

BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL

PUBLIC MEETING
CITY HALL CHAMBERS, DILLINGHAM, ALASKA
OCTOBER 11, 1995, 8:30

BOARD MEMBERS:

DANIEL O'HARA, CHAIR
SAM STEPANOFF
ROBIN SAMUELSEN
ROBERT HEYANO
TIM LaPORTE
PETE ABRAHAM
HELGA EAKON

P R O C E E D I N G S

MR. O'HARA: Well, good morning, we're going to begin the meeting and everybody is ready to go today. It's about 8:36 up there, 37, and it's nice to have you here again this morning, and I think we do have one new face here today, Joe Chythlook. Joseph, it's nice to have you this morning.

MR. CHYTHLOOK: Thank you.

MR. O'HARA: Joe works with the Alaska Department of Fish & Game, Joe is a coordinator for --

MR. CHYTHLOOK: Advisory committee, Board of Fish.

MR. O'HARA: You had a little time to spend with us today, it would be good.

Anyone else this morning that's here for the first time? Well, we're down to the, under reports, to the Alaska Peninsula National Wildlife Refuge. Ron could not be here today but we have a valuable person, Rick Poetter.

MR. POETTER: My name is Rick Poetter I'm the deputy manager for the Alaska Peninsula/Becharof National Wildlife Refuge complex. Ron sends his regrets, he couldn't be here, he had some family commitments that he had to take care of. So I'll try to fill in for him the best I can. Also, during our introductions earlier last night you met Heather Moore, and I wanted to formally introduce her to the board, the council, that she's our second biologist on our staff, she works under Donna Duhurst (ph), our primary biologist. Her primary duties are to help us with subsistence biological issues.

So we finally got some funding and support from the regional office to help us out in a critical area where we got these needs.

I guess next issue for the refuge, there is all kinds of things that went on this summer, boy, what a busy season this was, but we got a lot of things to cover here today so I'm going to hit on some key points that relate to more of the issues that you folks are really interested in.

We had a new moose season in Unit 9(C), and that was the Naknek River drainage from the south. That was on August 20 through August 31 season and it was -- required a federal registration permit under the subsistence regulations and it was for one antlered bull. We had seven permits issued and we didn't have anybody fill off those permits. Access to the area was primarily by boat, was the primary use that we saw, and in general, that time of the year, the access was up the Big Creek drainage, and that time of year there just wasn't that many moose in that area. I personally went up there and hunted that season and I didn't see anything, I didn't really spend a lot of time at it. But there was a moose killed in that area, though, very early September, I don't know whether it was the 2nd or the 3rd or what it was. So the moose at that time of year are just starting to come into that area, but maybe the number of permits will pick up. And it's just not based on the Big Creek drainage, but that's the main access area. People can fly out and get them or go by four wheeler, however.

We had a pretty good fall as far as catching people doing wrong out there. We don't like to see that kind of stuff happen, but we all know it does. We had a real good cooperative effort with the Fish & Wildlife protection officer in King Salmon, Gary Folger, we worked together this year and made a lot of good cases. We like to take the resident game violations, like overharvest of moose or taking caribou out of season through the

state system because the penalties are a little better, the process is faster and it just works out a lot better for all of us concerned.

We had about 75 percent of our cases were made because of the assistance provided us from guides and from air taxis. If we hadn't had their input we wouldn't have made a good number of those cases. What they are doing is they are coming upon violations, or somebody is bragging to them as they are flying out, and they are getting that information to us. And fortunately it's good and it's timely and it's fairly accurate information, so we can get out there, get right on it and make some cases that way.

In 1994 we had, in September, down on the Becharof Lake area, we had one case that we had been working on, and it was local cannery worker from Egegik had brought in some non-resident hunters first claiming they were just friends and stuff. And as it turned out, of course, he was being compensated for his time and so he's being sought after under those charges. And, in fact, they also killed some moose supposedly under the subsistence season, and the non-resident hunter also took one prior to the non-resident season. Both those -- the non-resident hunter has already been charged and has forfeited everything, his cape and the antlers, so they were still proceeding on the rest of it. Hopefully we can give you an update on the next meeting.

Type of cases that we had going on this year were, it was a lot of non-resident, basically poorly informed hunters. They didn't know how to take care of their meat with the situation of bears out there. They didn't realize they had to have a pick up, you know, within a few days after they kill something. So we're really a little bit concerned as to the knowledge of these non-resident hunters coming into the area. And I believe they had similar problems over in this area, but be that as it may, we still did good, again with the help of outsiders, the guides and air taxis.

We had, down around the Mother Goose Lake area, down in 9(E), we had three or four residents charged, and they all got a thousand dollar fine and forfeiture of their antlers and cape. They really didn't have a whole lot of meat, but mostly what their crime was was that they removed the antlers prior to salvaging all edible meat, and that was a significant portion of it. And that's pretty common out there. We are really targeting trying to enforce that regulation in our area anyway. One of those -- two of them were moose and one was a caribou.

We ran upon a fellow that had killed a moose early in the season, or not necessarily early in the season, he killed it and then went back to town, got a license and tag and came back out and was working on it at the time we found him. That was one we stumbled upon. That was the area between Ugashik Lake and Becharof Lake, and that area got utilized pretty heavily this year. There was a good number of moose in there of good quality size, so they were targeting that. And we suspect some of that, and we'll talk about the Island Arm closure restrictions that we had done based on council's request, and that may have moved some of those folks off into this area.

We also, in that very similar area, there were two non-resident hunters, one of which killed a bull and again failed to salvage all the edible meat. He received 2500 fine and forfeiture of the antlers and meat that he did salvage.

Again, the same area between Becharof Lake and Ugashik Lakes. We've got a case under investigation right now of wanton

waste of moose meat, and this will be two non-residents. What had happened was the air taxis had warned them about bringing out the required amount of meat that goes with killing a moose, and unfortunately they took it upon themselves to shoot an illegal animal of smaller size and, you know, you go comparing the leg sizes with the antler size and they don't match up, you go, wait a minute, something is not right here. So they have fled to the Lower 48 but we're chasing after them in hot pursuit, so we'll be giving you some more information on that later.

One of the other officers for the refuge and I were out on a personal hunt at Big Creek and we happened upon some caribou hunters that were -- had flown out, and just as we were up in the -- we were on a hunt ourselves, and they -- we seen them -- or came upon them after they had shot a cow caribou, which was fine, but it turned out he already had one in camp, which under state regulations that's allowed, but they also killed the calf that was accompanying the cow, so he had three animals, so he was charged under that and he received -- he was supposed to have been arraigned last -- this past Monday, I believe it was, but Gary Folger had to postpone it until I think Friday of this week. Those folks were from Anchorage. That's about all I've got on the hunting activity out there until later on in the agenda, we'll talk about Unit 9(E) with the Island Arm/Severson Peninsula area.

As a side note, the refuge, I put one of these in everybody's packets, a copy of the Federal Register for our published new refuge regulations. Refuge information technician Smiley Knutsen produced this excellent map up there to help give you some guidance as to what areas we're talking about and what the regulations are looking at. In essence we're dealing with off-road vehicle size for subsistence use.

The public use management plan that we went through a few years ago authorized the use of off-road vehicles, but we said, well, we've got to come back and pass regulations on that and so that's what we're doing now. And that will concern itself with size and weight restrictions, and we're having public meetings on this and we're soliciting public comment.

The Federal Register says that the comments close September 30th, but we've asked for an extension through the end of this month. We haven't received any word back from it yet, but we're taking comments all the way up to the end of the month. So be sure to pass that on to anybody that may have some interest in your communities. It also deals with designation of ORV trails, mostly that is just over on the pacific coast over near Yantarni Bay near the Yantarni airstrip. There is some historic use of the area, ORVs on the airstrip and going to the beach, and then there is a wellhead up there, former oil exploration.

Also it addresses camping limits around various intensively used areas by subsistence users and others, and to try and keep the conflicts down we are looking at trying to impose regulations that will monitor or give us some teeth to regulate camping and the amount of tent platforms in an area. Again, we're looking for comments on all that stuff.

The public meetings that we've got set so far is Egegik will be on the 23rd of this month at 7 p.m. We also will have one in Naknek on the 26th at 7 p.m. Smiley, do you know, South Naknek, is that one set yet?

MR. KNUTSEN: No.

MR. POETTER: We're looking at establishing one for South Naknek. We've had refuge information technician, Orville Lind, he's covered the villages to the south, Port Heiden, Pilot Point, Chigniks on down to Ivanof Bay and Perryville, and he's personally, as he was visiting those villages, made house-to-house visits and has gone over this new regulation with those households, so we don't feel -- there has not been any request for us to come down in that area after he has gone through that process, so we won't be going down there.

There is one correction that I want to point out. If you flip over to the backside, the last paragraph labeled III, and about halfway down it says: Within one half mile of shoreline of upper and lower Ugashik Lakes. That's a typo on their part, the printing of the Federal Register and it should be one quarter mile instead of one half. And we'll get that corrected in the final version. That's all I've got for now unless there is any questions.

MR. STEPANOFF: You brought up this air taxi deal, and then last few meetings we had with Ron Hood, and I guess your guys are supposed to be patrolling the area of further down like Black Lake and that area there, like there is hunters down there now, I've seen five planes down there. And then we had some meetings here and these hunters, there is some in Bear Lodge, it's called Bear Lodge, there is lodges all over down there, and all these hunters have never brought any meat to my village, and we don't know what they are doing with it, but there is sure a lot of horns coming out of there to King Salmon.

MR. POETTER: I know some meat has been donated to Pilot Point, but down in your area I don't know of anything that's been donated. There is a lot of corporation land around Black Lake, so Black Lake specifically we're not patrolling because we cannot go onto private lands with our enforcement, now Gary Folger can. We've got to stay with the authorized guides in there, and we do -- to be honest with you, our patrol dollars are limited and short. We get out best we can, but there is only basically three of our officers, and one of them was assigned to the Mother Goose Lake area, and I concentrated primarily on the Becharof Lake area because of this issue of Severson Air Taxi use and the amount of hunters that we received there, and that left our pilot -- we did get some help from our special assistants in Anchorage like Gary Folger. We're pretty limited. We try to get around the best we can, but the air taxis have been, certain ones of them have been real helpful to us.

MR. STEPANOFF: But, you know, like the laws, they are supposed to bring the meat to the nearest village. They got all those horns that's a lot of waste.

MR. POETTER: Yeah, we know it's happening.

MR. STEPANOFF: They are just out to get the horns, you know.

MR. POETTER: That's basically what most of these cases were that we made up in the north area there, was people not salvaging all the meat, just like what you're saying.

MR. O'HARA: Sam, we're only dealing with moose, not caribou, because there is no caribou hunting in Black Lake or any of those areas.

MR. POETTER: I believe there is. Farther south is the closed area.

MR. O'HARA: Okay.

MR. STEPANOFF: There was some hunters that we picked up and they had some horns.

MR. O'HARA: Caribou?

MR. STEPANOFF: Caribou, yeah.

MR. O'HARA: What area?

MR. STEPANOFF: It was down further my area, Black Lake and Bear Lake and all these areas.

MR. O'HARA: Where is Bear Lake at?

MR. STEPANOFF: Bear Lake Lodge.

MR. O'HARA: Where is it located?

MR. STEPANOFF: That's on the other side of Port Moller.

MR. O'HARA: On this side, on the Bering Sea side, on the Bristol Bay?

MR. STEPANOFF: Yeah.

MR. POETTER: Part of the key would be to, anybody knows about it, such as they are flying around, sees a kill site that has meat on it but the antlers are gone, those are the -- that's the information we need like right away and we can get down and hop right on it. And that was why this one area was sort of concentrated on, partly because it's close to King Salmon. The other was, that's where we were getting good, fast information, and we can get down there, take a look at it, find out what the deal was.

So that's really crucial is to have that information timely and real accurate. And hopefully people flying around, they got GPS systems in their airplane, punch in the coordinate, give that to us by phone or radio, and then we can dial it in on ours and go right to that spot. It's a big country, I've flown over where somebody said there was a kill site, and I've been looking, and I can't find it unless you've really got it narrowed down.

MR. O'HARA: Anything else?

MR. STEPANOFF: Yeah, should be checked on. When I flew up, this lodge, it's run by Johnny Swish, he has like four airplanes sitting in front of his cabin there and there was a lot of people down there and, you know, seen some caribou horns, and there was some already had landed in Port Heiden, they are hauling them, the people up there. And I've seen some horns up there.

MR. POETTER: You're saying none of the villages got any meat that you know of?

MR. STEPANOFF: No, three Chigniks, Ivanof and Perryville, they haven't received anything.

MR. POETTER: One of the problems we've encountered, of course everybody else has, too, that flies in that area, is Port Heiden no longer has fuel. Do you have any thoughts as to where we could -- do you know of anybody selling fuel down there?

MR. O'HARA: Yeah, the village of Port Heiden is selling fuel, but the airport isn't, it has to come out of the drum. And you have to contact Emol Christensen down there. Pilot Point has a tank right there that they sell it at the airport.

MR. POETTER: Above ground double-wall?

MR. O'HARA: Above ground, and you get a hold of the store. In fact, you could probably call Pen Air and Era on 29.6 and talk to Sue or Al. They have the phone right there, the hangar, too, telephone right there on the side of the building.

MR. POETTER: That's good to know.

MR. O'HARA: Yeah, it is. It's really hard getting fuel out of Port Heiden because you've got to get a hold of somebody and bring a drum up and make sure it's clean. It's real serious. Anything else, anything else then?

MR. STEPANOFF: That's it.

MR. O'HARA: Any other members have any questions?

MR. HEYANO: The fines that these people are receiving for wanton waste, how are they in the potential range of fines that they can receive, are they the low end, the middle, the high end?

MR. POETTER: We've got two magistrates in Naknek, one seems to be a little more liberal than the other, and that's just the way it goes. They can, I believe, get up to \$7,000 on some penalties like that. So they are getting, I'd say, towards the lower end, but significantly better than through our federal system. Basically it would have been like \$250 fine through the federal system. So we've gone the proper way, we feel, to get the best penalty by working with the State. And that's what I was talking about, how good cooperation we're getting with Gary Folger, he's willing to take those, and we work consistently with him.

MR. HEYANO: One more, I guess. Does the officer make a recommendation as to what the penalty should be?

MR. POETTER: He does, yeah.

MR. HEYANO: Is the magistrate pretty much following that recommendation?

MR. POETTER: They, one is male one is female, have been, I think, generally going with his recommendation. I think one of them has been suspending like \$500 generally, has pretty much been the instance in these cases. So if it's like 1500 fine, suspend 500.

Depends on how cooperative the hunter has been, and that's based on the testimony of the officer. And for the most part, everybody has been real cooperative and helpful as far as once they get apprehended and you get them to admit what they have done, they tend to -- they could go and be really belligerent and mean and nasty, but we've run into a lot of good people, they just get over their heads on a moose hunt and get in trouble. That's basically what it's about.

MR. O'HARA: Any other?

MR. SAMUELSEN: You mentioned 75 percent of the cases have been prosecuted. What does 75 percent represent, what does a hundred percent represent, how many cases have you made?

MR. POETTER: We're talking about probably, I want to say about eight to ten cases that we have actually got good information on that we can prosecute. There is, of course, more you go investigate and you find that you didn't see it or the evidence doesn't give you enough to take them and penalize them, take them through the process, because you could lose it in court if it was contested. You just got to be careful which cases you take in. You got to make sure that you got good cases so you maintain your credibility with the court system.

MR. SAMUELSEN: So the wanton waste cases, are they up or is it about a normal year?

MR. POETTER: I think we hit a good string of luck along with the information that we did get. I think the amount is the same. Actually though we did see a reduction in the number of hunters, I believe, overall on the wildlife refuges during the moose season, and what caused that I have no idea, but it just seemed like with the closure that we had in -- or the restrictions in the

Severson Peninsula, Island Arm, Becharof Lake, there was some movement, I believe, to other areas, but there wasn't any overcrowding that I could see other than that one narrow strip there.

MR. SAMUELSEN: Regretfully I think a lot of them moved over here.

MR. POETTER: Yeah, and that can happen.

MR. O'HARA: Any other questions?

MR. HEYANO: No questions, just a comment. I think the wanton waste has always been going on, we've heard that from the local residents for years and brought it to the State's attention, and go out and take a look and say we can't find any, but when they put a team effort, you read the local paper, suddenly the citations take a dramatic increase and, oh my God, what's happening. I'm sure that's always been going on, just now there is some documentation from the state level.

MR. POETTER: That's right. Like a lot of crimes, you increase the reporting of them then it looks like crime has gone up, but in actuality you're just catching more people doing what they always used to do.

MR. O'HARA: I think it's been probably drawn to everybody's attention, it is an issue, and I think it's going to become more and more of an issue. And I look at the situation where maybe on the peninsula I don't know if we're going to be able to get Dick Sellars on the teleconference this morning or this afternoon or not, but I think the population of the Alaska Peninsula herd is not necessarily as good as they would like it to be and yet you're taking bulls now in October that a dog wouldn't even eat, and I think it's this body's responsibility to make a recommendation to the federal board that if we've got a problem with a population there will be no animals taken, or at least breeding bulls taken during October when you can't eat the meat. There is no possibly way. I've had hunters give me meat that a dog won't eat, a caribou in rut. Maybe a moose.

But we have dealt with the issue on moose as far as rut goes, that's pretty well taken care of.

And I was giving a guide a ride from Naknek the other day in my airplane, we have the intercom headset, we talked all the way down, and we got in this issue of wanton waste, and he said there is no way you can stop the bears from taking the meat. I said let's have a little discussion because it's going to come back to haunt you one day because we're going to deal with this issue, and I appreciate your comments Rick, very good.

He said let me give you an example. We killed a caribou, we had to have it in camp for a few days. He said the bears would circle the camp, they knew the meat was there, and then they have taken lockers and packed them away. And I said, put them in your tent with you, let them come in the tent and get you with the meat, they cannot take the meat. You have to get some setup where they are not allowed to take that meat, that's your responsibility. He said you can't kill the bears. I said the bears can't eat the meat. They make it real easy for the bears to take the meat. They assume that if they come back and tell everyone the bears got the meat -- we hear that over and over again. A subsistence hunter does not lose meat to the bears, we just don't do it, and the guides better learn to do that, too, and apparently we've got to make some headway along that line.

In the Ugashik area between there and Becharof Lake,

the moose that were taken, were these hunts by float planes obviously?

MR. POETTER: Yes, a lot of them were air taxi. There was only one of them that had their own private plane, came up from Michigan and we thought -- when we first caught them they were admitting to same day hunting, but when they found out the penalties on that they fessed up to what they had really done, that was fly in get the license and come back after it was shot. Because he can lose his airplane if he fesses up to same day hunting.

MR. O'HARA: No other comments? Well, thank you, Rick, we appreciate it. Bureau of Land Management, Jeff Denton here today?

MS. EAKON: Jeff is at the Western Interior Regional Council meeting and could not attend.

MR. O'HARA: Scratch that, okay. Helga where does the State of Alaska come in, someone here this morning from the State of Alaska? Do you have a report? Larry, that's you?

MR. VAN DAELE: I can speak briefly on it, Mr. Chairman. My name is Larry Van Daele, I'm the area wildlife biologist here in northern Bristol Bay. My duties include managing all of Unit 17, managing the Mulchatna caribou herd wherever they may roam, which gets farther and farther, and the walrus state sanctuary. I don't have a statement, but I will answer questions. I am not prepared to talk about Unit 9, because as I mentioned, that's Dick Sellars' area of jurisdiction. I spoke with Dick this morning on the telephone and he'll be out in the field for the next couple days, won't be available for a teleconference, so I have the biological information on herd sizes and productivity and composition, the most recent information on that, but as far as movements and the politics of the whole matter, we'll leave that up to our federal counterparts, and like I say, I'm open to questions in any way.

MR. HEYANO: What is the condition of the Peninsula caribou herd?

MR. VAN DAELE: The south Peninsula herd way down there has about 1600 animals. The cow -- or the calf/cow ratio is in the teens per hundred. He said he looked at it in the spring and didn't look at it this fall. It's less than 20 per hundred, they are still doing very poorly. The north Peninsula herd, its estimated size is 11,500. They finished composition counts this last weekend.

The calf/cow ratio was 21 per hundred and the bull/cow ratio was 41 per hundred. They collected, I guess, about ten calves, this year's calves to look at the body condition, and the calves were smaller and lighter than they expected. So the body condition was not as good as he had hoped on that.

MR. HEYANO: I missed the ratios.

MR. VAN DAELE: For the north Peninsula herd, the calf/cow ratio was 21 per hundred. The bull/cow ratio was 41 per hundred.

MR. O'HARA: What do you like it to be?

MR. VAN DAELE: The bull/cow ratio is where you would like it, above 35 per hundred. The calf/cow ratio should be around 40 per hundred. That's what the Mulchatna herd is, just to give you an estimate. Mulchatna is about 40 per hundred in both of those parameters.

MR. O'HARA: So you'd like to double them out of the calf survival rate?

MR. VAN DAELE: Yes, sir. And we saw that when we did our census in early July. Saw a very few number of calves. Now these numbers maybe skewed because he was only able to survey the area north of Wild Man Lake, and the northern part of that herd has not been as productive as the southern part of that herd this year.

MR. O'HARA: When you say Wild Man, is just a little below Black Lakes there, between Black Lakes --

MR. VAN DAELE: Between Port Heiden and Port Moller. He didn't go any farther south than that.

MR. O'HARA: Wild Man is above Sandy River, Sandy River is about six minutes out of Moller with an airplane, so it's way below the ridge that goes into Black Lake, and that's the main area of calving anyway for the Peninsula herd.

MR. VAN DAELE: We're looking at them this time of year, so they moved out of their area.

MR. O'HARA: Where do they move to? Dick would know that?

MR. SAMUELSEN: Is there an indication they have probably a lichen problem with their size?

MR. VAN DAELE: The indication is the herd size is not as high as it used to be and the productivity parameters say it's going down still. I don't know the reason for that.

MR. O'HARA: What's the bear population?

MR. VAN DAELE: Both moose and bear populations are stable according to Dick.

MR. O'HARA: Maybe increase in bear.

MR. VAN DAELE: He said they are both stable. For the specifics I suggest you talk to the refuge staff, they have good numbers on that.

MR. O'HARA: What's the predator rate like on caribou, on the caribou calves? Do you have any information on what a bear would take as far as reducing animals?

MR. VAN DAELE: I don't know about north Peninsula herd. I told you everything I know. You keep asking me.

MR. O'HARA: That's pretty sorry the State of Alaska can't get somebody here to give us answers on a herd that's pretty important, I guess we have to talk to your supervisor about that.

MR. VAN DAELE: Well, yeah.

MR. O'HARA: Who is that?

MR. VAN DAELE: The supervisor, Carl Snyder is the acting regional supervisor at this time. Ken Pitcher will be coming on board the 16th of this month.

MR. O'HARA: Thanks, and I appreciate you giving us what you can give us, and I realize you're on this side, but any other questions.

MR. HEYANO: One more. When they did the survey on the calf to cow ratio, was that during calving --

MR. VAN DAELE: That was this weekend.

MR. HEYANO: So there is no way to tell what the ratio was earlier?

MR. VAN DAELE: No. This is the time of year when you really have your critical calf/cow ratio, because you've had the predators take their chunk, and most of the natural mortality in the summertime has taken place. So this is the number you use for comparison purposes, is the fall.

MR. HEYANO: I guess I was kind of curious what the

percentage was at the actual calving time?

MR. VAN DAELE: Well, when we did the survey in July, me and Tom Tucker did that section in the northern herd and we counted very low calves compared to what we're used to seeing in the Mulchatna, so I think it was more of a pregnancy problem rather than a predator problem, and that's the indication that our caribou biologist from Fairbanks that came down last weekend suggested also.

MR. HEYANO: Thank you.

MR. O'HARA: Any other questions? Thanks Larry, I appreciate your help this morning.

MS. EAKON: Mr. Chair, before we leave the State of Alaska, in the left pocket of your book you have a copy of the letter from the Department of Fish & Game board support section dated September 29th, 1995 informing us that this Board of Game is changing its comprehensive regulatory schedule from a species based approach to a region based approach. What this means is that the board will consider regulations pertaining to the use of all species, but only the particular region of the state, and in spring of 1996 they are going to take up Interior region. Fall of 1996 they will take up Southeast region. And spring of 1997 they will take up the so-called Southcentral region which includes the Bristol Bay region. Southcentral covers game management Units 6 through 11 and 13 through 17.

MR. O'HARA: Where are you reading?

MR. SAMUELSEN: Here.

MR. O'HARA: The bottom, okay.

MS. EAKON: So Bristol Bay falls within, for the purpose of this approach, within the Southcentral region. And this is right within Joe Chythlook's bailiwick, so I guess if we have questions maybe you can ask Joe.

MR. O'HARA: Any questions of Joe on this issue? Joe, do you have any comments to make on the State of Alaska?

MR. CHYTHLOOK: Not really, Mr. Chairman.

MR. O'HARA: When is your next Naknek Kvichak Advisory meeting.

