 going to address, Mr. Chair.

22
23 MR. O'HARA: Okay.

24
25 MS. EAKON: The document is going to introduce
26 the purpose of the manual. It's is going to have a paragraph
27 about Council Charters, it's going to address Council
28 membership. There is a section under Council membership that
29 says that some time down the road the Council could make a
30 commendation to increase the number of their Council. I just
31 want to put (ph) that that's being worked out where if the
32 Council feels that the membership is too small for its region,
33 they'll have the option of moving to increase the membership.

34 There will be a section on Council duties, but
35 that's always pretty much straight out of ANILCA. Under
36 Council operations it will have a section on procedures.
37 They'll have a section on meetings, meeting notices, minutes.

38 While I'm on the subject of minutes, the
39 Operating Manual states that the Secretary has to take minutes.
40 Now, South Central Council and Kodiak Aleutians Council were
41 very adamant, they did not want their Secretary to take
42 minutes. They directed the Coordinator provide a summary of
43 the meetings to be sent to each member. They did not want
44 their Secretary to be burdened with note taking because --
45 which is a good point, because when you're taking notes, you
46 just don't have the flow of information action.

47 So I agreed to go ahead and provide those
48 Councils with a summary of the meetings and you will also be

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provided with a transcript provided by the Court Reporter. And I think at this time, Mr. Chair, I think it's appropriate for the Council to address taking of minutes because your manual will have to be amended or revised to reflect that.

4

5 MR. O'HARA: Okay. So under this particular agenda item that you have here of the responsibilities we have of following the Operations Manual, what Helga is asking for right now is what is the wishes of the Council in relationship of the recording of the minutes of our meetings? What do you think Council? Robert.

11

12 MR. HEYANO: Mr. Chair, I think we ought to go along with the same as the two previous mentioned Councils because -- not only that I think it's unfair to the member who's representing those communities if he has to take minutes. He virtually, from my past experience, won't be participating in the discussion, his time will be all taken up with taking the minutes and I don't think that's quite fair to that individual and the community he's supposed to be representing.

20

So I guess if we're looking for a form of a motion, I would move that we allow the Regional Coordinator to send us a review or a summary.

23

24 MR. O'HARA: There's a motion been made, is there a second to that motion?

26

27 MR. SAMUELSEN: Second.

28

29 MR. O'HARA: Okay. Under discussion of this -- maybe we could agree as a Council to one more item on the minutes and that would be to see any motions that are made not just be on the court document which is run off, because that might be quite lengthy. I think the motions that the Council makes would be important to be in the minutes because that's the meat of the whole thing.

36

And I don't think the minutes ought to be too long, you know, deal with the important issues. I've read minutes that have gone on and on and on and really what we need to deal with is the action that we've taken in the -- is that okay with everybody?

41

42 (Various affirmative nods)

43

44 MR. O'HARA: Okay, question. Call for the question. Yes.

46

47 COURT REPORTER: Can I go off record for a minute?

49

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1 MR. O'HARA: Yes.

2

3 (Off record)

4 (On record)

5

6 MR. O'HARA: Okay, we're on record. And we've
7 come to ask for the vote on the Secretary issue. No more
8 discussion?

9

10 MR. HEYANO: Call for the question.

11

12 MR. O'HARA: Call for the question, all those
13 in favor say aye.

14

15 (Ayes respond)

16

17 MR. O'HARA: Opposed.

18

19 (No responses)

20

21 MR. O'HARA: Okay, let the minutes show that
22 that's the way we will deal with the minutes of the Council.
23 Selga.

24

25 MS. EAKON: Thank you, Mr. Chair. The draft
26 Operations Manual also addresses support services, in
27 particular, the Regional Coordinator, that the Council be
28 retained and also address a little paragraph on travel and
29 that's basically it.

30

31 When it is ready for your review, we will send
32 copies of each for your comments and when we get all the
33 comments back we're going to have it approved by the Federal
34 Subsistence Board and that will be the Operations Manual.

34

35 MR. O'HARA: Okay. You're finished now with
36 the introduction to the Operations Manual? Let me ask the
37 Council members what your thoughts may be on the size of the
38 Advisory Board Council, are we sufficiently geographically
39 represented? Is there any areas that we have represented that
40 you know, we have Sam from down the peninsula and Peter from
41 over in Togiak, Nushagak area is okay. Roy is the
42 representative from the middle of the peninsula. Tim in the
43 upper park and lake country, Port Alsworth and I'm from the
44 Maknek area. Does that do a geographical representation as far
45 subsistence needs go?

46

47 MR. SAMUELSEN: I think it does, Mr. Chairman,
48 think it does and later on if we see a gap some place the

49

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Council can always take that up and amend the -- our charter, I guess you might call it, and add some more members. I think at this time it's sufficient.

3

4 MR. O'HARA: Okay. With no more, unless the Council has any more comments on that particular agenda item, we'll go to the matter of appointing -- these people are called, what, Helga, advisors?

8

9 MS. EAKON: Subsistence Resource Commissions.

10

11 MR. O'HARA: Before we take up the appointments of these. Area 1 is up in the Lake Iliamna area other than Aniakchak Peninsula area. What do these people do, Helga? What's the purpose of these people?

15

16 MS. EAKON: John Hiscock would be the person to ask -- to direct that question because it is a National Park Service Commission.

19

20 MR. O'HARA: Oh, we're dealing with the National Park Service and Aniakchak Park Service.

22

23 MR. HISCOCK: The Subsistence Resource Commissions for Lake Clark National Park and Aniakchak National Monument. And their task is to develop a subsistence hunting program and continuing recommendations concerning subsistence hunting within Lake Clark National Park and Aniakchak National Monument, respectively.

29

They submit their recommendations directly to the Secretary of the Interior after they've sent them out to the pertinent Regional Council, which would be your Regional Council. In the case of Lake Clark, they'd actually send their recommendations to two other Regional Councils as well, because the park is split into three different regional areas.

35

And they send them to the Local Advisory Committees in the area just for any reactions that Regional Councils or Local Advisory Committees might have to what they're developing. And then once they've gotten those comments from those groups, they send their recommendations on to the Secretary of the Interior and the Secretary is under the same type of obligation as the Federal Subsistence Board is in regard to your recommendations. That he has to adopt those recommendations unless he specifies in writing certain reasons for not adopting them.

45

Now, their recommendations, of course, are very much related specifically to the park area. They have in the past made recommendations on seasons and bag limits or methods and means, but those are a little bit out of the ordinary and

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more often the recommendations are regarding very specifically Park Service issues, such as access, eligibility for subsistence within the park or monument area, those types of issues.

4

5 MR. O'HARA: If I could ask a question. You gave the names of the villages that could hunt in the Lake Clark Park, it's called a park?

8

9 MR. HISCOCK: Yes, Lake Clark National Park and I didn't read off that complete list to you. Let me do that. What I did give to you yesterday was a list of the individuals who serve on Local Advisory Committees in the area of Lake Clark National Park and the area of Aniakchak National Monument who also live in one of the communities that qualify for use in those areas.

16 But let me read to you the total list of communities that qualify for use of those particular areas. For Lake Clark National Park the people that are automatically qualified for subsistence within the park by virtue of where their primary permanent residence is are people who live within the boundaries of the park, itself, and there are a couple of in-holder too, two, three in-holders?

23

24 MR. FOWLER: There's more than that, there's a couple along the coast, there's probably a half dozen of in-holders that permanently (indiscernible)

27

28 MR. HISCOCK: Okay, so about a half a dozen people who actually reside within the park boundaries. And then the following communities: Iliamna, Lime Village, Newhalen, Nondalton, Pedro Bay and Port Alsworth. Now, I should add that beyond the people who live in those villages, and by virtue of their living there being qualified, the superintendent of the park also has authority to issue individual permits to people who may reside outside those villages and can show they had customarily and traditionally used the lands within the park

38

At this point, Lake Clark has none of those permits. Now, Aniakchak National Monument, again it's the same situation. I don't believe there's anyone who resides inside the boundaries of the monument, so there's no one in that situation. The communities that qualify are Chignik, Chignik Lagoon, Chignik Lake, Meshik and Port Heiden.

44

And the same situation applies with people outside those communities, if they can show to the superintendent that they've had customary and traditional use of those lands they may qualify for permit, but as of right now, I don't believe there is anyone under permit for Aniakchak

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National Monument.

1 So, again, who are the people that you can
 2 select from to place on these Subsistence Resource Commissions
 3 are people that are qualified, so they have to live in one of
 4 those communities or within the park or monument. And they
 5 also have to be either a member of this Regional Council or a
 6 member of a Local Advisory Committee in the area. And those
 7 are the lists that we gave you here was the people, to our
 8 knowledge, that would be qualified.

9
 10 MR. O'HARA: Tim.

11
 12 MR. LaPORTE: Question on that. On these
 13 permits, is that something that has to be applied for by the
 14 people that live in that area. It's not something the Park
 15 Service is going to go looking for to give permits?

16
 17 MR. HISCOCK: Right, the people come in to the
 18 superintendent or by phone communicate with the superintendent
 19 Joe Fowler, for instance, who's the chief ranger and
 20 subsistence coordinator there, and give the information on
 21 their background and their history of -- personal or family
 22 history of customary and traditional use of that area and then
 23 the superintendent would look that over and make a decision on
 24 whether to issue that type of a permit.

25 Initially, Congress said that they didn't want
 26 everyone to have to be under a permit that would use the park
 27 lands. And that was the idea behind establishing certain
 28 communities where everyone in the community would qualify just
 29 by virtue of their residency there. The permits are only
 30 necessary for people that live outside of those communities
 31 that were acknowledged as having use in the particular area.

32
 33 MR. O'HARA: Yes, Susan.

34
 35 MS. SAVAGE: I'd just like to make a comment.
 36 You asked if Lake Clark is a park.

37
 38 MR. O'HARA: Yes.

39
 40 MS. SAVAGE: Lake Clark is both a park and
 41 preserve as well. Aniakchak is a monument and a preserve.
 42 There's part of the boundary that is specifically monument and
 43 then an outside part that's preserve. But these commissions
 44 pertain only to the park unit at Lake Clark and only to the
 45 monument unit at Aniakchak.

46
 47 MR. O'HARA: Okay. Court Reporter, do you need
 48 name to go with that?

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1 COURT REPORTER: I've got it, thank you.

2

3 MR. O'HARA: Okay, thank you. Any other
4 question now. Okay, Robert.

5

6 MR. HEYANO: Just one for my own information.
7 The communities for Aniakchak are the three Chigniks, Port
8 Heiden and Meshik?

9

10 MR. HISCOCK: Yes.

11

12 MR. O'HARA: Tell us about Meshik.

13

14 MR. HEYANO: Yeah, can you tell me about -- I
15 think I know where Port Heiden is, but where is Meshik?

16

17 MR. LIND: My name is Orville Lind. Port
18 Heiden comes from the military days where Captain Heiden, Bob
19 Heiden, I believe, founded the port there. And Meshik is the
20 Native term given by local Natives, it's the village, itself.
21 Port Heiden was the military base and they're only four and a
22 half, five miles apart.

23

24 MR. O'HARA: Orville, so there was at one time
25 a village called Meshik village that had it's origin and was
26 known as Meshik and then you had the Meshik River that goes all
27 the way up to Aniakchak Crater.

28

29 MR. LIND: Right.

30

31 MR. O'HARA: That's interesting. Why wasn't
32 Pilot Point put into that system?

33

34 MR. LIND: Lack of communications I believe.
35 Susan, you had asked them before.

36

37 MS. SAVAGE: I'm not sure about the process
38 that happened when the regulations were developed, that is when
39 the residence zoned (ph) communities were named back in 1983, I
40 believe.

41

42 MR. LIND: 1981.

43

44 MS. SAVAGE: 1981.

45

46 MR. LIND: And there was a list of -- like any
47 Federal regulations, the lists of communities that would be
48 acknowledged as subsistence residence zoned communities were

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issued in a proposed rule making that went out for public comment. Those communities that were identified in the proposed rule making were based upon information that came from studies back in the years prior to ANILCA about which areas might be established as part of some monuments and what people use those areas.

6 That went out for comment and between the time of the proposed regulation and the final regulation there were a number of additions to the these residence zoned communities for different parks around the state. I don't believe there was any change to the communities listed for Aniakchak between proposed and final rule making.

12 And the reason for that is just unclear, it may well have been because no one made a lobbying effort to have a certain community added. It may be that there wasn't sufficient data on that community to indicate they actually had use of the monument lands. It's not clear. I can tell you that there is no discussion in the final rule making as it was published about any advocacy to add additional communities at Aniakchak.

20

21 MR. O'HARA: Okay, the point being, then, we may be wasting our time talking about whether Pilot Point can be part of that user group of that Aniakchak or not. If we are, just tell us, because there's no sense talking about it if we can't do anything about it.

26

27 MS. SAVAGE: Well, in 1985, I believe, the Aniakchak Resource Commission made a recommendation to the Secretary that Pilot Point and Ugashik be added as residence zoned communities. And the Secretary responded that until those villages that a significant portion of their residents did use Aniakchak that he couldn't do that. And to this point we have explained to several residents in those villages that if they should apply for permits and start showing that members of their community were users of Aniakchak that perhaps we could add those villages, but until that happens it's not probable that those villages will be added as residence zoned.

38

39 MR. HISCOCK: There is a mechanism within the National Park regulation to add additional residence zoned communities upon a showing that a significant concentration of people who have had history of use of the area, live in the community or to delete residence zoned communities if a community changes dramatically. Say there was a mining development that comes in or something of that sort that brings a lot of people from outside and the community's character changes, the real, the true subsistence users that have a long standing history might really be better off to be under permit

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than face the competition from a lot of new people.

1 So there are mechanisms to add or delete
2 residence zoned communities and as Susan pointed out that
3 recommendation was made. I guess the monument has never been
4 approached by anyone requesting one of the permits that they
5 can obtain, regardless of the community standing, so not a
6 great deal has happened with that.

7 Orville, did you have something to add to that?

8

9 MR. LIND: That's all I had.

10

11 MS. SAVAGE: You may want to recognize that
12 Orville Lind is the current Chairman of the Aniakchak Resource
13 Commission.

14

15 MR. O'HARA: Okay. Council members, I guess
16 what we need to look at is whether we have any business asking
17 if Pilot Point and Ugashik would be a part of the communities
18 that would participate in the Aniakchak Monument. And when you
19 look at -- Orville knows and Roy know that if silver season
20 begins, all of this area moves right down into the base of the
21 crater and, you know, into the Cinder River and that's what
22 we're talking about, right, Aniakchak area?

23 MS. SAVAGE: The Cinder River.

24

25 MR. O'HARA: Runs up in behind the crater?

26

27 MS. SAVAGE: It does, I'm not sure if it's
28 where it goes.

29

30 MR. O'HARA: It's the same drainage.

31

32 MS. SAVAGE: Actually within the monument
33 boundaries or not.

34

35 MR. O'HARA: Oh. Well, that's a point for us
36 to think about, I guess, maybe we can deal with that as a
37 future agenda item if it's our business. Or if the people in
38 Ugashik and Pilot Point want to be part of that system. We may
39 not have any jurisdiction to deal with that, but if we do have
40 and they're interested in doing so some time in the future if
41 we could help them do it, that's fine. That's why I wanted
42 clarification on who's going to be using the Lake Clark and
43 Aniakchak. Orville.

44

45 MR. LIND: Mr. Chairman, as you said earlier,
46 there not enough documentation, however, I have talked to
47 elders and a few people there that have utilize that area a
48 while back and had showed some interest in joining the zoned

49

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communities, but failed to because of inactiveness and not being able to submit a letter from those communities.

2 However, if it was brought up, I'm sure, by Roy, we'd get some kind of progress in that direction.

4
5 MR. O'HARA: That might be something we might want to look at at the next meeting and Roy, if he felt like there was an interest or if there's anything that needed to be done, otherwise we'll just leave it like it is.

9
10 MR. MATSUNO: I know from my personal experience that there is -- you know, like Orville was saying that the elders used to hunt down there before, but, you know, recently there's nobody from Ugashik or Pilot Point that goes down that way any more.

15
16 MR. O'HARA: You rather get a caribou in July behind Ugashik then

18
19 MR. MATSUNO: Yeah, that's

20
21 MR. O'HARA: go to the Aniakchak Monument then? All right. Well, it may not be an issue, then, that would be

24
25 MR. MATSUNO: Yeah, I've talked to Orville about it before.

27
28 MR. O'HARA: Okay. Robin.

29
30 MR. SAMUELSEN: Well, do you think a letter from this body to the Regional Councils and asking them would be wise?

33
34 MR. MATSUNO: We could. But like I said, there hasn't, you know, from my point of view there

36
37 MR. SAMUELSEN: What about you, Orville, what do you think?

39
40 MR. LIND: I think if there used to be a C&T site in that area, I think it should continue. That's my feelings, if they had used it in the past, I would urge people to use it again to keep up our traditions.

44
45 MR. HISCOCK: Mr. Chair.

46
47 MR. O'HARA: Yeah.

48
49
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MR. HISCOCK: Just a couple of things to keep in mind. One is that anyone who can show that use can apply for a permit from the superintendent. Another is that there is a distinction between the monument and the preserve and what it would take to acknowledge another community as a residence zoned community is a showing of actual customary and traditional use of the monument lands, not the preserve.

7 That may well, indeed, be the case. I have heard some people say that most of the use or a lot of it occurs on the preserve, so it something to keep in mind anyway, it's the use of the monument lands.

11 And there are various ways to approach this and that's the final thing I would say. One is the Subsistence Resource Commission, itself, has made a recommendation in the past for addition. One thing that the Subsistence Resource Commission might consider in the future that other commissions have done is requesting the Secretary to make an effort to research the use of those communities as a step towards the ultimate decision.

19 And one other thing to keep in mind is that this Regional Council can certainly make any recommendations, but the Federal Subsistence Board, itself, doesn't have the authority to change the situation, it would be the Secretary of the Interior or the Director of the National Park Service. And, I assume, the Federal Subsistence Board would pass along any recommendations that you make to the appropriate body.

26

27 MR. O'HARA: Robin.

28

29 MR. SAMUELSEN: Dan, I think Sam had a

30

31 MR. STEPANOFF: Go ahead.

32

33 MR. ABRAHAM: Mr. Chair, I don't think the local people or surrounding area -- I'm talking about Native people, should require a permit to go, you know, hunting anywhere. Only those that require permit would be, like, big game hunters or sportsman, something like those over there. But the people, themselves, like Native people, that are born and raised in that area shouldn't need permit to go anywhere. Because you do that, you're going to start something -- that'll start, you know, the whole Alaska, you know, if you start a permit system.

43

From past experience in Togiak area there, the people don't like to carry a card that says, you know, I cannot go this way, I can go this way. Only people that should need permit, like I say, is, you know, the big game hunters, the big game guides, whatever or sports hunters. Other than that, you know, I don't go for this permit system for local Native

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people.

1

2

MR. O'HARA: Okay. Sam.

3

4

MR. STEPANOFF: Yeah, I had the same idea here, but the deal is, you know, like we're all one here and we got relations that live in wherever and, you know, we go hunting there because, you know, we're related to them. And it actually doesn't make any sense to have a permit or whatever, like he's saying, you know.

10

11

MR. O'HARA: Robin.

12

13

MR. SAMUELSEN: Would it be appropriate for us to write the Traditional Councils of Ugashik and Pilot Point and ask them what exactly do they want? I mean, it seems like it's ludicrous for us to go the Secretary and make a recommendation when we've got to hear from the people that's being affected, what they want. That's all I'm saying.

19

20

MR. O'HARA: They may not be interested at all.

21

22

MR. SAMUELSEN: They may not be interested,

Yeah.

24

25

MR. O'HARA: Two items, Robin, that -- the two last items you mentioned here, John, could be put in the letter. One is they can go through a request of a permitting system and the other submit to the Resource Committee a request to be a part of that system. And if they want to come back to us, we'll be glad to help them, that's the only point of bringing it up.

32

33

MR. SAMUELSEN: Uh-huh (affirmative).

34

35

MR. HISCOCK: In response to your question, I don't think there's anything at all that would keep you from doing that if you so desire. And the only thing I'd mention again is there is a Subsistence Resource Commission and then their focus is on issues like this.

40

But that doesn't mean that you can't make recommendations as well. So that's entirely up to you.