MR. CHYTHLOOK: They haven't called. I've talked to the chairman and I think he said they will try to get one right after AFN. They are having that fishery conference this weekend and things are kind of busy over there.

MR. O'HARA: Pretty busy time of the year.

MR. CHYTHLOOK: Yeah, lots of meeting.

MR. O'HARA: Any other comments from the State of Alaska need to be mentioned today? Any other reports that need to be brought before this committee today?

MS. EAKON: Yes, Mr. Chair, I have introductory comments from the new Federal Subsistence Board chairman Mitch Demientieff that I would like to read into the record: I'd like to welcome you to the fall 1995 federal subsistence regional advisory council meetings. These fall meetings mark the beginning of a new cycle of decision making for the next set of annual subsistence regulations. These meetings are symbolic of the role of the regional council in federal subsistence management. They are the starting point from which the next year's subsistence regulations are produced and they are intended to ensure that subsistence users' needs are well accommodated in subsistence regulations.

Just as a fall set of regional council meetings is

meant to serve as the kick off of the annual regulatory process, the regional councils themselves are meant to serve as a foundation for subsistence users' involvement in subsistence management. The regional councils are the crucial link between subsistence users and the Federal Subsistence Board. The members of the councils all have direct firsthand experience with subsistence and their leaders in their communities. Collectively they provide the board with unparalleled insight into the needs of subsistence users statewide, and by statute their recommendations carry a great deal of weight in subsistence decision making.

This begins the third full year that the regional councils have been in operation. During the evolution of the subsistence management, during these three years we have made great strides in structuring subsistence management to accommodate subsistence users' customary and traditional practices in a manner consistent with maintaining healthy wildlife and fish populations. We could not have made such progress without the involvement of the regional councils. Without a doubt, such progress has not been without its share of frustration in both the federal and the regional council arenas; however, change is sometimes difficult, particularly when it involves such a complex issue with so many players, and I believe it is to the credit of all involved that the program we now have has so many new and often quite substantial innovations to accommodate subsistence uses.

For example, largely as a result of regional council initiative and willingness to work cooperatively with the federal staff, subsistence users now have available to them designated hunter harvest permitting, community harvest limits and seasons harvest limits, methods and means that better accommodate customary and traditional practices, to name a few.

That is not to say that we are content to rest on our laurels, we are still faced with issues to be resolved, and more issues will undoubtedly arise in the future. In fact, some of these issues are in your agenda for this meeting.

The federal subsistence management program is on the leading edge of resource management that is cooperative and responsive, and with continued high quality of involvement of the regional councils, will continue to be so.

I wish you the best of luck at this meeting and I and the other board members look forward to seeing your proposals and recommendations.

MR. O'HARA: Any comments from that letter from the chairman of the Federal Subsistence Board? Thank you, Helga, for that report.

MS. EAKON: You're welcome.

MR. O'HARA: No other reports to come before the committee today. What we'd like to do is take one member of the public who has requested appearance before the committee today, and after this public testimony we'll take a ten minute break. John Knutsen from Naknek, and before we go on to old business, we'd like to ask him to come to the mic if he would and make his public comments.

MR. KNUTSEN: Good morning, and thank you. For the record my name is John Knutsen, I represent Paug-Vik, Inc., Limited which has almost 315 shareholders from the Naknek area, and also representative of -- I represent the village council which has a

hundred council members, traditional customary users.

I guess why I'm here today is to talk to the board, let the board know the frustrations of the traditional users around and in Naknek. One of the unique things about the people that I represent, they -- one of the requirements for membership in this special group is one quarter of blood quantum, which means in order to be a shareholder you need that as a qualification, meaning that you are traditionally one of the direct descendents of the people of that area. And what we've seen in the last, you know, 10, 20 years, it's pretty frustrating because we have regulations. We've gone from full use of the Naknek Lake, and the drainage to pretty much nothing on the Naknek Lake and more and more regulations with the Federal Subsistence Board, which at times helps and which at times doesn't.

And then we have the State regulations to deal with, then we have the public use management plan, then we have the Park Service with the preserve and the monument and all these restrictions. We, as the village, Paug-Vic, Inc., limited own the property on the north side of the river bordering the park all the way to the west side of the Kvichak River, and we've always traditionally used that land for hunting, trapping, fishing, but we're limited to the river, we've been cut off from the main part of what -- where our livelihood comes from as far as traditional use, and we've seen -- we sit and we watch sports hunters, which we believe have a big impact on what can or can't be done on the refuges, on the State land, on the preserve, and it's frustrating to see all the wanton waste, the misuse.

Alagnak River right now is, in our judgment, being abused and misused and overused and basically nothing can be done about it. We traditionally have always used Naknek Lake, we want to be able to have limited use of that area. One of the big things, of course, the things in the process right now is red fish back in D.C. with amendments.

The trend toward traditional customary users, as you look at things now with even nationally with the Migratory Bird Treaty Act, they are realizing now that it limited the use and restricted the traditional use in Alaska from hunting and gathering of eggs of migratory birds, so they are in the process now of amending that to allow hopefully a spring use for traditional users, that's nationally, they are doing that and looking at it.

And statewide, the State is looking at the inequities of what they have done to the traditional user of Walrus Island in allowing limited use there. Basically what I'm saying is why can't we, as a federal board, we as a federal government re-open the issue of use on the Naknek Lake. You can look at the map up there, it goes basically in a straight line, and then, I believe, along with ANILCA, they put the big bump to include the mouth of the river which cut off a good portion of what we used for, you know, hunting, fishing and trapping up there.

The traditional users, like Dan had mentioned, are, what's the word, are, you know, responsible about the meat they that they use, the fish that they take, the berries that they pick, they do not waste. Even some of the people today who are residents, long time residents say they are subsistence users, they really aren't, they go out in the field, they get their caribou and the moose, they take the hind quarters they leave the ribs. That isn't the traditional style of the traditional users. They go get an animal,

whack off the head and the whole thing goes home. Some take the tongue.

MR. O'HARA: The nose.

THE WITNESS: All that is used. Just the idea of wanton waste and misuse, it's bothersome to the people. So I guess what I'm relaying to the board is the frustration of seeing all this and wanting our limited use back for Naknek Lake.

MR. O'HARA: Well, you said a mouthful. Any questions from the advisory board?

MR. SAMUELSEN: The red fish issue in Naknek Lake, Smiley, as you're well aware of, Bill Pierce has come forth and met with members of your community, Paug-Vic, BBNC. Hopefully there will be an amendment to some bill, this could be put in by Stevens or Murkowski that would allow it to happen, but it's politics back in D.C.

I've attended several meetings in your community where a number of the folks have got up and expressed that frustration, and I share that frustration. I got to commend Paug-Vic for sending you over. A lot of the things you raised are not only germane through your community, is all throughout Bristol Bay. We've seen this tremendous influx in the last ten years of guides of sports fishing, and now we're seeing -- I remember when I was a kid, 13 years old, I got my first moose down in the peninsula there. At that time you didn't shoot a moose that was from here to the restaurant away from the lake, it was too far to pack. You flew around and landed and shot the moose next to the lake. Things are changing pretty fast, and we're seeing this influx that was down on the peninsula move up toward the lake, now they are moving, in the last few years, over here.

We're witnessing wanton waste in the Nushagak River for the first time. I've seen strange airplanes in the Nushagak River shooting caribou on the sandbar, and we checked it out right above my cabin, the horns were gone and the piece of the back strap was gone and the rest was there to rot.

I've heard numerous comments about the wanton waste of the moose that were shot and the racks were taken off. So I don't think that -- well, I know that your frustrations aren't just the frustrations of Paug-Vic, but they are running rampant throughout the whole region in Bristol Bay here, and I think we need to get a handle on it.

You mention Alagnak River, we're behind the curve there as the staff has indicated, and that's in the John case. Who is going to manage that waterway? Will be decided in the courts, but I think we as managers of the resource, we need to do what we can, and maybe what we need to do is go over and have some hearings in the affected communities, Levelock, et cetera. I've been there and talked to them folks and heard their frustrations on the Alagnak.

It's evident to me industry is not going to police themselves, we're going to have to impose restrictions on use. With Tikchik State Park and Uguloogpak (ph) has seen a tremendous increase up there. We've done surveys and their experiences up there is diminishing year by year because there is just too many people coming in.

Dan mentioning this guide in the airport to bring in 737, it's unreal, it's unreal. Pretty soon, I don't know -- it's changing pretty fast, and like I said, in the last ten years, in my

estimation, we've seen the most drastic changes, and I think this board, the state Board of Game, the state Board of Fish has got to realize that people are focusing in on Bristol Bay, they are moving from their traditional areas and moving into Bristol Bay. I don't know if it's because our bountiful resources and scenery or what, our coast, but we're seeing a horrendous impact throughout the whole region. And I think that subsistence users need to be recognized and their needs need to be recognized, and their quality of subsistence experience out in the field needs to be realized.

I made a comment in one of the board meetings that there is more damn beavers flying overhead than in the waters nowadays hauling guys. When I go out and my family goes out and we go moose hunting and conduct our subsistence activities, I hate to be bothered by guides or airplanes flying over, it drives me nuts, whether I'm sitting there with a fire going and a teapot, I want to listen to the birds, not the roar of the airplanes or a bunch of Germans speaking German.

I share in your frustrations and I hear you loud and clear, and I think it's up to this board to come up with innovative ways to make sure that, number one, your subsistence needs are being met and you people are being impacted the least.

MR. KNUTSEN: The effort on our land has increased so much, we have approximately 115-, 120,000 acres bordering the Katmai to the west side of the Kvichak that as of -- this would probably be the last year that we will allow hunters on our land without a permit. We're going to start a permit system by this winter to try to restrict some of the misuse and overuse and abuse of our land there around the Naknek/King Salmon area. And I know that with the moose up in King Salmon and the caribou that's taken on our land is going to change the impact, even, you know, quite a bit. People coming in aren't going to be able to jump on a three wheeler and head across the tundra, but will have to fly out of King Salmon or go up Big Creek to the federal public lands or south to State lands, but we just can't let people have unlimited use of what little land we do have there in Naknek/King Salmon area now.

MR. O'HARA: Any other questions for Smiley?

MR. HEYANO: Not a question, but just a comment. I understand your frustrations and share in a lot of them with you, but, you know, to me the only solution that I see at this time is boards like this or councils like this need to have more authority on what happens in their area because it's -- you know, I think we're dealing with a system that the people who control it have different values and different backgrounds. I think it's pretty disappointing we have a system in place where people who are documented to have a 5,000 year history can't take spawned out red fish, but a few miles over you have a river system that the use as increased, we don't know what the fish populations are, but we're probably two years away from doing anything about it. To me that's -- that just doesn't make any sense at all, but that's the system we're in, and I think until -- whether it's local advisory committees and boards like this that have more authority on what happens, kind of like paddling up stream.

MR. O'HARA: Any other comments? Smiley, before you leave, you said a couple things here that we don't have any jurisdiction over, and I don't know if Dr. Bill Pierce would like to come up after the break and address some of the issues at Katmai, but we have jurisdiction for certain lands on the Alagnak, the branch of

the banks, Mac Minard has the authority on the water. You can be as frustrated as you want. Unless he does something about the water, alls we can do is stop them on the banks. That's not this board's responsibility. Title 8 is not in compliance -- or the State of Alaska constitution is not in compliance with the federal regulations. So State of Alaska has said one thing, the federal people say another thing, you understand that as well as I do.

We came, Joe and I just came from a meeting up at the BBNC at Stuyahok. They are more concerned about wanton waste than they were about the stocks. Phil told us in English and Yupik, they are totally frustrated with the wanton waste taking place, and we're restricted by the federal lands and the State lands, and Philip's frustration we can't even deal with because he's not even close to federal lands, that's the State of Alaska.

And it's kind of the -- you know, and we've got to be careful when we say this, but I think the feeling of the Native people of Alaska is that the State of Alaska is not very responsive to customary and traditional use, it's a different attitude that Alaska has as compared to what the federal people have, and that's my own personal conviction, and that's because we do have the conflict within the constitution and the federal lands.

Katmai National Park is a totally separate system than even what you're going to find on the banks of the branch of the Alagnak, because it's a wilderness park, and a guy from Denver can do sports fishing in there and a guy from Naknek can't do subsistence fishing in there with a red net. These are things too difficult to deal with. Maybe we can have some light shed on it a little bit.

You talked about a whole bunch of things that I think are beyond this board's control, unless we want to re-open some issues that might have to take an act of congress.

MR. KNUTSEN: I understand the responsibilities and who is -- has jurisdiction over what land, but just to let it go and not say anything is probably more frustrating for us than anything, so we have to start somewhere, and I figure that if we just start here and go to the Naknek Kvichak Advisory, it has to start somewhere.

MR. O'HARA: When you say re-open the Katmai National Park issue, that's a massive statement to make.

MR. SAMUELSEN: Didn't we, correct me if I'm wrong, didn't we write a letter of support for the traditional taking of red fish in the Katmai, correct me if I'm wrong, natural delegation, didn't we support it?

MR. O'HARA: I'm sure we have.

MR. SAMUELSEN: We have supported Naknek's position on record.

MR. O'HARA: I don't know if it's really worthwhile for Bill Pierce to mention after the break today, you don't necessarily have to, talk about this issue, that's probably been brought up enough, but if you did have anything it would probably be a helpful comment to do so.

MR. AKELKOK: Philip Akelkok.

Smiley, I support you on this wanton waste issue. You know, we as subsistence users within our area have to -- you know, I was invited to speak earlier before this panel, but I had to listen, because 30 years ago we had State of Alaska political people and people that were white collar and they would be able -- if you go

visit them in Juneau they be able to open their doors 9:00 in the morning and they close at 5, but when they go to us they come and talk to us on the weekends.

But, you know, there was state and federal government within that meeting and they were willing to listen to the wanton waste issue before they -- it was known by state and federal Fish & Wildlife, and we live it and we saw it and we brought it before the panel at Stuyahok, that's 30 years ago. And you know, sitting here looking at them, you got the same people that are sitting here and they are writing in their papers and taking and jolting down the issues, but, you know, we know and we live it as a subsistence user.

But my point is, you know, we got to be able to be like them. We got to give them limited amount of information, because we wanted something done within the Mulchatna and Nushagak River 30 years ago and it was brought before, you know, before the advisory -- I mean the state and Feds at the time, and what happened was State came in and they, you know, they put -- when the subsistence moose season opened they were checking our license, and a boat was in that area, and we as hunters had years of moose and caribou -- moose at the time, we know what kind of moose and the spread of antlers we could be able to catch and harvest, but, you know, after the subsistence users' season was open and they were there, and when it closed, tomorrow morning the subsistence thing was going to close, and the same people that was there that was, you know, monitoring, watching the subsistence hunters at the time left, and the next day was -- had hunting season, it was wide open for them. The state Fish & Game wasn't around.

I am traveler of the Nushagak and the Mulchatna, and I put in a proposal through AFN in 1986 that was thrown out the door, and last year I put in another proposal, illegal wanton waste within the Nushagak River and headwaters of the Nushagak and the Mulchatna, and, you know, it is an issue that we know and we live it, but we got to, you know, if the -- you know, if the subsistence users are going to be monitored by the Fish & Game of state and federal, you know, the headhunters got to be monitored the same, because there is a volume of, big volume of wanton waste, and the meat, and they are not doing their job, so we got to be able to, you know, limit our information like them, because we see it and we've been speaking many years and nothing has been done. And I would just like the village, just like city council and village council, I know there are changes in people and they come into the area and they start from scratch. I think the information is -- that was, you know, studied 30 years ago is not being shown to new state and Feds.

And in our area, the headhunters that are coming in as, you know, we as people knew about it, because 40, 45 years ago a big game hunter that went all around and hunted in all the big game hunting, buffalo and whatnot, and they asked and they got big moose in Canada at the time, but that moose that was caught and it made Boone & Crockett was caught three miles from the mouth of the Mulchatna, and that's not BS. Because, you know, and the caribou that are being hunted by the headhunters are from the Mulchatna area but they say they are from different areas of the unit.

You know, what I'm saying is we got to, you know, be able to deal with them as a subsistence user be dealt with. If it's going to be monitored by Fish & Game, why not watch the headhunters too, because after the headhunters left, in the Mulchatna area there

was -- and one day there was 15 to 20 caribous with no horns and 8 to 10 to 20 moose that was shot and the meat left out there to -- that was wasted and nothing was done, thank you.

MR. O'HARA: Let's take a break, a ten minute break, and if anybody has any questions of Philip afterwards we can do that, too.

(Off the record.)

MR. O'HARA: Call the meeting back to order. Dr. Bill wants to address the Katmai issue or not, if you would like to we'd certainly like to have you come up and give your name again for the court reporter.

MR. PIERCE: Bill Pierce, superintendent of Katmai National Park. I don't have any easy solutions, I think you all know that. As I look around the room and the experience and the knowledge level in this room, I guess I'm impressed by that, and I guess if there is anything that will help us is the board and the people continuing to look at ways to be catalyst to look for solutions.

You look at the map and you look at the jurisdictions that are on township and range lines, and you realize the wildlife doesn't realize what township and range lines are and they are going to move and their habitat is important to them.

The good news in Alaska, having spent 28 years in the Lower 48 in parts, you still have the best habitat available for the wildlife of anyplace I've ever lived, and a lot of what helps us out is the fact that you don't have road systems out here and you don't have changes in habitat. I worked at Olympic before I came up here, and there is a big change in the wildlife population in Olympic National Park primarily because of the change in habitat outside the park. The logging, the siltation in the streams, the increased temperatures in the streams, the impacts on the fisheries which impacts the other wildlife. So your base is your habitat, you got to preserve that habitat, and then you look at the impacts of hunters, et cetera, et cetera on your game management.

When you look at places like Katmai National Park, you know, and you look back and you say this park was started out in 1918, it was established by congress to protect the resources, the wildlife, the plants, the geology of the place, and to provide visitors the ability to experience it without reducing those resources, so that's our mission. Well, when you balance that with your management of wildlife, especially for subsistence and local needs, we have to look for ways to match that up.

You know, the intent of congress when they made it a park was to preserve that wildlife habitat in a natural state. We have to look at that and balance that with local needs such as the red fish issue. I think there is a solution there we need to work on, but I think we also need to preserve those habitats for those wildlife populations.

MR. O'HARA: Bill, that's pretty good, except for the fact that you know a lot of people really laughed at Governor Walter Hickel when he said that you can't let nature run wild. That went a ripple across the state of Alaska. He's right. If the wolf issue is just left to go, if the caribou issues are left to go -- biologists are put in place to maintain these areas, regardless whether there is a park there or not, it's management's responsibility to make sure you don't have too many roads and too many airports, that the wolf population is in balance with the caribou population, and we can use

that animal.

And when it comes to the wilderness area in the parks that you deal with, it's nothing for the guy from Colorado to come and visit without me having access or without the biologist maintaining a balance of nature, and of course that's where we differ on the issue big, big time, and that's where the lady with 5 million members from California on the wolf issue hit the refuge and she came unglued, and so did we, we won't get into that issue.

So when Smiley said open it up again, that's a pretty big statement, and just you and I were just talking privately for a minute out in the audience. Tell us the down side of maybe opening up again to everybody, too, as far as Katmai in general.

MR. PIERCE: Well, you know --

MR. O'HARA: There might be some disadvantages.

MR. PIERCE: Definitely. Some of the impacts that I see in Alaska that I didn't see in Lower 48 in parts, what you're really wrestling with is a lot of conflicting uses with access, and with the airplane access, that's one of the problems I think you're wrestling with in trying to balance subsistence and sport hunting and your wildlife management. It is much different access with your aircraft than you have in the wilderness in most places in the Lower 48, where to gain access you've got to really work at it to get up there and get that wildlife. I think that's the core of the, at least philosophically the core of the difficulty is how do you balance all these uses, especially as some of them increase.

You see more commercial operators or you see more subsistence hunting or you see more whatever, they conflict with each other, and you almost need that wisdom of Solomon how to balance those in that equation. 6,000 years ago, 5,000 years ago when you were dealing primarily with Smiley's -- the population that was here on the peninsula, they were in balance, they didn't have that much conflict in uses. I'm sure that the wolf population was at whatever the normal wolf population was, but the people were able to subsist very easily, I'm -- I probably wouldn't have made it, but they knew what they were doing over the centuries, and they knew how to deal with it and they were in balance with the wildlife. But now we keep pouring more and more conflicting issues in and then you draw these jurisdictional boundaries, that's what hurting us on the Alagnak.

MR. O'HARA: We appreciate that. Smiley, did you have a burning issue?

MR. KNUTSEN: I wanted to ask a question when Bill made the statement that when it was -- the park was created to preserve the wilderness for the people, the rights of the people in the Lower 48, how can we say on one hand they have that right to abuse of the park, but yet deny the rights of another group in the same area? It's a tough -- it's a real, real tough political question, but --

MR. PIERCE: None of the 50 states, none of the people in the 50 states of the United States have the right to abuse any of our resources, in or out of the national parks. What we're dealing with though is a mission that we're trying to preserve the resource at Katmai, other parks, for all of the population of the United States in a natural state, and definitely there are things that we need to correct. You know, we know we need to do better on the Alagnak. We know we need to do better on some issues like the red fish where we need to -- that's a solution that needs to be made.

But overall our mandate is still the same, to protect the natural resources and then provide for people from all 50 states to experience it.

MR. O'HARA: Thank you.

MR. KNUTSEN: One comment in favor of the traditional user, when Bill and the National Park Service stepped in and took over jurisdiction of Naknek Lake, after 5,000 years or so of use you could not tell that there had even been anyone there. That showed the conscious effort by the traditional user of their belief that, you know, if they don't take care of it it's going to be gone. To me that's a classic example of what a user should do or be conscious about nature, period.

(Peter Abraham enters the meeting.)

MR. O'HARA: Welcome, Peter, how are things in Togiak?

MR. ABRAHAM: Freezing up a little. We're putting things away fast as we can. We're going to see some summer again over there.

MR. O'HARA: Nice to have you join us this morning. We're in the agenda down to old business, and we're down to the brown bear issue. And Helga I don't believe we have anybody anyone from Lake Clark National Park & Preserve.

MS. EAKON: Lee told me he had been discussing this issue with Ted Krieg of BBNA, so Ted is prepared to make some comments.

MR. O'HARA: Are you going to send him a bill.

MR. KRIEG: Probably not. I had a couple of -- my name is Ted Krieg, I work for the BBNA natural resource department. I had a couple conversations with Lee Fink recently, and the most recent one was yesterday when he said he was sick and said he wouldn't be able to come and asked if I could read the information that we talked about, so there may be some gaps in the information I present. Maybe people here can fill it in, or if Lee does make it down today, he did sound pretty sick.

To start off with the brown bear issue, it's for Unit 9(B) I'm going to give a little bit of history first and then go into the things that need checked into and some suggestions, and then I guess it's up to the council to decide what they would like to do at this time.

The year before last, Nondalton put in a proposal to change the federal regulations, and the way those regulations read right now it's one -- for the whole unit, 9(B), one brown bear every four regulatory years. And then for Nondalton, it's rural residents of Nondalton only, one bear by federal registration permit only and that's -- they can do that each year. That's the way the regulation reads right now.

Last year Iliamna and Newhalen submitted similar proposals, similar proposals to the Nondalton proposal so they could be included to hunt one brown bear every year. At that time the staff proposed that including all of the Lake Clark National Park zone communities, which would also include Pedro Bay, Port Alsworth, and then Iliamna, Newhalen and Nondalton.

At your February meeting you decided to -- this is just a small point, but they suggested 12 permits, the council had some discussion, I think I have this right, but they decided to reduce the number of permits to ten, and then that was tabled until the five park zone communities could discuss how to allocate the ten

potential federal permits. So that's where we're at now.

I sent out information last April after the Federal Subsistence Board meeting to each village council, and I sent regional council recommendations, staff analysis and recommendations, and just, you know, let them know what the issue was, you know, that there is going to be ten permits divided between these five communities and how to do it, and I also sent some of that information just recently, so we really haven't had a response on that, but Lee did some checking and he talked to some members of the Subsistence Resource Commission, Lake Clark Subsistence Resource Commission, and they suggested that the ten permits not be allocated by a specific number per village, and that the permits should be available to the villages that have the greatest need.

Lee said after that he checked into the records, and at least for the state seasons, the reported take of brown bears for 9(B), the average was about 33 bears per year, and that was just harvested for 9(B). And I think he commented that those were probably mostly from even out-of-state hunters. You know, 33 bears for 9(B) and then there is the ten bears for this, you know, for the park and preserve.

He said he felt that it would be unlikely that the entire ten bear limit would ever be reached in one season for the federal lands. I guess there is some other lands other than just the park and preserve. In a discussion with Lee, you know, we decided that maybe something that could be done is just set up a permit system so that when a ten bear limit was reached then it would be, the season would be closed and, you know, recognize the fact that there is also -- this -- it isn't just ten bears for those five communities, they can hunt under state regs so they have other opportunities.

Lee also indicated that he hadn't received -- nobody from Nondalton had asked for a permit, requested a permit to hunt in the park. He also said that if the ten bear limit were ever reached, at that time we could determine who -- which village had the greatest need just by looking at the permits and who got the brown bears. I guess, you know, this is something that he said that the Lake Clark Subsistence Resource Commission could discuss at their next meeting, but they only have jurisdiction, or, you know, make regulations or consider the park and they don't consider the preserve. So I guess that's basically where we left it at.

So I guess the point was, just seemed like there could be a system set up similar to the moose, the way moose is in Unit 9(C) where the season closes after the ten bear limit has been reached, the five moose season there, but ten brown bears for 9(B). Any questions?

MR. O'HARA: Any questions?

MR. SAMUELSEN: Ted, so doesn't look like the council needs to take action at this time. We could delegate that Lee and Lake Clark Subsistence Commission and the affected villages come up with their own, how they are going to permit the bear hunts to take place, is that correct?

MR. KRIEG: They could discuss it, but I guess the glitch is that the Lake Clark Subsistence Resource Commission, they only have authority for the park, not the preserve, and these regulations would also apply to the preserve. I mean that's what Lee told me anyway. It's all those five communities, so it seems to me

like they could still discuss that and come up with, you know, suggestions.

MR. SAMUELSEN: Regardless of what they call them, the Lake Clark Subsistence Commission, it's still those villages.

MR. KRIEG: Exactly.

MR. HEYANO: My recollection of the issue is that currently -- I don't even know if Nondalton is allowed to take a bear now every year because we didn't take any action last winter on the proposal. My understanding of the situation is that there has to be a proposal the Federal Subsistence Board acts on that allows the harvest of ten bears.

MR. O'HARA: We did do that, didn't we?

MR. HEYANO: No. Until the communities in the park can come up with a proposal that showed that ten bears are going to be harvested and in what manner. I think the other part of that proposal, if I remember right, there was a certain number out of that ten that could be sow, and that was put in as a concern from the Park people.

MR. LaPORTE: To my knowledge, there were ten permits available last year. How it got to be or under what authority I'm not sure, but I know that there was ten permits available to Nondalton alone and there were no permits requested or issued, and then when Iliamna/Newhalen submitted proposals that they get authority for bear hunting as well, that same number of ten was used instead of just for Nondalton.

MR. O'HARA: All five of them?

MR. LaPORTE: Yeah, to my knowledge there haven't been any permits requested or issued.

MR. O'HARA: We should really -- I think what we ought to do with this is put it under new business and go ahead and make a recommendation from this committee that those ten bears be divided up among those villages, and that it go through the headquarters there at Lake Clark and be issued as needed. If they go beyond ten they have got to come back to us or go to the federal board, but I don't think we ought to let the thing be deferred again, I think we ought to make a recommendation on a certain number of animals and communities through Lake Clark and get it over with.

MS. EAKON: Because this is still an unfinished item on the board agenda.

MR. O'HARA: The federal board?

MS. EAKON: They are waiting for a recommendation from this council.

MR. O'HARA: We could do that. Excuse me, did you have a comment.

MR. GREENWOOD: Yes, I talked to Lee.

MR. O'HARA: What was your name?

MR. GREENWOOD: Bruce Greenwood, and what Lee said, it would be appropriate for this regional council to make a recommendation to a subsistence board regarding this issue. So he feels it's appropriate for you to do that.

MR. O'HARA: We can do that, no problem. Do you want to do that right now or put it -- it's under old business. We can act on it right now or move it under new business?

MR. HEYANO: Do it now.

MR. O'HARA: What's the wishes of the committee?

MR. STEPANOFF: Chairman, could I bring up -- I'm from

Chignik Lake and then speaking of bears, we have bear problem down there that's tearing into our fish camps, and unlike my sister there, she spent thousands of dollars on furniture and they just mangled the place. It's like 20 some houses were broken into and cost us a lot of money, you know and they are walking right in the middle of the streets and the villages, all the villages down there and it's overpopulated with bear and something has to be done about this, you know. Gets into our fishing gear and into the boats and it's always little bear. These hunters, they get all the big ones. These little fellas don't know what to do.

MR. O'HARA: Had a funny experience the other day, I was surveying a boat in Port Heiden and I looked at the top of this fly bridge on this really nice \$250,000 Curry, and here this little buoy was all chewed up. A bear climbed on board, got on top of the fly bridge and ate up that buoy and left. But we're not hear to take care of the animal as a nuisance, these people are going to take these ten bears and eat them, you know, so I don't think we can deal with the issue of a destructive animal in getting rid of it, that's another department, and I don't know who is going to help us out with that. Surely must be somebody out there can help us with that issue.

SPEAKER: Use your .30.06.

MR. O'HARA: Put that hide on a wall.

MR. SAMUELSEN: I'm proposed to offer a motion, Mr. Chairman, however I need some guidance from Helga on the correct wording that would allow ten bears to be taken by the five resident communities, and that the decision on who would be allowed to take what proportion of the ten from each community will be decided by those communities.

MS. EAKON: Mr. Chair and Mr. Vice-chair, this motion would reach closure on proposals 21 and 22 of last year which were tabled until the five affected resident zone communities could develop this allocation of the ten permits, and to refresh your memory, proposals 21 and 22, Unit 9 brown bear, they were identical requests from Iliamna and Newhalen village councils, both in cooperation with Bristol Bay Native Association to add each of these communities to eligible rural residents to harvest one bear annually in Unit 9(B). Limit female bear take to no more than four. This would afford them the same harvest opportunity extended to Nondalton residents during the 1994, 1995 regulatory process.

So essentially your motion would be to accept the Lake Clark National Park & Preserve Subsistence Resource Commission's recommendation, which I, as I understand it, would be that no -- there would be no set number allocated per village, but these permits would be issued as needed until the limit of ten is reached.

MR. O'HARA: That's the way we would make a motion, is that satisfactory with you?

MR. SAMUELSEN: Yes.

MR. GREENWOOD: Mr. Chair?

MR. O'HARA: Wait a minute, we got a motion on the floor.

MR. SAMUELSEN: Yes.

MR. O'HARA: Is there a second?

MR. LaPORTE: I second it.

MR. O'HARA: Did you have a burning issue out there?

MR. GREENWOOD: A clarification on what Helga just said on the motion. I wanted to clarify that. The Subsistence

Resource Commission did not make an official recommendation regarding -- they didn't make an official recommendation.

MR. O'HARA: So what does that mean?

MR. GREENWOOD: What Lee did is Lee talked to the people on the SRC and they feel this would work, but SRC did not make a recommendation to the regional council, I don't think you want to have that in the motion.

MR. O'HARA: I didn't see that in the motion. They didn't do any at all, it's going to be up to us to make the recommendation?

MR. GREENWOOD: Correct, but when Helga phrased that, you mentioned to accept SRC's recommendation.

MR. O'HARA: That's good, we appreciate that.

MS. EAKON: We'll say informal recommendation.

MR. O'HARA: It gets them off the hook, in other words. This committee is going to make a recommendation that ten bears, the five communities to work it out, go to the headquarters and get the permit, is that right?

MR. SAMUELSEN: Yes.

MR. O'HARA: Any further discussions.

MR. HEYANO: I'm confused here, I guess. Is there a limit on the number of sows that can be 10 in this case?

MR. LaPORTE: I think the proposal says four.

MS. EAKON: Limit female bear take to no more than four.

MR. O'HARA: That was satisfactory with the biologists from the area on that?

MS. EAKON: Yes.

MR. O'HARA: Any further -- are you satisfied there, Robert?

MR. HEYANO: Well, just another question of Helga. When is the deadline for call of proposals for this issue.

MS. EAKON: You can either -- the board will take this up at the April meeting, so you do have another opportunity at the regional meeting to take this up.

MR. HEYANO: And submit a proposal?

MS. EAKON: To accept Lake Clark's informal recommendation. You don't have to take action at this meeting, you can wait until the winter meeting -- the winter meeting is a time when you make formal recommendations on proposals. So you can either do it here or you can wait until February.

MR. O'HARA: Do you have a thought on that, Robert?

MR. HEYANO: Yeah, I would prefer, I guess, to wait until February as long as we're not going to put the whole issue off another year. Listening to Helga, that's not the case. I think by then we can get some definite recommendations. That's exactly what we said in February, is that Lake Clark Park needs to develop their recommendations with the concurrence of the five communities.

MR. SAMUELSEN: It's my understanding we already approved the hunt, it's just who is going to hunt.

MS. EAKON: The allocation issue.

MR. SAMUELSEN: The allocation between the five villages.

MR. O'HARA: Motion is on the floor, do you want to act on it, more discussion, what's the wishes? Do you have a comment?

MR. HEYANO: No, just a clarification again. Looking at the table, it was deferred.

MR. O'HARA: What page, 1, 2?

MS. EAKON: It's on page 2, yes.

MR. HEYANO: We deferred it and the board deferred it, so in my opinion the ten bear hunt is not current in regulations.

MR. O'HARA: So what do you want to do?

MR. HEYANO: I just said for clarification. What I heard Robin said is something different than my understanding. Then if Robin's interpretation is correct, that there currently is a ten bear hunt for those --

MS. EAKON: No, there is not until closure is reached on the permit allocation. Even though the hunt concept is approved, the hunt in concept is approved, there is no hunt until this council makes a recommendation to the board and the board acts on that recommendation in April on the permit allocation.

MR. O'HARA: We can make the recommendation now or we can make the recommendation when our next meeting takes place, which is usually in February. So it doesn't make a difference, either way.

I just as soon make it now, and if the commission up there -- if Tim wants to look at it definitely and modify it in February, otherwise I think we ought to put it in. Any further discussion. Call for the question?

MR. SAMUELSEN: Question.

MR. O'HARA: All those in favor say aye. All opposed? Five of us pass, five to one.

(Five in favor, one opposed)

MS. EAKON: Who was it opposing?

MR. O'HARA: Robert. Going back to the agenda here now, taking care of the brown bear issue. Moose and caribou update on the Alaska Peninsula. Ron is not here, who do we have handling that from Lake Clark?

MR. POETTER: Mr. Chairman, Rick Poetter again, I'll shoot for the wildlife refuge for Ron Hood. I gave you each a packet, it's labeled Becharof Lake patrols, and toward the back of it you've got a map that shows the area, so you might want to reference that.

The way I remember this is in February, your meeting in February, there was some proposals put forth to you to close the Severson Peninsula area to moose and caribou hunting completely. This stand was taken by the council to have the refuge deal with the issue through section 810 of ANILCA reducing -- to reduce subsistence conflicts.

So in essence what happened was the refuge got together with the air taxis on May 18th of this year and we had three companies in attendance, and two of which were the primary users in that area, Branch River Air and C-Air, and got their input based on what their needs were for the upcoming season, which was this past fall, or this fall that we're in. And on May 22nd Ron Hood met with the Egegik traditional village council with Mr. Chairman in representation for the regional council, and in that meeting there was the agreement to -- in essence there would be no clients dropped off by air taxi operators in the Severson Peninsula area. That's the hashed mark to the north on your map there.

Then also part two of that was a total of five parties could be dropped south of Burrow's Creek (ph) Bear Creek area, and

that's that lower hash mark area that you can see on the map. Those five camps were divided up. C-Air was allowed three, Branch River Air was allowed two camps. And the Becharof patrol data on the front of your sheet there basically gives a summary of the time that we were able to get out, we combined patrols with other work that we were doing, moving field camps, resupplies, et cetera, and we tried to get as much of the dollars worth as we could.

And there was a little bit of subsistence activity in August, mid August, but that was relating to Myer's Inholding, down in that area of the Becharof Lake. And in essence there were no camps of any sort that we observed on the area in total around Becharof Lake.

Then in September we intensified our patrols. We purchased a new 24 foot deep-V hull boat that we did not have before, so it allowed us more flexibility to get around when the weather was not quite as good, and primarily it was geared towards making the contacts.

A lot of times we can observe somebody on the lake, but if the winds are blowing onto the shore fairly hard, it's tough to beach a float plane and have it sit there and pound and beat the floats up; so there were a lot of instances where we couldn't make contacts with hunters, sometimes we would have to defer it, sometimes they were gone the next time we got back. So anyway the boat provided us an additional platform to patrol with.

And in essence we were looking for violations, but also we were looking to monitor the subsistence and air taxi hunter conflicts that had been reported in the past. We ended up with basically four camps of non-resident type hunters. As you can see up on the northern part there was a Becharof Creek camp, that was a camp that was put in by a local King Salmon resident. He had some friends from the Lower 48 come up. They were only there for a day or a night or so and they were gone again. They had been there the previous year, hunted, and had liked the area but apparently when they got back this year they didn't see anything that they liked, so they moved on. And I believe they moved over to that area that I talked about earlier, between Becharof Lake and Ugashik Lake.

The emphasis, of course, was to reduce the number of non-authorized federal subsistence hunters in the area and it significantly did that. If you remember last season we had a total one time of 18 different camps in this one area, so the -- in effect, we did accomplish what we were trying to do by reducing the numbers of non-federal subsistence camps in there.

The camps down in -- there were two camps at Otter Creek, they were combined. They killed three moose while they were in there. The Ruth River camp, they had actually landed on Ruth Lake, which is outside of the restriction area, and killed two caribou there and then floated down stream to get picked up. So in essence they really didn't hunt that area. And the camp at Cabin Creek they were both caribou and moose hunting, and they killed two caribou and no moose.

During September we didn't see any subsistence activity in there that we could identify. We kept an eye out for boats and other aircraft, but no other camps showed up so that was the extent of it completely. I did hear some hearsay from somebody else that there were a lot of airplanes flying around the Gas Rocks area, which is that area between Becharof Lake and Ugashik Lakes

where we did get a lot more activity there. They saw the planes there, so they thought it was hectic in the Island Arm area, so they didn't bother going up that far, and basically hunted the King Salmon River area from Egegik. And I guess in essence that's the extent of report and I'll field any questions on that.

MR. O'HARA: Any questions from the committee? Seems like the conflict has been reduced considerable there.

MR. ABRAHAM: How is the caribou population down there at this time? Do you people know?

MR. POETTER: As far as numbers, it was very sparse. There were no large herds that we saw when we were flying around in that area. Most of the animals were off, if I remember right, towards the bay on that side of the lake, but right in the Severson Peninsula/Island Arm area there were just a few caribou here and there.

MR. O'HARA: They didn't come through there this year.

MR. POETTER: Generally they come through later on in the season, well, that's what they did last year, about this time of the year.

MR. ABRAHAM: Thank you.

MR. SAMUELSEN: Earlier Pete, Larry Van Daele got up and stated on behalf of Dick Sellars there is roughly 11,000 caribou on that peninsula, is that correct, Larry?

MR. VAN DAELE: Yeah.

MR. O'HARA: Peter, seemed like they changed their pattern, they are later getting into the area. I don't know, warm weather or lack of storms.

MR. POETTER: Caribou, do what they want.

MR. O'HARA: And that's kind of reduced the problem between conflict of subsistence users and the other type of hunters, too, so it's made your job a little easier. Any other questions of Rick?

MR. SAMUELSEN: Regretfully, again, I think they moved over here.

MR. POETTER: I don't know whether they went that far or not, that's true.

MR. O'HARA: He's talking about the planes and airplanes.

MR. SAMUELSEN: Not the caribou, the hunters.

MR. O'HARA: Thanks a lot, Rick, we appreciate that. We have down here residency and licensing requirements, council recommendations needed for board review.

MS. EAKON: I'm going to ask you, tab 7 you'll find a copy of the subsistence management regulations subparts A, B, C. If you refer to page 22953, section .6 licenses, permits, harvest tickets, tags and reports, subsection A is a problematic regulation.

MR. O'HARA: 22953?

MS. EAKON: 22953.

MR. O'HARA: Section?

MS. EAKON: Section .6. If you look under tab 7.

This is where the problem arises. The problematic subsection is A, to take fish and wildlife on public lands for subsistence uses, subsistence users must possess and comply with the provisions of any pertinent permits, harvest tickets or tags as required by the board, et cetera. The problematic term there is the word pertinent. If you look in your books under tab 9 C you will find a briefing paper on

this issue, residency and licensing, and the Alaska Department of Fish & Game and the Bureau of Land Management were the two agencies that brought up the issue.

Please refer to page 1, page 1 of the briefing paper itself, experience with a definition of resident in that particular regulation I quoted to you, has resulted in serious questions regarding eligibility for some individuals desiring to qualify as subsistence users for federally administered hunts. The definition of resident is somewhat general and does not specify a length of residency in a location. This creates situations where someone can claim residency in a community even if they maintain a household in another part of a state or even out of state.

Residency becomes questionable when an individual maintains more than one residence and only lives in the local area for a few months out of the year. In some cases the individual maintains another residence where their spouse or dependents live. The regulation wording requiring the, quote, pertinent, end quote, license, combined with the above resident definition problem allows a person to locate to a rural community even from outside the state, establish a so-called residence and obtain a non-resident hunting license and qualify for a federal subsistence permit.

Both the joint boards of fisheries and game and the Bureau of Land Management have sent letters to the board addressing this issue, and you do have a copy of the letter from the Department of Fish & Game and from the Bureau of Land Management.

And the Federal Subsistence Board has asked each of the ten regional councils to make comments on this issue. So far Region II, Southcentral, have recommended to add the word pertinent Alaska resident hunting, fishing and trapping license. That means that a person would have to comply with the Alaska residency requirements, which right now requires that a person be physically present in the state for one calendar year and have an intent to stay here indefinitely and have no residency ties to any other state.

So the Federal Subsistence Board is requesting to take up this topic at their December, 1995 board meeting, and they would like comments from this particular council as well on this topic. And Sue mentioned to me that there was another issue tied to this one, and that's the issue of subsistence fishing. Can you clarify it a little bit?

MR. O'HARA: Subsistence what?

MS. EAKON: Fishing.

MS. DETWILER: I'm Sue Detwiler with Fish & Wildlife Service in Anchorage, I work with Helga, and there are issues that are brought up in the letters from the Bureau of Land Management and Department of Fish & Game that the board is going to have to address.

The first issue is just as Helga said, it's the issue of us requiring -- the way our regulations are written, a person can either have a non-resident state license or a resident state license to be eligible for subsistence hunting, and the state has said that that's not the intent of the subsistence law to be able to allow someone who just moves up to Dillingham from New York City and then the next day say this is my residence. Even though I haven't been here a year, I have a non-resident license, therefore I'm qualified to hunt under federal subsistence regulations.

So one option the board may be considering when it addresses this issue that has been brought up is to clarify in the

regulations that a state resident's license is needed to qualify for federal subsistence trapping and fishing. And the second issue has to do with the proof that a person has to produce in order to prove that they live in a certain area to qualify for that community's customary and traditional use.

Right now the regulations are pretty vague in that they say that a person needs to produce any of a number of documents, like voter registration or mortgage payment receipts or driver's license, any of a number of things to prove that they have lived in that community, or that they have a residence in that community. But the problem that has arisen is that some people aren't -- don't really live in those areas that they are claiming that they live in, they can produce some of those documents saying that, you know, they do live there.

So a person might have a temporary home on Lake Clark somewhere and be able to say I have a mailbox there, therefore I'm a resident there, but everybody in the area knows he isn't a resident and he can slip through that loop hole and qualify as a subsistence user. So that's the second issue the board is going to have to address is whether to make the length of residency requirements a little bit more stringent for a person to prove that he has -- that he actually lives in that area and isn't just a visitor.

And the third issue has to do with the requirement for fishing license. The way the regulations are written now, subsistence user has to have whatever the pertinent state hunting, fishing or trapping licenses are, however the state doesn't have a subsistence fishing license, so technically speaking, a person could go and participate in federal subsistence fishing but not have to have any kind of license at all. So the board is going to have to consider whether they want to require a separate federal subsistence fishing license for that. So those are the three issues.

MR. O'HARA: Any questions for Sue? Well, thank you very much, we appreciate that, that's a lot of information. Sounds to me like we need to -- this is not necessarily a housekeeping issue, but we're going to have to establish what we want to do in the way of residency of requirements for subsistence use. What's the wishes of the committee, how do you want to handle this?

MR. SAMUELSEN: Mr. Chairman, page 2 and 3 we have the options that are listed out before us, option A is do nothing, option B is, maybe Helga could walk us through the options and tell us what they are.

MS. EAKON: Okay, as Robin said, option A, do nothing; option B, make regulatory changes to clarify the board's initial intent as suggested below, recognizing that the subsistence use of fish and wildlife resources is a customary and traditional practice of long standing by rural Alaska residents. The licenses referred to in section-.6 are as follows: For subsistence hunting on federal public land, a state resident hunting license is required. For subsistence trapping on federal public lands, a state resident trapping license is required, and for subsistence fishing on federally administered waters, no license is required. The term "residents" will refer to individuals who have lived in a location long enough to establish and maintain a residency at that location nine months at a location and 12 months in the state.

Option C would be to revise the regulations to eliminate the need for any license for harvesting subsistence

resources on federal lands. This could result in widespread abuse by non-qualified individuals competing with rural residents, especially in those areas that are easily accessible. However, on the other hand, it would impose less paperwork burden on the local residents.

MR. O'HARA: Let's open this up for discussion, then, on what you think that this committee should recommend to the federal board on licensing for subsistence use. What are your thoughts, what do you want to do?

MR. SAMUELSEN: I'd like to make it as tough as possible, personally. I don't know, A, B and C options look like our only option. In my estimation is option B, which is consistent with what congress intended under ANILCA. I guess the legislative record is not clear, but what I gather reading the comments here, they tried to define customary and traditional, and the board, on reviewing it, said that the board believes that it was not the intent of congress to provide an immediate subsistence priority for persons who have no history of customary and traditional use, so I think B is consistent that a person does have to reside in the community. Just because he comes in and 30 days later doesn't mean he's a subsistence user, he has to reside in the community for a given period of time, 12 months.

MS. EAKON: You're not just stuck with those three options, you could make your own. If you look at page 1, what some of the other councils did. For example, Region 7 Seward Peninsula recommended the use of tribal rolls. Region 5 recommended that a person reside within Alaska for at least one year before being eligible to harvest under federal regs, and that individuals holding a BIA certificate of Native blood be considered to have a lifetime subsistence use permit.

MR. O'HARA: What number was that?

MS. EAKON: A lifetime subsistence use permit.

MR. O'HARA: Number 5?

MS. EAKON: That's a very first page. All I want to say was that you're not limited to just those three options.

MR. O'HARA: The way I look at it is, I think most everyone who is a customary and traditional user, such as we have in our villages in Bristol Bay, already are eligible for having been here that period of time. I think most of the people that we deal with have been here long enough, I could be wrong, but people moving in that are children of Native people who are coming into the region, I don't think that's the case too much. I would be probably fairly satisfied to go with, complying with number B, the state regulations so that people moving in the area, even on federal lands, would be required to be here a year to be a subsistence user.

MR. STEPANOFF: But you know the deal is that now we have like kids that's gone to school and they come home and hunt, maybe welfare like a year or a couple years, what can we do?

MR. O'HARA: They don't lose their residency when they go to school. My daughter is in college and still gets her Permanent Fund even, and she's a permanent resident of Alaska and has all the rights. If she goes away for ten years and takes a job, then that's different. We could make it one of the provisions, you know, of the blood quantum thing, too, that the Alaska Native Hospital type people use or the village council use that would give them those rights, but if you're not qualified then you have to go to the state regulations, that's a possibility. Any thoughts on that?

MR. LaPORTE: Would that mean that a non-Native rural

resident would not be able to subsist or hunt or fish?

MR. O'HARA: If what I said, the last part that I said, is that what you're referring to? Let's take a for instance like one of our young people who is a 16th Native, goes away, lives somewhere else for ten years, comes back. Under state regulations, under state lands they would not be eligible as a resident any more to participate in hunting or fishing or subsistence type, right. What I'm saying is that person who left here had a blood quantum of say a 16th or whatever the Alaska Native Indian Tribes or whatever they require, moved away and came back, they would still be eligible, they would not be under the same requirement that those who didn't have a blood quantum would have.

MR. STEPANOFF: Born and raised.

MR. O'HARA: Not necessarily born and raised, but the requirement of a village council individual, or be able to have, you know, Indian type medical services and those type of things, which is even less than what our Native corporations require as a quarter born after '71, before '71.

MR. LaPORTE: Maybe I'm still confused, but what does blood have to do with rural residents subsisting?

MR. O'HARA: On federal lands?

MR. LaPORTE: Yeah.

MR. O'HARA: Customary and traditional use goes beyond what the state requires. I could be wrong, maybe that's a legal issue. But I think customary and traditional use -- let's look at it this way then.

Let's say somebody moves into King Salmon with the FAA and they become eligible in a year's time, and I'm there from 5,000 years ago, and we start reducing the caribou needs on federal lands. It's my understanding, and I could be wrong and I need to be corrected if otherwise, but the guy from the FAA who has been there for 15 years is not going to have the same rights on federal lands for customary and traditional use that I'm going to have when it comes down to the last two caribou, and I could be wrong.

MR. SAMUELSEN: I think you're wrong. I don't think ANILCA -- was the intent of congress not to differentiate between Native and non-Native hunters, subsistence. It was pretty clear, and Helga might read from the passages of ANILCA the part --

MS. EAKON: Mr. Chair, I was just going to throw in a cautionary comment to you that you kind of stick closely to ANILCA, because ANILCA is color blind and it wants to treat Natives and non-Natives who live -- who reside in rural community on an equal footing. I just wanted to throw that legal caution in.