42

43

MR. O'HARA: Yeah, I think Robin's idea is a good one, we'll go through channels that we covered

45

46

MR. SAMUELSEN: Mr. Chairman.

47

48

MR. O'HARA: Yeah.

49

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1 MR. SAMUELSEN: I recommend that we write the
2 Subsistence Resource Commission a letter since they've got the
3 charge of dealing with the Tribal Councils.

4
5 MR. O'HARA: Okay. Can we make that a
6 recommendation from this body to Helga to go ahead and do that
7 and bring us back the information at the February meeting?
8 Okay, Helga is that's your assignment (ph)?

9
10 MR. STEPANOFF: Mr. Chairman.

11
12 MR. O'HARA: Yes, Sam.

13
14 MR. STEPANOFF: You know, like it's getting to
15 where, like, you know, Perryville and Ivanof, you know, they're
16 getting to where they're saying, you know, what are you doing
17 hunting my land, you know, and it's getting kind of bad. Same
18 way with my Chigniks there. They're putting up gates (ph) now.

19
20 MR. O'HARA: I understand that because, but I
21 think this is a good point too, because say from South Naknek
22 North Side, you know, we need to get permission now to go
23 over there to kill a caribou on their land. And it's not like
24 we don't want you over there to get the caribou, if the caribou
25 are over on this side, we'll come over and get one on your
26 side, but we need to know about it. And they don't charge us
27 for it, they don't restrict us, but just a matter that is their
28 land. At that time that is their resource and so it's not
29 totally out of order, it's a good point.

30 If we want to belabor this point now, we could
31 spend all day on this type of thing, but I think we need to
32 clarify before participate in a committee system to do that.
33 If there's no other questions by the Council.

34 Go through those Iliamna names again. I mean,
35 the names that are up on the Lake Clark National Park. Was
36 Iliamna not put into the

37
38 MR. HISCOCK: Yes, Iliamna is one of the
39 residence zoned communities for Lake Clark.

40
41 MR. O'HARA: Pedro Bay, Iliamna, Newhalen,
42 Nondalton.

43
44 MR. HISCOCK: Nondalton, Lime Village, Port
45 Alsworth.

46
47 MR. O'HARA: Port Alsworth. Okay. And those
48 are the ones then. Kakhonak across there and Igiugig is too

49
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far away to ever used the system?

1

2 MR. HISCOCK: They were not identified as
 3 Having significant concentrations of people who use that area.

4

5 MR. O'HARA: Almost a drainage type thing
 6 Situation takes place in those user groups in those types of
 7 Situations. We use everything in drainages when we deal in
 8 Terms of what happens in Bristol Bay a lot. I know the Alaska
 9 Department of Fish and Game people can identify a lot of things
 10 in drainages. Okay, no other discussion on that? Robert, do
 11 you have a point?

12

13 MR. HEYANO: No, just that if we're going to go
 14 into the appointments of the Lake Clark National Park, I guess
 15 I'd be interested in hearing from Tim on his recommendations or
 16 suggestions for the three appointments.

17

18 MR. O'HARA: Okay. So we have three to come
 19 out of the Lake Clark National Park people. Tim, what are your
 20 thoughts?

21

22 MR. LaPORTE: Well, going on, basically, what
 23 we had mentioned yesterday, a couple of them are already on the
 24 Commission by government appointee or State appointee. So
 25 really the only available ones are Ethel Adcox and I know as
 26 Chairman of the Iliamna Advisory Committee she's a real good,
 27 faithful person. I mean, every time she's in town she's at the
 28 meetings, has a lot of good input.

29

30 Jimmie Balluta is always a good asset to the
 31 meetings there too. He also, I think, owns land up inside the
 32 park or his mom does, anyway. Sophie Austin owns land up in
 33 there, he would be a real good one.

34

35 Carl Jensen has made it to all the meetings,
 36 the Pedro Bay representative there. So I think any one of the
 37 three there, the others are pretty well appointed to the
 38 Commission already.

39

40 MR. HISCOCK: Mr. Chairman.

41

42 MR. O'HARA: Yes.

43

44 MR. HISCOCK: I'd just like to clarify and I
 45 was concerned about this. I want to make sure that the Council
 46 understands that Mike Delkittie and Dave Wilder will not be on
 47 the Commission any longer unless you appoint them. They were
 48 appointees of the former State Regional Council, they will be
 49 appointed to the Commission if you appoint three others.

50

I'm not advocating that those be your choices,

51

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I'm just explaining to you that in my note there, that they're a current member means they're a member right up until a point you make the three appointments, then they'll be off if you don't choose to appoint them yourselves. So they certainly should be considered to be candidates.

5

6 MR. O'HARA: Okay. If I could ask a question.
7 You have Ethel Adcox, Jimmie Balluta, Mike Delkittie and Dave
8 Wilder all up for renegotiation, right?

9

10 MR. HISCOCK: No.

11

12 MR. O'HARA: No, okay. Tell us who's going to
13 be off if we don't take action and tell who's there to stay if
14 we don't take action.

15

16 MR. HISCOCK: Okay. If you appoint three new
17 members and they don't include Mike Delkittie or Dave Wilder,
18 those two people will be off of the Commission.

19

20 MR. O'HARA: The other ones, Ethel Adcox and
21 Jimmie Balluta stay on there automatically.

22

23 MR. HISCOCK: Ethel Adcox is not currently a
24 member of the Commission.

25

26 MR. O'HARA: Oh, she's just eligible.

27

28 MR. HISCOCK: She's a member of the Lake
29 Kiamna Advisory Committee. The only other person on the list
30 who is a member of the Commission and it really wouldn't do to
31 appoint him is Wassie Balluta, who's a member of the
32 Subsistence Resource Commission by virtue of a Governor's
33 appointment. So if you were to appoint him, he really had just
34 been appointed by two different source and fill two seats,
35 which really isn't possible. Does that

36

37 MR. O'HARA: What we're going to do is go into
38 this a little bit more, we're going to take a break, see what
39 Tom wants to do during break time, come back. Yes.

40

41 MR. FOWLER: You were naming names there. Carl
42 Jensen is also one that would be eligible to be named to the
43 Commission, he is currently not on there either.

44

45 MR. O'HARA: So you got Ethel Adcox, Carl
46 Jensen, Dave Wilder and who else, Mike Delkittie?

47

48 MR. LaPORTE: Yeah, Mike Delkittie. Jimmie

49

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Balluta.

1

2 MR. HISCOCK: Mr. Chairman, if you would like
we can on a flip chart list the ones who really are available
for appointment and maybe that would simplify it.

5

6 MR. O'HARA: Okay. Could we have -- is it okay
with the Council if we have these names given to us and Tim
want to make any comment during break time to anyone of the
Council members, that's fine. Do you want to see who's
eligible for Aniakchak before we take a break? Yeah, Robert.

11

12 MR. HEYANO: Mr. Chairman, I think we have that
information, it was passed out yesterday on two separate pieces
of paper. It's a little confusing, but I think we can follow
15.

16

17 MR. O'HARA: Okay, we have two pieces of paper
here, what's the confusion -- can anyone add to the confusion
at this time?

20

MS. SAVAGE: One of those lists -- there's two
lists that list the current members of the Commission and then
there's two list that list the potential appointees and that's
what the four different list are.

24

25 MR. O'HARA: Susan, you have a nominating
source? Oh, that's Lake Clark -- nominating source for
Aniakchak and the other list is who's on it. Great
work (ph). And, let's see, Roy and Sam are you the guys that
deal with that section down there. We'll call upon these
people to talk to us about after we come back. Let's 10 or 15
minute break.

32

33 (Off record)

34 (On record)

35

36 MR. O'HARA: On record and at this time Helga
has an announcement to make.

38

39 (Off record comments about hotel reservations)

40

41 MR. O'HARA: Okay. If we could call the
meeting back to order. We're dealing with the agenda item
appointing some advisors to the -- it's call the Subsistence
Resource Committee?

45

46 MS. EAKON: Subsistence Resource Commission.

47

48 MR. O'HARA: Okay, Commission. And at this

49

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time, after looking at the eligible people at the Lake Clark National Park, we have three names that we'd like to bring before the Council today. And that would be Jimmie Balluta, that the one, Tim, is that right?

4

5

MR. LaPORTE: Mike

6

7

MR. O'HARA: Mike Delkittie, excuse me. Mike Delkittie, Dave Wilder and a vacant seat on that would be Tim LaPorte and those are -- something we kind of sat down and worked up here. It's up to the Council members to do anything you'd like otherwise. Yeah, Robert.

12

13

MR. HEYANO: Mr. Chairman, if it's in order, I'd move that we appoint Mike Delkittie, Dave Wilder and Tim LaPorte to fill the three vacant seats. That would be our recommendation of this Council.

17

18

MR. O'HARA: Okay, is there a second to that motion?

20

21

MR. SAMUELSEN: Second.

22

23

MR. O'HARA: All right, any discussion.

24

25

MR. MATSUNO: Question.

26

27

MR. O'HARA: Okay, question, all those in favor say aye.

29

30

(Ayes respond)

31

32

MR. O'HARA: Opposed.

33

34

(No responses)

35

36

MR. O'HARA: All right. Let the minutes show that it's unanimous in that issue. Let's go to Aniakchak now. And these are the names that we have, David Anderson, Michael Gunert, Johnny Line, Brad Resnick, Afonie Takak, Bob Hunt and Sam Stepanoff. And we will rely upon Roy and Sam to give us a little bit of input. And we need how many, John, for this little operation?

43

44

MR. HISCOCK: A total of three.

45

46

MR. O'HARA: A total of three. Yes.

47

48

MR. STEPANOFF: I'm from Chignik Lake and right

49

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now there that's not even residents, like this Brad Resnick, he's the superintendent ADF for Chignik, he live out, I don't know, Colorado or you name it (ph). He should be scratched off and then Michael Grunert, he's, you know, from Chignik, but he's not a resident, so is David Anderson.

5

6 MR. O'HARA: David Anderson lives in Anchorage
and Grunert lives in Homer.

8

9 MR. STEPANOFF: I guess.

10

11 MR. O'HARA: Yeah, okay. So do you want to put
a question mark -- do you have a marking pen there, behind some
of those.

14

15 MR. HISCOCK: Mr. Chairman, if the is, indeed,
the case, then they would not be qualified. My initial having
put them on here was based on the State Local Advisory
Committee list, that showed that their residence was in those
areas, but it sounds like Sam has some newer information and is
more familiar with that.

21 So it was David Anderson and Michael Grunert
and Brad Resnick?

23

24 MR. STEPANOFF: Right.

25

26 MR. HISCOCK: Okay, I'll, at least, put
questions marks next to those that they may not be eligible.

28

29 MR. STEPANOFF: Right.

30

31 MR. HISCOCK: And that narrows it down.

32

33 MR. O'HARA: Yeah, got four people now. Roy
and Sam, what do you think?

35

36 MR. LIND: Mr. Chairman, excuse me. I would
like to comment on Bob Hunt. He's not a resident of Meshik
either. He there only in the summertime, he lives in Mexico.

39

40 MR. SAMUELSEN: Looks like we got three names.

41

42 MR. O'HARA: Okay. Narrow the playing field
down a little bit there. What's the wishes of the Council?
Add Roy and Sam?

45

46 MR. MATSUNO: I move that we support Johnny
and, Afonie Takak and Sam Stepanoff on the Aniakchak
Subsistence Commission.

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1 MR. O'HARA: Second?

2

3 MR. HEYANO: Second.

4

5 MR. O'HARA: Any more discussion on this
6 motion. Call for the question.

7

8 MR. ABRAHAM: Question.

9

10 MR. O'HARA: All those in favor say aye.

11

12 (Ayes respond)

13

14 MR. O'HARA: Those opposed.

15

16 (No responses)

17

18 MR. O'HARA: Okay, we'd like to note in the
19 minutes, Helga, that this is a recommendation to these resource
20 commissions or whatever they're called. However, we would like
21 to add next time that any appointments come up that this
22 committee would be more active and they can be active and bring
23 us some names that they think they would like to deal with.
24 As that what you mentioned, Robert?

25

26 MR. HEYANO: Yes, Mr. Chairman, I think -- I
27 feel fairly uncomfortable making these recommendations at this
28 time. I think the Local Advisory Committees in these area or
29 the Subsistence Resource Committees should provide us with a
30 list because, you know, they're more directly involved in it
31 and I think the choice would be a lot better. Something that
32 we can endorse.

33

34 MR. O'HARA: We had to have a starting point
35 today. Yes, Orville.

36

37 MR. LIND: I just have a comment. Mr.
38 Chairman, the people that are on, Johnny Lind, Afonie Takak and
39 Sam Stepanoff, one thing that I certainly look for is being a
40 subsistence user, a local resident and knowledgeable of that
41 area concerning subsistence. And everyone of them fits the
42 bill pretty good. And in the future, I agree, that maybe you
43 can have a short biography or something that goes along with
44 those names so you can become familiar with a candidate.

45

46 MR. O'HARA: Okay. And you chair that Resource
47 Committee, Orville?

48

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MR. LIND: Yes, I do.

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MR. O'HARA: John.

MR. HISCOCK: Mr. Chairman, just as an administrative matter I would encourage the Council, and maybe this is with Helga's assistance, to send out appointment letters to these new appointees as soon as possible. The Lake Clark Subsistence Resource Commission has requested us, the National Park Service, to hold a meeting in early November, I believe it is.

MR. FOWLER: 16th of November.

MR. HISCOCK: And so we'll want to make sure that these new members get the letters of appointment and are set up to take part in that meeting.

MR. O'HARA: Well, how does that work then, Helga writes a letter and

MR. HISCOCK: Enclosed in that packet that was sent to you by the Regional Director was a draft letter that you might use to send to these individuals. Essentially, just informing them that they'd been appointed. And, of course, there's always the possibility, I suppose, that the individuals may not want to serve and would respond to you in that fashion. But there is a draft letter in there, you can either use that or come up with something of your own that you want to use, but it's a pretty general letter. It simply states that we're glad to inform you that you've been appointed by the Regional Council.

MR. O'HARA: Any further discussion on either of those items.

MS. EAKON: Excuse me.

MR. O'HARA: Okay.

MS. EAKON: Mr. Chair, I could, if the Council approves, when I go back to Anchorage next week go ahead and do this letter and for your signature, Mr. Chair?

MR. O'HARA: Right, that'll be fine.

MS. EAKON: Okay.

MR. O'HARA: Now, we've finished with the appointments and you said, Helga, you had one other item that

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you wanted to deal with after appointments of these committees and that was changes to regulations. Would you like to deal with that?

3

4 MS. EAKON: Yes. Please look under Tab 5 in your book and the very first document you should see there is a brief summary of the proposed regulation changes. And these regulations were published in the Federal Register on September 8, 1993.

9

Proposed changes include deletion of the definition classification for fur animal. New definitions of designated hunter, harvest limit, hunting marmot, ram and trapping. Deletion of fish and shellfish taking regulations.

13

The proposed regulations contain no provisions for subsistence taking or taking of shellfish. At this time these regulations are being revised to simply area restriction, methods, means, seasons and harvest limits.

17

A change in the regulatory year from July to June 30 cycle to a January 1 to December 31 cycle is being considered to provide more consistency during the months when fish and shellfish are the most commonly harvested. The revised subsistence fish/shellfish regulations will be put forth in a separate proposal in the next several months.

23

The next proposed change is modified methods and means restrictions associated with the taking of wildlife by hunting and trapping. Modified unit tables to distinguish between hunting and trapping seasons and harvest tables.

27

Restriction on the use of hooks to take wildlife. Deletion of same day airborne regulations for taking of certain fur bearers. And, finally, change in harvest limit restrictions of bull moose to "antlered bull moose" in certain units.

32

I thought it important to state for the record that these are the proposed regulation changes.

34

35 MR. O'HARA: Okay, Do we have any questions or comments by the Council on the proposed regulation changes? Let me ask Dick Sellers and Dick Russell a question. Changing the dates under the deletion of fish and shellfish taking -- the cycle to the first of the year through the first of the year, is that right, Helga?

41

42 MS. EAKON: Yes, January 1 through December 31.

43

44 MR. O'HARA: Okay. What does the Alaska Department of Fish and Game have for their calendar year on dealing with regulations? You guys know offhand? The same?

47

48 MR. SELLERS: (Indiscernible)

49

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1 COURT REPORTER: I can't hear you, sorry.

2

3 MR. SELLERS: All our regulatory year go from
4 July 1 though June 30th.

5

6 MR. O'HARA: We're not in compliance, then,
7 with the Alaska Department of Fish and Game as far as what our
8 regulatory year is going to be. That's okay. Thanks.

9 All right. I have a question here on the
10 restriction on use of hooks to take wildlife. What does that
11 mean anyway?

12

13 MR. MARSHALL: I think I can explain that.

14

15 MR. O'HARA: Want to state your name for the
16 Reporter here so he can get a record.

17

18 MR. MARSHALL: Dick Marshall, Subsistence
19 Office. It's come to our attention that there is a practice of
20 using a baited hook that's suspended in the air, usually, I
21 guess to ensnare animals that would attempt to jump and leap
22 and obtain that bait. It doesn't refer to -- it came up at
23 Barrow, we want to make sure that we mistakenly lead anybody to
24 believe -- we're not talking about grappling hooks for drags,
25 trap drags, we're talking about actually a hook that ensnares
26 the flesh of an animal.

27

28 MR. O'HARA: That's a no-no.

29

30 MR. MARSHALL: We think it should be.

31

32 MR. O'HARA: Yeah, I would think so too.

33 Robert.

34

35 MR. HEYANO: I have a question on the same day
36 airborne regulation for fur bearers. I know there's still a
37 lot of interest up in the lake area there, you know, wolf
38 hunting and different land and shoot type practices there, but
39 what exactly is being proposed? I mean, to totally delete same
40 day airborne or -- I mean, where are these regulations at that
41 we're looking at here.

42

43 MS. EAKON: Immediately under your buff colored
44 chief summary.

45

46 MR. O'HARA: Any other questions?

47

48 MR. HEYANO: Mr. Chairman.

49

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1 MR. O'HARA: Yes.

2

3 MR. HEYANO: I guess I'd like to hear an
4 explanation on the deletion of same day airborne regulations
5 for taking a certain fur bearer. What exactly are we talking
6 about without actually having to read the

7

8 MR. MARSHALL: I would almost have to leave
9 what plead to John Hiscock, he may have that right at his
10 fingertips.

11

12 MR. HISCOCK: I'm somewhat familiar with the
13 issue only because I've dealt with Fish and Wildlife Services
14 Regulatory Specialist on this, but in the current year there
15 are certain species that the Federal Subsistence Regulations
16 allow same day airborne hunting or same day airborne trapping
17 for is somewhat limited.

18 Deer are allowed to be taken by same day
19 airborne, however, I'm not sure that's an issue at all in this
20 region because I don't think there are any deer in this region.
21 Also lynx and coyote, I believe, are allowable to be taken by
22 same day airborne.

23 The proposed regulation for this year would
24 prohibit all same day airborne activities under the Federal
25 Subsistence Regulations with the exception of same day airborne
26 for deer. Everything else would be prohibited as far as same
27 day airborne taking.

28

29 MR. LaPORTE: This is on Federal lands?

30

31 MR. HISCOCK: On Federal public lands. The
32 State still, of course, has provisions allowing it. And by the
33 way, these regulations would not close Federal public lands to
34 what's allowed by State regulations, so if the State regulation
35 allowed same day airborne activities on lands, their
36 regulations would still apply as well. But what this does is
37 prohibits that activity as a Federal Subsistence activity.

38 MR. HEYANO: Mr. Chairman.

39

40 MR. O'HARA: Yes, Robert.

41

42 MR. HEYANO: If I may continue, I'd like to
43 know some of the reasoning behind this proposed regulation and
44 where is it generated from.

45

46 MR. HISCOCK: That I don't know whether I can
47 personally explain for you. Unfortunately, I don't think -- I
48 guess I would refer back to Dick on that one. This came,

49

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essentially, through some thought process of Fish and Wildlife Service.

2

3 MR. MARSHALL: I'd have to do a little reading
4 here, but I know -- Dick Marshall, Subsistence Office. There
5 are a couple issues associated with this. One is the
6 harassment, intentional or unintentional, of animals by people
7 flying the aircraft prior to land and shoot. With the idea
8 that if a person has to be 100 meters or 300 feet from the
9 airplane when they shoot it they might want to wear that animal
10 down before they land and shoot. I mean, that was a concern.