MR. O'HARA: Let's dismiss what I said then and then go back to the original of maybe B. Live with B or do we need to change it?

MR. HEYANO: I could live with B, Mr. Chairman. Any chance of establishing the term any longer than 12 months. I'm not in favor of 9 months at a location, 12 months within the state of Alaska. If anything I want 12 months in that location. Like if we're dealing with our area, doesn't mean they have to live in Iliamna for 12, they can live in there and Naknek for six. I don't want somebody moving from Anchorage and being a C & T being in direct competition with people in rural areas. What's the maximum, what's the maximum length of time we can require for residents?

MR. STEPANOFF: Six months, isn't it, what's that dividend thing going on.

MS. EAKON: The dividend -- go ahead.

MS. DETWILER: The way that the 12 month time limit came about was that's what the state requires in terms of residency for a person to be qualified for a resident license, and so that's what we proposed as the most logical alternative, was to be just consistent with the state, that way it would be easier to say, you have to have a resident state license, it just makes it simpler to have our time limit consistent with the state's time limit. And as far as the 9 month limit for residing in an area, that was just a number that Bureau of Land Management just forwarded as a straw dog to start with. There is nothing sacred about that number at all.

MR. HEYANO: Is there something sacred about 12 months other than the state has it.

MS. DETWILER: No, not that I know of.

MR. O'HARA: Susan, the state doesn't have a requirement if you live in Anchorage and you move to King Salmon, you have the same opportunity as the subsistence user has?

MS. DETWILER: Yes.

MR. HEYANO: Well, I think Mr. Chairman, sure, because, you know, under federal law you could be an Alaska resident and not be a subsistence user of caribou in Unit 9, so I think if we're dealing with residency for caribou in Unit 9, that residency has to apply just in that area. Be no different if you came from Point Barrow, you're still not a subsistence user for caribou in Unit 9.

MR. O'HARA: So what was your magic number that you wanted?

MR. SAMUELSEN: 12.

MR. O'HARA: 12 for residency, but within that area you wanted a reduction?

MR. HEYANO: I don't think that we can tie Alaska residency to customary and traditional use in our area. The residency has to be from this area, you know. You can spend 20 years in Alaska, but if he came to Naknek, that's when his clock starts to run, isn't that what we're trying to define here? It's no different if I spent my whole life in Bristol Bay and went to the Arctic Slope, I don't have, you know, any C & T for any of that population up on the Arctic Slope.

MR. O'HARA: Same issue with red fish on Katmai National Park, that those people who are descendents of the park are going to get red fish and he being from Lake Iliamna isn't going to get it, which is all right, I can live with that.

MR. ABRAHAM: Mr. Chairman, it seems to me it's unfair to go that route, you know. For instance LaPorte over there decides to move to Togiak area over there and, you know, you're Alaska resident and you got voters registration and everything, and he sets up his camp over, is that how it's being worded?

MR. O'HARA: Uh-huh, that's what we're thinking about.

MS. DETWILER: Maybe I can hopefully clarify things and not make them even more confusing. We're talking about two different tiers of qualification for federal subsistence hunting and fishing. And the first one is residency within the state; the second one is residency within an area. The only time your residency within an area would matter is if there is a specific C & T determination

for that community or area. So throughout the state there aren't specific C & T determinations for all species, so in some areas subsistence hunting is open to any rural resident of the state for some species, but for other species that eligibility has been further refined to just a few communities or areas, and so that's when the local area residency would come in.

MR. O'HARA: Give him your name.

MR. CHYTHLOOK: Mr. Chairman, Joe Chythlook, I'm speaking primarily as a subsistence user in the state and a resident of the state. In relation to the existing subsistence law, as I understand it, and ANILCA as I understand it, it seems like that this proposal that is coming before you may be going beyond the intent of ANILCA to where you're trying to regionalize subsistence user to a certain area and, you know, I can see where it might limit subsistence use to an extent to where the numbers may be curtailed to where more customary and traditional users would perhaps be more in line with what subsistence law may be trying to interpret, but at the same time, as I'll just say quickly, as you're curtailing me from going to Naknek or Iliamna or wherever, I may decide to move, if my wife kicks me out, at the same time the other users in the state would not be affected.

In other words, if I carry a sport fish license I could go to any area, and I don't have to prove that I have sport fished in that area previous to just a day or so ago, I could go anywhere in the state and participate with a sport fish license. I fail, I guess, from the standpoint of a user group in, you know, competition with other user groups in the state, I fail to see the wisdom of trying to curtail my use when I guess, you know, you're trying to balance the use of our resource, because it may be that some other user group has come in to compete with that same resource, and because of that the wisdom somehow is that, well, we're getting too many competing for the same subsistence resource, so why not curtail that subsistence user and make it sort of a village by village or region by region deal when you're not doing anything with the rest of the use -- for the same resource by other user groups. So I thought I'd bring that up as an interesting thing that clicked in my mind as I was listening to some of the discussion here.

MR. O'HARA: Any questions? Thank you, Joe. Do you want to ask Joe a question?

MR. STEPANOFF: Yeah, like I can see now like today, like the next neighbor village, you know, speaking of residency, like you can't even go hunt in your neighbor village lands any more, they got it practically all sewed up. I mean your relations, it's getting uptight, you can't hunt on their lands any more, happening all over.

Like this residency deal here, this has to be straightened out somehow. To be residency, you know, you've got to be there so many months and then you're entitled to hunt.

MR. O'HARA: You don't like that.

MR. STEPANOFF: I don't think that's right. I've been born and raised in Alaska all my life, you know, and I can't go to my hometown and do my hunting because of I'm not a resident any more.

MR. O'HARA: That's the issue.

MR. ABRAHAM: Mr. Chairman, I think it's good and bad if you look at perspective ways. The good part would be that you might eliminate the wanton waste from the sportsmen. The bad part would be, like Joe says, if he gets kicked out by his wife and

decides to move somewhere, he would have to be a resident to hunt there. That's the bad part of it, and he wouldn't be able to hunt. I guess I'm kind of in the middle, see, I can't even move.

MR. O'HARA: Can't make up your mind, hu?

MR. ABRAHAM: Because to me it's good and bad.

MR. O'HARA: Well, I would suggest that we're going to have public comment here, because we have a blue card came in from Smiley Knutsen, but I think we don't really have an issue now. We need to prevent anybody coming in and hunting in an area. Game is not such in this region of Bristol Bay, southwestern region that we need to make that differentiation now. Is there an area that's impacted where we can't do it, Robert?

MR. HEYANO: Well, to me the question is for residency to be C & T subsistence user, are we going to use if you're a resident of the state of Alaska for 12 months?

MR. O'HARA: We can buy off on that.

MR. HEYANO: Or are you a resident of those communities that have C & T finding, and to me that's the dig difference. I think if you look in the Bristol Bay area for the major moose and caribou populations or the food and fish populations, anybody that resides in the community of Bristol Bay has C & T findings throughout the whole Bristol Bay. So my point would be that we would do residency requirements of those communities. In my mind what that does, if you use state of Alaska, a guy from Anchorage decides to move to Dillingham, and if he was in Alaska over a year, he moves to Dillingham, he automatically becomes a subsistence user.

In my opinion that isn't right. He should be a resident of Dillingham for a year before he becomes a subsistence user. I'm not trying to prohibit somebody moving from Iliamna to Dillingham, because C & T findings in this area determine that Tim can hunt moose if he comes to Dillingham because he has C & T findings.

MR. O'HARA: So you want to go with southwest region, anybody can move within the area of any time frame, but a guy coming from Anchorage to the southwest region is going to have a time frame.

MR. HEYANO: I think you got to tie it to C & T findings, because to me that's the difference. Federal land, we can distinguish between rural and urban subsistence users, and if you do the state of Alaska, you're suddenly including all the urban hunters.

MR. SAMUELSEN: Robert is absolutely correct. All Bristol Bay residents have C & T findings for all species combined, and I guess a good example of that is the early moose hunt, a lot of us like to call it the subsistence moose hunt. Under the State regs it's open to all Alaskans. I can be a resident in Fairbanks and even though the advisory committee of the Board of Game opens the season to accommodate the local needs, as a resident from Fairbanks, I can come down and partake in that hunt here, is that right, Larry?

And under Robert's scenario what he's saying is if you have a subsistence hunt on federal land, that you have to have a C & T determination, which we all have, and reside in the community 9 or 12 months, whatever it is. If I was from Fairbanks I wouldn't be able to come down and hunt here, but if I lived in Naknek and the hunt was over here, I would be able to start -- partake in that hunt, that's the difference.

MR. O'HARA: Any other comments, did we miss something there, Susan?

MS. DETWILER: I'm not sure if I'm acting out of place

here or not, but one suggestion that I might forward to you, is in order to accommodate your concerns about differentiating between a rural versus a non-rural resident and also to be more consistent with what the statute requires, with the wording in the statute you might structure your proposal to say that a person is qualified for -- is qualified for C & T in this region if they have either lived here for a year or if they have lived in another area of the state that is rural for a year.

MR. O'HARA: The last part again.

MS. DETWILER: If they have either lived in this rural area for a year, or if they have lived in another rural part of the state for a year, because there are some communities that don't have C & T in other parts of the state, and that would accomplish what Robert was getting at with not wanting to have someone from Anchorage, which is a non-rural area, come in and be qualified for subsistence the next day, so it would keep those people from qualifying the next day, but would also allow people who have lived in other rural areas of the state and who are qualified as subsistence residents in those parts of the state to come in and move.

MR. O'HARA: Let's take an illustration and see if you can help me clarify this then. Someone who lives in rural Alaska for a year from someplace else, Nenana, they lived up there for a year, and within a year's time they moved to Naknek and they can hunt the next day.

A guy from Anchorage who is urban, lived in Alaska for 20 years, comes down, he's not eligible, I understand that now.

MS. DETWILER: Using the word rural would make it more consistent with the intent of the statute which bases the priority on rural residency.

MR. O'HARA: Should make it a law that those caribou that go up to Aniak they can't get them.

MR. SAMUELSEN: How would she word that proposal?

MR. O'HARA: That's an interesting idea.

MS. DETWILER: In 25 words or less. If you want to -- that part of the proposal dealing with residency in a local rural area, I would say something like, to qualify as a rural resident, a person must have lived within a rural community within the state of Alaska for at least one year previous -- at least one year.

MR. ABRAHAM: Excuse me. In other words, a family from Togiak that had moved to Anchorage, and say he had lived over there for a year or so and come back to Bristol Bay, and John Doe wouldn't be able to hunt over here unless he come back and lived over here for a year.

MS. DETWILER: Yeah, that would be a drawback.

MR. ABRAHAM: Although he was born and raised in Bristol Bay.

MS. DETWILER: That would be a drawback.

MR. O'HARA: Interesting idea you bring up here, Robert. Any other thoughts before we -- come up here and talk to us, put your card in.

MR. KNUTSEN: I just want to make some comments, I think a lot of opinions on the subjects helps in the final product but -- John Knutsen representing Paug-Vic, Inc., limited. And ANILCA says one of its purposes is to provide for the continued and uninterrupted subsistence use by the subsistence user, basically in

those words. And in my opinion in saying that they meant -- this is my interpretation, they meant that the subsistence users at that time that law was enacted have priority.

If things continue the way they are with the influx of people, ten years from now we're going to have a million people in Alaska who have lived here a year and all qualify, then the purpose of ANILCA is going to be useless because the lack of game, the pressure on the animals can't take -- well, I'm not saying the millions, but I think that this license that you want to call it should be tied to a traditional and customary use.

It's like Tim says, you can't eliminate Caucasian because he's Caucasian, or like Helga said it's not a black and white thing. I think that at the time that law was enacted means those people who lived in Alaska and used the resource of Alaska are entitled to customary and traditional use. Anyone after that, I know it's not fair, but can hunt and provide under the sportsman's regulations.

When I approached the board in Naknek about having a traditional bear hunt, the guides response was, well, you can go hunting like anybody else under the sportsman's license, use that. I mean why should you be given special consideration. To provide for uninterrupted and traditional use, it should be tied to that, you should be able to apply for a lifetime license saying I traditionally and customarily used the resources of Alaska from this time on.

MR. O'HARA: Any part of Alaska?

MR. KNUTSEN: Yeah. I can't go to Port Heiden or Ivanof Bay to hunt bear, but the villagers there can. I just don't understand the law sometime, but I can go anywhere in Alaska and hunt polar bear. Where is the justice of it all. There is no sense in what we do, but if we have a simple one time issuance of a license for traditional and customary use and is, you know, an off spring, a limited amount. How many people were in Alaska in 1980, 500,000. 500,000 C & T permits to hunt, you know, on public lands. It's not eliminating anyone, but who knows. It's just an idea.

MR. O'HARA: Anything else?

MR. SAMUELSEN: Under your scenario, Smiley, when the last of the ANILCA generation dies off, then ANILCA is dead, too?

MR. KNUTSEN: Pardon me?

MR. SAMUELSEN: Under your scenario if we give a one time license --

MR. KNUTSEN: My direct bloodline will receive my license, it will continue.

MR. O'HARA: I don't follow everything you're saying, Smiley. C & T findings is under ANILCA, so we understand that, and you don't want any restriction between any of the regions at all. If you are a C & T qualified person you can hunt Togiak, Nenana, Barrow, Perryville, no restrictions.

MR. KNUTSEN: And with the marine mammals, polar bear, walrus, sea otters, no closed season, no bag limit for a qualified Alaska resident, but there is no rampant waste of the animals. Of course there is always incidents, but the population throughout the state, I think for all those marine mammals, are healthy.

MR. O'HARA: Okay, thank you.

MR. STEPANOFF: You know, like speaking of residency, this don't make any sense at all because you're saying awhile ago if our kids are going to school for a year or nine months and then come

back he's not a resident.

MR. O'HARA: No, they are a resident, they don't lose their residency as students.

MR. STEPANOFF: Or person is in a hospital for a year, he's not a resident.

MR. O'HARA: He's a resident.

MR. STEPANOFF: I'm all mixed up, don't make any sense.

MR. KNUTSEN: My only fear is that ten years from now we'll have a million subsistence users.

MR. O'HARA: You have 600,000 now, so it's not too far.

MR. KNUTSEN: I really believe there needs to be a cap, not eliminate anyone who traditionally and customarily did it.

MR. LaPORTE: I'm on the Lake Clark Subsistence Resource Commission that I'm on up there, that's one thing they are already discussing as far as even though there is only five user zone communities that are able to hunt in the Lake Clark National Park itself, they are already discussing, what do they call it, a roster system, which there is a lot of opposition to that already, too, but Port Alsworth, for one, feels that there is such a massive influx of people into Port Alsworth that they are trying to, and I wish I had my subsistence notebook here with me to get the dates and that, but residents of a certain date, before a certain date would only be the ones able to be on that roster system, and bloodline from there down, and that's one thing that they are looking at as far as trying to get a jump on too many subsistence users in that area.

MR. O'HARA: Thank you. What we'd like to do is take a lunch break here in about seven or eight minutes and kind of beat the rush down at the restaurant, if we could, and if you think you can go ahead and pass a motion between now and the next seven minutes, fine, if not we'll deal with it after. We'll leave here at 11:45, an hour and 15 minutes is that enough time for lunch. You had a comment.

MR. HEYANO: I think it would be helpful if we could dig out the state requirement of residency and what's allowed, what type of things are classified as a residency, I'm sure there is military leave, school, some other stuff.

MR. O'HARA: He had them right here, the definition.

MR. SAMUELSEN: Back in the state reg book.

MR. O'HARA: What page.

MR. SAMUELSEN: 20.

MR. O'HARA: Do you see that, state residency requirement, is that what you're talking about?

MR. HEYANO: Yeah, I think it needs to, the definition needs to be put up.

MR. O'HARA: Any other comment from the committee members on this issue? Did you want to deal with it now or after lunch?

MR. SAMUELSEN: After lunch.

MS. EAKON: Can I bring up solicitor's legal side board, what his advice on this issue is.

MR. O'HARA: If you must.

MS. EAKON: Well, just to let you know, okay. They have -- our solicitors have advised us we can probably require a resident -- require a license or require residency in Alaska for a

year. We could not be unreasonable in our requirements. In other words, we couldn't make it like two years or three years, because the courts have generally ruled in other places that that's somewhat unreasonable. There has never been any discussion about the requirement other than the one possibility that was posed for residency within a unit or region, but that is certainly within the purview of the council to suggest if they believe that appropriate.

MR. O'HARA: Within the region to be a requirement, is that what the solicitor said?

MS. EAKON: That has never been brought up before.

MR. O'HARA: We could bring it up and go to the federal board, and that's exactly what Robert is dealing with, right?

MS. EAKON: Yes.

MR. SAMUELSEN: What page is that on?

MS. EAKON: No, I'm reading to you -- you don't have it in your materials, I'm reading from what was told to the Southcentral Council.

MR. O'HARA: You're hearing the words from the lawyer.

I think we'll go ahead and take a break for lunch if that's okay with the committee members and be back here at 1:00.

(Lunch recess.)

MR. O'HARA: We'd like to call the meeting back to order. About three minutes after 1. We'll all come back into session and we are under agenda item residency and licensing requirements, and I don't see Sam, however we do have a motion prepared to address this issue. I don't see any blue cards for testimony, so what are the wishes of the council members?

MR. SAMUELSEN: Mr. Chairman, I'd like to make a motion that qualifies a rural resident, a person must have to have lived 12 consecutive months in a rural community before being considered as a rural resident.

MR. O'HARA: Second to that motion?

MR. HEYANO: Second.

MR. O'HARA: Discussion. Do you want to speak to your motion now?

MR. SAMUELSEN: This does not bar a person that's living in Nome from coming down to Bristol Bay and partaking in subsistence activities. This tightens up a loop hole, I think I consider it a loop hole, and I think it's consistent with what option B is saying, the term residents will refer to individuals who have lived in a location long enough to establish and maintain residency at that location. Under tab 9 C.

MR. O'HARA: 9 C, about --

MR. SAMUELSEN: It will address the issues that several of the council members have raised, and I think it's consistent with ANILCA. We're not excluding anybody, we're further defining the rural resident.

MR. LaPORTE: Do we need to do anything on the licensing requirements as well, like in the section they talk about having to have a state resident hunting license to hunt, and a trapping license to trap, do we need to address that as well?

MR. SAMUELSEN: I would include those three provisions in my motion if the second would concur.

MR. O'HARA: Robert?

MR. HEYANO: I concur.

MR. O'HARA: Sam, we have a motion on the floor and

the motion, maybe I'll have Robin just go over his motion with you so you can understand what he's talking about there.

MR. SAMUELSEN: The motion is to qualify as a rural resident a person must have to have lived 12 consecutive months in a rural community before being considered a rural resident, and then I go onto say that for subsistence hunting on federal public lands, a state resident hunting license is required. For subsistence trapping on federal public lands a state resident trapping license is required, and for subsistence fishing on federally administered waters no license is required.

MR. O'HARA: Robert?

MR. HEYANO: Nothing.

MR. O'HARA: Tim, does that clarify for you?

MR. LaPORTE: Yes.

MR. O'HARA: Any discussion by committee members? Everyone understand the motion on the floor?

MR. SAMUELSEN: Mr. Chairman, a license and a permit are two different things, I take it, in the eyes of people who are regulating. I think we need to monitor subsistence fishing by a permit basis to show the removal of a fish stock in any one given area, that's all I'm addressing is the license. But a permit is, when deemed necessary, still required. Such as subsistence fishing down on Kanaknek Beach does not require a license, it requires a permit so that the managers of that resource will know what amount of fish has been removed.

MR. O'HARA: Any other questions? Call for the question?

MR. HEYANO: Question.

MR. O'HARA: All those in fair say aye. Opposed? (Unanimous).

MR. O'HARA: Let the minutes show it's unanimous. Under geographic area, request for increase, the panel under old business D, is that right, Helga.

MS. EAKON: Yes, it is. The Federal Subsistence Board at its December, 1995 meeting is going to look at regional council comments of those regional councils that are interested in commenting on whether or not they feel that their regional council adequately represents the region and also the number of seats. When the interagency panel for this region met in this spring to evaluate the six applications that came from this region for the seats currently held by Dan O'Hara and Pete Abraham, they made a recommendation that the representation of this council be increased by one seat, and that the area, geographic area represented should be the pacific coast area, and we do have a person who sat on that panel, Susan Savage from Katmai National Park & Preserve, Aniakchak National Monument & Preserve. And my function was to facilitate that session, which was held in King Salmon, and that is before you to discuss, Mr. Chair.

MR. O'HARA: Okay. We have Robert Christensen from Port Heiden, which takes care of the lower peninsula. And that kind of covers the Port Heiden, Pilot Point, Ugashik, Egegik and I kind of overlap up into the Alagnak branch down into Egegik. And then Sam handles the lakes and bay lagoon, and I think we're thinking of possibly -- how far does our jurisdiction go as the southwest region, Ivanof Bay?

MS. EAKON: You do have a map at the very front right behind this red sheet delineating your region, and that goes to Port

Moller.

MR. O'HARA: Stepovak so that would be Ivanof and Perryville.

MR. STEPANOFF: There is a lot of Natives living down in Nelson Lagoon that's a little further.

MR. O'HARA: That's out of our region. See your map, go to your left, the other way, to that red sheet, see it says Moller, there to Stepovak. What's that bay Moller is in.

MS. EAKON: Port Moller Bay.

MR. O'HARA: Herrington Bay, well Herrington is below it actually. Stepovak. What we're talking about, council members, if I understand correctly is, Perryville and Ivanof needs a representative. Sam represents Chigniks, is that right, Sam?

MR. STEPANOFF: Right, Perryville and Ivanof.

MR. O'HARA: What's your thoughts.

MR. HEYANO: Well, I guess just a little brief history, Mr. Chairman. When the federal people came through establishing this system and the boundaries for the regional councils, it was the consensus of the people from this area that a representative of each local advisory committee sit on this board, and that's basically why you have these people here today.

MR. O'HARA: So what does that have to do with Perryville and Ivanof?

MR. HEYANO: Just a little bit of history. I think Perryville and Ivanof is a part of Chignik Advisory Committee.

MR. O'HARA: You guys are all the same committee?

MR. HEYANO: Part of reason for that, we have a lot of state and federal land alongside each other. We thought it was real important that the flow of information went back and forth, so we don't have two completely opposite regulations.

MR. O'HARA: We like that.

MS. EAKON: I neglected to mention that Smiley Knutsen also sat on that interagency panel that evaluated the applications. Someone from the staff of each of the federal land managing agencies within this region, there were Angie Terrell-Wagner and Smiley Knutsen from Alaska Pen Becharof National Wildlife Refuge, Tim Basavage (ph) representing Katmai and Aniakchak, Jeff Denton for Bureau of Land Management. Since he was unable to come to the meeting I kind of went over the two applications he was in charge of evaluating. Who else was there. That's it. And then John Borbridge of the BIA was an honorary member, but he never made any of the formal meetings, he's the only staff to BIA that works with subsistence.

MR. O'HARA: What was your recommendation on increasing the --

MS. EAKON: That was the panel's recommendation was to increase this council for one additional member from Sam's area, Chignik, Perryville, Ivanof Bay.

MR. O'HARA: Committee members, what do you think, do you have a comment?

MR. SAMUELSEN: I don't know what the rationale was, because Sam is representing five villages, but I look at Iliamna Lake where Tim LaPorte is, there is an equal amount of villages, I can see us increasing this by one, possibly two members. We had eight members, what happens if it's a four to four vote?

MS. EAKON: It negates their vote, so it would be

preferable to have an odd number, in which case if you do increase the size of your council, you want to make it a nine member rather than an eight member.

MR. SAMUELSEN: I haven't received any written comments from the people in the Chignik Lakes, Perryville, Ivanof Bay saying that representation is -- that they need more representation in the area, so I think our board should stay status quo at the present, and if the need arises I think we have the option of petitioning the board at any time to increase our membership.

MR. O'HARA: Okay, any other comments, what's the wishes? Sam, is that agreeable to you? Have you had any uprising on you not representing properly or --

MR. STEPANOFF: It would be nice to get, try to get from Ivanof or Perryville, you know, like you get more -- they would have -- I'm sure they would have a lot of say so, you know, their plans.

MR. O'HARA: Have you talked with them at all or are they pretty satisfied with you bringing information down and representing them?

MR. STEPANOFF: Yeah, and then I'm also busy and I don't have the time to sit and relax and explain to them, I just hurry up and say a few words and I'm gone. See, like, you know, it costs me money to fly over to Perryville and Ivanof. Be nice if we had one of them guys from there. They are just close together, they could go by skiffs, you know. Takes like seven hours with a boat. Takes like half hour, 45 minutes with a plane to Perryville. I'm sure, you know, they would like to know what's going on here. It would go pretty well if one of them, you know.

MR. O'HARA: Well, I agree with Robin. I don't think we ought to increase the number of members on the panel. I think we have enough trouble getting members here as it is with a quorum, and we have about two meetings a year, Helga.

MS. EAKON: Yes.