11 As was the general enforceability of making
12 sure a person is X number of feet from their aircraft. If I
13 recall, the primary focus of it had to do with harassment of
14 animals prior to the landing and shooting. We have heard that
15 that practice occurs and do not feel that that's part of a
16 customary and traditional subsistence uses.

17 John is correct that we would not be closing
18 down Federal lands to that use fully recognizing that that
19 activity can continue to occur by not only subsistence users
20 but other users, but felt that, at least for our part, that
21 this practice should not be part of subsistence regulations
22 because it is not a customary and traditional means of taking
23 animals.

24

25 MR. O'HARA: Are you satisfied with that now,
26 Robert? Does that answer your question?

27

28 MR. HEYANO: I guess, Mr. Chairman, is this the
29 place where we get into this or do we do this after lunch when
30 we're considering on the agenda the proposed changes.

31

32 MR. O'HARA: I think right now this would be
33 informational and if you wanted to do a proposed change, by
34 yourself as an individual or have this Council make a proposal,
35 after lunch would be the time to do it.

36

37 MR. HEYANO: Yeah, okay, Mr. Chairman. I guess
38 I think we got to be real careful about this one here
39 because I think if we endorse it we're making some assumptions.
40 I think the first assumption is that using an aircraft may be
41 isn't customary and traditional and I'm not sure if this
42 Council is at that point to endorse that concept or not.

43

44 I think as you and a lot of other people are
45 aware that aircraft has been used for subsistence purposes,
46 especially in this area, for a long time. And, I guess, that's
47 some of the concerns I have with this propose regulation, but
48 if it's something that we can take up after lunch, before we
49 adjourn, I'd just as soon wait till then.

49

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1 MR. O'HARA: So in that case, if you're not a
 2 customary and traditional user, you can land and shoot a wolf
 3 on Federal land, but if you're a traditional -- custom and
 4 traditional user you can't land and shoot a wolf the same day
 5 airborne on Federal lands, is that right?

6

7 MR. MARSHALL: I'd like to clarify that.
 8 Qualified subsistence users can choose to continue to harvest
 9 fish and wildlife under State regulations. They are not
 10 constrained to harvesting under Federal regulations. They, as
 11 well as other users, can continue on Federal lands to take
 12 animals and fish under State regulations unless the Board has
 13 taken specific action to close that particular area to that
 14 particular species other than for deer (ph).

15

16 MR. O'HARA: I'm really confused on this issue
 17 because Dick Sellers says we can chase down a wolf and shoot it
 18 the same day as airborne, if we land, is that right? Is that
 19 the State regulation we're dealing with, you can't kill a wolf
 20 when you're airborne?

21

22 MR. SELLERS: The new State regulation says
 23 that you can take wolf the same day as airborne as long as
 24 there's no harassment involved and as long as you land and then
 25 walk 100 yards or more away from your airplane before you shoot
 26 them.

27

28 MR. O'HARA: The Federal people are saying you
 29 can't do that on Federal lands.

30

31 MR. MARSHALL: That's the proposed rule.

32

33 MR. SELLERS: The proposed rule (ph) would be
 34 if you had a trap line and you accessed your trap line with an
 35 airplane and then you started with snowshoes to check your
 36 traps and then saw a wolf two miles from your plane you still
 37 couldn't shoot it.

38

39 MR. O'HARA: I see, okay.

40

41 MR. SAMUELSEN: Danny, a couple of pages back
 42 under the proposed rules, on Page 46678.

43

44 MR. O'HARA: Under the Federal Register (ph)?

45

46 MR. SAMUELSEN: Yeah.

47

48 MR. O'HARA: Okay.

49

50

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1 MR. SAMUELSEN: Get back there and you get to
2 like a reg book. You go over on the right hand column there,
3 top of the page and the top of the page is 46678, third
4 paragraph over, second paragraph down, it says, a same day
5 airborne regulation.

6
7 MR. O'HARA: Okay. Yes, Orville.

8
9 MR. LIND: Excuse me, sir, something to what
10 Mr. Sellers said, it says 100 feet not 100 yards.

11
12 MR. O'HARA: Okay.

13
14 MR. SELLERS: Mr. Chairman, the new State
15 regulation says 100 yards.

16
17 MR. O'HARA: It's at least 100 yards from your
18 airplane, huh? Boy, a wolf could catch his breath by then.
19 Okay, any other question on that issue. Any other concerns you
20 have on changes to regulations that Helga has dealt with us not
21 on this agenda item? Okay, what else do you have before lunch
22 today? Helga

23
24 MS. EAKON: I don't have anything.

25
26 MR. O'HARA: Let me make a suggestion, then,
27 unless there's some other things that the Council has that
28 you'd like to deal with between now and the next 20 minutes.
29 Yes, Mr. Sellers.

30
31 MR. SELLERS: Mr. Chairman, Dick Sellers, Fish
32 and Game. I'd like to make a brief statement about some of the
33 complexities of dual management and the role that the
34 Department of Fish and Game will be playing.

35 First of all, I'd like to thank the Federal
36 people for inviting our participation in this meeting, but in
37 the future, I hope you realize as a Council, that Fish and Game
38 participation will be somewhat constrained by staff, time and
39 budget. Between Richard Russell and myself you're looking at
40 the entire staff of Alaska Fish and Game in King Salmon on a
41 full-time permanent basis.

42 We were fairly convenient for us to attend this
43 meeting and to participate, but as you schedule meetings
44 throughout Bristol Bay I hope you understand that we have no
45 budget to attend those meetings. We have limited budget to
46 participate in the Local Fish and Game Advisory Committee
47 system, which is, of course, our first priority.

48 For myself I've got eight local committees to
49
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attend and participate in and I've got a budget of \$1,000.00 to do that. So that as this process continues and you're meeting in Dillingham, it's unlikely that Dick or I will be able to travel to those meetings. Even when you're in our area of responsibility, for instance, at Chignik or Port Heiden or whatever, we have no budget to attend those meetings. So I hope if questions come up that you would like our input that you will be sympathetic to the fact that we may not be able to be there and provide information on the spot.

9 However, if at any point you have questions that you think we could help with on an individual basis or as a Council, we'll be more than happy to provide whatever assistance we can, but there are limits to our participation in your meetings.

14

15 MR. O'HARA: Well, thank you for that and before we let you go, Dick, we mentioned yesterday that your fish and your game swim to the rivers into the boundaries of the Federal people and the care and the regulations have to be consistent to maintain the level of resource, regardless of what we're doing here or who we are, first of all. So we do desperately need your input.

22 And as you can tell yesterday, we used you a lot on questions we had and it's obvious that in some cases you have all the information on resource and some of the Federal people didn't have any information on the resource, so, you know, we're almost taking on something that all the pieces of the puzzle are not there.

28 And, I guess, the question I'd like to ask Olga, since she's our administrator and give other Council member to ask these same questions, if we go to Dillingham do you have staff people over there qualified to answer, right? (Pause) That nod means yes? Jeff

33

34 MR. SELLERS: Depending on what the question is.

36

37 MR. O'HARA: Yeah, I mean Jeff Grady (ph) is commercial fish, but he may not know the answer to the east side.

40

41 MR. SELLERS: That's true (ph).

42

43 MR. O'HARA: Okay, so that's important then. And then who's your game man over there?

45

46 MR. SELLERS: Larry Van Dell (ph), who'd certainly be qualified to talk about the Mulchatna caribou or those up in the Nushagak, but who may not know about the

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Chignik situation, for instance.

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2 MR. O'HARA: The Black Hills caribou herd or
3 the peninsula herd, right. The question I have before I turn
4 it over to the rest of the Council members, is this. Helga, is
5 there a possibility of being a teleconference if we got to a
6 certain issue to ask these people a question before we decided
7 to do a proposal on something to get all the data we needed?

8

9 MS. EAKON: I don't foresee a problem with that
10 if we can do a hook up as long as you're available.

11

12 MR. O'HARA: If we had a plane going there,
13 would you want to ride along with us, you want to sleep on the
14 floor?

15

16 MR. SAMUELSEN: Mr. Chairman.

17

18 MR. O'HARA: Robin.

19

20 MR. SAMUELSEN: I've experienced this problem
21 on the Board of Fish dealing with fishery issues where the
22 Department of Fish and Game had a representative there, where
23 Dick Russell had the personal knowledge and I've begged and
24 everything I could to get Dick Russell in to testify before the
25 Board of Fish because of his personal knowledge in managing the
26 fishery.

27

I think it's imperative that when we're making
28 decisions concerning the recourse that the person that knows
29 the most, that can give us the best advice, be at that meeting.
30 I think it would be appropriate that we write the Commissioner
31 a letter, recognizing the value of the Commissioner's staff,
32 the input that his staff out here could give us on various
33 issues.

34

I think if we go through this process, although
35 there's for a Federal process and there's a State process, in
36 managing land, I think it would be criminal to send out mixed
37 messages to the people in our village where when they go
38 subsistence hunting they got to take a damn X along to go
39 hunting. And it's getting like that in the commercial
40 fisheries now and I'd sure hate to see it spill over to, you
41 know, what lands can I go on, Federal, State. Can I use steel
42 shot or only 22's, you know.

43

We got to be careful, it's one thing to adopt
44 regulations, but if we start confusing the public and the
45 public get frustrated with the regulations, then they won't be
46 filling out their permit tickets, harvest tickets, and we won't
47 be getting back the information and I think we'd be going
48 backwards.

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And, you know, in this interim period, whether it's interim or the State and Federal management or it's going to be a full-time thing, I think it's necessary that cooperation between the State and the Federal Government, especially in this beginning stages, is very important. And to the success of both State and Federal management on our (ph) hands.

7

8 MR. O'HARA: We are both. We sit here as ADF&G
and we sit here as Federal people now. Russell.

10

11 MR. RUSSELL: Mr. Chairman, I'm Richard
Russell, Fish and Game. I think from my perspective and you
have some staff members here who are biologist from the Federal
agencies to assist you at these meetings. And a lot of the
bus in communication back and forth is going to fall on those
folks.

17

We also have a member of our staff in Anchorage
the name of John Morrison, I believe, who is supposed to be
a kind of liaison person between us and these gentlemen here
and other staff members that they may have. But, I think,
ideally if prior to your meetings you might have some sort of a
teleconference or phone calls amongst yourselves or something
where you kind of had a scoping process a little bit. So you
knew what issues you might be dealing with at a meeting, let's
say you might have six weeks from now or a month from now or
whatever, so that you could, through your staff support,
identify to these gentlemen or any other staff that they might
have on the process what data needs they might need then they
would probably trying to contact us for background information
or other sources, other than us, as well.

31

And it also would alert us in the event that we
happen to be available to attend that meeting or whatever --
what we need to be prepared for a particular item at a
particular time. We didn't come to these meetings today, for
instance, prepared to discuss any particular issue, but I
envision that if you had a meeting a year from now we might
have appropriate staff here, some members of the staff that you
mentioned this morning that aren't here today.

39

If you had a jet boat issue, for instance, the
sport fish biologist might very well want to be here, but
anyway give us some lead time and them some lead time to
prepare. As Dick said, if you have a meeting in Chignik close
to the time we're going to have a Board of Fisheries meeting in
Anchorage, you're not going to see us. You might have to talk
use by phone and certainly we'll do the best we can to help
you.

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48 MR. O'HARA: Thank you, I appreciate that. Any

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other thoughts from the Council on this matter? Let me ask you a question. I think it's pretty important to this Council. What kind of exchange do we have between the Federal Resource people and the Alaska Department of Fish and Game as far as sharing information? You've done a lot of in region stuff, is that going over to the Alaska Department of Fish and Game or how does that exchange of information go?

7

8 MR. MARSHALL: I can address that Mr. Chairman. As Richard said we do have a liaison person with the Department of Fish and Game for wildlife and we also have one, Terry Haynes, that deals with the social side, the human use (ph) aspect of it.

13

We have four biologist on our staff covering the entire State. Those gentlemen on a day-to-day basis interact with refuge, park and ADF&G field staff doing the very thing that was described, trying to anticipate questions that are going to be asked and prepare to address certain issues.

18

It's difficult to come to the table, when we have one biologist with such a large area, prepared to brief in detail on any one item. The suggestion if we could scope it out would certainly help.

22

But in answer to your question, we have a continual interchange of data and information. We also when we have what we call an in-season action that has to be done, a closure for instance, there's a great focus of interchange of information that proceeds that, so it's a continual thing.

27

And I want to emphasize how much ADF&G is part of the process of data acquisition and data analysis. The refuges provides some, the parks provide some, ADF&G is a major source of that information.

31

32 MR. O'HARA: Okay, thank you, I appreciate that. Any other comments from the Council? Okay. At this time I was given a set of keys here that goes to the -- Smiley, you probably are the key man involved in this thing, but the community here or Adilia Harmond (ph) said that if anyone was interested in seeing the museum over here, right across the street, up by St. Theresa's, we could go open the door for that.

40

We may not have time before lunch, but maybe this afternoon for those who might be interested in walking to that museum over there and seeing what we have before you go home and time permits, we'd certainly be glad to have you do that.

45

In the remaining few minutes we have before we go to lunch, let me ask the Council about what we'd like to do this afternoon. We have an agenda that we've approved and the best of it is pretty much for public use. However, at the end

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of the meeting we're going to be talking about something that Robin brought up and that is to send a letter of support for ADF&G personnel that has geographical information that may not be available in the place we're meeting and in one form or another get information to us.

5 Second thing we need to think of this afternoon is that if this body is going submit any proposal at this time on anything that we would want to have deadline before November 8 and that's what we're going to deal with. Smiley.

9
10 MR. KNUTSON: I want to point out that Migratory Bird Treaty Act deadline for proposals is October 12th. And the U.S. Fish and Wildlife Service does have a booklet, I don't know if you've seen it or not, and they have five options. And one of the options for change is to have a short period of hunting opportunity in the spring for subsistence users. And since the deadline is October 12th, I think it's something that is important, I think it's something that needs to be considered this afternoon or some time by this Board and their recommendation from the Board, too, to U.S. Fish and Wildlife Service on the Migratory Bird Treaty Act.

21
22 MR. O'HARA: Who are the U.S. Fish and Wildlife Service person here today? No U.S. Fish and Wildlife Service here today?

25
26 MR. MARSHALL: You do have Fish and Wildlife Service people here, but we're talking stuff that Smiley here is from the Subsistence office and it's a little confusing to public, I know, this -- it's a separate program, but in effect is under a treaty, not under our regulations. We can certainly take any messages you might have back to the Migratory Bird people, we can do that.

33
34 MR. O'HARA: We might have a fur bearing situation this afternoon and a water fowl migration issue that this Council might want to deal with this afternoon. Any other items that need to come up here now before the break for lunch? Helga, we come back here at 1:00 o'clock?

39
40 MS. EAKON: It's your call, 1:00 o'clock, yes, 1:00 o'clock.

42
43 MR. O'HARA: Well, the agenda says 1:00 o'clock, so we're kind of tied to that whatever it is we're stuck with here.

46
47 MS. EAKON: Yes, 1:00 o'clock. We do have already a person lined up to make public comment at 1:00

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o'clock.

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MR. O'HARA: Okay. So if there's no other objection we'll break for lunch and recess until 1:00 o'clock.

(Off record)
(On record)

MR. O'HARA: Court Reporter you reading to go?

COURT REPORTER: We're on record.

MR. O'HARA: Can you hear us in the back? We are going to address the agenda item at this time, the public comment period which will be open to the public all afternoon until such time as we adjourn. And we have two people who are registered to testify this afternoon. I'd like to call the first one up to testify. State your name, please, when you come and make your presentation and please remain afterwards to have any questions that the Council might ask of you. The first person today that would like to talk to us is John Knutson.

MR. KNUTSON: Good afternoon. My name is John Knutson, I'm a resident of Naknek for the last 50 years. The first thing I want to say -- and I'm speaking as a subsistence user and private individual.

The first thing I want to do is commend you for taking the time to show interest in the program and congratulate you because there were many capable applicants and, of course, of all those you were chosen.

And I've got some notes here and what I have here is just the notes that I've taken in the last couple of days. I really haven't researched. I've been involved with this program for several years, writing proposals and, of course, everything I mention here today has either been submitted in the past as a proposal and will again be submitted prior to the November 1st deadline.

One of the big concerns I have I mentioned this morning was regarding the Migratory Bird Treaty Act. It's open for comments now until October 12th of this month and I think it would help to have, at least, a comment from this Council regarding that.

Myself, I will submit a proposal and the proposal will be to allow a time frame in the spring for hunting water fowl and egg gathering, as I think picking eggs, be it goose eggs, duck eggs, seagull eggs, is not detrimental to the water fowl numbers. And because you pick an egg, they'll lay another up until a certain point.

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So earlier in the season, preferably June 1st to June 15th is a good time period, those two weeks in June for a spring hunt. Like I said, I don't think it's detrimental to the water fowl. And I think that Water Fowl Treaty between us and Canada and Russia that was created in 1916 is a little outdated and it didn't include a lot of the residents of Alaska at the time. And consideration wasn't given their needs.

7 And while I'm on that subject of outdated treaties and what not, I also think the Katmai National Park up here, which has been in existence since 1980, and there is no, right now, any subsistence hunting, fishing or trapping allowed. Although they do allow it north of here. I think that needs to be reopened and looked at because we do know that residents of Naknek, South Naknek, prior to 1980 used it. Had full use, hunting, fishing and trapping prior to then and then when it was named and created in 1918, (sic) it only involved a small area of Naknek Lake.

17 I grew up using the western half of Naknek Lake with my grandpappy, of course, and I know a lot of residents here who did. But with the extension that disallowed hunting, fishing and trapping in the western end and we were limited to finally a small portion of the mouth of the Naknek River, where even the State regulations allowed an 100 yard area for subsistence use with a certain (ph) kind of net.

24 And when the Federal Government came in 1990 that adopted the regulations they, of course, included that with their original subsistence regulations that allowed, again, 100 yard area at the mouth of the Naknek Lake for taking rod fish. And then, consequently, with hiring of a subsistence specialist for the Park Service, who looked at the regulations, and was done administratively, ANILCA said there will be no subsistence hunting, fishing, trapping in Katmai.

32 That law was -- the proposal to remove that was proposed and then removed and then just this last year subsistence hunting was allowed with a rod and reel, but the State submitted a proposal, again, disallowing that and that became regulation. So now we have no hunting, fishing, trapping by any means for subsistence users in Katmai National Park.

39 Going down my list, I have submitted in the past, and I'm sure that some of these things are listed on the board, but I need to bring them up in case they aren't. And one of the proposal that I had submitted in the past was a beaver hunt in April for subsistence use. It's part of our diet and also back in the days of dog teams it was also used with dried fish to feed the dogs.

46 That proposal was submitted, but it needs to be considered, I believe, what it is. Dick, it's still under being customary and traditional consideration. That along with

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bear hunting in Unit 9C. They allow bear hunting in 9E, they allow bear hunting, I believe, north of here, but this small section of Naknek area there's no subsistence season for bear.

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4

MR. O'HARA: 9C?

5

6

MR. KNUTSON: Pardon me?

7

8

MR. O'HARA: 9C?

9

10

MR. KNUTSON: 9C.

11

12

MR. O'HARA: Okay.

13

14

MR. KNUTSON: They do allow it in 9E, I know that just for specific villages. And it's village specific. In other words, although it's allowed for subsistence hunting, open for subsistence hunting a certain time, I can't, as a resident of Naknek go down there and hunt.

19

I've mentioned the red fishing in the park, I've mentioned fishing with a rod and reel and another thing I wanted to bring up as far as these meetings go is the atmosphere and location of the meeting. I believe it's for the concern of the subsistence user.

24

This atmosphere of you sitting there and then having a crowd and expecting someone to testify is pretty intimidating. So if we could have a different, you know, layout for -- you know, like a fireside chat back in I don't know what's president's day, but a fireside chat where you can get together, like, this weekend at the BBNC annual meeting. That would be a good time to have a small group listening to any concerns the people who would be here to attend the meeting.

33

It should be understood that when I say subsistence user, I'm not referring to just the Natives of any area. Subsistence user, according to definition, is anyone who is in the rural area. So if you set it up for, say, a BBNC annual meeting then it also should be set up for an open community meeting for anyone at the -- who's available to attend.

40

Methods, I think that -- I think that the traditional subsistence user had a method, a ways and means of preservation/conservation that was not in the form of rules and regulations, but something that was passed on from generation to generation. Most of you know that. We learned by being with someone and just the small things.

46

I think that needs to be looked into and considered. I think that's about the extent of my list. And like I say, I will be submitting written proposals on a lot of

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the things I mentioned here today, but I may bring up or submit proposals that I may have forgotten today.

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MR. O'HARA: That it?

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5

MR. KNUTSON: Yes, unless you have questions.

6

7

MR. O'HARA: Thank you, we appreciate you coming before us today. Any questions or comments on the Council today?

10

11

MR. HEYANO: One question on your bear hunt in Unit 9C, is that also in the spring or was that fall or anytime?

14

15

MR. KNUTSON: Traditionally, what I remember, most of the hunting was done in the fall. At the same time we're catching red fish up on the lake, on the western end of the lake, time when it wasn't a park. Of course, you know, you always -- the subsistence user is always at the spot where you find the most game. Of course, when you're getting red fish, there's also bears around, so that was usually when we shoot the bear.

23

24

MR. O'HARA: Any other? Yes, Robin.

25

26

MR. SAMUELSEN: This morning we heard a lot of testimony -- written testimony, at least I have, and the discussion here is centered on the red fish in Katmai. Did you people target other species, like white fish?

30

31

MR. KNUTSON: No, the intention is to go after the red fish because at that time of the year, you know, they lost most of their body fat and they're easier to dry and cure. So when we fished it was usually around the small creeks.

35

36

MR. SAMUELSEN: Was there a season for white fish; did people go up there and harvest white fish?

38

39

MR. KNUTSON: Not that I can remember, no.

40

41

MR. SAMUELSEN: And according to some of the testimony that -- Ted Kreig of BBNA went around to the villages and one of the comments that -- several of the comments given by the subsistence users was that they said that when the politicians came through to create the park, they said that they wouldn't take away our subsistence rights from the new area that was going to be the park. Were you ever in on them discussions?

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1 MR. KNUTSON: I was at one meeting, probably in
2 1990, the first meeting that I attended regarding subsistence
3 use.

4

5 MR. SAMUELSEN: Okay.

6

7 MR. O'HARA: Any other questions from the
8 Council? Smiley, you're going to write a proposal on the
9 baking of water fowl for spring hunt of the birds and picking
10 off eggs?

11

12 MR. KNUTSON: Yes.

13

14 MR. O'HARA: And you said it would go from --
15 the last date was June 15th, what was the first date?

16

17 MR. KNUTSON: I would suggest from June 1st to
18 June 15th or the first two weeks in June.

19

20 MR. O'HARA: Okay. And maybe a little later on
21 if you know, we became the Council at 9:00 o'clock this morning
22 and then at 10:00 o'clock you said, well, now we got a water
23 fall migration proposal in 12 days and that's just almost
24 impossible for us to go ahead and do that.

25

26 MR. KNUTSON: I know it's overwhelming
27 and

28

29 MR. O'HARA: Yeah, but it doesn't mean -- and
30 this Council would, you know, since you're here testifying
31 doesn't mean that we can't support your proposal. And I think
32 that's just as one individual on the Council might be something
33 we talk about in the closing part of our comment today, if the
34 Council would think that's okay. So we appreciate you making
35 that.

36

37 Also you said something in here that's really
38 interesting. You said there's no hunting, fishing or trapping
39 in the form of subsistence in the Katmai National Park?

39

40 MR. KNUTSON: Right.

41

42 MR. O'HARA: Okay. What do you see up there in
43 those -- you know, on CNN or the Discovery channel with this
44 guy out there fishing Katmai National Park on national TV and
45 Bear is taking away his fish, what is he doing?

46

47 MR. KNUTSON: You mean the sports fisherman?

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1 MR. O'HARA: The sports fisherman.
2
3 MR. KNUTSON: Yeah.
4
5 MR. O'HARA: He doesn't get to keep that fish?
6
7 MR. KNUTSON: I think sport fishing in the Park
8 is covered and regulated by the rules of the State of Alaska
9 and it's a catch and release program.
10
11 MR. O'HARA: But are they allowed to take a
12 fish home and eat it? The sportsmen are they allowed to keep
13 any of them?
14
15 MR. KNUTSON: I don't know. See, the bag limit
16 changes from year to year.
17
18 MS. SAVAGE: Yes, sport fishing is allowed
19 according to the regulations of Alaska Fish and Game. At
20 Brooks Camp there is a one fish limit and in other parts of the
21 Lake there, it's according to those Alaskan rules (ph).
22
23 MR. O'HARA: The state of Alaska under navigable
24 waters handles the sports taking of fish in Katmai National
25 Park for the keeping of a certain number of bag limits and
26 eating them and so forth.
27
28 MS. SAVAGE: Actually, it's not under navigable
29 waters, it's under the National Park Service regulations and
30 they allow fishing according to the navigable State regulations
31 for sport fisherman.
32
33 MR. O'HARA: And you can keep a certain number
34 of those fish and eat them?
35
36 MS. SAVAGE: Yes, you can.
37
38 MR. O'HARA: Okay, thank you.
39
40 MR. KNUTSON: You can keep one a day?
41
42 MR. O'HARA: That what it is?
43
44 MR. KNUTSON: And right now I think the State
45 regulations says under 18 inches, is that right?
46
47 MR. O'HARA: I don't know. I just -- I never
48 caught any fish up there, so I don't know.
49
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MR. KNUTSON: But for subsistence reasons, what good is one fish under 18 inches for a family? In the past, the State had been sympathetic to subsistence users and the bag limit has changed a certain time of the year, that's for subsistence user or for a local resident. And I think that from November 1st to a certain date the bag limit was changed to five a day, but that was for subsistence users.

Now, with the new proposal and passing the new proposal, that disallows any subsistence use by rod and reel, where does that leave you? With the State regulation of one fish under 18 inches for to feed a family.

11

12 MR. O'HARA: Thank you. Susan, did you have another comment?

14

15 MS. SAVAGE: It's one fish a day at Brooks Camp because of the resource concerns and the conflicts we have there, but in other parts of the lake it varies depending on the species.

19

20 MR. O'HARA: Okay. Bay of Islands (ph), it might be different, huh?

22

23 MS. SAVAGE: Yes.

24

25 MR. O'HARA: Okay. Any other questions of Smiley? Okay, thank you for coming before us today.

27

28 MR. SAMUELSEN: Somebody might want to mention the sign up.

30

31 MR. O'HARA: Oh, yes, if you come in late, on the back table there's a sign up sheet if you'd like to testify. This is a federally appointed Advisory Board and we're dealing with subsistence issues and certainly feel free to sign up.

36

The next person who's registered to testify is Mark Angasan. Mark, how you doing today?

38

39 MR. MARK ANGASAN: Hey, Dude. My name is Martin E. Angasan. One of the things that I'd like to talk about, and I appreciate you guys listening to what I have to say, is about the regulations and the -- all this other stuff that applied to Katmai Park.

44

I've grown up with having to steal red fish from Naknek Lake. I grew up with that. I feel like a criminal. I don't go around telling people that I go up there and take red fish, but red fish was part of my food chain. My parents and their parents and their parents before them.

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When I go up to King Salmon and I get my permit I ask for -- well, they ask you, how many fish would you like; how many spawn outs would you like? I'd say, the max, 300. Well, where do I go to get those? Well, you can't go up to Naknek Lake and that's the only place around because you can't get a permit. So then you end up being a damn criminal going up there harvesting these fish, making sure there's no airplane around or other boaters.

8 I know that my grandfather -- he used to tell us stories, you know, when he didn't have to feel ashamed to go up there and take these fish. And that hasn't been that many years ago. It seems to me that with all these regulations and all this other stuff, my way of life is -- has changed. I don't want to change. I'm a Native, I like being who I am. And I feel like I'm being -- having to live a certain lifestyle that I don't want to live.

16 I know in the springtime when the geese and the duck come, I go out and harvest these birds. And I share them with my family and the elders. One of the things, too, that bothers me is this caribou.

20 Caribou is in rut right now, starting to, but yet the season for these caribou is continuing on. You see people coming in with these nice horns and I know that these people can't eat that meat. I mean, my dogs wouldn't even eat it. And it pains me to see that these animals are being shot just for the sake of taking the horns home.

26 And the moose season, I've never brought home a pair of horns yet, I don't think they taste too good. You know, I consider the resources that we have here my McDonald's. You know, if I'm hungry I go out and get food to feed my family. But when I go up to the airport and see all these guys flying in with these nice horns, you know, all packaged up real nice and neat and I don't see no meat around, it really bothers me. It upsets me that this is going on and it's all because this little book says that they can go out and harvest these animals. It's not right. But, yet, for me, a person that lives here, I can't go up to that lake and take my harvest of good fish.

38 There's a lot of other things that I'd like to say. I don't have any notes in front of me, but those are some of the major concerns that I have. If there's any questions, I'd be more than willing to try to answer them.

42

43 MR. O'HARA: Okay. Any question for Mark today.

45

46 MR. MARK ANGASAN: Oh, the other thing too, Mr. Chairman, is that -- I forgot this. You know, we share with people all over here, all the way down to Perryville and

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up in the lakes, you know. Now that we have the telephone it doesn't take much to -- hey, you got any food up there? Hey, how about some halibut down in Perryville? And we trade, you know, we share. And I think that's something important too.

4

5 MR. O'HARA: Any other comments? Questions from the Council today?

7

I think the point that you made about sharing the resources we have with the people in the Chignik areas -- boy, we don't get very much halibut up here and they don't get very much caribou and if they have crab and we can get some, we're pretty privileged to do that, so I take -- that's very -- and I believe, Mark, we're going to perhaps have under the -- a little later on under the final business that we'll do here today address this red fish issue in the park. We've talked about it and we're going mention that.

16 We appreciate you mentioning that today. Any other comments, questions? Thanks, Mark.

18

19 MR. MARK ANGASAN: Thank you.

20

21 MR. O'HARA: Appreciate it. Is there Trefon Angasan in the house today? Before you continue on there Trefon, it's nice to see you. Maybe you can introduce your entourage that's with you, the BBNC staff.

25

26 MR. TREFON ANGASAN: We have the General Council, BBNC, Robert (ph) Price, Jeffrey Anderson, a board member from BBNC, and also from Egegik.

29 You caught me off guard, Danny. For the record my name is Trefon Angasan, I'm here representing the Bristol Bay Native Corporation, but I was whispering to our General Council as to what the meeting was here about. I didn't really want to go off and present something that's really out of character what the meeting is here for. But I'm getting the gist of it.

36

I know that BBNC has worked, along with the other member of the Native community to get the Department to name this group, this body to deal with the subsistence issues. It's very important. We're seeing, you know, the continued erosion of our subsistence rights by the Native people under, you know, with State law. Where we're having, you know, this current law allowing non-subsistence zones to be created. Subsistence users can no longer participate under subsistence regulations, but need to hunt and fish under sport regulations. We're seeing -- we're recognizing that a group like this, you know, this body is very important to the -- for the continuation of subsistence.

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On the issue of red fish, and I've listen to

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Mr. Knutson talk about, you know, the historical harvest pattern of the local people in the Katmai area on red fish and it's been -- and it has been a long drawn out process for us to come before you today. I remember in 1980 I testified before the Board of Fisheries asking them to create a buffer because 5- or in the mid '80's, asking them to create a buffer up in that area so that we could have a window to come in and harvest because ANILCA banning the subsistence in the Katmai. Not so much ANILCA, but the -- you know, when Katmai was created subsistence was disallowed in the area.

10 I've heard comments about how we've had to go in to continue that -- the history of harvesting for our food source. How we've had to go in and pirate the fish out of the river at night, watching for windy days so airplane don't fly. And that was how I remember that. I spent a lot of time up in the Katmai as -- you know, my dad was born up in Savonoski, I grew up in the Brooks area. During four months out of the year and then recently down into the mouth of the Naknek Lake, so I spent a lot of my time in that area harvesting red fish.

19 And it's come to mean a lot more than just a food source. I think we -- you know, we have the luxury of having the largest salmon runs in the world here in Bristol Bay and if we needed food source, we just set a net out in the front of the village and we get all that we need for food source.

25 But the red fish are -- you know, in my mind they're classified as a, you know, in a different category. They're more a cultural food where, you know, people go and they -- you know, they have a special diet of these red fish and it's more than just a food source, it's more cultural food than anything else and I really don't know how put it in any other frame, but I would say that, to me, that's what the red fish would represent to me. It's a cultural food, the fish have no -- have virtually no nutritional value, they've already begun the process of deterioration, they've spawned and there's no other use, you know, for the carcass.

36 I've testified at oversight hearings at ANILCA, the people that represented the Senate have all agreed that the Native people in the area should be given the right to harvest red fish and, hopefully, with this group listening to enough about red fish, and it's all that I've heard since I've been in the room. And it is a major issue, I mean, we talk about subsistence in Park Service, you know -- and, you know, the loss of hunting and fishing and trapping and those things are monumental barriers in my mind to try to overcome.

45 But the opportunity to harvest red fish is, you know, in my mind it's something that you certainly could deal with. It's good to be here, it's good to listen to this group. We know that I've seen Robert before the Board of Fisheries

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hearings and it's odd to be on the other side of the coin with you, Robert and Robin, so it's a --

2 That's all I have and I hope that you address the issue of red fish favorably. We certainly are -- it seems to surface at all of our Native gatherings, fish conferences, travel government conferences, Tribal, you know, village workshops. And we've even come to the end of the line, I think, and what BBNC is proposed is that we've drafted legislation, an amendment to ANILCA to allow for the harvesting of red fish. And we're concerned about that because when we have to go to ANILCA to amend ANILCA to allow for red fish taking in the Katmai, that, you know.

12 Our Congressmen have told us, when we come before you or when you come before us to amend ANILCA that's going to open the doors for, you know, all of the world to come in and put their -- you know, the Wildlife Society, the Greenpeace, you know, the Wilderness people, you know. These are national players and we're putting, you know, the protection that we receive under Title 8 of ANILCA at risk.

19 So that's one of the concerns that we have as we try to feel our way through to a solution on red fish because it means a lot to the people. And we're continuing to fight that battle. And, as I pointed out, the amendment to ANILCA, it's a last ditch effort. I advanced the amendment to the Alaska Native Leadership Retreat in Dillingham, they endorsed it. I brought it before the AFN Legislative Committee and they have adopted it as part of their amendment package and it's going to Washington, but, again, we're concerned about that because we, you know, we been told that by, you know, amending ANILCA is opening a Pandora's box because of all the other opportunities to jump in and lose a lot more ground. And losing our protection under Title 8 of ANILCA.

32 And that's pretty much all I have, Danny.

33

34 MR. O'HARA: Okay, thank you, Trefon. Any questions or comments that the Council might have for Trefon today.

37

38 MR. HEYANO: I've got one, Dan.

39

40 MR. O'HARA: Yeah, Robert.

41

42 MR. HEYANO: Thank you, Trefon. I guess this is a little slow here, I should have asked the two previous speakers who testified too, but I'll ask Trefon this. It seems pretty clear to me that where taking of red fish is something we need to get on right away and try to find a solution to, but we also understand that there is not allowable subsistence -- for other subsistence activity to take place in the park. I

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guess what I'm asking you is, what are you telling us now, to take the red fish issue right now and do it? Or should we include the red fish with the big subsistence activity?

3

4 MR. TREFON ANGASAN: I'm not trying circumvent any other testimony that may have come to talk about some of the other issues that relate to subsistence, they may be -- you know, they certainly are valid concerns that, you know, are brought before you. I focused on red fish because it's an area that we feel is a winnable situation.

10

Where when you -- when we work with the process, you know, there's battles that aren't winnable and this one we have targeted as a winnable situation.

13

14 MR. O'HARA: Any comments? Yes, Robin.

15

16 MR. SAMUELSEN: You're father and mother has got a Native allotment up there?

18

19 MR. TREFON ANGASAN: Yes, my father has a Native 160 acres in the mouth of the Naknek Lake and my grandmother had 120 acre claim in the Brooks Camp. It's in appeal and it -- although, all through the appeal process the claim had been proven valid, but the -- we're still in the process.

25

26 MR. SAMUELSEN: You belong to Alaska Peninsula Corporation.

28

29 MR. TREFON ANGASAN: Yes.

30

31 MR. SAMUELSEN: Does any of the Corporation lands go up into the park?

33

34 MR. TREFON ANGASAN: We -- when the village of Q5nuyang, that was before the Alaska Peninsula Corporation, when they selected their land, they selected up into what was allowable. And there was certain restrictions in the selection process where the land selections had to be compact and contiguous to the current township. And our village was allowed 92,000 acres of land and three townships away from the shore brought us to the buttress to the park boundaries, so had we had an opportunity to expand beyond that we certainly could have, but we ran out of selection, so we are up to the -- right up to the mouth of the park -- to the boundary, the current park boundary.

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47 MR. O'HARA: Any other questions? Trefon, it seemed to me like in asking questions of the Katmai National

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people yesterday that it may have been an administrative thing that dealt with the red fish issues and who knows what other issues. And so it seemed to be something that's on the forefront with us and I don't see why we have to go all the way up to Knutson Bay to get red fish when we can go up to Naknek Lake and get them and that is a very real issue. But we appreciate you coming before us today, thank you.

7

8

MR. TREFON ANGASAN: Thank you, Danny.

9

10

MR. SAMUELSEN: Mr. Chairman, I've got a question for Ms. Savage.

11

12

13

MR. O'HARA: You bet.

14

15

MR. SAMUELSEN: Sue, has there been any citations issued against people getting red fish in the Park?

16

17

18

MS. SAVAGE: I'm not aware any, no (ph).

19

20

MR. SAMUELSEN: Have people been observed getting red fish in the Park?

21

22

23

MS. SAVAGE: Not by any current staff.

24

25

MR. SAMUELSEN: Okay.

26

27

MR. O'HARA: Norman Anderson.

28

29

MR. ANDERSON: Hi. For the record, I'm Norman Anderson. I know many of you and see many familiar faces. As a Naknek born resident I wish to welcome you all here. I was born about 100 yards from where we're sitting and feel obligated to come before and give testimony on the subsistence issue. It's becoming more of a subsistence issue every year it seems. This is about the second or third time I have taken the opportunity and given some testimony. I don't believe I wrote anything in, but both Ed and Trefon have pretty much vocalized the concerns that we have all shared, so I'll echo some of these.

30

31

What Mr. Angasan was saying, what Martha Angasan was saying is that -- and we jokingly refer to as the food chain. We give share food all the way from the Togiak Area all away around Dillingham, all the way down the Coast in exchange for ptarmigan, red fish, white fish, clams, geese, Halibut and crab and exchanged for a long time.

32

We've had to find other sources of sharing because of the fact that we can't participate in the red fish subsistence gathering any more. As Trefon was saying, the red

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fish do not any great food value at that point in time, they've already made their contribution to the food chain and they're only value at that point in time is to the people who come from Europe and the Lower 48 or the contiguous states or other parts of the world and view them in their migration up river and take pictures of them and snag them or whatever they're doing up there.

7 To me what I have always contended is the definition of the term subsistence. And we, as an indigenous people have participated in no more than what I believe western society has come in and now labeled as was our participation in food gathering. Webster's Dictionary defines subsistence as real being, existence, an abstraction without real, the condition of remaining in existence, continuation, persistence, means of sustaining as a minimum as a food and shelter necessary to support life. The source of means as obtaining the necessities of life. A singular rational component of the human person personality that is wholly self contained and endowed by inalienable rights.

19 I feel that is what we have always done as the Alaska Native people and that is why we have the abundance of food stocks that we have in the state now. We have large herds of caribou because we have only gotten enough to sustain the immediate family use for food, shelter purposes and clothing. Same with the birds, same with the fish, same with everything that we participate in in our natural diets.

26 Some of the greatest, I feel, challenges that we face often time is in participating in our natural food gathering. It has become almost a point in time where we have to wait in line to be able to participate in our food gathering times. The lakes are full of people right now hunting, the trails are all full of people out there caribou hunting and so forth and that has put us down -- further down in our chances of going out and participating in these activities.

34 I'm going to keep is short. I'm really short of time today, I have three other State organization in town, State and Federal, that I'm assisting with today, so I'm going to keep it brief. If anyone has any comments or questions, I'd like to give them the opportunity.