MR. O'HARA: I haven't heard any complaints or requests from Perryville or Ivanof to change the numbers, I don't think they are dissatisfied at all with Sam's representation. On the other hand, I don't know where this committee comes from that you guys served on to deal with the applications in the first place, where did that come from?

MS. EAKON: No, that's an administrative panel, that's strictly administrative, and it has no recommendation authority. The only way you could increase the size of your council would be to recommend to the board that the charter be amended, because right now you're stuck with seven, and if you want to have it changed, the present charter is going to expire December 31, 1996, then it's going to be up for renewal. So any kind of change to the charter wouldn't be made until January 1st, 1997, I mean effective.

MR. O'HARA: Yet that council or that panel, that administrative group recommended an additional council member.

MS. EAKON: Yes, it came from a person -- actually I think it was Angie Terrell-Wagner, was it Susan, was it Angie's suggestion?

MS. SAVAGE: I think so.

MS. EAKON: It would be nice to have an additional representative from pacific coast and there was no written justification, we have no kind of backup.

MR. O'HARA: Along the same line I think I would like to see, I don't know, maybe the administrative panel that you're talking about that it's comprised of is part of the charter and that you're charged with looking at these things. That's a question.

MS. EAKON: No, it's really, it's not mandated by our regulation or anything. When these councils were formed -- Susan, maybe you have a little bit more than I do since you served on the original panel that selected the original council.

MS. SAVAGE: I'm not sure what the question is.

MR. O'HARA: The question is this. I think -- I think it's good to probably look at it because I don't understand where this comes from. When I was up for renewal, and apparently there was a group of people that suggested we'll send this name on into Secretary of Interior, and you guys made up that panel, and I guess that comes from various administrative heads that work in the area that are familiar with the people and the geography and representation, and I just wasn't aware of that until just now. I didn't even know that existed, and that's fine. I wondered where this originated.

MS. EAKON: Because they have a voice in evaluating the applicants that fall within their federal public land conservation system unit, and the particular person knows that area very well and knows the people and is therefore a logical person to interview the candidate, the applicant and also any references.

MS. SAVAGE: What we usually do is we have two National Park Service units within this council's area, so Lee Fink and I usually take turns, and I think the refuge does it usually a little different. As far as I know Becharof shares in the council, but I'm sure they call the people in Togiak to ask for people on the inputting from that area.

MR. O'HARA: I see. I just didn't know where it came from, and that's the only question I have. That clarifies it a lot, I appreciate that.

MS. EAKON: And then what they do is make their recommendation to the interagency staff committee, and then the staff committee will talk about it. And then the coordinator, on behalf of the staff committee, presents the information to the Federal Subsistence Board, who in turn sends recommendations to the Secretary of Interior is how it works.

MS. SAVAGE: There is actually a set of directions that we are given in making our selections, and I think the first time when we formed the board our recommendations were changed by staff committee, as I recall, so, you know, it's not a held fast rule that the people that sit on the panel will -- they make recommendation.

MR. O'HARA: Alls we do is advise them.

MS. SAVAGE: Exactly.

MR. O'HARA: I appreciate that. What's the wishes of the committee as far as this agenda item on increasing the number of advisors?

MR. HEYANO: Mr. Chairman, I guess until I see something, a formal action from these two communities to us, I'm going to have to pass on increasing the number. I guess if I can see some form of resolution or whatnot from these communities and laying out the problems and whatnot that they have, or the benefits to it, I'd be willing to take a look at it at that time, not at this time.

MR. O'HARA: Okay, I think that kind of takes care of that issue. I think it would be interesting to see what the rest of the region, say for instance Levelock, King Salmon, South Naknek, Naknek thought about me being the representative, I've never heard back. This panel said it was okay. I might be interested to see what more of a grass roots organization would say about the next time my application comes up for review, whether I'd be appointed or not or whether they would say, hey, maybe somebody else should be put in there.

The interagency thing is all right, but I think if it went to the Naknek Kvichak Advisory Committee or more of the village councils, you might get a different view, they might say we don't like Dan O'Hara representing us, and I think that's fair, too, so I think maybe for another time we should look at that.

And then one step beyond that, when you go to the federal advisory board, all these people sitting up in front wear these blue suits, and that's just a little comment on blue suits, but anybody out there wear blue suits? Not in this group. This is a grass roots group out here, you see, but the various departments are the federal people that make the regulations on how we do it, and then they have one Native that chairs the meeting, and some of us who have been meeting together, sitting around that table advising to the federal board, have been thinking that maybe the rural people of Alaska should be the one making the decisions on their decisions. I mean what do you have, BIA, you have BLM, you have --

MS. EAKON: National Park Service, Fish & Wildlife.

MR. O'HARA: And they are very fine people, and I think they follow ANILCA very carefully, but there has been a little move by Katchatag and some of more outspoken ones that maybe some of the faces up on the federal advisory board can change. Maybe it will take an act of congress. I want to bring that back to you at the advisory level because that is the concern. I think you're going to see more and more of that arising. Now they have a chairman that's a Native individual from rural Alaska, that's a plus. You might mention that that was part of our discussion, if you prefer me to do it when we go to the advisory board.

MS. EAKON: Sure.

MR. O'HARA: No action taken on D. Council input to nomination process. Do you want to help us?

MS. EAKON: Sure. This go around, let's see if you will look at your sheet on current membership.

MR. O'HARA: Give us a tab number.

MS. EAKON: Tab 2 in the back, it's a pink sheet.

There are three seats that are going to be coming up, those currently held by Sam Stepanoff, Tim LaPorte and Robert Heyano, those seats are going to expire in '96. So what we're going to do is have applications printed up, and if you will please refer to tab 9 E in your book, you will see a flow chart on regional council member appointment process, 1996. The application process is going to be between 12/1/95 and 2/29/96. The panel will review the applications between March 11 and April 12. Federal Subsistence Board review between May 28th through June 14th. The Federal Subsistence Board will meet to make their recommendations on June 18th. The package will be forwarded to the Secretary on July 1st, and we expect members to be appointed by the Secretary.

Now some of the regional councils would like more say

so into this appointment process. I know that, for example, on the other hand some say no, they wouldn't want to make a recommendation.

It's up to you. Right now I think -- isn't there a policy to do a letter of support for incumbents? Yes, right.

MR. O'HARA: That's the next agenda item.

MS. EAKON: No, is it this council or Southcentral that needs a letter of support for incumbents -- no, it's Southcentral.

MR. SAMUELSEN: I don't think we have.

MS. EAKON: You have not. Would you like to have more involvement with selection of council members is the bottom line question action I guess?

MR. O'HARA: Discussion.

MR. SAMUELSEN: Mr. Chairman, yeah, I feel that the process that we have in place now, if my term was up and I wanted to run I could submit my name and so could anybody else. I don't think that the council here should write a letter in support of me, I think it should be a fair and level playing field with all participants, and I think the selection is made based on geographical location, making sure that the geographical area is represented, and I think the way the process is working now is fine in my estimation.

MR. O'HARA: However I certainly don't have any problem with the incumbents being recommended, too, you know, as staying on the panel, because certainly great contributors. So any other thoughts, panel members? What Helga is asking for, and correct me if I'm wrong, Helga, is they want to know if this panel should write a letter of support for the members that are coming up for -- to be recommended for new terms, is that right, and Robin said leave it like it is. Any other thoughts? Hearing none I guess that's the way it's going to be.

MS. EAKON: Okay.

MR. O'HARA: NARC petition, F. Helga, can you help us out?

MS. EAKON: Yes, Sue Detwiler will take the lead on this presentation, Mr. Chair.

MS. DETWILER: Okay, the NARC petition, NARC is an acronym for the Northwest Arctic Regional Advisory Council, which is you guys' counterpart up in northwest Alaska, and they submitted a petition along with several other Native groups asking the Secretary of Interior to issue a rule making -- it did two things.

One was say that state -- that lands that have been selected but not yet conveyed to the state and Native corporations are subject to the subsistence priority. Currently we don't assert jurisdiction for the subsistence priority over state and Native selected lands.

And the second thing that the regional council wanted the rule making to say was that the board has the authority -- Federal Subsistence Board has the authority to regulate hunting and fishing activities off of federal public lands if those activities are detrimental to subsistence hunting and fishing on federal public lands.

So the Northwest Arctic Regional Council and the other petitioners submitted that to the Secretary. The Secretary issued that as a rule making -- or issued that as a Federal Register notice asking for public comments on it. The comment period closed

in April of this year, but not all of the councils had an opportunity to comment on it, and so the board was going to -- Federal Subsistence Board was going to defer making a decision on that until all the councils had had an opportunity to comment on those two issues.

So just briefly the background behind it, is when the Secretary defined what public lands were back in 1990 and then 1992, the policy then was that the way that Section 102 in ANILCA is written, it excludes state and Native selected lands, however the petitioners are saying that Section 906 in ANILCA says that those lands have to be managed, inholdings, state and Native selective inholdings, within the conservation system units, have to be managed in the same way, i.e., have a subsistence priority as the adjacent federal lands. So they cite Section 906, and the legislative history behind ANILCA saying that the Secretary has misinterpreted ANILCA and that actually state and Native selected lands should be subject to the subsistence priority.

And with regard to the second issue on asserting jurisdiction off of federal public lands, the petitioners cited case law from the Lower 48 which they are saying clearly shows that the federal government does have jurisdiction to regulate activities off of the federal public lands if those activities are detrimental to federal activities.

And then they go on to say that that case law is supported, in turn, by the constitution, the property clause of the U.S. constitution as well as federal pre-emption of state law.

So basically the petition itself is -- turns on legal arguments, it turns on interpretation of the statute. So you can either comment on that or you can also comment on the substance of the issue, which is whether or not the federal jurisdiction should apply on state and Native selected lands which haven't been conveyed and on non-federal public lands outside of conservation system units.

MR. O'HARA: That's a pretty broad statement, that's a rather interesting recommendation. Okay, committee members, what this item deals with is jurisdiction on Native selected lands which have not yet been conveyed to Native groups. I take it that's allotments and overselection by village corporations.

MS. DETWILER: It doesn't apply to allotments, those would fall under subsistence jurisdiction, it just applies to village corporation and state lands.

MR. O'HARA: Selection on state lands saying that if we selected 119,000 and we overselected up to 125, that remaining 6,000 acres is to fall under the jurisdiction of the federal subsistence ANILCA.

MS. DETWILER: Until those lands are conveyed.

MR. O'HARA: And the other one deals with, Susan, if we were to have an example of that, if the state of Alaska were killing too many caribou off the Aniakchak Preserve, then we would take over management of state lands because they are not doing a good enough job managing that caribou, and therefore they're an impact on resource and we would want to take control there. Is there a priority that that is actually real.

MS. DETWILER: It's possible. The most likely scenario would be if there were too many caribou being taken on state lands and the state was not willing to reduce their quota, then the federal government could say, or the federal board could say, look,

we're going to reduce your quote on state lands because we need to meet these subsistence needs on federal lands.

So it wouldn't be wholesale assertion of jurisdiction over lands and resources in total, it would just be to reduce it, or to -- it would just deal with the resource at issue.

MR. O'HARA: What are the wishes of the committee members on these two items that Susan has brought before us today? Do you understand what she's talking about when she talks to us about this and asks us to make comment on it, whether or not we would endorse it or not as an advisory council to the federal board.

MR. SAMUELSEN: Susan, you say it didn't include Native allotments. How about Native allotments that have been interim conveyed?

MS. DETWILER: Those would still be under the auspices of the Federal Subsistence Board. A policy decision was made at the beginning of the federal subsistence program that Native allotments would, since they are managed in trust by BIA until they are conveyed, then they would stay as federal public lands until they are actually conveyed. So they are different from corporation selected lands.

MR. SAMUELSEN: Didn't we bring this issue up before and vote on it, or did we talk about it, an area in the situation --

MR. O'HARA: Possibly at Iliamna. I sure don't remember this issue coming before me.

MS. EAKON: Was on your agenda last time, but there wasn't time to go over it because we were concentrating on proposals.

MR. O'HARA: That was in Naknek. Well, that would be kind of nice to see what you think as an advisory council members. If you want to address any one of these two issues or leave them as they are.

MR. ABRAHAM: Mr. Chair, doesn't the state side have something to say about this proposal?

MS. DETWILER: Yeah, I'm sure they will be commenting on it, too. They are probably going to take the position that they still have management authority for fish and wildlife on their lands regardless.

MR. O'HARA: No comment, members? We'll move onto the --

MR. SAMUELSEN: Page 2, public comments received by the board will assist the secretaries and response to the petition which was submitted by the Northwest Arctic Subsistence Regional Advisory Council, one of the ten official advisory groups of the federal subsistence management program, and then it gives the names of the councils. Have all these groups supported it or have they been co-sponsors, or I guess if they are co-sponsors they supported it.

MS. DETWILER: They were actually the signatories on the petition.

MR. O'HARA: What tab are you reading from, there.

MR. SAMUELSEN: Reading from 9 F, page 2, I believe it was.

MR. O'HARA: Second page.

MR. SAMUELSEN: Yeah, right on the back page. I'm trying to relate this incident to something in Bristol Bay that we can relate it to, but I can't right off the top of my head. But it might be a bone of contention in other areas, maybe staff could help

me out.

MR. O'HARA: Which staff, the refuge people or the state of Alaska, biologist Larry or Rick Poetter.

MR. POETTER: Concerning which part, the first part, as far as the selected lands, is that what you're asking on?

MR. O'HARA: Both of them. I think both of them would be good to comment, and I don't know if Larry feels competent as a biologist addressing this or maybe somebody in administration, or Larry what are your thoughts?

MR. VAN DAELE: I don't have comment on it, I'm not knowledgeable enough.

MR. O'HARA: Okay.

MR. POETTER: Rick Poetter with Alaska Peninsula Refuge. On the first part, as far as select lands, we do have a lot of selected lands in Becharof and Alaska Peninsula Refuges, more so in the Alaska Peninsula part.

For instance, there is the Big Creek access corridor.

As soon as you hit the refuge boundary, that area for approximately I want to say ten river miles is not -- is part of selected lands, so it's not huntable under the subsistence regulations, you've got to go passed there to the Three Hills area before the subsistence begins.

MR. O'HARA: That is selected lands?

MR. POETTER: It is selected lands.

MR. O'HARA: Has it been given title?

MR. POETTER: No, not at this point.

MR. O'HARA: South Naknek Peninsula Corporation.

MR. POETTER: And so there are other lands like that, and my personal opinion is I would like to see the selected lands covered under federal subsistence. We are managing them as if they are wildlife refuge, we're holding them in trust until it can be adjudicated one way or the other, so.

The second issue as far as the -- refresh my memory, I have a blank.

MR. O'HARA: That's where you have federal lands here and state lands and you have animals crossing both boundaries assuming that the State of Alaska --

MR. POETTER: I foresee that if that did come to pass, our relations with the state as a federal agency would diminish trying to -- well, we would be -- there are state's rights issues and there is federal legislation, regulations involved. We're always trying to stay away from overexerting our rights over state right's because we don't want to be big brother, basically. That's more of a personal opinion, but I believe that's what our refuge would stand for.

MR. SAMUELSEN: I think we ran into this problem when we were in the Severson Peninsula, I remember having this conversation on state selected lands and where we were managing, and to me this would clear it up.

MR. O'HARA: Yeah. Robert, did you have a comment or anybody have a comment? I like the idea of lands that are being conveyed to the village corporation such as we're dealing with there at the Big Creek area. Let's see, it's called the Peninsula Corporation because South Naknek and a co-op with --

MR. POETTER: That's correct.

MR. O'HARA: But it's still South Naknek selection, that's still federal lands. So I think I would favor managing game

on that until such time they had the land conveyed to them.

On the one between the State of Alaska versus the federal government, federal government versus the State of Alaska on that resource, I don't know. When I look at this board here we're made up of both. I served on the Naknek Kvichak Advisory Committee for 20 years and I wouldn't want to do anything that would be detrimental to what the State is doing, any more than they would want to be to what the federal people are doing, so my opinion is leave it alone. But we do have six voting members here. And no further questions, thank you.

MR. HEYANO: I do. Just a point of clarification. Federal management on village selected lands that hasn't been conveyed to the village.

MR. POETTER: That's correct.

MR. O'HARA: Such as Big Creek there.

MR. HEYANO: Currently they don't belong to the village.

MR. POETTER: No, they are in selection. They filed for them, they may be overselections, they may be ruled that way or they may be transferring title.

MR. HEYANO: Once the title transfers.

MR. POETTER: Once it transfers, private land, falls under state regulations.

MR. O'HARA: Joe and I deal with this issue on a BBNC board level, and more land's transferred to Bristol Bay region than any region in the state of Alaska. So there has been really an effort made to do that, and when you look at the map its bears itself out in fact, too. Anything else? Thanks Rick.

We have two issues to deal with, jurisdiction on federal lands which have not been conveyed to Native groups, 1. Do you want to override the State of Alaska, number 2, if a resource is in question by the federal government. Any thoughts or comments on the advisory committee?

MR. HEYANO: Thank you, Mr. Chairman. I guess I'm not prepared to take any action on this issue. I think pertaining to this issue we can deal with the problems that arise through the working relationship with the various agencies. I personally have a problem with the way federal people manage wildlife on federal land, and I feel more comfortable with the way and the effort the State puts into managing those resources. Maybe I won't have the same opinion in a few years the way the State is going on their management, I'm a little disappointed there, too, but I think for the benefit of the resource we need State involvement at this point in time.

MR. O'HARA: I think pretty much all the regulations that are taking place, at lease in our area, follow the state guidelines.

MR. SAMUELSEN: I concur with Mr. Heyano. I'm quite uncomfortable with the composition and those that are in power in Juneau at the present time, in Juneau, and this legislature and this anti-subsistence move marching out of Fairbanks by the Alaska Outdoor Council. Made numerous attempts at trying to delete Title 8 of ANILCA. They mounted massive campaign with the governor to take a position against the subsistence users. Based on our previous action, council action here, we identified rural residents as one year.

I think this is consistent in that it's -- what we're saying here is that we would want to provide further protection and subsistence priority under ANILCA, and I don't look at it as a turf battle, I look at it as an interim. I think there are some misconceptions on tentative approved lands and patented lands, so I guess I'll move to adopt the recommendation by the, what's that group.

MR. O'HARA: NARC. There has been a motion to accept the two items brought before us under the agenda items that the federal government -- advisory council recommended to the federal board jurisdiction over land not yet selected to Native groups, and that the federal board have jurisdiction over State resources if they are managed improperly. Is there a second to that.

MR. STEPANOFF: I'll second it.

MR. O'HARA: We have two issues on the one motion, right, Robin?

MR. SAMUELSEN: Yes.

MR. O'HARA: Do you want to speak to the motion at all.

MR. SAMUELSEN: No, I think I have.

MR. O'HARA: Council members, do you all understand the motion before you? Any discussion by the council members.

MR. SAMUELSEN: Question.

MR. O'HARA: All those in favor of the motion signify by saying aye. Those opposed.

(Tie vote.)

MR. O'HARA: We have a tie, so it doesn't go anywhere.

Might be good, if it's not too late, possibly to revisit this issue in a February meeting, see what's happened with it, maybe be some changes with it by then.

MS. EAKON: Is this on the board agenda for December?

MS. DETWILER: Yes.

MS. EAKON: The board will take action on this petition in the December board meeting.

MR. O'HARA: I would have voted for number 1, but I would not have voted for number 2.

MR. SAMUELSEN: Mr. Chairman, I think we ship it in as a tie vote and let the record reflect it, and that way we can blame it on the Federal Subsistence Board if they do it wrong.

MR. O'HARA: Whoever goes in to represent this board can speak just as strongly for both sides because it's 50/50.

MR. SAMUELSEN: Give me my seven-and-a-half minutes and you can take your seven-and-a-half minutes.

MR. O'HARA: So much for NARC. Any business coming under old business today. Ten minute break, be back here at 2:00.

(Off the record.)

MR. O'HARA: Call the meeting back to order, we took a 15 minute break. All the members are here. New business. Under new business we have Kodiak Aleutian Regional Council Boundary change. That is not an issue.

Under new business B, request for reconsideration of R95-10 from the State of Alaska to rescind board action--caribou in the portions of federal public lands in Unit 9(E). And Sue Detwiler, you're going to talk to that.

MS. DETWILER: I don't --

MS. EAKON: Sue will talk about the RFR special action

process and then Mike Coffing, who is our anthropologist on our regional team will advise you what the board did on the RFR special actions.

MS. DETWILER: Thank you. There are basically two ways to change regulations outside of the annual regulatory process.

The regular regulatory process starts about this time of year with the submission of proposals, goes through the winter with public and council review and comment on the proposals, and then ends in April when the Federal Subsistence Board takes final action on those proposals, and those proposals then become regulations for the next year, and the two ways of changing those regulations outside of that process are request for reconsideration and special actions.

Request for reconsideration are appeals of specific board actions, and they can be filed by anybody, they have to be filed within 60 days of when the board publishes its decision or the decision becomes effective. There are some pretty specific requirements for the information that has to be included when a person or a group files a request for reconsideration, and those requirements are listed in the regulations. And as far as regional council input into the request for reconsideration process, there is -- the regulations require the board to consider any recommendations or comments that council members may make, but the regulations don't require the councils to meet.

And I know that recently there has been some criticism, some problems with the regional councils not having been able to have been involved as much as they want to have been in the request for reconsideration process, and part of that is just because of the timing of the way this process works.

When the board makes its decisions in April they publish the final rule at the end of June and people then have 60 days after the -- that note is to file their request for reconsideration, so that makes the deadline for submitting requests August 14th. And every year since we've had this program, most of the requests for reconsideration have come in just at that deadline, on or about the middle of August.

And so what people are requesting reconsideration of is seasons that start a couple weeks later, and so it's hard to set up a regular council meeting and meet the Federal Advisory Committee Act requirements to have two weeks public notice and that sort of thing.

So what we have been doing is, as soon as we get the request for reconsideration, we try and send it out to all the council members of the affected councils. And I know that Helga has contacted specific council members whose areas are affected by those requests for reconsideration. So that's request for reconsideration.

The other option for changing regulations out of the normal cycle is special actions. And special actions are geared towards unforeseen circumstances, like caribou moving unexpectedly into an area and people want to open up a season, or if they want to -- people can file a special action to close down a season if the harvest limit is reached before the end of the season. So that's basically all I had to say.

MR. O'HARA: You've confused me a little bit. You seem like you said quite a few things. The 60 day from the end of June to August is not a good time anyway because we are all doing something else other than dealing with comments on what the federal

board has done. Can that be changed or lengthened or no?

MS. DETWILER: It's not a statutory requirement, so it wouldn't take an act of congress to change it, it would take just a change in regulations.

MR. O'HARA: Who can do that, federal board?

MS. DETWILER: Yeah. Actually those are in what they call subpart B, and the board can't change those, they only have authority to change regulations in subpart C and D, which is the customary traditional use determinations and season and bag limits, so they would have to recommend to the Secretary of Interior to change any of the requests for reconsideration regulations which are in subpart B.

MR. O'HARA: Maybe that's not a big issue to the advisory council. To me it is because we start June to August, we think in terms of fish and fishing and not necessarily dealing with the federal advisory or federal board in any form.

Second part is, what you talked about, was does that have to do with the Alaska to rescind board action, or is caribou in portions of federal public lands in Unit 9(E) separate from your second part of your presentation? Do you understand what I'm talking about? What does one have to do with the other?

MS. DETWILER: Those requests for reconsideration are requests that the State Department of Fish & Game sent in and I -- Helga just asked me to come up here and give a brief overview of what those two processes were, so my intent was just to outline the processes for special actions and requests for reconsideration. And there are other people here who can deal with the specific requests and special actions that were dealt with for this region.

MR. O'HARA: Any questions of Sue? Thank you, Sue, we appreciate that. Committee members, would you like a little more information on under new business, B? What's your wishes on dealing with this agenda item?

MS. EAKON: On 10 B through E Mike Coffing was going to come up and go item by item to tell you what the board did on those requests.

MR. O'HARA: Mike, you're going to go B through E?

MR. COFFING: Yes, that's right. I'm going to be brief. I think the material is in your binders, and I also think that most of you might have been mailed these request for reconsiderations and special actions perhaps even prior to me seeing them early on. So I think you have the background there.

And what I'd like to do is basically tell you what the board did, rather than tell you what they were, tell you what the results were, and if there were any questions perhaps I, Helga, Rick and Andy or Aaron might be able to answer any questions you have on that.

RFR 95-10 was request for reconsideration from the State relevant to caribou on federal public lands on Unit 9(E). The State denied the request and --

MS. EAKON: The board.

MR. COFFING: I'm sorry.

MR. O'HARA: State board?

MR. COFFING: I'm sorry Federal Subsistence Board denied the request from the state, yes, and the request is essentially to rescind the board's action from last April.

What I would like to do is just briefly read from the

transcripts what some of the comments were briefly from the board on this issue as it relates to the council. The chairman, Mitch Demientieff said this in his closing comments: I'm going to note for the record that we're basically doing this, that is denying the request, and we made this move as desired by the regional council. And as such we're depending on the local knowledge that brought forward. I think that should read they brought forward, to achieve their desired ends.