39

40 MR. O'HARA: Any questions or comments, Council? Thank you, Norman.

42

43 MR. ANDERSON: Thank you, Dan.

44

45 MR. SAMUELSEN: I have one.

46

47 MR. O'HARA: Go ahead, Robin.

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MR. SAMUELSEN: Norm, earlier testimony we heard that a person would like to open bear hunting in 9C, has that been a past practice of residents of this area?

3

MR. ANDERSON: You mean the one that was over my house the other night?

6

MR. SAMUELSEN: No.

8

MR. ANDERSON: Yes, yes, I can recall taking lots of bear in this area.

11

MR. O'HARA: Any other questions, comments?

13

MR. LaPORTE: One comment I'd like to throw in. Just like in your food chain process, this is something I've been involved in up the lake area, too, and it's surprising to see how much is actually shared. I mean, white fish from Igiugig, boxes come back up to the lake area and smoke fish from there comes down to Nushagak and king fish from Nushagak comes back up to the lake area and there's a constant flow of shared fish and wildlife. I mean, caribou back down to Nushagak, it's a very valid point there.

23

MR. ANDERSON: Oh yes, my boys and I sent smelts to the elders home in Dillingham and to the hospital and people in Igiugig and we get white fish back, in turn, from them. I send caribou to Dutch Harbor and Unalaska and get crab meat from them. And halibut from the Chigniks and Perryville and we don't have a lot of ptarmigan anymore so I sent caribou to people in Togiak and get -- and Twin Hills and Manokotak and get ptarmigan back from them. And, in turn, share with the elders and other people around here, so it is, it's a big food chain, you know. Thank you very much.

34

MR. O'HARA: You bet. We have had people continue to come into the meeting here this afternoon. I was wondering if there was other people who would like to testify before the Council today. There may be other people filling out forms to go ahead and testify, so

40

MR. SAMUELSEN: Can we take a 10 minute break, Mr. Chairman?

43

MR. O'HARA: You bet, take a 10 minute break, that's fine.

46

(Off record)

(On record)

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1 MR. O'HARA: Call the meeting back to order and
 2 we've had a couple of people come in who we'd like to
 3 introduce. We appreciate these people showing up here in
 4 public today. Ralph Angasan, is he here? Ralph, you're family
 5 is here with you today? And Donald Nielsen, is he here, I
 6 think he came in with his wife and Joe. Donald's the Board of
 7 Director and Ralph's the President of the Peninsula
 8 Corporation. Joe Chythlook, he's here with his wife, Molly,
 9 today. Anybody else from BBNC staff that's wandered in now
 10 since we've started the meeting. I guess we're starting at the
 11 top of the political pile today and working on down.
 12 Interesting way for the Council to start off, but we're glad
 13 that you've taken the time today to come and make some
 14 comments.

15 If you have just come in and you haven't yet
 16 filled out this little form to testify, certainly feel free to
 17 do so. And Donald Neilson, would you like to come up and
 18 address the Council since you're listed. Your name, give us
 19 your name and your affiliation, it helps the guys that are
 20 writing down notes in case they want to keep track of you.

21

22 MR. NEILSON: Thank you for the opportunity.

23

24 MR. O'HARA: Thank you for coming.

25

26 MR. NEILSON: I am Donald Neilson, President of
 27 the Southnak (ph) Village Council. I think I know most of you.
 28 You ready for my testimony?

29

30 MR. O'HARA: Shoot.

31

32 MR. NEILSON: It's rather sketchy because I
 33 just put together a rough outline of the topics I'd like to
 34 cover with you. I know that probably most of you thought by
 35 coming here there would be a great number of people coming
 36 forth to testify, especially from the Native community. I'm of
 37 the opinion the folks on the south side of Naknek, the reason
 38 why they're not here, most likely, is that because there's a
 39 reluctance to testify knowing that sometimes the rules, even if
 40 you have input, don't change.

41

42 And in regard to the Katmai Park that has been
 43 reoccurring situation where we're asked to come and speak and
 44 testify on certain subjects and find out later that the
 45 rules have already been made and are actually in place before
 46 public testimony has been taken.

46

47 In any regard, I will echo statements that have
 48 been made yesterday and today and have been made years past
 49 about subsistence in the Park. That mainly dealing with

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hunting and fishing, but mainly fish, the spawned out sockeye or red fish that my village depends on and we take from the Naknek Lake area.

3 We are of the opinion that this fish, along with the fresh water fish, that being white fish and a variety of trouts, be classified as subsistence and not sport. All these fish my community depends on and it seems awfully strange to me that there are rules for sports people to take fresh water fish for sports and there aren't any rules for subsistence users. That seems awfully strange to me that a person in the State of Florida has more of a right to fresh water fish than we who live here have. And I think that there needs to be a rule change there.

13 Regardless of what the rules have been in the past and regardless of the rules that will be made for the future on subsistence, the practices that the people have been doing for many generations will continue because this is part of our life. And we look at it -- I guess it doesn't really matter to us, except that we would rather like to do it legally rather than illegally. For the past many years we have been doing it illegally because of how the rules are structured. We don't wish to do that, but this is part of our life and we will continue to do it.

23 We have -- this is part of the country that we reside, it's part of the country that we live from. We feel awfully upset and concerned about sports hunting and sports fishing. I like to classify sports hunting as blood sports and we all see today, even today, the hunting season is open for caribou, the meat isn't fit for human consumption, but yet the regulation states that the sports hunter can go out and the subsistence user can take this meat, but for the subsistence user they won't take it. We won't take it because you can't eat it.

33 All the regulations are set for, in my opinion, are for the sports hunter. The sports hunter doesn't really want the meat. For some reason they like the horns or the antlers and I haven't yet figured out a recipe on how to cook them. But yet they take the antlers, they go home and they collect dust on somebody's wall until they get tired and they throw it away. And remember a great hunt in Alaska.

40 I think that the -- you know, the hunting seasons have to be adjusted to reflect the consumption of the meat. If the meat can't be consumed, by God, change the rules so that the meat can be eaten. I think that the wanton waste laws have to be enforced strictly. It can't be allowed to have a hunter sit in the field with the intention of just taking the head and antlers or just the antlers and leaving the meat, claiming that the meat had soured.

48 Regardless, that meat from the animal has to be
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taken in to some central point. And if the regulations are changed so that the hunting season occur when the meat is good, then maybe there's a possibility of the meat being distributed among the communities where it can be used. But the meat has to be accounted for, every piece of it. You know, we can't say that the back bone and the ribs are -- can't be consumed because they're too bony. In my opinion every piece, including the inners, have to be accounted for. That being the carcass, itself, the heart, the liver, all need to be accounted for at some checkpoint.

10 It wouldn't break my heart if sports hunting was outlawed completely, but that's how I feel and I feel very strongly that consumable meat and fish are for human consumption and not for some bloody sportsman.

14 In regard to -- we were -- I was here earlier, about a year ago, testifying, I can't remember, it has something to do with the Park and I brought up red fish and one of the statements made from the park people was that, well, we recognize that fish can't be taken out of the Naknek Lake system, why can't you just go over to Branch River and do this. Well, Branch River isn't part of our country. This is our country and this is where we customarily and traditionally take fish and game and we want to keep it that way.

23 That's the end of my testimony.

24

25 MR. O'HARA: Thank you, Donald. Any questions or comments on the Council today? Robin, go ahead.

27

28 MR. SAMUELSEN: Donald. So what you'd like to see, Donald, is for you moose and caribou season is cut out days on the end and tack them on -- we'll say moose open up in August?

32

33 MR. NEILSON: That would be good time.

34

35 MR. SAMUELSEN: And close for the year in September?

37

38 MR. NEILSON: That would be great.

39

40 MR. SAMUELSEN: And same with caribou, take some days off the end of it, when they're in rut, and put them on the front end.

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44 MR. NEILSON: That would be great.

45

46 MR. SAMUELSEN: Okay.

47

48 MR. O'HARA: Donald, we haven't heard much

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comment on the fin fish situation. We talked -- practically everybody's talked about the red fish taking, but we haven't really had anybody talk about these, the rainbow or white fish or lake trout.

4

5 MR. NEILSON: The last extension and before
6 ANILCA, before the Park Monument back then was extended to take
7 in all of Naknek Lake, the village of South Naknek used -- we
8 fished fish with gill nets for white fish.

9

10 MR. O'HARA: Under the ice?

11

12 MR. NEILSON: Under the ice in the area that's
13 now part of the Park. And we were assured back then that when
14 the extension was occurring that our winter subsistence fishing
15 would not be affected. But when it was all said and done, it
16 was affected, we were outlawed from taking any fish. But any
17 fish -- any fish that's within those waters were used for
18 subsistence purposes. Whether it be a white fish, a pike, a
19 rainbow trout, those are subsistence fish.

20

21 In fact, you know, the sportsman, the sports
22 fisherman claim to sports fishing is the hook. They didn't
23 invent the hook, we invented the hook. They just sort of
24 claimed it from us and made it part of their, you know, their
25 philosophy that if you fish with a hook then you're a
26 sportsman. That wasn't invented by the sportsman, that's a
27 subsistence tool.

27

28 However, every fish, as you know, taken is for
29 food purposes. It's not to mount on your wall and display to
30 your friends, it's -- regardless of the size you eat it. And
31 you eat most of it. But certainly all fish, white fish, trout
32 of all species, and anything else that we do eat from the
33 waters should be classified subsistence.

33

34 MR. O'HARA: Any other questions or comments?
35 Donald, thanks once again. Oh, one more, Peter.

36

37 MR. ABRAHAM: You know, Donald, the rest of the
38 people had just testified, you know, they said, you know, we're
39 being outlawed. We're being outlawed because it's not in the
40 books, it's not written down. Here we are right now, with your
41 help, with your support, we can make these things legal. To
42 write them down and then -- who are we suppose to turn them
43 over to or to -- I forgot there's so many people that we're
44 supposed to turn to.

45

46 But, you know, like you said, you know, if
47 these are written down in the regulations, as you see right now
48 they're not in the regulations. That's why, you know, we're
49 being outlawed because the Park Service or the other people

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say, you know, you can't do it. If we make it into the books over here, the regulations, and then we can do the things we like.

3

4 MR. NEILSON: I can assure you that I will help
5 as much as I can possibly help to make it easier. You have my
6 commitment.

7

8 MR. O'HARA: Thanks, Donald, appreciate it.

9

10 MR. NEILSON: Thank you.

11

12 MR. O'HARA: Clara Angasan. Hi, Clara, how are
13 you today?

14

15 MS. ANGASAN: Hi, I'm fine, thank you. I'm
16 Clara Angasan representing myself. I'm here to talk about red
17 fish in Naknek Lake. Although I kind of don't believe this
18 Federal Government because we'd been lied to for years and
19 years. When they put the extension on the Park we had meetings
20 after meetings, they promised we could continue our subsistence
21 lifestyle and whatnot, which was a bunch of bull.

22

23 Now, we had to learn how to steal and we
24 learned how to lie real good. We could look at a white man in
25 the eye and tell him, no, even if it's not true, you know.
26 Even if we went fishing, we could look at him and say, no, we
27 didn't get any. That's what they taught us to do. And I don't
28 think that's right because before they came our peoples were up
29 there taking red fish, taking trout and now they come in and
30 say, no, you can't do that, you know.

31

32 I think we still have a jig up the house, we
33 used to set under the ice to catch trout and stuff. If the
34 white man could read history they would see -- we only didn't
35 eat it ourselves, like villages that didn't have a certain kind
36 of fish we would trade with them. Like we trade with
37 Berryville, we trade with Port Heiden, we trade with other
38 villages foods we don't get, you know, we trade back and forth.

39

40 And when we used to get fish under the ice they
41 would go to a lot of people. We used to even give fish to
42 people over here. So if you guys could make a difference, you
43 know, because one way or another we're going to get those fish.
44 I told them I don't care if you guys put me in jail I'm going
45 to eat what I'm used to eating. They can throw me in jail if
46 they want to, but I'm going to go up there and put my net.

47

48 That's all I have to say, thank you.

49

50 MR. O'HARA: Thank you, Clara. Anybody have
any questions or comments? Thank you, Clara.

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MS. ANGASAN: You're welcome.

1

2 MR. O'HARA: Ralph Angasan, Senior. Getting to
3 be a family situation here. Ralph, glad to have you here today
4 to talk to us.

5

6 MR. RALPH ANGASAN, SR: Thank you, Danny. My
7 name is Ralph Angasan, Sr., I'm here representing the King
8 Salmon Traditional Village Council. And I know practically all
9 of you. On my card I filled out I had -- I hear so much about
10 the red fish issue and whatever, but I had put down subsistence
11 fishing in the Katmai. And, basically, we not only fish the
12 red fish, which you know the red fish is seasonal, but we also
13 relied on everything else, you know, like white fish and arctic
14 char and rainbows. I mean, you name it any fish that was
15 there, you know, we caught. So it's not only the red fish that
16 I'm here to testify on.

17

18 I understand that, you know, when they created
19 the Katmai Park they -- the subsistence wasn't allowed and they
20 for some reason. Most of us were kind of reluctant to come
21 forth and testify, like Don Neilson said there, because all the
22 issues that we testified on before was basically a formality
23 and their decision was made. And they came to us and they went
24 through the motions and did everything they were supposed to
25 do, but the decisions were already made. And most of the
26 Native people in this area don't like to do that, you know,
27 they don't like to come forth and testify with knowing that
28 it's useless.

28

29 But getting back to the red fish issue. You
30 know, my family and all the families, you know, that originated
31 from the drainage here highly depended on that, you know, for
32 winter food source (ph). The Fish and Game, State of Alaska,
33 commented one time that they didn't know what stage of
34 deterioration that we wanted these fish and stuff, you know.
35 And gee whiz, you know, I mean, regardless we eat them.

35

36 MR. O'HARA: That's a funny statement, what
37 stage does the fish have to deteriorate before you put you net
38 out. That's a new line, that's sort of interesting. Excuse
39 me, go ahead, Ralph.

40

41 MR. RALPH ANGASAN, SR: Okay, that's fine.
42 That's basically all I have to say on that issue.

43

44 MR. O'HARA: Any question or comments from the
45 Council members? No? Thank you, Ralph. Just to let you know
46 in case you came in late there are little amber looking color
47 forms in the back if you want to testify. Fill one out,
48 certainly feel free to come forward and testify.

49

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We only have one individual registered left to testify and that would be Ralph Angasan, Junior, known to us as Buckles.

3

4 MR. RALPH ANGASAN, JR: Hi. Ralph Angasan, Jr. representing myself. Basically, I'm just tired of hiding from Park Service guys. They can take your boat and guns and whatever. I'm tired of hunting in zero zero visibility to go to get a caribou in park boundaries. I'm tired of -- just tired of going up there when it's blowing 60 miles an hour on the lake. I'm just tired of that, you know. Why should I have to hide? And, basically, that's all I've got to say.

12

13 MR. O'HARA: Any questions or comments? Buckles, you would, then, and apparently from your comments today would support the red fish issue, the fin fish issue, such as trout and these type of things? And even more than that hunting of caribou or whatever it is that you talked about?

19

20 MR. RALPH ANGASAN, JR: Caribou, moose, cow moose, you name it, I did it. You know, I take it all.

22

23 MR. O'HARA: Okay, so you're talking today of public testimony of all these issues then?

25

26 MR. RALPH ANGASAN, JR: Uh-huh (affirmative).

27

28 MR. O'HARA: Okay, any other questions or comments? Thank you, Buckles for coming forth today.

30

31 MR. O'HARA: Any other members of the public that would like to make a comment today. I don't see any reason why you have to fill out these orange cards, but if you did do it it just helps us to better introduce you. We're not going to close off public comment because there may be other people coming in today that will want to have say, if it's okay with the Council, but if there's no more public comment at this time we would like to do some work that we need to do and if it's okay with the rest of the members we'll stop public comment, go on and take care of some items that we need to handle. That okay?

42

43 (General nods of consensus)

44

45 MR. O'HARA: At the time at which we finish the few times that we need to take care of this afternoon and there are no more individuals to testify before the Council today then we will adjourn and be on our way, okay?

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What's the direction from the Council today?
 There are about three issues that we need to look at today.
 One is the red fish in the Katmai National Park, the other one
 is all the fin fish in the fresh water systems of the Bristol
 Bay drainages, Alaska Peninsula and then the changing of the
 season of which we have a formal proposal before us today on
 the opening and closing of the beaver season. So let us

7
 8 MR. ABRAHAM: Or to make the dates flexible,
 however the winter looks like.

10
 11 MR. O'HARA: Okay. Cold or

12
 13 MR. ABRAHAM: Trail conditions and snow
 conditions.

15
 16 MR. O'HARA: Taking up the first issue of the
 red fish in the Katmai National Park, I believe we have a
 direction that we're going to be heading on this and I'd like
 to ask Robin Samuelsen if he like to comment on this. We
 talked about it a little bit off record and you had a few
 thought on what we might do along this line, what direction
 we're going?

23
 24 MR. SAMUELSEN: I was reading there, Dan.

25
 26 MR. O'HARA: Okay. We're going to deal with
 the first issue of proposals from this body and one of things
 we heard from today, quite extensively, is the red fish, the
 one of red fish in Katmai National Park, so we have a -- there
 is a direction that is already started and you have some
 information you can give us on that and this is the direction
 that I think I'd like to go. Go ahead, Roy.

33
 34 MR. MATSUNO: I think we should say something
 about the migratory birds too, about the goose hunt and egg
 hunt.

37
 38 MR. O'HARA: Oh, we have it down here as Number
 39 That's good, thank you. Red fish?

40
 41 MR. SAMUELSEN: Well, I work for BBNA Natural
 Resources and Ted Kreig has traveled over on this part of
 Bristol Bay extensively taking public testimony. And it's no
 different -- our testimony that Ted has gathered is basically
 identical to the testimony that we're hearing today, especially
 from this cluster of villages, Naknek, King Salmon and South
 Naknek.

48 And, you know, we heard, I guess you might call
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it, a semi legal analysis yesterday from staff on the navigable water question, who owned what waters up in Katmai and how far the Federal jurisdiction extended and State jurisdiction. I guess there's -- that's being worked out, I guess, through the court as I understand it. Dick, is that right?

5

6

MR. MARSHALL: I defer that to John.

7

8

MR. HISCOCK: Yes, the Naknek River, as I recall it, is one of the water bodies that's been mentioned in the State of Alaska's potential lawsuit against the Federal Government. They've yet to file that lawsuit in court.

12

13

MR. SAMUELSEN: Okay. So I think it would be proper for the Council here to adopt some regulation or to urge that red fish -- the harvesting of red fish be allowed in Katmai, fully realizing that it's going to take an act of Congress to allow it, am I right?

18

19

MR. HISCOCK: That's been the Department's position thus far, is that that question was essentially addressed by Congress at the time the establishment of the Katmai National Park and so it would take a change in the (Indiscernible - simultaneous speech)

24

25

MR. SAMUELSEN: But we can allow -- since we have a gray area, and that's with the expansion south, the last expansion, that's a gray area, I take it, right? Subsistence fishing for red fish can occur or may. Isn't that where the State's contesting up to the last expansion?

30

31

MR. HISCOCK: The State is claiming ownership of the submerged lands beneath the Naknek River. I don't believe they've mentioned Naknek Lake in their lawsuit.

34

35

MR. SAMUELSEN: Okay. Well, I think we've heard enough comment that we should urge or have staff help us develop in a proposal that would allow the taking of red fish and identify that as one of our areas of concern and ship it on to the Board for consideration.

40

41

MR. O'HARA: Robin, when did you want to do this; at the February meeting?

43

44

MR. SAMUELSEN: No, I think we've got to have our proposal done by November 1st and I'd like to have the proposal done by November 1st from the Council.

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48

MR. O'HARA: Why don't we -- if you're ready to

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make a motion to have this body do that now before you deliver it or if your going to -- Helga, what steps, having never done a proposal before being brand new to this whole system. I mean, I don't have one of these forms today to sit down and fill out what needs to be done. What do we do to put a proposal here now this afternoon?

6

7

Fisher.

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10

MS. EAKON: I'm going to enlist the aid of Dave

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MR. FISHER: Refer to Dick Marshall (ph).

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COURT REPORTER: Excuse me, Dick, could you

please?

MR. MARSHALL: I'm sorry, yes, Dick Marshall, Subsistence Office, Fish and Wildlife Service.

COURT REPORTER: No, can you come up, please, I can't quite hear you.