And he emphasized that the Federal Subsistence Board is depending on that local knowledge from the regional council and not only for the decision that they made here, but on continuing to see what happens with 9(E) caribou in the region. So I think anything that the council might be able to take forward to the board in the future, the board would be very interested to hear on it.

MS. EAKON: For your information you have a copy of the board transcript in your left pocket, dated April 26, 1995. That's what he's referring to.

MR. COFFING: Mr. Chairman, would you like me to step on to the next one or do you want to field questions?

MR. O'HARA: Let me ask the committee members. Do you have any comment on the state request on 9(E) on this caribou issue down in Stepovak area?

MR. HEYANO: I guess, Mr. Chairman, the question is how do you want to handle these, I would like to do them, take them up one at a time in order.

MR. O'HARA: Would you like to act on this one now or do you want to wait for all of them?

MR. HEYANO: No, that would be my preference, to act on them individually.

MR. O'HARA: What would you like to do?

MR. HEYANO: Act on them individually, I just threw that out. Is that acceptable?

MR. O'HARA: Do you want to act on B at this time? Let me see if I can -- go ahead.

MR. COFFING: Mr. Chairman, I just wanted to make a comment. The board has already taken action on this, you don't have to take any formal action to adopt or approve anything. My question was directed to your questions to me or any staff. If you want to take them up after we complete each one or after we're done with all of them.

MR. O'HARA: We're dealing with the Stepovak closure on caribou to all use of caribou, including subsistence of those villages in that area?

MR. COFFING: That's right.

MR. O'HARA: And that was our proposal coming from Ivanof and Perryville in a form of a resolution, and federal board supported us on that and it's pretty much finished.

MR. SAMUELSEN: I think the record needs to reflect that we concur with the denial of the request for reconsideration made by the Federal Subsistence Board. Not everything the Federal Subsistence Board does this council will agree with. So I think that as we walk through here we need a general consensus from the group here that we agreed to the action taken by the board so the board can get some feedback.

MR. O'HARA: Let's do that very quickly then. I don't remember how we voted on the issue when we passed this proposal last

February. I believe it was -- and is there a consensus from this committee that we maintain this endorsement that we did earlier on the Stepovak Flats caribou problem? Anybody want to change their mind on that, or are you still in agreement, consensus? Hearing not otherwise, then that's what we agreed upon in February when we met, and that's fine, we do have consensus on that, thank you. Go ahead, Mike.

MR. COFFING: Thank you, Mr. Chairman, the next item is the special action request from the Togiak Traditional Council and the local advisory committee for a temporary moose season in Unit 17(A). The Federal Subsistence Board did not act on this at their September 25th meeting, but they did respond to the Togiak Traditional Council to a letter, this is under tab 10 C in your binders.

And again, being brief, I want to just identify and highlight one portion of that letter. It says essentially: The board will not take further action on this matter until the council, that's you, has had an opportunity to review this information as requested and to develop a recommendation.

So essentially the Federal Subsistence Board is waiting for some direction from the regional council before they take this issue up again.

MR. O'HARA: They want to moose hunt in Togiak, hu? Right, Mike.

MR. COFFING: Pardon me?

MR. O'HARA: They want to moose hunt in Togiak?

MR. COFFING: Moose hunt in Unit 17(A).

MR. O'HARA: Did we get that Togiak refuge map here today?

MR. SPEAKER: Right behind you.

MR. O'HARA: Right behind us. Are we all familiar with the Unit 17, what unit is it, 17(A). Everybody understand it's the area over here in Togiak we're talking about. Anything else.

MR. COFFING: That's all I have on that one.

MR. ABRAHAM: Mr. Chairman, question. On this 17(A) moose hunting proposal that you had, I had asked somebody -- I had asked somebody one time or another quite a few years back that Ken Taylor had come to Togiak and talked about moose in Togiak Valley. If I remember right, Ken Taylor had mentioned that valley over there cannot have more than 100 or 150 moose at one time to support the moose like that on the feed.

At this time from last winter's count I think we got over 100 -- in fact, that was our goal, wasn't it, Mr. Chairman, for that area, 17(A), if we come up with hundreds, like 100 that we would have an open season over there, remember I asked for two year study?

MR. O'HARA: Uh-huh, I remember something about that. I don't know exactly what it was, but I remember something like that.

MR. ABRAHAM: I think our goal was 100, but I asked for a two year study over there, but see, after I thought about it for quite awhile I thought about Ken Taylor's comments one time, the area there, Togiak Valley cannot hold more than 100 or 150. I think Dan, was it, did I ask you to research, have a research on that Ken Taylor's comment?

MR. ADERMAN: Yes, Mr. Chairman, and addressing Pete's

question, I couldn't find anything that Ken Taylor, where he had mentioned that specifically or had written it down, but, you know, so I don't know that he ever made that statement or if it's included in any of his reports.

MR. O'HARA: Refresh our memory, how many moose in the area.

MR. ADERMAN: Based on our survey last February, estimated 136 moose for 17(A), that's basically the whole subunit except for that portion of the Nushagak Peninsula, that thin strip. If you look on your map in the front of your book you might be able to see the subunit boundaries a little closer, and doesn't include the area west of the Osviak River.

MR. O'HARA: Okay, thank you.

MR. SAMUELSEN: Well, I'd like to ask Andy or Larry, I'm sure you guys have talked, when will a season happen over in the Togiak area, when are you people comfortable?

MR. VAN DAELE: Larry Van Daele, Fish & Game. I don't feel it's the place of the biologist here to say right off the top of our head when we need to -- if we have a hundred then we're going to have a hunt, if we have a thousand we're going to have a hunt. I think this is a matter that should be looked at cooperatively between the Refuge, Fish & Game and the two local advisory committees, the people who have immediate use of these resources, and get the traditional knowledge as well as the western knowledge together in one room and come up with a goal based on that rather than just say, by golly we got a hundred moose in 1994 therefore we're going to have a hunt. That's my opinion on that.

I have parameters that we can look at, I have estimates of sizes and habitat quality, but I don't feel comfortable standing in front of this board right now and saying this is our line in the sand.

MR. SAMUELSEN: And we know animals are being removed from the herd currently.

MR. VAN DAELE: Current estimate is roughly 20 moose per year, 15 to 20, would that be fair, Pete, to say that?

MR. ABRAHAM: Just about, right. But right now as it is, I watched the hunt very closely last winter between the caribou and the moose. They had left the moose alone for the first time in a long time in that valley there because of the caribou migrating through there, and the traditional council was impressed with the people that -- because they are not hunting the moose alone.

And he mentioned people working together, and if ADF&G and the Feds work together with the village, traditional council as a co-manager over there, I think people will listen to, or rather obey the laws better than you have -- you know, you have people in Dillingham or someplace, but you're working together. Because ADF&G and U.S. Fish & Wildlife will be working together with the traditional council constantly how to -- well, actually you'll have the counts all the time, when the traditional council over here are monitoring the hunt, which I've been doing for the past few years. You know, I've been having rough count on the caribou and the moose.

As it is right now there was only four kills of moose this fall and majority of the kill are caribou right now. At the last count I think it was 22. So they are leaving the moose alone more than before they used to do.

MR. O'HARA: Thank you.

MR. HEYANO: Question for Larry, can you shed some light on this 100 moose figure that seems to be floating around?

MR. VAN DAELE: The best way we have of counting moose is what's called a gas away procedure, in which we spend a lot of money and do a lot of flying counting the moose during the wintertime. We spent approximately \$11,000 in February this year overflying the area. We included both the western side of the Wood River Lakes and the majority of Unit 17(A) to get this count, and there is a report out which I don't know if it's in your packet or not, but it's available for public distribution.

The number that we came up with for just the 17(A) portion of our count area was 100.9 moose, plus or minus 16 percent, this is something the bean counters like because you can get a confidence interval, but it doesn't tell you exactly how many, but it gives you a range in there. What Andy has done with that number is extrapolated out to the portions of Unit 17(A) that we didn't count.

That's how he came up with the 136 for the areas.

The moose that we found in 17(A) was primarily concentrated in the areas as far away from Togiak as you can get. They were up in upper portion of the Togiak Valley, Togiak Lake in the Upper Gemuk (ph), was it, Mike, and also right adjacent to the Sunshine Valley in Unit 17(C) areas where we had high densities of moose.

Just as a comparison, in the Sunshine Valley we had more moose in that valley than we had in the entire Togiak drainage.

So there are extremely high populations of moose in the adjacent areas and they seem to be moving into the Togiak drainage as well as the ones that are building up naturally.

Part of this reason for the influx of moose into the Togiak drainage, it's two-fold. We have had four or five easy winters, and that's the reasons our moose populations are doing so well throughout Unit 17, it's an act of God rather than an act of management, although I'd like to take credit for it, I can't. And the other reason the Nushagak Advisory Committee has worked very hard to encourage that westward movement by having closures in the western portion of 17(C), and we're seeing benefits of that.

A third reason, as Pete alluded to, the traditional council of Togiak is trying real hard to police its own people to encourage people not to take moose when they can take caribou, and I believe encourage them to take bulls whenever possible. So we're seeing the results of those three-fold things happening in that area.

I believe that 100 figure, that's a very good figure, it's the best science can provide for Unit 17(A) for the winter of 1995. It's a realistic figure, because for the past three years we've seen dramatic increase in the number of moose in the Togiak Valley just through our incidental flights in cooperation with the Refuge. So I have confidence in that number.

MR. HEYANO: Good information, but I guess my question was is reference to Pete's and Ken Taylor's hundred moose.

MR. VAN DAELE: Out of my soap box, I didn't need to do that.

MR. O'HARA: Good information.

MR. VAN DAELE: I can't speak for Ken. I know him personally, but I wasn't in Togiak when he gave his presentations, so obviously he's my predecessor. In the reports that we have, our management goal for the Togiak Valley is a minimum population for 100

moose, that's in writing that's in our management goals.

In my discussions since with Ken and also with other people, that was, at the time, believed to be an unattainable goal. I felt like that was saying I'm going to be a millionaire by the time I'm 50. I'd like to do it, but I'm probably never going to make it.

In fact, I know that Ken never did any habitat surveys over there, no habitat evaluations other than what he saw from the air. We also have not done any scientific surveys to find out what portion of Unit 17(A) is suitable moose habitat. I personally, based on what I've seen, and you can ask Mike from the refuge what he thinks, but I personally think the valley could support quite a few more than a hundred moose.

In the remainder of 17(B) and (C) we look at about a moose per square mile of what's considered suitable habitat, that's our range, and that's what we've got in 17(B) and (C) now. Unit 17(A) has roughly 4,000 square miles in it, just land. If you said 10 percent of that valley was suitable moose habitat, you'd be looking at 400 moose. If you said 25 percent was suitable, you'd be looking at a thousand moose. I have not gotten on the ground to see what portion is suitable moose habitat. But in my professional judgment I'd say a hundred is incredibly low number.

MR. O'HARA: Anything else?

MR. HEYANO: Real quickly, do you recall offhand, I know it's in the report, but what the cow to calf ratio and the bull to cow?

MR. VAN DAELE: We did this in February so we didn't have a chance to get composition data. I would guess it's fairly highly skewed towards the bulls, being a new population, the harvest now, what would you say, 50/50 bulls and cows.

MR. ABRAHAM: You count in February you can't tell.

MR. VAN DAELE: I mean when people bring them back home.

MR. ABRAHAM: Well, I think it's 60/40.

MR. VAN DAELE: More bulls.

MR. ABRAHAM: Bulls more, yeah.

MR. VAN DAELE: Fairly high bull to cow ratio.

MR. ABRAHAM: The reason I'm pushing on this thing over here is because there is 120 households about in Togiak over there, and only about say ten percent of 120 households over there do serious hunting because the rest of it is on a poverty level and they go on food stamps, whatever. To me I've been living over there for 30 years, before that we had hardly any moose at all, and to me a hundred moose, 150 moose over there is plenty.

Because the caribou is over there, they are -- if you open the season from like August 20 until September 15th, that's a portion of the year, the time they would be hunting and then they would be satisfied. And if we go that route, the traditional council is going to say, you know, that's the part, only time you will hunt, and just leave them alone from there on. But as it is right now, young bucks out there will go out there and shoot one anywhere regardless of whether it's closed or not, same with the caribou. But if we have an opening they respect that opening part of the hunt, and the rest of it, say if Pete Abraham shoots one over there and comes back, the traditional council is going to jump him why did you do that, you don't eat the moose. They are going to be more strict over there than the year before, because right now they got no say so.

They are just saying please don't.

And as for caribou over there, because the people are subsidizing on the caribou, they are leaving the moose alone more than before, that's the reason why I'm pushing for this opening here.

If we have an opening next year, next fall, even for trial for one year, see what happens, and if the people are satisfied over there it will be, like a said, traditional council will be more strict to their people.

MR. O'HARA: Let us come up with an idea here and see what you think. Larry, you said that Alaska Department of Fish & Game Togiak Refuge -- you said three entities that would sit down and get an idea on what you could do in the way of inventorying these animals and possibly putting some of them up for harvest. Run that by me again.

MR. VAN DAELE: The way I would like to see it run, and I'm just one person here, but I would like to see the Refuge and the State obviously together, Togiak Traditional Council, and I would also like to involve the Nushagak Advisory Committee because they oversee the adjacent area where the moose seem to be coming from, and also because they have representatives from the village of Manokotak and the villages of Dillingham and Aleknagik who also utilize those resources. And Robert and Robin would have a lot of good ideas on how to handle that sort of thing, too.

MR. O'HARA: Time wise, Helga, if we were to have these four groups get together and we meet again in February, would that be time to make recommendation to the federal board in April?

MS. EAKON: You already have a proposal, Proposal 31 which was submitted, which was proposed by Pete Abraham. Unit 17(A) moose proposed August 20 through September 15 season, harvest limit one bull. And at their last winter meeting the council recommended to table this until winter of 1996 because they wanted to look at the moose population survey data and the council wanted accurate information on the status before taking action on the proposals. And the Federal Subsistence Board honored the council recommendation, so it's supposed to go as a proposal in the proposal book to be analyzed by the staff for your consideration at the February meeting?

MR. O'HARA: Supposed to come before us on the February meeting.

MS. EAKON: Yes. But if you want a cooperative effort, I don't know, I guess I would ask what's the feelings of the refuge and Pete on the Togiak Traditional Council, I guess we would like -- would there be time for a cooperative effort to be done before the council meeting in February?

MR. O'HARA: As a suggestion, I don't want to put words in the mouth of the advisors here, that's a possibility if time permits.

MR. ABRAHAM: Mr. Chairman, we can put this on the agenda on the next joint meeting, because we do invite U.S. Fish & Wildlife on each meetings, and then that would be a good time for Van Daele and Robin to be on that meeting right there and we might come up with a solution.

I remember a part of this, we didn't have no numbers, and I remember our goal of 100, and at that time we didn't have numbers, that's how I remember it, that's why it was tabled.

MR. O'HARA: Robin.

MR. SAMUELSEN: Well, you know, moose populations, you

got to go back to 1990 when the Nushagak -- or before that, even, they had some concerns about the moose populations over at Manokotak and as far as away as Togiak, and it seemed like at that time working with Ken Taylor that there was a migration of moose up in the Sunshine Valley area which is the highest dense populated moose survey area that staff has observed.

So at that time the -- and Robert can correct me if I'm wrong, he was on the Nushagak Advisory Committee, objections to a lot of folks around here in Dillingham and a lot of folks up in Aleknagik and to some extent an outcry from the folks in Manokotak, they decided to close this west portion of the Nushagak River here and also popular hunting spot up in Sunshine Valley at the head of Aleknagik Lake. The idea there was to build up the moose populations and shove them further west, hopefully some of them would end up in Togiak. And it kind of dumbfounds me, here we are with 109, 120 moose and co-management scenarios are being throw out on the table, when in fact the Nushagak Advisory Committee folks recognized this problem early on and tried to move moose over in that area.

I'd be totally against opening this hunt unless I heard from the Nushagak Advisory Committee that the villages that are participating and that sacrificed their time in shutting down their hunt right in their front door to allow these moose to migrate further west, I'd like to see a committee set up and recommendation come out of that committee on what to do, and one of the members of that committee better be the Nushagak Advisory Committee because they recognized the problem early on and made the sacrifice.

MR. O'HARA: Any other comments from the advisory committee members. Well -- excuse me in the back there.

MR. ARCHIBEQUE: Aaron Archibeque, Fish & Wildlife. I agree with Larry, that the Togiak Traditional Council and the Togiak Advisory Committee and Nushagak Advisory Committee along with Fish & Wildlife and Fish & Game get together and have a chance to air their concerns. It's obvious that the Nushagak Advisory Committee has worked hard to encourage this expansion of moose into the unit, and Togiak feels that it's -- there is a time for a hunt now and the Nushagak Advisory Committee would like to handle this a little more conservatively. So I think there is a need for these bodies to get together and discuss this jointly before recommendation is made, and maybe working cooperatively we can come forward to the council at the next meeting and present some form or some recommendation.

MR. O'HARA: Let me ask the question. Robin, would you be satisfied with that committee, or did you have something else in mind?

MR. SAMUELSEN: No, I'd be satisfied with that.

MR. O'HARA: And Larry, when are you going to do your next survey? The best time to do it is when the snowfalls, December month.

MR. VAN DAELE: Well, we don't have the \$11,000 to do another survey. Well, I'll let Aaron speak to that. They've got deeper pockets than the State does.

MR. ARCHIBEQUE: I think we're in the process right now of developing our fiscal year '96 budget, and that is one of the things we would like to continue to do this year. I think if we can get support from the regional advisory council, that would go along way in requiring funds to continue those surveys.

MR. O'HARA: What time? That survey needs to be done

in time for us to act in February for a recommendation as to committee, going to a committee to a committee.

MR. ARCHIBEQUE: I think it's going to depend on snow cover and the conditions.

MR. O'HARA: December, January, usually in that area snow cover.

MR. VAN DAELE: You don't have daylight at that time of year, usually why we wait until February to get going again.

MR. O'HARA: I guess it depends on when we meet in February. Anyway, we would like to see a survey, we don't want to go on last year's hundred animals, maybe a bunch of wolves moved in the area and took them off. Committee members, is that satisfactory with you to do that?

MR. ABRAHAM: Well, I got no choice. Well, I'm satisfied, if we work together I think we might come up with the solution to satisfy the people.

MR. O'HARA: And to be responsible with the resource, too. We can't go hunting if there is not enough animals.

MR. ABRAHAM: I agree with the people over here, but see when I'm pushed by the people and I have to say these things, you know, I get well -- well, I get support from traditional council, but not from other people. The advisory board I'm on it, too, we have one black sheep over there that shoots everything down we say and likes to go the other direction when we're trying to work with the people over there together. Yeah, I'm satisfied.

MR. SAMUELSEN: Well, I think Pete, as long as you understand that this action was taken by the Nushagak Advisory Committee a good number of years ago, there is people in Dillingham that want to hunt back by Snake Lake. The advisory board has come to numerous attacks numerous times that I've been at advisory committee saying why are we keeping it closed. I know people up at Aleknagik that have traditionally hunted Sunshine Valley, we shut them out of there to get these moose to start moving over to Togiak. Just because they started showing up in Togiak doesn't mean we're going to have a free-for-all hunt. We can turn off the valve in Togiak by petitioning the Nushagak Advisory Committee to open up west of the Nushagak River and Sunshine Valley and we'll be right back where we were ten years ago. You guys will be without moose and we're in a rebuilding mode. And they got to realize there is some trade offs. Just because the moose have showed up in the Togiak in the last couple years, it's not an act of just God.

MR. ABRAHAM: You have to explain to the people in Togiak, I'm personally right there, what you had done, because a lot of times I got the little rumbles here and there that Nushagak Advisory Board is doing something wrong because they don't know. So you need to go over there and explain to them personally and they will be satisfied.

MR. O'HARA: Does this need a motion?

MR. LaPORTE: I just had one other comment. I just guess I get really surprised every time I hear there is 20 moose being killed over there and there is nothing being done about it. It wouldn't happen up in the lake area, 20 moose being killed if there is only a hundred moose available. I almost feel like if we open a season then we'll stop killing the moose off. I don't want to be pressured, or what's the word I'm looking for. I know subsistence is subsistence, but I think one thing we need to impress on the people

that are doing this killing, I mean, what's that, 20 percent of the available moose are being killed, if these are real numbers we need to put a stop to it.

MR. ABRAHAM: Well, the thing of it is, you and I don't think alike. See the white man and Eskimo they don't think alike. Their thinking is a little different than yours. I asked Van Daele and everybody for protection over there, to go a little bit more often, but their budget is very low. The Eskimo thinking is conservative in a lot of ways, you just don't go out there and kill for antlers or whatever, or just to kill a moose and go home and have a big party. They go out there when they need it, and when they come home I get a portion of that meat. And, in fact, the guy over there, the guy that shoot the moose, I just recently argued with him, don't shoot the moose, but still he give me a portion of that moose. The meat is dispersed just like we get when we get walrus, that's dispersed among the village, too. You don't see that stuff in the dump or anywhere over there.

MR. O'HARA: We understand that now, okay, we do, thank you, Pete, we appreciate that. And there is a difference, yet I can appreciate what Tim is saying because we're kind of like you're holding us hostage, which I don't like to be held hostage, but maybe we can work this out with a solution, and Robin you had a comment there.

MR. SAMUELSEN: When we looked at the situation last year, part of the justification that we use to keep it closed was that there was animals being removed, whether illegal or legal. The bottom line was we got a report that animals were being removed and that there was an alternative resource there, which was caribou, and that was the justification that we used to the board to keep it closed, if I remember correctly.

MR. O'HARA: Let's have some action on this agenda item then. I think it would be good if we made a motion to support what we've been talking about here to try to get some parties involved to give us satisfactory answer on this harvest if there is going to be one and the answer may be no. Anybody got a motion?

MR. SAMUELSEN: I move that a committee be formed of representatives of the Alaska Department of Fish & Game, Wildlife Division, U.S. Fish & Wildlife Service people, Nushagak Advisory Committee and the Togiak Advisory Committee on --

MR. ABRAHAM: Excuse me, Togiak Traditional Council.

MR. SAMUELSEN: And the Togiak Traditional Council.

MR. ABRAHAM: Uh-huh.

MR. SAMUELSEN: To keep peace in the valley, and the Togiak Traditional Council, dealing with a moose hunt in Unit 17(A) to see if there is a possibility of allowing a moose hunt in Unit 17(A).

MR. O'HARA: Second to that motion.

MR. ABRAHAM: Second.

MR. O'HARA: Any further discussion by committee members.

MR. HEYANO: Yes, Mr. Chairman, I probably can support the motion. I think it's got to be clear that what our charge is, and I think our charge should be to look at the data to determine if there is a possibility for a limited hunt, and if there is or isn't what criteria needs to be in place before there is one, what kind of animals we're looking at, and if we allow a hunt, you know, what

criteria are we going to require.

Part of it needs to be we need some assurance that if there is a hunt, those numbers that are designated to be taken, we need some assurance that it's going to be those numbers, or if it's going to be a bull only hunt, that's all that's going to be taken. I think it's going to be a helpful process, whether or not there is a hunt, because I think for the first time the people of Togiak will see what they need to have a hunt, or if a hunt is going to occur what the parameters are, you know. If it's something like the fishing on the peninsula, caribou arrangement, it could be a real positive thing, but yes, take a look at it. I don't want the charge to say we want to come up with a hunt, I guess, is my concern.

MR. O'HARA: I think, too, Aaron, probably in this whole thing if it passes, that there -- you should realize that we strongly urge the refuge, that refuge dollars be used both -- I would assume, and I don't know if you can or not look at the caribou and the moose at the same time, but we definitely would like to see a count of some animals if you could possibly come up with some money to do that. I think that's a number one issue as far as support coming from this organization. Any further discussion from committee members. Question.

MR. HEYANO: Question.

MR. O'HARA: All those in fair say aye. Opposed.
(Unanimous).

MR. O'HARA: Ayes have it. Looks like we have a repeat of this with the next item.

MR. COFFING: Mr. Chairman, the next item also from the Togiak Traditional Council and advisory committee, but this relates instead to caribou and their interest in having a caribou season in Unit 17(A) west of the Togiak River, west of the Togiak drainage. This item is in your folder under tab 10 D. Proposal is towards the end of that section. The first thing you see is the staff analysis and your recommendation there.

Federal Subsistence Board discussed this also on September 26th, and they modified it with an amendment. Essentially they looked at the staff committee recommendation which is at the top of the first page under tab 10 D, and the Federal Subsistence Board amended that recommendation to essentially allow for a to-be-announced season for caribou in Unit 17(A) west of the Togiak River with a harvest limit of two caribou, and this is the modification, when there are significant numbers of Mulchatna caribou in the area.

So essentially what they are providing for here is an opportunity to have a caribou hunt west of the Togiak drainage on federal public lands, and they have provided the refuge manager here with a leeway to determine, I guess first of all, when significant numbers of Mulchatna animals are over there and what the season would be for that. So looks like a possibility exists as long as the Mulchatna animals cooperate, possible that there could be a season there.

I'd like to also mention that throughout the discussion of the Federal Subsistence Board, one concern they had was not unraveling or undoing essentially what folks in the Unit 18, including and also Togiak and Twin Hills had done to kind of look after the Kilbuck caribou herd and provide some integrity to that herd. The board wanted to make sure that herd was still protected to

some degree and it wasn't impacted adversely by any opening west of the Togiak drainage of 17(A).

So that essentially was the primary reason they allow to provide for a hunt to be announced, if there was significant numbers of Mulchatna animals west of the Togiak drainage in 17(A).

MR. SAMUELSEN: Buzz words such as significant could mean two, could mean 10,000, could mean 50,000, it's all in the eyes of the beholder. And my comments are germane to the last proposal that we dealt with here, and that the Nushagak Advisory Committee has taken steps to limit those folks on the Nushagak River drainage as well as Aleknagik, Manokotak and Dillingham tribal folks by closing an area across here and trying to force a migration of caribou westward.

We have unique situation in Togiak where we've got the Mulchatna caribou herd, the Kilbuck caribou herd, the Nushagak Peninsula caribou herd, all kind of comingling. The Nushagak Advisory Committee -- or the game board has allowed Larry Van Daele, I believe, the flexibility of opening across the river when how many animals, Larry?

MR. VAN DAELE: 10,000.

MR. SAMUELSEN: 10,000 get across the river. But the goal at that time when the Nushagak Advisory Committee put the restrictions in place on these folks over here, we had upwards of 20,000 animals over there, and it isn't too good when you're sitting in your car watching animals you can't hunt, it drove our people nuts. We're hoping and praying those animals migrate over the mountains and over to Togiak.

MR. O'HARA: Which they didn't do.

MR. SAMUELSEN: Reading the federal board subsistence minutes it says: Mr. Carl stated sounds a lot more in tune with what we're asking for. Significant is a little bit of an ambiguous number, but we're getting a lot closer as long as, and we're still missing the key here, and what we're real pushing for is co-management. I think we're comparing apples and tomatoes, apples and water melons. If it's co-management what they want, then co-management is what they should be seeking.

I think we're dealing with a resource that's going through several advisory committees, and one advisory has committed to a rebuilding mode in the western portion of Bristol Bay, and I'd like -- before we act on this I'd like to see a committee to make sure that the original intent and goals of the Nushagak Advisory Committee, have they met their original intent and goals of providing those folks caribou, and if so maybe it's time to lift that 10,000 restriction across the Nushagak here. But I think it isn't just one player in this whole scenario.

And when we met with -- when we met on reconsideration of this earlier this fall with Helga and them, you know, I voiced basically what I'm voicing now, is that I think it isn't just one party, it's a number of parties that are involved here, and why those animals are going across here. It's that cooperative arrangement that needs to continue to make sure that them animals keep moving in that direction. They took a back door, they went up and around and showed up on the west side of Togiak, came down the Kuskokwim side.

I talked to staff, earlier reports was 50 animals in the area, when did we have the opening, what is significant? I'd like to see like 10,000 animals, 5,000 animals, I'd like a committee

to look at it, I'd like the biologist to look at it from both departments, the state and the Feds to partake in that and come back with their recommendations.

Otherwise I think what's going to develop is you're going to see an outcry that the Togiak folks over there are being treated differently than the folks over here that shared and stepped up to the plate for the conservation of Togiak caribou, and I'd sure hate to lose all that we're working for over a territorial dispute between Nushagak Advisory Committee and the Togiak Advisory Committee. I'm not saying it's going to happen, but it could very well happen, because I know that the Nushagak Advisory Committee again has come under tremendous pressure from people in Aleknagik, Dillingham, the people from the villages to open this western side, it's dominated a number of meetings and held steadfast to their original commitment and tried to achieve that goal.

MR. ABRAHAM: Mr. Chairman, on that caribou thing we had discussed that, and I had discussed that with the people over there. What they are saying on the Togiak River, the west side only.

See, we're trying to stay away from Nushagak herd in case they start migrating -- in fact, they are migrating, they are behind Twin Hills now, the Nushagak herd, you can see them from Twin Hills. If they open west side of Togiak only, but the threshold is a question mark all the time, you know, threshold is this 10,000. Well you stand behind your door, you wait for 10,000 to go by, you might become 70 years old before the 10,000 come through again.

Last winter when the 5,000 go through right there, of the 5,000 number I got over here, about 27 of those were killed. The threshold is a big question, like I said, we might wait for ten years before the 10,000 might come through again, because these are migrating animals over here, but there is very small herd right now that are becoming residents over there at the head of Togiak Lake, Togiak River. The numbers I got over here from I think a month-and-a-half are 22 caribous being taken just in Togiak Valley, in Togiak Valley. I think the 10,000 on the west side of Togiak River is a little too steep.

If there is 2500 caribou on the west side of it, I mean who is going to stop the young kids over there from stop hunting. They would say 18(A) is open, 18(B), 18 is open, between Togiak and 18 line there is 2500 caribous over there. The kids are going to keep -- he's going to get tired of going to 18(A) and he's going to get his two caribous and come back and tell me I got these from 18(A).

MR. O'HARA: Well, yeah.

MR. SAMUELSEN: And I agree with you Peter, I'm not arguing whether it should be 10, 2500, 5,000 or 10,000, but I think the parties need to get together, because what happens over there is triggering what happens over there. There is no use having a hunt over there and not have a hunt right here when the caribou are passing through, that's all I'm saying. What happens on the Togiak side needs to reflect back to the Nushagak committee side so when a hunt takes place --

MR. O'HARA: What's the committee going to consist of, the same group?

MR. SAMUELSEN: I think that same group.

MR. O'HARA: Why don't we go ahead and do that, because we're talking about the same thing. I don't think it's this

committee's place to override the jurisdiction of other committees, or the federal board to come by and say I think 10,000 is the magic number, it's not. It's their place, and I think it's our place to look to this committee obviously, because I don't feel comfortable dealing with this, it's not our area. We have the votes to override that, that's not the issue, we want to hear from you and you and you to get this thing satisfactorily taken care of. That Mulchatna herd needs to be dealt with. We have same day airborne hunting west of the Kvichak, east of the Nushagak. You guys got nothing. You guys are sitting looking at a population that we're killing airborne over there, that you can't touch here. That's an incredible thing.

MR. ABRAHAM: My recommendation is to do the same thing with the moose thing over here, have a joint --

MR. O'HARA: Is that a motion?

MR. ABRAHAM: Yes.

MR. O'HARA: Second?

MR. SAMUELSEN: Second.

MR. O'HARA: Committee members you all understand. All those in favor say aye.

(Unanimous).

MR. O'HARA: Let the minutes show it's unanimous.

MR. HEYANO: I represent the Nushagak Advisory Committee, it was our proposal to establish a hunt for the first time, or a possibility for a hunt for the first time in 17(A), and grant it, it might not have been perfect, but at the time we submitted the proposal there was no means available, that was the last chance for a legalized hunt in Unit 17(A). Because if it went through the federal process we would have been dealing in '96, and we batted around the 10,000 number, and it's the same number from across the other side, but what we're trying to do is the westward migration of caribou, there hasn't been caribou there in a hundred years, the habitat is prime for caribou, wherein as in 9(B) and 17 we have same day airborne. The country has been gone over quite a bit by caribou, so I think there is a difference in what you're trying to do.

The only way -- and it was a hard sell to the game of board, it's really easy for us as fishermen for an emergency order basis. Like Peter said he brought it up -- actually our boundary was a lot further east. Based on his recommendations we confined it to the west, and Togiak there is some residents populations taking place in there. How do you have a hunt and still protect those populations, because that's what we want to see is caribou actually residing in that area where the habitat is perfect for them.

You know as well as I do, hunting pressure on small herds of caribou has a tendency to push them, move them out of the area, so that's what we're trying to do there. I think that was the last opportunity to have a legalized hunt, and since we're going on the record, I guess, I expressed some disappointment in the Federal Subsistence Board. I went through this book and look at the thing for special action, and it says many times special action is of emergency nature in order to protect a wildlife population or provide subsistence opportunity in very unusual circumstances.

I don't think the federal board met that requirement.

You know, granted, there was no federal regulations in 17(A), but my understanding is that if the state opened it with 10,000 animals, that would have also applied to federal land, and I think that was an

issue that was misrepresented to the federal board going through the comments here that I read, because there is a provision for a legalized hunt.

MR. O'HARA: So what you're saying is the State of Alaska did an emergency hunt at 10,000, but the federal board did not?

MR. HEYANO: If there was no regulation on federal land whatsoever, that that regulation would apply on federal land, that's my understanding.

MR. O'HARA: State regulation would apply on federal land?

MR. ABRAHAM: Question. If you have an emergency opening on the state side, if the wording is, say, for subsistence only, will that be in effect? I mean like if the 10,000 come by over there and the State has an emergency opening, we don't want to have 100 sportsmen from out there coming by and taking antlers.

MS. COILEY: The way it's written now the state -- the federal regulation does not effect the State's ability to open and close the season.

MS. O'HARA: We need a name.

MS. COILEY: My name is Pippa Coiley. And that was the right question to ask, and that's the way it was worded. Doesn't stop the state from opening and closing and affecting that hunt on federal land.

MR. O'HARA: Satisfied.

MR. SAMUELSEN: That was Peter's question.

MR. O'HARA: Pardon me. Peter, does that satisfy you?

MR. ABRAHAM: Yes, if it says subsistence only, that would satisfy the people for emergency order only. Like for instance, this time right now, if it's an emergency order opening for subsistence only, I think people will be happy.

MR. O'HARA: It won't be.

MR. SAMUELSEN: All Alaskans are subsistence.

MR. O'HARA: It isn't for subsistence only, everyone is a subsistence user. If I live in Nome I can fly down and hunt, that's my understanding. Robert, are you satisfied on this clarification now on federal lands that you talked about?

MR. HEYANO: I think I was always clear, I just think the Federal Subsistence Board did a bad action and didn't actually follow the criteria set out for special action is the point I was trying to make, you know. And it also says in some cases the review time might be quite short and the region council recommendations may be formulated through a telephone communication.

MR. O'HARA: Teleconference, hu.

MR. HEYANO: I don't think we were afforded that opportunity.

MR. SAMUELSEN: Mr. Chairman, in the minutes --

MR. O'HARA: What page are you on.

MR. SAMUELSEN: I got to find it, maybe Helga can help me. I received a call on this issue at BBNA, and was asked to give my thoughts on it. So many pieces of paper I forgot what I did with it. Anyway, I -- the sediment that the council voiced when they looked at this issue, I think it was up in Newhalen, right Helga?

MS. EAKON: Uh-huh. If you look under tab D, staff analysis on this special action, the last page the regional team.

MR. SAMUELSEN: 9 D.

MS. EAKON: Yes, D as in David. The regional team consists of myself as coordinator, the wildlife biologist who is Dave Fisher, but he is out of state, so Andy Aderman of the Togiak Refuge kindly and graciously stepped in to kind of cover that -- the biological side of it. And there is Mike Coffing. We did a teleconference with Robin on August 25th, and we all concurred that very close coordination is needed between the Togiak National Wildlife Refuge and the Alaska Department of Fish & Game before any hunting season is considered, that may be the special action could be resubmitted in the fall as the regular proposal. Was that what you were referring to, Robin?

MR. SAMUELSEN: Uh-huh. And it was our recommendation that this proposal be resubmitted as a proposal and go through the regulatory process so we can get public input from all interested parties.

MR. O'HARA: We're down to --

MR. COFFING: Mr. Chairman, I'd like to add just one last thing. The action by the federal board on the special action is not permanent, it's going to be through this year, but at the end of June next year it's going to be off the books, it's temporary. So for this to be a permanent action for a permanent hunt in the regulations it would have to be submitted as a proposal so it could be considered and adopted by the federal board this next April for it to be in the regulation book for next fall.

This special action is kind of a temporary stopgap, knowing -- well knowing that for it to be a permanent, it's going to take a proposal to do it, so perhaps the committees that you are suggesting talk about it. If someone does put in a proposal, this council will have a chance to review it when you have your next meeting, make comments on it, make recommendations on it and represent it to council at the board meeting next April.

MR. O'HARA: If we don't have any more discussions on this issue we need to go speeding right along to E.

MR. COFFING: Thank you. There is, under tab 10 E in your booklet, this is a special action that was submitted by the Nushagak Peninsula Caribou Management Committee on the Togiak Refuge. Essentially this special action was adopted -- the recommendation was adopted by the federal board in meetings on September 26th, and the result of the board action on this special action is that the hunt on the Nushagak Peninsula caribou herd on the Nushagak Peninsula will open a month earlier, I think 31 days earlier. It used to open January 1, this year will open December 1 to provide more opportunity.

MR. O'HARA: Already been done. Just for information.

MR. COFFING: Just for information.

MR. O'HARA: We would like to take about a ten minute break. We're down to C & T, are you still dealing with this, Mike?

MS. EAKON: I'm going to be real brief on the Kenai C & T update. Practically ever since the Southcentral Regional Council was formed in the fall of 1993 there high priority has been the Kenai Peninsula C & T determinations, and the council did make -- did recommend C & T determinations on eight large mammal species on the peninsula to the board. The Ninilchik Traditional Council sued the Federal Subsistence Board because the board proposed an adverse restriction on the moose hunt, and they reached, the two parties reached a settlement whereby the Ninilchik Traditional Council did

have a special moose hunt; however, it was unsuccessful but that's besides the point.

At their last meeting the Southcentral Regional Council has made a recommendation that they are going to present to the board that the entire peninsula be reconsidered rural, because during the public meetings that the board held in June, the vast majority of people who testified said they were feeling bitter because of the division between the rural and non-rural boundaries, and there is a lot more to that, so it's still a very hot issue, and I guess the board will make their decision in April on this. That's all I have.

MR. O'HARA: Thank you. Any questions for Helga on this issue. Thank you for that informational.

MR. HEYANO: Just one question. Are they just going to go through and reclassify those communities that were classified earlier, is that their proposal? They are not talking about changing the definition of rural and urban, are they?

MS. EAKON: No, what they are proposing to do is to have the entire Kenai Peninsula classified as rural, period, so that every community on the peninsula would be eligible, would be eligible to hunt these large mammals.

MR. O'HARA: C & T users on the whole peninsula, they just can't take the heat. Believe me, there was plenty of it, the room was full.

MR. SAMUELSEN: I wouldn't object as long as this keep their problems over there.

MR. LaPORTE: All those beavers that are flying over here, they are coming from the Kenai Peninsula, and I'm not kidding you at all, Alaska West Air, High Adventure, there is Talon Air, there is probably five or six outfits that are hunting as far west as the Nushagak River this last year. They are putting substantially more people out here than any other carrier group in the state. So it's a big impact.

MR. O'HARA: We're going to go until 3:30 when we take a break, and we have one more agenda item on the C & T process, how to make a C & T proposal. Helga, you're done? Is that okay with the committee members?

MR. SAMUELSEN: Mr. Chairman, looks like we're getting close to the end of the agenda, and I'd like to ask Helga about how much time does she expect to spend on the remaining items here?

MS. EAKON: Well, I tell you what. The heavy duty item on C & T will be your identification of what do you perceive to be priority C & T issues in your region, and also do you want to prioritize the backlog of C & T proposals that the program received ever since it started in 1990, and you do have that material. And Mike Coffing did a one-page chart to help you with that. And you were mailed a spread sheet earlier, maybe two months ago, but we didn't take the trouble to xerox every single proposal that they received under C & T.

MR. O'HARA: Under what.

MS. EAKON: 10 F, 2 through 5. That will be the heavy duty item for the rest of the agenda.

MR. SAMUELSEN: So conceivably we could be finished by 6:00 tonight?

MR. COFFING: Maybe I can give you an example. I'm a

little reluctant to be put in a corner how long it will take because they might cut me off. On the YK Delta when they had the meeting last week, I think maximum we spent an hour. You're going to have items F 2 through F 5, I would say, you know, depending on what discussion takes place, realistically you could do it in an hour, I think, maybe quicker, maybe a little longer depending on how indepth you get on the discussions of issues in the region.

MR. O'HARA: Are you talking about 10?

MR. COFFING: I'm talking about 10 F, 1 through 5, top of page 4, bottom of page 3 on the agenda.

MR. O'HARA: I guess what we need to decide here is -- we're going to take another break here, after we finish -- let's see, this C & T 1, how long is it going to take, Mike, is it going to take a long time.

MR. COFFING: Five, ten minutes at the most.

MR. O'HARA: That would be good. We'll plan on this.

I don't know how many of you people out there need to stay all the way through the end of our meeting, maybe every department has to be here for everything we do, I don't know if the refuge people from King Salmon need to stay. Where is Rick at?

MR. POETTER: Here.

MR. O'HARA: I don't know if the Fish & Wildlife in King Salmon, who is Fish & Wildlife King Salmon? Okay.

I don't know how much of your input we're going to have to have. If you can order a plane at 5 and go home at 6 and 7, that's up to you. But I got a feeling we're probably going to get pretty much done with our agenda tonight, and Robert has a birthday dinner tonight, so we're going to get the work done, and we're going to be moving right along. We'll take another agenda item, and take a ten minute break and we're going to work pretty fast and pretty long without a break for a long time to come.

MR. COFFING: Thank you, Mr. Chairman.

MR. O'HARA: Under new business 10.

MR. COFFING: Pardon me?

MR. O'HARA: Under F 2.

MR. COFFING: The C & T process, what I'd like to do is give you a real brief overview of the process. I don't think I need to spend a lot of time describing to you how to make proposals, I think all of you have made proposals before.

With the state system and the federal system, I think you have the ins and outs of that figured out. I'll give you a brief overview of what happens to a proposal once it comes in, what does staff do with it, what happens to it, it's going to go to you folks and the board is going to look at it. And I'll open it for questions, so if there is anything you don't understand and you want to ask me or other people here, we can round it out with that.

I guess most significant is that the C & T process has been evolving over a long period of time. I came to help out Fish & Wildlife with this late summer, late July, early August, and within a few years of the process it changed drastically, and I think for the better.

Some of you were in, and Mr. O'Hara it might have been you that was in the meeting last February when all the regional council chairman got together in Anchorage and talked about C & T and concerns that were voiced at that meeting from the different regional councils. What came out of that meeting was this new process.

The new process is driven from the ground up. Rather than the Federal Subsistence Board or staff or any of the agencies telling the councils what you need to be working on and what C & T issues you ought to deal with and give you deadlines, essentially we flipped that over and now we're asking people in the communities and the councils to tell us as staff and the federal board what it is you want us to be working on and what is it are your priorities for subsistence C & T uses. So that's where we're at now. So a lot of it is going to rest on the back of the councils, and we'll get into some of this later on, to prioritize issues that are in the region related to customary and traditional uses, and following that. Once we've done that, you'll be able to identify perhaps what new C & T proposals does this council want to generate, and of the existing proposals that we have in for two or three years now, of that group of proposals, which ones did you want us to be dealing with first when we get through those. So it's driven by you folks to tell us kind of what's important.

Essentially I've written a few notes here, some of it I've already said. You folks are the best judge of how the C & T process should be applied out here, and you know what the issues are and you know what the local traditional knowledge is and what C & T uses are and you're the folks that are best able to direct that. And again, staff are going to be depending on the council throughout the state to direct us what we should be working on in your regions for proposals.

The proposal deadline this year is October 27th. A little bit later in the agenda we're going to go through this regulatory year flow chart that has most of this stuff on it, but I think some of it is pertinent to mention as we discuss proposals. There are a few key times you need to keep in mind.

October 27th is the deadline for proposals to be in. Beginning mid January through early February the regional councils will be meeting to discuss and make a recommendations on those proposals. The federal board will be meeting in April to take action on those proposals.

This year the process is open not only for what's called subpart D or seasons and bag limits proposals, but also C & T uses. Once proposals come in and the deadline has passed, the staff in Anchorage looks at those proposals for each region, and for this region it's going to be myself and Helga and Dave Fisher, and we're going to see how many proposals we have that deal with seasons and bag limits and we're going to be looking at how many backlog or how many additional customary and traditional use proposals come in new, and we'll also be looking at the backlog of C & T proposals. And our plan is to do analysis on as many of those as we can so we can move them on, you know, deferring them works for a while, but after awhile you need to kind of move them on, and that's what we would like to do.

Once we have done that, when we have decided which proposals or how many proposals we can work with and can adequately prepare an analysis on, those proposals then will be put in a proposal booklet with all other statewide proposals for all the other regions and be distributed to the public and to the council for public comments. Public comments come in, those public comments then are incorporated along with the analysis that the regional teams do want proposals. Again myself, Dave Fisher and Helga and the refuge

staff will assist, and the Park Service staff and folks in the field office will help out with that. And the analysis for the proposals and any public comments for those proposals will be put in a booklet that will be provided to the council, and you will have it at your council meeting when you begin to look at the proposals to make recommendations on them.

I think you've all been through the process. You make a recommendation, it goes to the board, the board again listens to council input, they look at your recommendation, they listen to the public comment, comments from the state and other agencies, and then the board makes the decision on it.

So that, in essence, is the process, and I just want to, I guess, emphasize that what is changed a bit here, is the process of changing or adding new customary and traditional use determinations for the rural areas, I think that's it. I wanted to keep it brief so I want to stop there. Any questions you might have there?

Bruce Greenwood with the Park Service is here and he can help answer any questions, and I'll stop, thank you.

MR. O'HARA: Any questions or comments from the committee? Fully understand what's been given to us. That's a 30 second planner, you do a good job on that. We have gone through the steps. I think there is some new things that we can pick up on, and I think we have gone one step farther today in going to four other committees to bring back to us as advisors to take to the federal board, which I think is really getting down, turning the process upside down starting from the bottom working on up, and we really do like to follow along with state regulations as much as possible to make the whole system a workable thing in protecting our resource and giving our people as much use of the resource.

We're both wearing a different hat, federal and state lands, and when we get to the federal level, as Helga well knows, it goes much smoother when you can do that and we get much more mileage by doing that. That's enough of that.

(Off the record.)

MR. O'HARA: We'll call the meeting back to order. We're down to -- we called the meeting back into session again here at about 3:45. We would like to go down to the council identification of C & T priority of C & T issues, and Helga, who handles that?

MS. EAKON: I guess Mike, or I could say I guess what worked well in the our council meetings was for each member to identify what is a burning C & T issue in his geographic area.

MR. O'HARA: Okay, you're talking about the council members?

MS. EAKON: Uh-huh.

MR. O'HARA: Okay. Well, let's take turns here. We'll start with Tim and we'll go to Peter and then we'll go to Robert and Sam and me and Robin you'll be last. The burning C & T issues in your region.

MR. LaPORTE: You're waiting on me?

MR. O'HARA: We're still waiting on you.

MR. LaPORTE: Well, from what I'm getting from our Lake Iliamna advisory meetings, we don't really have any burning issues on C & T. I think were blessed with enough animals and fish that there is not -- it's not really an issue.

MR. O'HARA: 10 million escapement in Iliamna of reds, and how many caribou do you have, 180,000.

MR. LaPORTE: This year we didn't have any, they took up a new ZIP code.

MR. O'HARA: Aniak on a one way street maybe. Is that it, Tim?

MR. LaPORTE: I can't put up any issues.

MR. O'HARA: I haven't heard of any. Peter, what do you think?

MR. ABRAHAM: The issues we got are the caribou and moose, and of course we got 165 escapement on reds.

MR. O'HARA: 165,000.

MR. ABRAHAM: Uh-huh.

MR. O'HARA: That pretty good?

MR. ABRAHAM: Better than their goal, I think, yeah, so far. We didn't have too much in the way of C & T, primary thing was, excuse me, was like I said, the moose and caribou.

MR. O'HARA: We've gone through that quite thoroughly, and we're going to go on a little farther in the agenda, and we're going to find out what we really want to go forward on the C & Ts. Robert.

MR. HEYANO: I guess I was maybe talking and not paying attention, we are talking customary and traditional uses?

MR. O'HARA: In your region.

MR. HEYANO: My understanding was that the federal government adopted all the C & T findings that the state determined, is that correct?

MS. EAKON: That's correct.

MR. COFFING: There have been some modifications in some places, but that's correct.

MR. HEYANO: Basically I think all the game species here we had already C & T findings.

I think probably the biggest is the C & T findings for freshwater fish, which we currently don't have. I guess the other thing that comes up numerous times in our advisory committee under what's customary and traditional is the same day airborne hunting. There is strong feelings from certain members of the advisory committee that I represent, that, you know, use aircraft, what's customary and traditional use in this area, and as the regulations have been developed, it's completely phased out basically on all federal land now.

MR. O'HARA: Congress passed a law saying that you could not hunt wolf same day airborne on federal lands.

MR. HEYANO: I think they took it a step further and said there is no same day airborne at all. In spite of real strong historical documentation that that practice did occur.

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

MR. HEYANO: Yes.

MR. O'HARA: Sam.

MR. STEPANOFF: My part is that I was pretty much shocked about Perryville and Ivanof shutting down the hunting area, I didn't know anything about it, just find out today or last night. Of course I'm always so busy when it comes to fishing I got nothing to do with hunting, go out there and try to make a buck, you know. And of course we did have a pretty good escapement fishing wise, and hunting down there is pretty scarce on caribou. My boys been out a

dozen times and always come home with nothing.