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MR. O'HARA: Okay, thank you.

MR. MARSHALL: But this is primarily a park

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issue and I'd kind of like John Hiscock to confirm what I've suggested.

2

3 MR. HISCOCK: I think Dick is exactly right
4 from the standpoint of what you may be submitting to the Board.
5 The November 2nd deadline for proposals is actually for
6 proposals just on changes to that portion of Subpart D that
7 deals with the taking of wildlife. So this is a little bit
8 outside of that and I think Dick is right if the Council wishes
9 to make a recommendation that it be more in the form of a
10 recommendation to the Federal Subsistence Board to do whatever
11 is in its power and possibly forward it on to whoever they feel
12 has the authority to recommend so sort of change.

13

14 MR. O'HARA: So if this body says, I so move,
15 to pass a resolution or write a paragraph saying that we'd like
16 this issue dealt with at the National Park level since it's not
17 a proposal type situation (indiscernible) -- John.

18

19 MR. HISCOCK: That's right and again I'm not in
20 a position to say that the National Park Service as an agency
21 can resolve this situation. There are very strong indications,
22 again, that it would take some sort of Congressional action.
23 But any Federal agency, of course, can also confer with
24 Congress.

25

26 MR. O'HARA: Except for the fact the changes of
27 the dates of the boundaries and the use of subsistence, it may
28 not have to go to Congress, it may have been an administrative
29 type thing that took place and, therefore, an administrative
30 thing may be able to change it too. And I think it's our
31 business to find out what that issue is and so if that's what
32 we need to do then, Robin, then I think that's the direction to
33 go.

34

35 MR. ABRAHAM: Question. Where is this
36 regulation written at? I mean, red fish being prohibited, I
37 mean, where is the booklet; where is the regulation?

37

38 MR. SAMUELSEN: Go 119 on the bottom.

39

40 MR. HISCOCK: There is a regulation in the
41 Federal Subsistence regulations in Subpart J, under the
42 Applicability and Scope section of the Federal regulations,
43 that specifically states that these regulations do not apply in
44 Katmai National Park, Glacier Bay National Park and that
45 portion of Denali National Park that pre-existed the Alaska
46 National Interest Lands Conservation Act.

47

48 And it further states that subsistence uses are
49 prohibited in those areas. That's in Subpart A and there's

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also a regulation in the fisheries portion of Subpart D that specifically talks to the fact that red fish fishing in the Katmai National Park is not authorized.

3 In addition to that National Park Service
4 regulations prohibit the taking of any fish and wildlife in
5 Katmai National Park other than sport fishing activities.

6
7 MR. ABRAHAM: Why can't we just change or add
8 on to this over here? Change or add on?

9
10 MR. O'HARA: Yeah, okay.

11
12 MR. HISCOCK: And that's in line with the Park
13 Service regulations throughout the country in all National
14 Parks, that's generally the only consumptive use of fish or
15 wildlife that's allowed is sport fishing. Except for the parks
16 in Alaska.

17
18 MR. O'HARA: Peter.

19
20 MR. ABRAHAM: Yeah, I asked, you know, where is
21 the regulation. Well, it's right here, it says over here and
22 it says: salmon char may only be taken by rod and reel or
23 under authority of subsistence fishing permit (ph) issued by
24 ADF&G. Why can't we propose to rewrite this regulation?

25
26 MR. HISCOCK: You can certainly recommend to
27 the Board a change in those regulations. However, the proposed
28 rule making that's on the street right now and open to public
29 comment is only that part of Subpart D that is relevant to the
30 taking of wildlife.

31
32 MR. ABRAHAM: Another thing, you know, we
33 asked, you know, who owns -- I mean who owns -- does the U.S.
34 Government, I mean, U.S. Fish and Wildlife owns that Katmai
35 National Park or ADF&G owns that Katmai Park?

36
37 MR. HISCOCK: There are different sections of
38 the Park -- predominantly the National Park is owned by the
39 United States Government, the people of the United States.
40 There are some private in-holdings within the Park and where
41 there are navigable waters, the submerged lands beneath those
42 navigable waters, in the new portions of the Park, would be
43 owned by the State of Alaska.

44 The question is what is, indeed, navigable or
45 not. And that is the question that is -- that the State of
46 Alaska is, again, filing this lawsuit against the Federal
47 Government to determine at this time.

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MR. ABRAHAM: You know, like everybody was saying, to me it's unfair. I mean, definitely unfair for a Native people -- I mean, when you read it like that, I mean, gee whiz, you know, like these kids, everybody was saying, you are a criminal. This got to be rewritten (sic) over here. I mean we go to propose -- make a proposal for this over here definitely.

7 I seen and I heard when they came up with this National Parks and whatever, you know, they promised us, you know, they promised us nothing -- your hunting will not be changed. You'll be -- I mean we believed them. Like the lady said a while ago, we believed them. Now they turn around and say you can't. I'm sorry. Where were these changes taken? I mean, where and when? I mean, were these changed when we weren't looking or when we're not listening? Where were we at the time they were changed? See, a lot of questions like this pop up.

17

18 MR. KNUTSON: Can I make a comment?

19

20 MR. O'HARA: Smiley.

21

22 MR. KNUTSON: If you have a copy of the 1991 Subsistence regulations, which basically copied what the State had for regulations governing subsistence, you'll find in there a regulation saying that subsistence red fish fishing would be allowed by gill net on an area 100 yards wide on/or at the mouth of the Naknek Lake. That was a regulation in this book in 1990/'91.

29

In '91, '92 there was a proposal submitted to change that, to eliminate that, so what I'm saying is there was a regulation allowing this. There was a proposal to change this. In '93, '94 it's no longer allowed.

33

But if that regulation was a regulation, it was in the book, they (ph) can't argue that and a proposal was used to change it, why can't you have a proposal to put that regulation back in?

37

38 MR. O'HARA: John, did an act of Congress between '91 and '92 change that regulation?

40

41 MR. KNUTSON: No, it was a simple proposal

43

44 MR. O'HARA: I want the authority to tell us. I understand what you're talking about.

46

47 MR. KNUTSON: I'm sorry.

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MR. O'HARA: I appreciate that, Smiley. I want to hear it from the horse's mouth that Congress didn't change that act, but an administration act by the Katmai people, themselves, changed that act.

4

MR. HISCOCK: There was no act of Congress as you just asked about and questioned. When the Federal Subsistence Program began at the end of 1989 and into 1990, again, the Federal Subsistence regulations were adopted verbatim from the State, what the preceding State Subsistence regulations were. And so this provision regarding the subsistence fishery on the Naknek River was adopted directly into Federal regulations.

13

There was, however, a separate Federal regulation that had been on the books for many years, since at least the early '80's. that prohibited all fishing within Katmai National Park, other than sport fishing by rod and reel. So when the regulation that has been referred to here was in the Federal Subsistence regulations in 1990, what you really had was two separate Federal regulations saying two separate things. One saying go ahead, the other saying it's prohibited.

21

Now, there was another portion of the Federal Subsistence regulations that states that agency specific regulations control in matters like that. So since there was the National Park Service regulation prohibiting that activity it was considered to be prohibited at that time.

26

MR. O'HARA: The agency that changed that then was, who?

29

MR. HISCOCK: It wasn't a change.

30

MR. O'HARA: Well, who brought that in compliance?

34

MR. HISCOCK: The National Park Service made a proposal to the Federal Subsistence Board to remove that regulations because of that conflict. It was actually in an effort to clarify the existing situation.

39

MR. O'HARA: So are you saying that in 1980 when Congress acted that they, indeed, said that there would be no netting of red salmon in Katmai National Park boundaries, period?

44

MR. HISCOCK: The United States Congress directed the National Park Service to manage those lands in accordance with the National Park Service Organic Act and the regulations that were propagated there under. And those

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regulations prohibit fishing in Katmai National Park, other than sport fishing by rod and reel.

2

3 MR. O'HARA: Because that's something that's
4 been done across the United States?

5

6 MR. HISCOCK: That's correct. Now, again, the
7 majority of the National Parks in Alaska which were created at
8 the time ANILCA was passed were specifically opened by Congress
9 to subsistence uses. Lake Clark National Park, for instance,
10 Adiakchak National Monument, but Katmai was one of those parks
11 that preceded the passage of the Alaska National Interest Lands
12 Conservation Act and had been always managed just like the
13 other parks in the Lower 48.

14

15 MR. O'HARA: So Kontrashibuna Lake up at -- can
16 have a netted red fish if they should so desire or catch white
17 fish?

18

19 MR. HISCOCK: If the Federal Subsistence
20 Regulations have provisions for that use, yes.

21

22 MR. O'HARA: Okay. And then Katmai has been
23 exempt from that?

24

25 MR. HISCOCK: Right.

26

27 MR. O'HARA: I appreciate that -- there are
28 a group of these things you got to figure out where you're coming
29 from. That's really interesting. We may have a little bit of
30 struggle on our hand to figure that out, although, certainly
31 not afraid to take it on.

32

33 MR. HISCOCK: I would just suggest that you
34 make whatever recommendations that you feel are proper as a
35 Council and

36

37 MR. O'HARA: Well, we got to stay within our
38 boundaries. I mean, I might decide to have everybody move out
39 of King Salmon, too, and it might not work, you know. We got
40 to stay within our guideline of what we can do, you know.

41

42 But if we're within our boundaries to go ahead
43 and make a recommendation under this situation -- Robin,
44 apparently that's where we were at, huh?

44

45 MR. SAMUELSEN: Yeah, I move that.

46

47 MR. O'HARA: One second, could I just -- we
48 have a hand over here.

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1 MR. MATSUNO: Mr. Chairman, you know, in 1990
 2 that regulation was in there and as an exception it should be
 3 kept in there. And it, you know, it should be allowed to still
 4 take fish up there.

5
 6 MR. HISCOCK: What I was trying to explain is
 7 despite the fact that that regulation was in the Federal
 8 Subsistence regulations, stating that that use was allowed,
 9 when taken in the context of all the Federal regulations that
 10 apply it actually was not allowed, it was prohibited because of
 11 the National Park Service regulations that prohibited that
 12 activity.

13
 14 MR. MATSUNO: It's like there would be an
 15 exception, you know, because of you guys moving in on them.

16
 17 MR. SAMUELSEN: It was inconsistent with the
 18 National policy.

19
 20 MR. O'HARA: That's right. That's what it
 21 boils down to. Yes, Helga.

22
 23 MS. EAKON: Mr. Chair, as your coordinator I
 24 think that a proper route to go would be in the strongest
 25 language possible a recommendation to the Federal Subsistence
 26 Board to change the situation by allowing subsistence take of
 27 whatever fish species you want. And also to include very
 28 strong language in the Section 813 Annual Report to Congress.
 29 And that's going to be due by November 30th. Those would be my
 30 suggestions.

31
 32 MR. O'HARA: What are the wishes of the
 33 Council? Robin.

34
 35 MR. SAMUELSEN: I recommend that the taking of
 36 spawned out red salmon be allowed within the Katmai Park and
 37 Preserve. And also in my motion I would include other fresh
 38 water species, besides what's in the waters of the Park.

39
 40 MR. MATSUNO: I second.

41
 42 MR. O'HARA: Okay, Roy has seconded that
 43 motion. Any further discussion by the members of the Council
 44 on this. Yes, Robin.

45
 46 MR. SAMUELSEN: For the record, Mr. Chairman,
 47 we've heard testimony from area subsistence users that this has
 48 been a long customary traditional practice. Upon reviewing the

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escapement data provided by Fish and Game there's no biological justification of not allowing us harvest. It will not be detrimental to the red fish that are spawning in the lake, so I think that any help that the Federal Subsistence Board can give us in straightening this out. I think this injustice to these three villages that have depended upon Naknek Lake for their survival for thousands of years would be greatly appreciated, not only by this Council, but by the subsistence users of the three communities.

9

10 MR. O'HARA: Okay. Tim.

11

12 MR. LaPORTE: Another comment that I picked up from Trefon Angasan was that kind of the reason he was limiting his comments to the red fish was that he thought that was a winnable situation. Where if we get too broad with it, if we go for total hunt and fish and white fish, everything in general, the chance of getting shot down are pretty good. Where red fish is probably a winnable situation up there.

19

20 MR. O'HARA: Okay. Robin.

21

22 MR. SAMUELSEN: Mr. Chairman, I have no problem deleting other fresh water species and moving it over to another proposal for customary and traditional planning (ph) for all of Bristol Bay.

26

27 MR. O'HARA: Okay, so you will take it out of our motion?

29

30 MR. SAMUELSEN: Yes.

31

32 MR. O'HARA: If that's okay with the second. Who was the second, Roy?

34

35 MR. MATSUNO: That's okay

36 MR. O'HARA: That's okay with you. And we do have that as a second item. We'll take Robert and then we'll take Dick afterwards. Robert.

39

40 MR. HEYANO: Yeah, I was just wondering, Mr. Chairman, if his motion reads to the taking of spawned out salmon. Just wondering if that's the word we want to use or do we want to define it as red salmon?

44

45 MR. O'HARA: Dick Russell, you had your hand up, would you mind coming up where we can get you on record, if you would, please?

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MR. RUSSELL: Mr. Chairman, I'm Richard Russell, Fish and Game Department. I've been listening to the interaction here on this particular issue and I just have a couple of comments that I think are appropriate at this point.

4 You're talking about the desire of people to catch spawned out sockeye salmon, which in some cases are and some case aren't spawned out. Fish that are well along in the progress towards that end. And realistically the types of gear people use to catch these fish are gill nets.

9 So, I think, from my perspective of 25 years of working out here with the fishery, if you get very specific in tailoring this proposal to red fish or spawned out sockeye salmon you're going to saddle these people with having to deal with whatever by-catch issue they come up with when they fish their gill nets for sockeye and they catch lake trout and they catch pike and they catch humpback white fish and they catch a few co-ho's and they catch some rainbows.

17 All of those catches are going to, then, be -- present some moral issues to these folks, what do we do with these fish if they're not legal for the taking under these circumstances. Unless you're able to specify a gear type that catches red fish only. Or that catches all fish in a non-lethal manner so that you can turn loose anything other than sockeye salmon that you're targeting.

24 And there are such types of gear, trap nets, those kinds of things, beach seines, where you pull the fish in, take a look at what you need, take those and turn the others loose, but those aren't commonly used here locally, so if it were me tailoring this proposal, I would tailor it to say subsistence fishing rather than specifying species. Then if you wanted to specify what type of gear targets primarily on the species you're after, you can say subsistence fishing with such and such mesh size gill net or et cetera, you know, rather than just red fish and then you get somebody who goes up there and red fish didn't happen to be in the spot that he fished that day, but he got 62 humpback white fish that he now has to deal with when it's not legal for those to be possessed.

37 So if you see what I'm driving at. I think you might be better served to say subsistence fishing with gill nets of such and such size or with gill nets in general and let people pin that down a little later to the proper size that catches these fish as opposed to just saying red fish.

42

43 MR. O'HARA: Okay. Thank you. Is that all you had?

45

46 MR. RUSSELL: That's all I had.

47

48 MR. O'HARA: Before you leave, is there any

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questions of Dick? Thanks we appreciate that.

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MR. RUSSELL: Okay.

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4

MR. O'HARA: Robin.

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MR. SAMUELSEN: Yeah, I'll include that
suggestion.

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MR. O'HARA: Okay, so where are we at?

10

11

MR. SAMUELSEN: I'd like to hear our staff, see
if they have any comments on how it should be worded.

13

14

MR. O'HARA: By the way, who are the staff from
Katmai? Susan, you are the staff?

16

17

MS. SAVAGE: Yeah.

18

19

MR. O'HARA: Do you have a boss?

20

21

MS. SAVAGE: Yes, I do.

22

23

MR. O'HARA: Is he in King Salmon?

24

25

MS. SAVAGE: Yes, he is.

26

27

MR. O'HARA: Send him a little message, he
should probably be here with us today. This is a pretty big
issue, I think, that we're dealing with. You're the biologist,
right?

31

32

MS. SAVAGE: Yes.

33

34

MR. O'HARA: Okay.

35

36

MR. SAMUELSEN: You have any recommendations on
wording?

38

39

MS. SAVAGE: I would defer biologically to the
Fish and Game biologist. I would defer recommendations on the
biology to the Fish and Game biologist at ADF&G, Dick Russell.
And as far as recommending any wording I really can
specifically help you other than what you've already did.

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MR. O'HARA: John.

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MR. HISCOCK: Mr. Chairman, I would just pose a
question that might result in some further discussion as to

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whether or not the proposal would be a proposal that's made to effect the entirety of the Park or just a certain portion that's been discussed here today? Just throw that idea out to you.

4

5 MR. O'HARA: My comment would be, we'll put it out just like Robin's proposal is and let the powers that be from Ms. Savage on up determine if it's going to be west end of the mouth of where the drainage of the Naknek River begins or if they're going to do it in the Brooks Lake, you know.

10 If we became site specific maybe we could deal with what wasn't the extension is now the extension, maybe that would help. We may have to deal with that issue when it comes up to that point. Whatever the Council thinks.

14

15 MR. SAMUELSEN: My recommendation would be all the Park boundaries.

17

18 MR. O'HARA: Yes.

19

20 MR. RALPH ANGASAN, JR: This time of year there's no fish up at Trefon's cabin. You've go to go all the way up.

23

24 MR. O'HARA: All the way up to where?

25

26 MR. RALPH ANGASAN, JR: The other end of the lake, up towards Savonoski River and stuff. And also what if this thing doesn't work; where do I stand? The only alternative I see is -- I don't know who's in charge of giving buckets, but give me a ticket. Anytime I'm up there on that lake you know I've got red fish or some kind of fish -- way over bag limit. And let the courts decide because I don't think I'll lose. So who's in charge of giving tickets up there at that Park?

35

36 MR. O'HARA: I don't know that?

37

38 MR. RALPH ANGASAN, JR: You?

39

40 MS. SAVAGE: No, not me. The administrator would be the superintendent of the Park and under him, the chief ranger.

43

44 MR. RALPH ANGASAN, JR: I mean, why hasn't there been tickets before because I know darn well they know what we're doing up there. There's no way they can't know.

47

48 MR. O'HARA: I guess the issue right now is not

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whether you get a ticket or not. The issue right now is whether we want to do a proposal on that. And, I guess, that's not our responsibility who gives a citation, but thank you for your comments anyway. Buckles, we appreciate it. Okay, what do you want to do -- yes, Dick.

5

6 MR. MARSHALL: Mr. Chairman, Dick Marshall, Fish and Wildlife Service. You asked for comments by staff and I thought that I would confirm what Richard Russell said about the incidental catch. That would pose a problem and during our analysis of this recommendation we would have to evaluate that.

11 As far as your methods, I think you need not mention that. There are already in our regulations a provision that restricts the taking of salmon in this area to set gill nets or rod and reel. And I don't know, Richard, whether that's directly out of the ADF&G regs, but I assume that it would be set nets that would be used in that area.

17

18 MR. RUSSELL: (Nods affirmatively)

19

20 MR. MARSHALL: So I think you've got your methods covered, but I do agree with Richard that the incidental catch would be a problem if you restricted the take of red fish.

24

25 MR. O'HARA: Okay. That's a good point. Are we ready to vote on this issue now or do you need any more discussion on it. Call for the question.

28

29 MR. HEYANO: Question.

30

31 MR. O'HARA: All those in favor say aye.

32

33 (Ayes respond)

34

35 MR. O'HARA: Opposed.

36

37 (No responses)

38

39 MR. O'HARA: Let the minutes show that it passed unanimous. Second item that we'd like to deal with is the other fin fish in the -- I don't know if I'm putting it correctly or not, in the Bristol Bay drainage area and that would be dealing with white fish, rainbow, dolly varden, grayling, et cetera. Robin, did you have some thoughts on this. You brought this up.

46

47 MR. SAMUELSEN: I don't have a proposal, Mr. Chairman, but again I'll refer to Ted's notes in traveling

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the region, people up in the lake area have expressed a real desire that rainbow be classified as subsistence fish. That they don't go out and take them in great number, however, it's been a culturally part of their diet for hundreds of years and I'd like to -- since I don't have a proposal, I'd just like to have a general discussion.

6 We could adopt or ship in a proposal later on and I was just wondering what's the issue -- what's the stance of the Council here; how do they feel about it.

9
10 MR. O'HARA: Okay. What Robin had brought to us is perhaps comments from other members of the Council on the use of fin fish in the fresh water drainages of Bristol Bay for subsistence use. I don't think we're going to get into the proposal part of it today because I don't think we have the ammunition and the time frame is such that we can deal with it in February. Dick, did you have a comment there that you wanted to give to us.

18
19 MR. MARSHALL: Dick Marshall, Fish and Wildlife Service. I'd just like to clarify the situation with respect to other fresh water fish. There is currently in this area no determination for char, grayling, pike, which means that they can be taken by any rural resident in this area.

24 Rainbow trout, however, there is a prohibition against taking them anywhere except in certain drainages of the Kuskokwim. And I think it would be timely to hear a recommendation from this group. Again, it wouldn't be a proposal because we're just looking at proposals for wildlife, however, I think it is opportune perhaps to get on the record that you'd like this evaluated.

31 What we would be doing would be cranking this into our customary and traditional use process. We are in the process now of developing priorities for looking at C&T and I think it would be appropriate for this group to suggest this be given a very high priority.

36 And I think I agree with you, you probably are not prepared to define which communities and which drainages should be included, but I think it would be appropriate for this group to be on the record as saying as we schedule our C&T determinations that this be given a high priority.

41 Because if you don't we're going to proceed along and fish aren't going to get a very high priority because we're already proposed to look at large mammals first. And we'll be going to the Board with that and this would be a difference where you would suggest in this situation we do look at rainbow trout.

47
48 MR. O'HARA: Okay, before you leave, if you
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wouldn't mind just staying for a second. Apparently there's not a problem with the fresh water fin fish and C&T with the exception of rainbow.

3

4 MR. MARSHALL: That's right. The only problem
5 in this area with -- there are two problems. One, of course,
6 is the Katmai issue, which you've already addressed. The other
7 is simply that our regulations apply to only non-navigable
8 waters. That isn't a problem though because the State permits
9 this kind of use, so you really don't have problem with other
10 fresh water fish at this time, just with rainbow.

11

12 MR. O'HARA: Yes.

13

14 MR. SAMUELSEN: I'd like to include a C&T
15 finding of all the fresh water species, including rainbow.

16

17 MR. O'HARA: Is that in the form of a motion?

18

19 MR. SAMUELSEN: (Nods affirmatively)

20

21 MR. O'HARA: Okay, a second to that motion on
22 the floor?

23

24 MR. MATSUNO: Is that for all Bristol Bay
25 drainages?

26

27 MR. SAMUELSEN: All Bristol Bay drainage.

28

29 MR. MATSUNO: I'll second.

30

31 MR. O'HARA: Okay. Any further discussion or
32 comment from the members of the Council? Everybody understand
33 the motion? All those in favor say aye.

34

35 (Ayes respond)

36

37 MR. O'HARA: Opposed.

38

39 (No responses)

40

41 MR. O'HARA: That motion passed unanimously and
42 that will go on to your staff people to put that in motion for
43 what we'll be looking at in the February meeting.

44

45 We have another issue here of the beaver -- we
46 have a formal proposal in front of us for 1995 Federal
47 subsistence regulations. And this is -- the name of the
48 organization is the Bristol Bay Subsistence Council -- has
49 brought before us a regulation. Peter, you're dealing with

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this?

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MR. ABRAHAM: Uh-huh (affirmative).

3

4

MR. O'HARA: You guys going to go ahead and submit this? You've already had it written up and everything and it's going to go into a proposal?

7

8

MR. ABRAHAM: That's right there.

9

10

MR. O'HARA: Okay, this is it right here. So you don't necessarily want us to do this, but you guys are going to submit this to the powers that be on this proposal?

13

14

MR. ABRAHAM: Uh-huh (affirmative).

15

16

MR. O'HARA: Timely, to get in before November

17

18

19

MR. ABRAHAM: Uh-huh (affirmative).

20

21

MR. O'HARA: Helga, what do we do now, we just we don't act on this, this is not our proposal. However, will there be a time when we will support this down road farther or where we at?

25

26

MS. EAKON: Well, could I look and see what this is going to be?

28

29

MR. O'HARA: Okay.

30

31

MS. EAKON: This is going to be from Togiak?

32

33

MR. ABRAHAM: Uh-huh (affirmative).

34

35

MS. EAKON: For the record, this proposal addresses the regulation on Page 70, Unit 17A. Open season January 1 to January 31 to January 1 to February 28th. How would you like to see the regulation changed? Same, but change the date or make the date flexible. Why should this regulation be changed? Snow and trail conditions. How will this change affect wildlife populations? None. How will this change affect subsistence users? Better. Additional information to support your proposal. Never enough fish or fish prices are lower every year.

45

46

MR. O'HARA: Peter, do you want to address this proposal since you're the one who brought it to us; do you have any comment?

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1 MR. ABRAHAM: Yeah, I have just a sort of
 2 comment on it because, you know, every year this opening over
 3 here, where it says January 1st to January 31st, well, when you
 4 have a mild winter, and you and I know, in this area, includes
 5 Fogiak area, you're creek isn't good until maybe middle part of
 6 January and then that's when you can really travel in without
 7 going through the ice or you would have enough snow to travel
 8 on.

9 That mean, I'm talking about in the valley, not
 10 in the high mountains, you know. We're talking about the
 11 valley where you can hunt or trap beaver. And by the time, you
 12 know, when the trail conditions are better or you have enough
 13 snow you have only about a week to hunt and then it's closed.
 14 So, therefore, the hunter might get four or five in a few days
 15 time.

16 So would I'd like to see, you know, if we can
 17 extend this from January 1st to February 28th or make it
 18 flexible depending on the snow and trail conditions, you know,
 19 because we can keep contact with ADF&G and U.S. Fish and
 20 Wildlife on these hunting conditions over there.

21

22 MR. O'HARA: Yes.

23

24 MR. LaPORTE: You talking about keeping the bag
 25 limits the same as 20 beaver, just extending the period you can
 26 do it in?

27

28 MR. ABRAHAM: Yeah.

29

30 MR. O'HARA: Does the staff member have a
 31 comment on this?

32

33 MR. MARSHALL: My only suggestion,
 34 Chairman, was to establish the date. I understand the
 35 flexibility, but the Federal regulatory process is slow and
 36 bulky and to ask the Board every year to give special
 37 consideration to what the closing date should be, I think, we'd
 38 be better off to just go for a March 31st cut off rather than
 39 make it flexible. I understand your desire for flexibility,
 40 but I think what the Board will probably do with it is say,
 41 let's just establish a date and then if the people don't want
 42 to take beaver, you know, later in the season they don't have
 43 to do it, but it's available to them.

44

45 MR. ABRAHAM: The reason I put February 28th is
 46 because on March 3 or 4 or some place in that neighborhood, the
 47 beaver round up stops. I mean, it starts right there and then
 48 people got cited (ph), you know, that the end of the beaver

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hunting because you're going to present your pelts to the fur buyers.

2

3 MR. MARSHALL: My suggestion would be just to
4 establish a date, though.

5

6 MR. O'HARA: It doesn't hurt to go beyond, if
7 they don't want a taking of it, that's fine.

8

9 MR. MARSHALL: That's right.

10

11 MR. O'HARA: It's not going to hurt anything if
12 it does go beyond.

13

14 MR. MARSHALL: Yeah, right.

15

16 MR. O'HARA: And, Dick, before you -- this
17 regulation, is this in compliance or did we work in conjunction
18 with -- being fairly new to this, with the State of Alaska and
19 proposals they have for the taking of fur bearing animals, such
20 as a beaver?

21

22 MR. MARSHALL: This would result in us having a
23 longer season on Federal lands only. It's a no determination,
24 so any rural resident could do that. What we would do would be
25 calling this to the attention of our liaison person, whose been
26 mentioned, and conceivably they might decide to address the
27 issue also. I couldn't say what the State would do to react to
28 this change, if anything.

29

30 MR. ABRAHAM: Dick, just a short question.
31 Because it's been on my mind for a long time, you know. On the
32 Federal land, does ADF&G have a right to cite you or does
33 controls -- the hunting regulations in the, like, the Wildlife
34 Refuge?

35

36 MR. MARSHALL: We have an agreement where by
37 our law enforcement people will, you know, help on another out,
38 but no, in this case it would be clear to law enforcement
39 people that a -- if it's on Federal land, they can continue to
40 trap until whatever date it is in the regulation.

41

42 MR. ABRAHAM: Are you using ADF&G regulations?

43

44 MR. MARSHALL: No, using -- our regulations
45 would apply. In other words, if a person is eligible, and any
46 rural resident would be eligible, and if they were on Federal
47 lands, they could continue to trap pass the State closure.

48

49 If a non-eligible person wanted to hunt --

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wanted to trap or wanted to hunt beaver, they would have to continue to do so under State regulation, even though they're on Federal land. Because they wouldn't be a qualified subsistence user.

4

5

MR. O'HARA: Okay.

6

7

MR. SAMUELSEN: Dick, do you have any biological information on the stock, the healthy stocks or unhealthy stocks?

10

11

MR. MARSHALL: The only data we have would be information we got from the Refuge and from the State and I don't have that at my fingertips. I don't know whether Dave could address that. You know in a perfect world we'd come armed with, you know, all our files on every species in anticipation of anything coming up. You know it's not a perfect world, so I don't know if the State might want to comment or one of the Refuge biologist on the stocks here.

19

20

MR. O'HARA: Dick, did you -- Sellers, did you feel like you wanted to comment on this. This is one of those deals where they may cross from the State lands over to the Federal lands and I think Robert brings up a good point on -- did you have any comment? You don't have to.

25

26

MR. SELLERS: There, again, it depends on how big an area. If you're talking just Unit 17, I don't have any data, if your talking (indiscernible)

29

30

COURT REPORTER: Excuse me, I can't hear a word you're saying. Sorry, thank you.

32

33

MR. MARSHALL: While Dick is coming up here. What we would do, our staff will, during the time that the common period closes and the Board meeting, we will be analyzing all these proposals and we will be providing that kind of information to the Board. I mean, that will happen it just won't happen, necessarily, at this time.

39

40

MR. O'HARA: Okay. Dick, if you -- I don't want to put you on the spot, but like we said earlier in fairness to all these little trails and streams. You know, we're going to be crossing each other's path with resource and if you had a comment we'd certainly like hear it.

45

46

MR. SELLERS: Well, Mr. Chairman, Dick Sellers from Alaska Fish and Game. This is a good example of some of the problems that will have to be worked out because I have

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some information that pertains to Unit 9, but I think the primary impetus is over in Unit 17 for the proposal and Larry Van Dale in Dillingham would have that local knowledge. As far as Unit 9 beaver populations generally are very health, high and probably under utilized in most areas.

5

6 MR. O'HARA: Yeah, there was a beaver out here last night on the door step. He was out here while the public forum was going, the politician were crazy (ph) here and the beaver was out here sitting in the doorway. Is that all you had to say, Dick?

11

12 MR. SELLERS: (Nods affirmatively)

13

14 MR. O'HARA: Thank you.

15

16 MR. SAMUELSEN: This is a classic example. We've had the State's system in place and the Advisory Boards have worked real hard on identifying problems. Beaver, for example, I've attended, although I've never sat on the Advisory Committee, I've sat though a number of Advisory Committee meetings and, you know -- the stocks of beaver is dictated by the price of beaver, especially in the Nushagak drainages and over towards Togiak.

24

I don't remember how the beaver population is doing over in Togiak, but I think this Council's got to be pretty cautious, especially in the start up here of -- and I'm not addressing this proposal, I'm just talking in general MS. Chairman, but we've got to be careful when we put in proposals that any time a proposal goes in it has a chance to pass as well a 50/50 chance to fail.

31

But, you know, we don't want to undo the work of the rebuilding of a stock that other people have worked real hard with, especially with limited knowledge. So I guess in this process, Dick, we put in proposals, they go out for analysis and then we get them back and we listen to the analysis and then we justify, again, whether this should go forward or -- I'm a little bit unclear of how this whole process is going to work.

39

40 MR. O'HARA: That's why I think a little trail at the streams are going to be very important to what's going to happen as time goes on. And I have -- we're probably wasting time other than, maybe, we're becoming a little educated because this proposal is going to go in whether we like it or not. Then come February we may look at whether or not, as you say, Robin, we would like to support this or maybe analysis shows it's not going to work. Dick.

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MR. MARSHALL: We will have biologist here at the February meeting and we will have nearly completed staff work on each of these proposals done. I say nearly complete only because we still want to hear what you have to say and that will be cranked into our final staff work. But we will have gathered all the available information on the stocks at that time.

7 I'd also point out in this case you've elected
8 to retain, you know, the 20 beaver bag limit, so you retain
9 that protection against over harvest too.

10

11 MR. O'HARA: Okay, thank you. Yes, Robert.

12

13 MR. HEYANO: Yeah, Mr. Chairman, a couple of
14 comments. I guess, first is on the lines of Robin there. As
15 we're going along and we're just getting started I think it's
16 imperative that we, as a group, if we're going to submit a
17 proposal we got to make sure that it's a good and justifiable
18 proposal and have all the available information for that
19 proposal because I think everybody's going to be looking at the
20 new group. And if we get a reputation of submitting poorly
21 worded proposals, poorly supported proposals or proposals that
22 are a detriment to the resource that's going to hurt the
23 credibility of this organization and maybe the longevity of
24 it.

25 Having said that, sitting on the Nushagak
26 Advisory Committee we've dealt -- you can see that in 17B and C
27 there's a different season and part of that was for some of the
28 same concerns that this proposal brings up.

29

30 MR. O'HARA: Give us the page number.

31

32 MR. HEYANO: Seventy. Weather conditions, but
33 at that time, if my memory serves me correctly, there was some
34 concerns about the beaver population in Unit 17A and that's why
35 the seasons were, basically, a month shorter. And one of the
36 problems, I think, at that time -- the State biologist has it
37 was the number of kits that was observed in that harvest.
38 Now, whether that's the same situation today, I'm not sure, but
39 just a little brief history of the past.

40

41 MR. O'HARA: Well

42

43 MR. ABRAHAM: Excuse me, Mr. Chairman.

44

45 MR. O'HARA: Go ahead.

46

47 MR. ABRAHAM: For the past some years now,
48 maybe over, you know, 10 years or more, I don't know really.

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You know, you have noticed the beaver price has gone down and interest on beaver hunting has gone down too. So, therefore, on 17A everywhere you go in ever little stream, everything over there, on every -- they're all over the place over there.

4 So, therefore, you see -- you know, that why I propose, you know, this change over there. I don't think ADF&G has gone over there and check it out over there. I mean, the population -- the situation over there for so long, you know. But as I say before, the true conditions over there are so bad and by the time they got better, you know, it closed season -- close to closed season. I'm not just talking because of the dates of this over here, I'm talking from experience.

12

13 MR. SAMUELSEN: Mr. Chairman.

14

15 MR. O'HARA: Yes.

16

17 MR. SAMUELSEN: I see -- for some reason I had a mental block. I see how the process works, Dick might want to confirm this. Anything we adopt here today is going out for analysis. And then in February we review it, it's kind of a wish list. Here's our wish list, this is what we want analyzed. And then Dick and the troops will come in with the analysis on the specific proposals.

24

If we feel a justification is in the analysis, then we adopt the proposal. If the analysis shows that whoever made the proposal is justified then we adopt it in February.

27

28 MR. O'HARA: I don't know if I see that or not. Dick, did you want to talk a little about that?

30

31 MR. MARSHALL: I'll address that. To a large extent, Robin, you're right. However, if local knowledge about the resource is available, and Peter just provided some from his perspective, it's antidotal information rather than scientific information, but it's just as important in the decision making process.

37

So at the time you make a proposal if you do have local knowledge about the resource it would be of value for us to have it to assist in our analysis. Because a lot of times that is the perspective that's missing from our staff work. We have scientific information, but we don't have, you know, the first hand observation that many of your folks and your families and friends make of local conditions.

44

So situation like Peter pointed out that from his observation because of low pelt prices, you know, there hasn't been that much taking and they're abundant would be worth putting in the proposal.

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MR. SAMUELSEN: But that's how the process works? Now, we pass these recommendation on, you go out and do the analysis, you come back and report to us in February on your findings and then we, as a Council, will argue them up or down?

5

MR. MARSHALL: That's right. Of course, it won't only be your proposal, it will be all the proposals

8

MR. SAMUELSEN: All the proposals, yeah.

10

MR. MARSHALL: that relate to this area.

12

MR. O'HARA: I think Robin and

14

MR. SAMUELSEN: So a vote yes now, a person could vote no later on the same proposal?

17

MR. MARSHALL: Certainly.

19

MR. SAMUELSEN: And what we're doing now is just saying yes, let's ship this out for analysis at this point at this time?

23

MR. MARSHALL: Again, it's a complete a picture we can get of not only the resource but the local use, the human use, of beavers during the time you're asking for the season. You know, they're of value because of, you know, additional use, the tails or whatever it is that you're after. It helps us to have as much information on that as we can, but yes, you're right we'll do a lot of staff work, you'll see that staff work and there's nothing wrong with changing your mind at that time about recommending that a proposal continue to go -- you know, it would still continue to go forward, but it would go with your recommendation.

35

MR. O'HARA: It's my understanding that we are not today making a proposal on this issue of the length of the beaver season in this unit that Peter is talking about. He is submitting a proposal that's going to go forward.

40

MR. MARSHALL: All right. In other words, it will be Peter's proposal, not

43

MR. O'HARA: It's Peter's proposal, we're just talking about how the system works. And then come February when the data is given to us and we look at all the possibilities that exist at that time, if I understand you right, we would then say, yeah, that's a good idea or I don't

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think that should be that way. And so whether we like it today or not, Peter's proposal is going to go forward and it's going to become a part of the system in February.

3

4 MR. MARSHALL: Unless this group would choose
5 to adopt Peter's proposal as their own.

6

7 MR. O'HARA: If you would like to, as a group,
8 sit down and write up a proposal similar to this or something
9 different, that's our (ph) job today, you can certainly do
10 that. So whatever you'd like to do is fine.

11 But you're right, Robin, this is the first
12 step, there's another step in February.

13

14 MR. SAMUELSEN: Yeah.

15

16 MR. O'HARA: Yeah, okay.

17

18 MR. SAMUELSEN: If we adopt Pete's proposal
19 today, it's still going out for analysis. The same process
20 happens.

21

22 MR. MARSHALL: Regardless, that's right,
23 regardless of who makes the proposal.

24

25 MR. SAMUELSEN: Yeah.

26

27 MR. O'HARA: It's going out if we don't adopt
28 either. It's going to go out, that's how the system
29 works (ph).

30

31 MR. SAMUELSEN: Yeah, either way.

32

33 MR. ABRAHAM: Well, we ought to know. Heck,
34 when you see, you know -- when we make proposals you see a
35 draft first and we look at it and see how we like it. And when
36 the time comes say yes or we say no.

37

38 MR. O'HARA: Okay. Have we exhausted the
39 beaver issue?

40

41 MR. ABRAHAM: The beavers are getting restless.

42

43 MR. O'HARA: All right. We have another issue
44 here that perhaps you'd like to lend comment to with a deadline
45 of October 12th. And that was John Knutson brought to us the
46 migratory spring hunt on water fowl and the collection of eggs.
47 Any thoughts or comments that the Council has on what you'd
48 like to do on this. Or do you want to let him draft the

49

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proposal and we support it later on or do you want to do one of your own or what?

2

3

MR. MATSUNO: Mr. Chairman.

4

5

MR. O'HARA: Yes, Roy.

6

7

MR. MATSUNO: I'd like to support what John had brought up about egg collecting and hunting of water fowl in the spring. They've got this environmental draft assessment for migratory bird subsistence and the take for -- according to these figures here, the take for '78/'79 hunting season was only six percent for the subsistence user, total sports hunting bird, ducks and geese in, you know, America.

14

And in 1981 and 1985, 1986, 1990 the take was 15 subsistence was only 2.6 percent and the average was 9.3 million ducks for harvest in Canada and the U.S. So, you know, our take is really small -- the subsistence take is really small and I don't think it would have that much affect on the population compared to sports hunters and, you know, the Lower 40 and Canada.

21

22

MR. O'HARA: Any other comments from the Council? One of the things that bothers me a little bit, Roy, 24 I haven't seen Smiley's numbers. I think the Federal people 25 have some restrictions on what you can take in the way of water 26 fowl migration, is that right Fish and Wildlife? Who has info; 27 who's the biologist; who is the one who gives the information 28 on that resource?

29

30

MR. MARSHALL: Before anybody tries to answer that question, I'd just like to clarify the situation. Again, 32 this is an issue where I suggest that you make a 33 commendation. What you're actually doing is responding to a 34 request for public comment. And you're taking advantage of 35 doing so as this Council.

36

I'd guess I'd defer to Ron whether or not this 37 commendation -- I guess it would go to the Federal 38 Subsistence Board who would then send it to the people that are 39 requesting public comment.

40

41

MR. HOOD: I'm cold -- you caught me cold.

42

43

MR. MARSHALL: Yeah. This, again, would not be 44 proposal, that's for sure because it does not relate to 45 subsistence taking of fish and wildlife under these 46 regulations.

47

48

MR. O'HARA: Yeah, all right, thank you.

49

50

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1 MR. MARSHALL: You are really responding to
2 request for public comment and doing so as a Council. And you
3 can certainly do that through the Federal Subsistence Board or
4 you can just put it on your letter head and respond to this
5 request. I think it would be up to you to do it either way.

6
7 MR. O'HARA: Robin, did you have a

8
9 MR. SAMUELSEN: Yeah, there was five
10 recommendations in there, Mr. Chairman, I haven't read, that
11 BNA Natural Resource Division is going through the document.
12 We are going to respond on behalf of the Tribal Councils of the
13 Bristol Bay Region, fully recognizing that it's been customary
14 and traditional to harvest migratory birds in the spring as
15 well as egg collection.

16 Out of the five proposals, I don't know which
17 one at this point in time, I have not read the document myself,
18 which one to support. Surely we will support the one that
19 truly reflects the region as a whole. And I don't know if this
20 body today could just arbitrarily say we support number two. I
21 know I'm not here today prepared to do that.

22 However, I think the Council can recognize,
23 since we are regional representatives within the region here,
24 recognize the customary and traditional practices of the spring
25 migratory hunts and as well as the egg gathering, if the
26 Council so wishes. But to sit down today and say I support two
27 or three or five, I can't do that.

28
29 MR. O'HARA: Okay. Any other comment from the
30 Council members on this issue.

31
32 MR. MATSUNO: Yeah, there's some numbers in
33 here about populations, you know, they've gone up significantly
34 since -- like I say about, Canada geese were 26,000 in 1983/'84
35 and increased to 129,000 in '92. And Emperor geese were 42,000
36 in '86 and by '92 there's 71,000 now, so there's -- I mean,
37 there's not a, you know, low population on some of the birds
38 that the Natives want to hunt.

39
40 MR. O'HARA: Okay, so -- yes, Mr. Hood, would
41 you like to -- Ron, would you like to talk to us?

42
43 MR. HOOD: Ronald Hood, Fish and Wildlife
44 Service. Just for clarification, Dan. What this document that
45 John Knutson brought to you all is requesting is comments on
46 that environmental assessment. And those comments are due by
47 October 12th. They're not soliciting recommendations for
48 hunting proposals or anything like that. They requesting

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comments on that document.

1 And I would Council advise that this panel
2 could make comments, but they might want to read the document
3 before they proceed.

4

5 MR. O'HARA: That might be real difficult to do
6 between now and closing time, Ron. But, I guess, we could on
7 an individual basis.

8

9 MR. HOOD: That's correct.

10

11 MR. O'HARA: Between October as members of the
12 Council make comments on this plan.

13

14 MR. HOOD: Your deadline is rapidly coming upon
15 you here.

16

17 MR. O'HARA: Yeah, thank you. Okay, what's the
18 wishes of this Council? I don't believe at this time that it's
19 our place to comment on this without ever having seen the
20 document, knowing what one through five says. Yeah.

21

22 MR. STEPANOFF: Are there copies of this
23 around?

24

25 MR. LaPORTE: I don't know that I have a copy
26 of this, does anybody have a copy of it.

27

28 MR. MATSUNO: I tried to get it from Fish and
29 Wildlife, I went down and picked up a copy in Togiak.

30

31 MR. SAMUELSEN: Ron, where do we find this
32 thing to comment on?

33

34 MR. HOOD: I'm embarrassed, but I assume we
35 have a copy at the office. If we don't we could get you folks
36 copies of it.

37

38 MR. O'HARA: If I wanted to get a hold of you,
39 then, we could get -- so I could supply these member with

40

41 MR. HOOD: That's correct.

42

43 MR. O'HARA: Okay, I can do that then (ph).

44

45 MR. MATSUNO: Excuse me, Mr. Chairman.

46

47 MR. O'HARA: Sure.

48

49

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MR. MATSUNO: Without, you know, going through one of the options, you know, there's five options, I think as a Council we still can support, you know, egg taking and the customary and traditional use of, you know, migratory birds.

4

MR. O'HARA: Spring hunt?

5

6

7

8

MR. O'HARA: If you wanted to endorse that context (ph) and lend strength to it and you want to do that in the form of a motion, that certainly up to us to do.

12

MR. MATSUNO: I make a motion to support a spring hunt for migratory birds and egg taking.

13

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MR. SAMUELSEN: Well, I'd like to know if the maker of the motion would entertain a friendly amendment, Mr. Chairman, that would amend that the Council recognizes within the Bristol Bay Region there's been a customary -- it's been the customary and traditional practice of the subsistence users of the region to harvest migratory birds in the spring as well as egg gathering.

MR. O'HARA: So you want the traditional and customary use added to that motion?

MR. SAMUELSEN: (Nods affirmatively)

MR. O'HARA: Is that okay with you, Roy and the second?

MR. MATSUNO: Yeah.

MR. O'HARA: Peter, is that okay?

MR. SAMUELSEN: Well, there's -- Mr. Chairman, from Roy's statement to my statement -- Roy says that on his -- one says that in the past we recognize that this has been customary and tradition of the residents in Bristol Bay. Roy is saying let's support the customary and traditional, there's

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two distinct differences.

1

2 MR. O'HARA: Okay. So yours is a motion to
amend Roy's motion, okay.

4

5 MR. SAMUELSEN: That we fully recognize, as
regional representatives, that this practice has been going on.
7It's basically a statement.

8

9 MR. O'HARA: Okay. Helga, you're going to have
10 give back to us. Is there a second to that motion -- to
that amendment?

12

13 MR. STEPANOFF: I'll second it.

14

15 MR. O'HARA: Okay.

16

17 MS. EAKON: Who moved to -- okay Robin moved
and who seconded it?

19

20 MR. O'HARA: Robin moved and Sam seconded it.
Are there any questions; does the Council understand the motion
and the amendment to the motion? Everyone clear on that issue?
Yes, Robert.

24

25 MR. HEYANO: Yes, thank you, Mr. Chairman, I
was -- I think I understand the amendment and I think I
understand the first motion and in my mind they're saying two
different things. If we adopt the amendment and the amendment
passes it's not saying the same thing as the first motion. Am
I clear on that?

31

In my opinion the first motion says we support
the taking of birds and eggs in the spring. The second one
makes a statement saying that we acknowledge that it's been
customary and traditional and leave it at that.

35

36 MR. O'HARA: Okay.

37

38 MR. HEYANO: All right?

39

40 MR. O'HARA: We'll be packing a lawyer around
with us to get our work done before you know it. Robert.

42

43 MR. HEYANO: And then, Mr. Chairman, I guess I
can support the amendment. I feel I can't support the main
motion. I haven't looked at the document, I have no idea what
the populations are doing. So, I guess, I'll be voting in
favor of the amendment, but I don't know how that ties into the
main motion, but I can't support the first motion at this time.

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1 MR. O'HARA: You can't support the first
 motion? Yes, Robin.

3
 4 MR. SAMUELSEN: Request a five minute break,
 Mr. Chairman.

6
 7 MR. O'HARA: Okay, that's good. See if we
 can't work this out.

9
 10 (Off record)
 11 (On record)

12 MR. O'HARA: Okay, we're going to call this
 meeting back to order. We are dealing with the issue of the
 October 12th deadline of reconsideration of this water fowl
 type thing. Migratory bird --

16
 17 MR. HOOD: The Migratory Bird Treaty Act.

18
 19 MR. O'HARA: Okay, all right. That's something
 just to be brought up for reconsideration and this Council
 would like to make a statement in regards to that. Right now
 we have a motion on the floor. Roy.

23
 24 MR. MATSUNO: Mr. Chairman, I'd like to
 withdraw my motion.

26
 27 MR. O'HARA: Okay, second? Who seconded,
 Peter?

29
 30 MR. ABRAHAM: Uh-huh (affirmative).

31
 32 MR. O'HARA: Would that be okay, would you like
 to withdraw your second?

34
 35 MR. ABRAHAM: Yeah.

36
 37 MR. O'HARA: All right.

38
 39 MR. SAMUELSEN: I withdraw my amendment,
 Mr. Chairman.

41
 42 MR. O'HARA: And who seconded that? Sam, did
 you do the second of this amendment?

44
 45 MR. STEPANOFF: Yes.

46
 47 MR. O'HARA: You withdraw it?

48
 49
 50

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1 MR. STEPANOFF: Yes.

2 MR. O'HARA: Okay. Everything is off the
3 floor, so let's go from here.

4

5 MR. MATSUNO: Mr. Chairman.

6

7 MR. O'HARA: Roy.

8

9 MR. MATSUNO: I'd like to make a motion to do
10 an amendment to the Migratory Bird Treaty Act of 1918 and
11 support the traditional and customary use of migratory bird
12 hunting in Alaska.

13

14 MR. O'HARA: Second to that?

15

16 MR. SAMUELSEN: Second.

17

18 MR. O'HARA: Would you like to speak to your
19 motion? I don't know if I full understand the motion.

20

21 MR. MATSUNO: I'd like the Council to support
22 an amendment, you know, we could put forth a -- go through this
23 and support an amendment because it's a, you know, it's a
24 government process and there's a bunch of actions in here we
25 can take and then somewhere through the -- America, but if we
26 an amendment with -- you know, treaty with Russia and Canada
27 and Mexico and, you know, we could amend this treaty to allow
28 hunting and egg taking in the springtime of migratory birds.

29

30 MR. O'HARA: Roy, to help me understand a
31 little bit what we're talking about here, does this motion then
32 allow this process to come forward to be reconsidered then?
33 Does your motion cover that also?

34

35 MR. MATSUNO: Yes, okay, we can reconsider this
36 as, you know, maybe as a Council talking about and figure out
37 what option to support.

38

39 MR. O'HARA: We support the concept of it
40 coming forward and being looked at?

41

42 MR. MATSUNO: Yes.

43

44 MR. O'HARA: And what else does your motion
45 say?

46

47 MR. MATSUNO: That was my main motion was that,
48 you know, support the concept of customary and traditional use.

49

50

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And maybe have a season in the springtime.

1
2 MR. O'HARA: Okay. Any other comments from the
Council? Call for the question.

4
5 MR. SAMUELSEN: Question.

6
7 MR. O'HARA: All those in favor say aye.

8
9 (Aye respond)

10
11 MR. O'HARA: Opposed.

12
13 (No responses)

14
15 MR. O'HARA: Okay, the motion -- let the
minutes show that that passed unanimously. There was on other
additional person who asked to testify on fishing and hunting
and it was Ralph Angasan, Junior. I don't know if he is here
now or not. I think he might have waved goodbye as he went
through the door, so unless -- if he comes back he's certainly
welcome to testify on that issue.

22 And unless I'm wrong, Helga, I think we've come
to the end of our work period. And I believe it's our
understanding since it is published in our agenda that there
will be at 7:00 p.m. this evening opportunity for the Court
Reporter to sit here and have people come and testify and is
that my understanding Council member?

28 Otherwise we're going to adjourn this meeting
at this time and be gone.

30
31 MR. SAMUELSEN: I make a motion we adjourn.

32
33 MR. O'HARA: There's a motion -- one second we
get a -- could we hold it one second, Robin, if you don't mind
because a motion take priority over everything else.

36
37 MR. SAMUELSEN: Sure, you bet.

38
39 MR. O'HARA: So if you don't mind, okay.

40
41 MR. SAMUELSEN: No, I don't mind.

42
43 MR. KNUTSON: Doesn't it include on your agenda
-- because of people who work during the day at 7:00 o'clock
they're able to come and submit proposals? That means if
proposals do come in you won't be here to act on them.

47
48 MR. O'HARA: I believe as of -- when this

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meeting adjourns now we're going to be gone. Now, if you're saying that we're tied to having to be here at 7:00 o'clock to help out with people who are going to be coming to -- who work

4

5 MR. KNUTSON: At 7:00 o'clock tonight this place will be open for anyone to come in who worked during the day, can only get off in the evening, to make public comment. There won't be anybody here to make public comment to except the Court Reporter.

10

11 MR. O'HARA: The Court Reporter will be here to get their comments and that will go on in with our information and that's the best we can do as far as I understand. At 7:00 o'clock tonight I have another meeting, I'm not going to be here. I had a meeting planned over five months ago at 7:00 o'clock on Friday due to the Bristol Native Corporation annual shareholders meeting, Board of Directors, 7:00 p.m. on Friday, so I'm not going to be here.

19

If you'd like to recess and stay here, the Board, and the Vice Chair can do the meeting, fine. Otherwise, if people are not here to testify on this issue, as far as I understand, unless our charter tells us otherwise, we're going to go home.

24

25 MS. EAKON: You know, the evening meeting -- see, this agenda was very generic. It does say the agenda for the second day should be considered flexible, depending on the amount of public comment received and the length of deliberation. The evening meeting may be desirable to be available to people who could not attend during the day, but that is your call.

32

33 MR. O'HARA: Okay. Well, if that's the case when -- do we know of anyone who is registered for the evening meeting that's going to be here at 7:00 o'clock.

36

37 MS. EAKON: I have no knowledge of any.

38

39 MR. O'HARA: I have no record of anyone who wants to testify at 7:00 o'clock. Yes.

41

42 MR. KNUTSON: You had no record at 1:00 o'clock either that anyone was going to testify until you opened the doors and people started coming in.

45

46 MR. O'HARA: We had an idea they were going to be here because they sent word on ahead that the BBNC staff was going to be here to testify on subsistence issues. And we

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already had people registered to testify by 1:00 o'clock also.
 1 Dick, did you want to make a comment?

2

3 MR. MARSHALL: Just one comment, Mr. Chairman.
 4 We have got very wide dissemination of the requests for
 5 proposals, so people do not have to come to this Council, you
 6 know, to submit a proposal at this time. It's not required. I
 7 suggest, though, perhaps you would want to take some proposal
 8 forms with you when you leave and take them back to
 9 communities.

10 And for those who live in Naknek make sure that
 11 people know that they can pick up these proposal forms here or
 12 at the Refuge or wherever because the public comment period
 13 remains open until November 1st. There's plenty of time for
 14 people to make these proposals. And you certainly can help if
 15 you help us with the dissemination of these forms.

16

17 MR. O'HARA: Thank you. Before we adjourn, I
 18 think with that information, and this is an open-ended call by
 19 the Council to go ahead and adjourn at this time if they so
 20 desired. And proposals can go forward from now until the
 21 deadline of November 1, they can do that without coming before
 22 this body. We will act upon their proposal should it come
 23 before us in February.

24

25 MS. EAKON: If you adjourn then we won't have
 26 an evening meeting because the purpose of the Court Reporter is
 27 to record public comment during a public meeting. And if you
 28 adjourn that's the end of this meeting, period. All right?

29

30 MR. O'HARA: That's fine. Any other thoughts
 31 from the Council?

32

33 MR. SAMUELSEN: Question of Helga.

34

35 MR. O'HARA: Yes.

36

37 MR. SAMUELSEN: Helga, you stated that one of
 38 Councils had adjourned at noon, on the second day?

39

40 MS. EAKON: Uh-huh (affirmative).

41

42 MR. SAMUELSEN: Was there no testimony? Did
 43 they recess on the second day and then left the Court Reporter
 44 together with

45

46 MS. EAKON: When they adjourned, they adjourned
 47 the meeting period. Who was at the Kotzebue meeting? Could
 48 you elucidate? There was no testimony?

49

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1 MR. FISHER: Dave Fisher, Fish and Wildlife
 Service. When they adjourned they adjourned, they had -- we
 adjourned shortly before lunch and the Council members had a
 pretty good feel of the people from their communities, the
 people in the community of Kotzebue where there was going to be
 any testimony or not and there was no testimony. And they had
 no problem with adjourning and we adjourned.

8
 9 MR. O'HARA: Thank you very much, Dave. Before
 we adjourn this afternoon, apparently that's what we're going
 to do now, I don't see any reason why we shouldn't. I really
 appreciate -- this is kind of a stick and carrot comment
 closing. I appreciate the various heads of state that showed
 up here. Alaska Department of Fish and Game sent down their
 two top guns in our area to meet with us. The head of Fish and
 Wildlife came down to sit in on our proposals.

17 And we appreciate Susan Savage coming down from
 the Katmai National Park. Although, if you'd like to send back
 a message to your boss, he should have been here. I think when
 we dealt with an issues that's important as subsistence fishing
 in the Park on red fish, I think that's something, I feel,
 there should have been some upper management people to deal
 with that issue, unless they're out of town.

24
 25 MS. SAVAGE: Well, that's -- they're not out of
 town, they're going out of town tomorrow. Unfortunately, as
 you may well know, we are in an acting superintendent state
 right now, so Bill (ph) is not real sure on how much he can
 contribute, but I will take your message back.

30
 31 MR. O'HARA: Thanks, Susan, appreciate it. And
 any other comments from this organization? Yes.

33
 34 MR. HEYANO: Yeah, one comment, I guess,
 Mr. Chairman, on this. You know, as part of our role is listen
 to the public, especially the public in our own areas as we go
 throughout the State, or our area anyway, and hold these
 meetings. But, you know, and I know we're going to be making
 mistakes as we get this thing off the ground and rolling and
 the format and the way we handle meetings are going to change
 from the way we did it today and yesterday.

42 But, I think, probably the more important one
 is the February one because, you know, if there's individuals
 out there who are working during the day and can't make the
 meeting then maybe it's important to set aside some time in the
 evening so they can come before us and seek our support for
 their proposal, you know.

48 And to me that's the real important time, because

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that's going to be the time we give our recommendation of support or no support on an issue. It looks like, to me, we're all on new ground here and as far as the public or an individual convincing us or persuading us to support a proposal at this point, you know, I think it's a real remote (ph) chance.

6
7

MR. O'HARA: I appreciate what Smiley said this afternoon. He said, when you walk into a formal situation like this and you got an individual who's sitting there who's a Court Reporter, with something sticking in each ear, excuse the description there, some people feel very intimidated by that. Boundaries, these types of things make people feel uncomfortable.

14

And, Robert, you're right, there may be time in Dillingham when some people would feel more comfortable sitting down in an informal type situation and saying, hey, you know, these fish in this area -- I'm not going to get up in front of the Court Reporter and talk about this, but this is an issue to me. I don't even necessarily need to have my name go forward in one of these type of things, you know.

21

Have you ever sat before the Fish Board. You talk about being intimidated, you've got three minutes, how many minutes; five minutes? You better hurry and boy, you better know what you're talking about because you're going to be drilled afterwards. We're not in that type of situation. They are bound by time frames too, so I think that's very well received.

28

Any other comments before we adjourn today?

29

(No responses)

31

32

MR. O'HARA: At this time I believe it would be in order to ask for a motion of adjournment.

34

35

MR. SAMUELSEN: So moved.

36

37

MR. O'HARA: Second? Oh, we don't need a second, we are adjourned.

39

(Off record)

41

(END OF PROCEEDINGS)

43

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UNITED STATES OF AMERICA)
3) ss.
STATE OF ALASKA)
5

6 I, Joseph P. Kolasinski, Notary Public in and for the
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hereby certify:

9
10 THAT the foregoing pages numbered 02 through 101
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electronically by me on the 1st day of October, 1993, beginning
at the hour of 9:00 o'clock a.m. at the Bristol Bay Borough
Assembly Hall, Naknek, Alaska;

16
17 THAT the transcript is a true and correct transcript
requested to be transcribed and thereafter transcribed by me to
the best of my knowledge and ability;

20
21 THAT I am not an employee, attorney, or party
interested in any way in this action.

23
24 DATED at Anchorage, Alaska, this 6th day of October,
1993.

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30 _____
31 Notary Public in and for Alaska
32 My Commission Expires: 4/17/96
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