There is pretty good showing of moose, but no caribou.

Just a couple weeks ago I guess somebody got one from the village, of course it was like a three hour pack, I guess, it was way in. And of course getting -- there is a lot of hunters out there, big tires, super cubs, I seen them. That's it on my part.

MR. O'HARA: I guess if it's my turn, and Smiley can certainly add to any comments maybe I might leave out, I think one of the biggest issues I run across, and I travel up and down the Alaska Peninsula a lot, I think one of the things that the people would like to see, and this I say would be people from the ages of about 20 to 35 to 40 would like to see a spring waterfowl hunt. Have you run across that? I find that's the biggest issue. It's being done anyway, let's make it legal and have a spring hunt on ducks and geese. And since it's been talked about so much and we have worked through proposals and we have until the 27th to make it, I think it's going to take a little more than writing a proposal on waterfowl migration spring hunt, or waterfowl hunt I should say, not necessarily migration, and I don't know how the federal people feel about this, but I think our people would like to see a spring hunt on birds most of all. And other than that, I don't really see any issues.

The caribou have come by pretty good in the Naknek and South Naknek and Egegik areas, and fishing is good, and there is a lot of geese. There really hasn't been anything other than that that's been a burning issue as far as I'm concerned, unless there is something I missed out.

MR. POETTER: Rick Poetter, Fish & Wildlife, Alaska Peninsula. We had a lot of input for concerns for C & T determinations on brown bear for the villages. Ivanof and Perryville and Chignik Lake have determinations, but none of the other villages on the peninsula.

MR. O'HARA: Ivanof, Perryville and who?

MR. POETTER: Chignik Lake.

MR. STEPANOFF: Chigniks.

MR. POETTER: Just the Chignik Lake, not all of them.

MR. O'HARA: Brown bear?

MR. POETTER: That's correct.

MR. O'HARA: Okay, Robin, you're on, excuse me.

MR. KNUTSEN: I did want to make a comment on C & T determination for brown bear in Naknek, South Naknek. We did an informal survey and being on the Naknek Kvichak Advisory four, five years ago, I tried to submit a proposal to allow subsistence -- I mean, yeah, subsistence bear hunting in 9(C). They do allow a bear hunt in 9(E) for the three villages that he mentioned, but there is nothing in 9(C) at all. And of course the informal survey showed that there would be at the most four bears -- at the most four bears taken for traditional and customary use, not a big impact. And like I say, it did not make it past the floor on the Naknek Kvichak, and of course I've submitted the proposal several years ago, and I see that he has on the list for proposals waiting for C & T determination. So it is an important issue, and hopefully you'll give it a high priority as far as determinations here.

But speaking on the migratory bird, we are now in the process of doing surveys, in that I am for the Naknek, South Naknek, King Salmon area to see what the actual use of migratory birds is

over the spring, summer and fall.

MR. O'HARA: After you finished that are you going to be ready then with a proposal?

MR. KNUTSEN: From my understanding, I think or believe, and I think Rick can correct me, but the migratory bird is a separate issue than this board here from what I understand. The Migratory Bird Treaty is being amended to allow a spring season, and then with the input from the RITs and I think BBNA is helping with the survey up around Iliamna, in that area, and with the input from our survey they will determine whether or not if there will be or what time and the bag limit on the migratory birds.

MR. O'HARA: A spring hunt?

MR. KNUTSEN: Yeah. Must be someone in here.

MR. COFFING: I just wanted to offer, take a minute to dig it out, but if you're interested more of an update of the protocol amendment and that, maybe I have something, or Helga might, that we could brief you on if you'd like to do that now, would that be useful.

MR. O'HARA: Yeah, not right now. Dig it up while Robin is talking then if you want to do that.

MR. SAMUELSEN: Thank you, Mr. Chairman. Smiley is absolutely right, that falls under a different jurisdiction and it's an amendment to the Migratory Bird Treaty Act which is a bi-nation treaty agreement. Bristol Bay was excluded out of partaking in the migratory birds, the line was drawn just west of the mountain range, and included the Kuskokwim. BBNA was successful in getting Bristol Bay included, so the line moved further over, and I think it's on the south end of the Naknek River as far as we could get it moved over. We wanted to include all of the peninsula though, henceforth came money from the U.S. Fish & Wildlife Service. As Smiley indicated what is the take in Bristol Bay of the migratory birds and that's what we're in the process of doing now.

But I fully anticipate the majority of the villages in the Bristol Bay region will be included and amended -- inclusion in the Migratory Bird Act and partake in a spring hunt and egg gathering, customary and traditional activities.

Okay, getting to the C & T determinations, I assume, Helga, we're supposed to be looking at this page that we folded out here and going through and picking those determinations that we feel that are important on these pages.

MS. EAKON: Actually this was an opportunity to just say to my knowledge these C & T issues are important in my particular geographic area. Mike Coffing is going to help us do that because he has a one page chart that can help you very quickly and easily go through that particular agenda item, okay.

MR. O'HARA: Are you still on?

MR. SAMUELSEN: No, go to Mike.

MR. COFFING: Yeah, Mr. Chairman, I guess maybe I have a question. Are you -- the charts that I prepared and the next couple items on your agenda, number 4 and number 5, I guess it's real hard to separate out C & T priorities and issues and current or existing C & T determinations and then the backlog, they are kind of all related. And, you know, perhaps it would be useful before you, and I'm not sure if you finalized comments on your priorities, but perhaps looking at what has been submitted to date from the region for C & T would help the council perhaps address the priorities for

you, and then as we get into that discussion, perhaps you can help us identify or help us prioritize the old or the backlogged C & T proposals so that we know which ones you want us to work on.

MR. O'HARA: Go for it.

MR. SAMUELSEN: Do you want to work with one specific C & T proposal?

MR. COFFING: No, I'm going to hand you out a one page chart that's going to show you a summary of that stuff that you have in your booklet so you can flip through. If one of them catches your eye you can refer back to the original. I think this will help you identify some priorities and helpful to use now. There are copies over on the wall for anyone sitting in the audience that would like a copy of it.

Just a brief introduction to what this is showing. There are 26 in total here, 23 of which are by unknown proposers, the last three. So in essence there are 23 proposals that have been received by the staff in Anchorage that relate to customary and traditional use proposals for the Bristol Bay region, Unit 9, Unit 17, and I've categorized them not in any order of priority, but grouping them by species and game management units.

The number down on the left side is just a number that I've assigned just so when we start talking about them and we're referring to them you can refer to number 4 or 5 or 10 or whichever you want.

The species column is clear. The column proposed to add residents of, this essentially means that the original proposer was proposing that residents of this particular column for each line then would be eligible for subsistence uses in areas, and then there are the different subunits listed there, Unit 9, Unit 17, Unit 18 and Unit 19. The next to the last column is who proposed it.

A proposal number is one assigned by the staff in Anchorage when the proposal, the original was received. And then over on the far right side you'll see some Ws over there. There were some proposals that when staff went back to the refuges and asked the refuges if they wanted to continue with their proposals or if they wished to withdraw them, if they wished to withdraw them there has been a line drawn through or a strike through in each of the columns for that row and then a W out to the far side, and that means the refuge has withdrawn it. So as far as the council is concerned, it's on here so you know what's submitted, but as far as the W is concerned there is no need to include those as far as your prioritization.

As you can see there are nine dealing with brown bear, eight of these deal with brown bear in Unit 9. One of those deal with brown bear in Units 17, 18 and 19. There is one black bear proposal. There are two caribou proposals that are still active, deal with Unit 17, part of 18 and 19. There is a moose proposal for Unit 17, a sheep proposal for Unit 9. There are two still active beaver proposals, a marmot, and then two fish proposals, three actually, but the salmon proposal which I have number 23, when I looked at what the current C & T determinations were for salmon, it is exactly this, so I think that's moot. That one has already been dealt with at some time by the board in this process.

So I think we're still on maybe prioritizing the issue. So before I ask you to prioritize the proposals, I'll let you discuss them, or at least discuss the groups of them and then perhaps

a little later on we can start prioritizing these by group so I have some, and our regional staff have some direction on which ones you think are important for us to start analyzing first.

MS. COILEY: Mr. Chairman, real briefly Mike if you don't mind. I wanted to remind people in case --

MR. O'HARA: A name.

MS. COILEY: Pippa Coiley. In your subsistence management regulations, the first thing under each management unit, and then the species, for instance Game Management Unit 17, caribou, it will tell you the residents that qualify for the federal subsistence hunt. So if you can think of that as a resident zone, that means when you pass regulations for that species in that game management unit, no one else except the people living in that resident zone can participate in that hunt.

So basically what Mike is asking you is from the resident zones or the communities that already qualified to hunt during these federal subsistence hunts, are there any of these communities or areas that you want excluded from your local hunts, or are there residents or areas that you want included for these hunts.

And so I just wanted to mention that, that basically the federal -- what the federal managers did is they took the state C & T determinations, and since then for the Bristol Bay region, there has been, only been a couple changes that I know of. One is that the state has given -- the state Board of Game has given black bear a negative C & T determination for the Bristol Bay region, or for a part of the Bristol Bay region, which means that you cannot have a federal subsistence hunt for black bear in parts of Bristol Bay.

The other thing is, since these came out, the State has given a positive C & T determination for freshwater fish in the Bristol Bay region, and those are not reflected in the federal regs because it was passed after the federal regs were written. Thank you.

MR. O'HARA: Okay, committee members, this is your part of the program now. And dealing with brown bear, caribou, moose and freshwater fish. Any priorities, do you have something there, Robin?

MR. SAMUELSEN: Yeah, I'd like to make 21 and 22 a priority.

MR. O'HARA: That's exactly what I was going to say. Because one of the first things we did when we became a committee was we dealt with the rainbow issue, and I never heard about it since then. Is there any objection to that, committee members?

MR. COFFING: Just a question, maybe, Mr. Chairman for Robin. Equal priority or is there one of those you want dealt with?

MR. SAMUELSEN: No, equal priority. I think that's the way the council has addressed it, was all freshwater fish including rainbow. Mr. Chairman, I'd like the record to note that proposed by BBNA but BBNA natural resources doesn't submit proposals. It's proposals or ideas that have been brought forth by the traditional councils.

MR. O'HARA: It says BBNA.

MR. SAMUELSEN: I know, we submitted the proposal on behalf of, a request from the village.

MR. O'HARA: We have number 1. What's number 2?

MR. LaPORTE: It's something that, now that I know what we're talking about here, that every single advisory meeting up

in Iliamna that comes up is brown bear. I don't know if we ought to prioritize it high up, it's just something that -- we don't go through any advisory meeting up there without discussions on brown bear, too many of them, why can't we hunt them every year instead of every other year. Unit 9 is probably one of the only units that has every another year.

MR. SAMUELSEN: So you recommended number 1 be number 2?

MR. LaPORTE: Well, somewhere -- it doesn't have to be number 2, but it ought to be considered up there somewhere.

MR. ABRAHAM: Brown bear on what, 9(A)?

MR. LaPORTE: Does the lack of Xs in 17, 18, 19 --

MR. COFFING: The Xs indicates where the proposer was suggesting that the residents be eligible for subsistence at. So that first proposal didn't say which residents it wanted to be included, but it said that something like people in the region should be allowed to have traditional use of brown bear in Unit 9, for example, I think the way that's worded, to paraphrase it. That's why 17 is not included in that one.

MR. O'HARA: Akiachak, that's over on the pacific side?

MR. SAMUELSEN: Uh-huh.

MR. O'HARA: So yeah, do we have a number 2 here now. Are you satisfied that brown bear is number 2?

MR. HEYANO: Well, I guess just a point of clarification, if you look in this book that tells -- I think it tells who has C & T findings. 9(B), rural residents of 9(B). Does that mean that rural residents of 9(B) already has C & T determination for hunting bear in 9(B). Am I reading this book correctly? And then it goes into 9(A), (C) and (D) there is no subsistence. In the subsistence management regulations.

MS. COILEY: Robert, you're right.

MR. HEYANO: Page 54, I guess.

MR. COFFING: That's what it means.

MR. O'HARA: What page?

MR. HEYANO: I'm on page 54.

MR. COFFING: Mr. Chairman, one item in your agenda that we actually haven't gotten to yet was to go through the booklet and identify what the existing findings are. We've kind of got into maybe doing some of that now. Whether it would be worthwhile doing that now or not, but we do want to cover that at some point.

MR. O'HARA: Well, are we going to go back to that now or what our priorities are?

MR. COFFING: Maybe that's a good place to start, let's talk about what findings we have. And then you can look at your backlog and then maybe from that you can identify your priorities and maybe also identify areas that maybe aren't on a current proposal but that you might consider a high priority issue, and from that then derive some proposals.

MR. O'HARA: What tab?

MR. COFFING: Pardon me?

MR. O'HARA: What tab?

MR. HEYANO: It's this (indicating).

MR. O'HARA: Are you talking about the handout you just gave us?

MR. COFFING: The handout is the backlog proposals.

MR. O'HARA: But you said there was something in the front of our book that was prior to this, am I right?

MR. COFFING: There was item 3, which is your priority of the issues, and I guess that's kind of where we were at, and we kind of evolved looking into what the backlog proposals were and then we got into discussions of what the current C & T determinations are.

We've kind of blended all these 3, 4 and 5 here. That's fine, I'll do it any way you want.

MR. O'HARA: I'd rather stick with this page and go 1, 2, 3.

MR. COFFING: That's fine.

MR. O'HARA: Robert, you had us on 54.

MR. HEYANO: The only point, we didn't ask the Federal Subsistence Board to prioritize for 9(C) and (D) when it's already done. I don't have any problem. I think we need to go through the book and find out what communities are left out of C & T and prioritize that.

MR. SAMUELSEN: Mr. Chairman, maybe number 2 could be number 1 with the exclusion of those eligible game units, eligible for C & T, that have C & T be excluded. That will knock out 9(B) who already has a C & T finding, and it will deal with the other 9(C), (D) and (E). That will clear up our intent. So we could go right through and pick with the understanding that any of the game units here that have C & T will just drop out because they already have it, we're not addressing it.

MR. COFFING: They will still have it.

MR. SAMUELSEN: But they will drop out of our process.

MS. COILEY: Mr. Chairman, this is Pippa. 9(B) has a finding of no C & T for brown bear.

MR. COFFING: 9(B).

MS. COILEY: 9(B).

MR. COFFING: 9(B) does have a determination.

MS. COILEY: I'm absolutely backwards.

MR. O'HARA: So we have (A), (B) and (D).

MR. SAMUELSEN: And (C) and (D) no subsistence. B has it, E has it.

MR. O'HARA: What about C.

MR. SAMUELSEN: C does not have it.

MR. O'HARA: Do you want to deal with that.

MR. SAMUELSEN: So we're dealing with 9(A), (C) and (D), am I correct.

MR. COFFING: If you're satisfied with the current determinations for 9(B) then you don't need to include it, but perhaps what the council is doing now is making recommendations on what you want some of these C & T determinations to be, and I guess maybe where I'm coming from is prioritize kind of the species and region, if you will, and then when we have time to work on them and do the analysis they will be in front of the council, and then when they are in front of the council, the council, at its next meeting, can make recommendations, let's leave 9(B) alone, let's make the determinations for 9(A), 9(C) and 9(D) and (E), we already have it for (B). That could be a recommendation you make when you actually look at the proposal. What we're doing now is kind of prioritizing this list so we know what we should be working on.

MR. O'HARA: We know what we want, fish, number 1. What do we want to do with number 2, is brown bear burning issue.

MR. SAMUELSEN: Let's take 9(C), Mr. Chairman.

MR. O'HARA: Brown bear, that's the Naknek area.

MR. SAMUELSEN: That's the Naknek area. What do you want us to state for residents of Naknek only?

MR. O'HARA: Smiley, what was your proposal?

MR. KNUTSEN: The proposal was for Naknek residents only.

MR. O'HARA: Those that have been there a year.

MR. KNUTSEN: If that's --

MR. O'HARA: If that passes.

MR. SAMUELSEN: I'm not quite sure.

MR. KNUTSEN: I want the same determination -- it's my understanding, talking to some residents who have had use of brown bear in the past, they want the same determination as Ivanof, Ivanof, Perryville and Chignik Lake. I can't go, they can't go, no one can hunt brown bear in Chignik Lake unless you live in Chignik Lake or Ivanof or Perryville, that eliminates probably a lot of abuse of outside residents coming in and taking advantage of that. Exclusively residents of that area.

MR. SAMUELSEN: So what do you want us to do, to identify like 9(C) residents of Naknek only by federal registration and list the dates?

MR. COFFING: Mr. Chairman, if you could just say, for example, if brown bear was your second priority, just say brown bear Unit 9, that's our second priority, then we'll take them as a group and work on them.

MR. SAMUELSEN: That's what I thought we said with at the beginning.

MR. O'HARA: We're getting too detailed.

MR. SAMUELSEN: That's the way I understood.

MR. O'HARA: So we're going to say that anyone that does not have C & T findings for brown bear, we would want that to be number 2, period. We got fish, we got brown bear.

MR. SAMUELSEN: And 9(C) and (D).

MR. O'HARA: Anything else on the brown bear that's not been covered? Is it going to be moose or caribou next?

MR. SAMUELSEN: Did I see your eyes roll? Was that the right way to do it?

MR. COFFING: It doesn't matter to me whether the council tells me you want me to work on brown bear 9(A), 9(C), 9(D).

If you say brown bear Unit 9 then we're going to take the group of them and work on them as a second priority. And then when you get your analysis at your council meeting, then you can do the recommendations.

MR. O'HARA: We got the fish taken care of number 1, we got the brown bear in Unit 9 taken care of as number 2. Now we're looking for number 3. And it probably should be moose or caribou.

MR. COFFING: There is one other brown bear. Number 9 on the left side, Unit 17, 18 and 19.

MR. O'HARA: Did you want --

MR. SAMUELSEN: Number 9, right?

MR. COFFING: Yes.

MR. O'HARA: Do you want to include that as number 3, or did you want to go to something else?

MR. HEYANO: I guess my question is what's wrong with the current C & T findings of brown bear as it applies to this

committee?

MR. COFFING: As it applies to this council?

MR. HEYANO: Council.

MR. COFFING: There may not be anything wrong with it, and there may not be any changes made. What you're trying to do is help federal staff identify what you think is important for us to spend our time analyzing, and it may be after we have done that -- at least what's on this list as the number one priority. You may look and say, well, we like it or don't like it, and then vote on it. But we're just trying to get some direction for our work, that's all.

MR. HEYANO: I guess the way I understand it, item 9 is that it's a priority to these other two communities. Since it was submitted by them, I go through Unit 17 and everybody in all the communities of 17 are already C & T found. So I don't want to make that a priority. Can we add to this list?

MR. COFFING: Well -- I think what you can do, when you're identifying your priority issues then you can start to build from that, but this is what we have in hand for proposals now. You can certainly make new proposals at some time, but this list is pretty much static, it's not going to change. This is the backlog.

MR. O'HARA: We should deal with the C & Ts that we have here now and not necessarily start with new ones.

MS. EAKON: No, you can do new ones if there is nothing burning before you on this list and you have something that you want to address during this regulatory year, you can do a proposal to cover that.

MR. O'HARA: Is there something, Robert, that needs to be dealt with?

MR. HEYANO: I would agree that moose and caribou is next, but my understanding is we're pretty much set on moose and caribou as far as C & T are concerned in our unit. And I see black bear and there is no determination for anybody in our area, or in 17, yeah.

MR. O'HARA: Well, if we don't give the staff what we have on this page, they have got to take these 1 through whatever you want to label them before they bring them to the federal board, am I wrong?

MR. COFFING: If we got an indication from the council that some of these are high priority, we're going to try to get them done as soon as we can to get them through the process, because some of them have been laying around, may not be a good word to use, but some of them have been around for two to three years. And there is an interest to move them along and not keep them on the shelf and collect dust. If you think all of these are low priority, and that's what you tell me, and you create new proposals, then I'm going to work on the new proposals and these are probably going to sit. So you kind of set your priorities and we'll work on what you tell us to work on, that's what we're looking for.

MR. O'HARA: Okay. Are there any -- we said that we know 1, the fish. Brown bear, 2 that we said we want them to take off the shelf and start the process, you got that, Mike?

MR. COFFING: Right.

MR. O'HARA: If the committee members don't see anything else that you want to move along, that's fine. If you want to go to black bear that doesn't have a C & T finding, that's fine, too, but we need to do something here now.

MR. HEYANO: I guess looking at the list I'll throw it out. Sheep. I see there is no determination for C & T on sheep, and that's an item that's on the list, I throw that out for council consideration if they want to make that a priority.

MR. SAMUELSEN: So that will be number 3.

MR. ABRAHAM: Mr. Chairman, well, I see over here 17(A), 17(B) and 18 on caribou. Why can't we make that number 3?

MR. O'HARA: 17(A), 17(B) and 18, are you looking at number 12.

MR. HEYANO: Mr. Chairman, because there is already C & T findings in Unit 17(A), (B) and (C), rural residents of Units 9(B), 17 and residents in Lime Village and Stony River, it's already done, Peter.

MR. O'HARA: So Mike, what are you going to do? You don't get to take this off the shelf, it's already done.

MR. COFFING: No, we're just looking for some direction from the council off this backlog which ones you think are important. They are all important, but which ones are most important. As we have time -- if we don't get in a lot of proposals for bag limits and season changes, and if we don't get in a lot of new proposals, new proposals, proposals that you don't see here, new ones for customary and traditional use determinations, then we're probably going to have some time to work on some of these. So I know you want us to work on fish and brown bear. Essentially we'll do as many as we have time for, but if you're done with them, if they are not a priority, don't prioritize them.

MR. SAMUELSEN: Mr. Chairman, thank you. On number 12, caribou, if we drop off caribou in 17(A), (B) and 18, we're not necessarily dropping it off, it's already at a C & T under the state. Now are you saying we have to adopt 17(A), (B) and (C) as C & T finding, prioritize that?

MR. COFFING: No, what I'm saying is there is a proposal from ABCP to change the C & T determinations for caribou in Unit 17(A), 17(B) and 18. The current determinations are going to stay on the books, but if this council would, for example, prioritize this number 1, then as we have time that would be the first one I would pick up for this region and take that proposal and do a full analysis on it. You would have the analysis presented to you at your next meeting and that would go through to the federal board for action.

That may not mean that it makes any changes to whose eligible in Unit 17, but it might mean that additional communities in Unit 18 are also eligible for caribou in Unit 17, because I think that's what the proposal is for, is for communities in Unit 18.

MR. O'HARA: This is really confusing to me. Maybe it's not just coming across right.

MS. DETWILER: Maybe I can clarify things. The bottom line that the board agreed to, with the councils earlier this year when they had their July meeting, was that what they wanted to do was to have the regional council set their C & T priorities, and so what they were hoping for out of this meeting was for the regional councils to come up with their priorities, and those priorities can either come from the backlog of proposals that you have, or any other priorities that you see in the regulations book.

So I don't know if that helps clarify things or not. There is a lot of different pieces of paper to work with, but the

bottom line is that the board wants to get the direction, and the staff wants to get direction from the council on what the highest priorities are, and whether those priorities are backlog proposals or new issues that have come up, it's up to you guys to decide. So you are not confined to working with just the backlog or the existing determinations, you can use both of them to come up with what you want to do, with what you want the staff to do.

MS. COILEY: Just to clarify further, that C & T issues are confusing for everybody, for the State regulatory boards, for the managers, they are complex and confusing. And I would advise the council to follow its gut. When Robin said that on the issue on number 12 caribou, 17(A), 17(B) and 18, he was right when he said 17(A) and (B) already have a C & T. But what this proposal is specifically asking is those residents of Game Management Unit 18 are asking if they can come -- can be qualified subsistence users in Game Management Unit 17, in areas of Game Management Unit 17. So that God forbid, if the Mulchatna herd ever crashes, and the hunt is limited, that they -- and they can't come over using State regs, because they are qualified subsistence users in parts of Game Management Unit 17, they will have a priority for what's left of the herd. So Robin, you were absolutely right, and I think one of the reasons why it's a little confusing, what Mike is saying, is because he's describing it correctly and it's a new process, and it's very confusing.

MR. O'HARA: Unit 18 is what?

MS. COILEY: Basically the Kuskokwim, we call it the Kuskokwim area. It's not divided into subunits. It's one large unit wherein the past there wasn't a lot of big game there of any species.

And so ABCP is kind of saying, well hey, let's become qualified down there in parts of Game Management Unit 17, and if the herd crashes and we start going into some special federal regulations on the refuge, we want to be able to come in there, or are they asking -- yeah, they want to come into the Togiak and Manokotak area to hunt.

MR. HEYANO: I think we could comment on those C & T findings when they come before the Federal Subsistence Board. And the regional council, we can provide comments if we choose to.

MR. O'HARA: Okay, so what you're saying is that we have 17(A) and 17(B) C & T, period, it's done. 18 if they want to come in and make comment, that's fine. When they come to it they will make comment. So obviously it doesn't make that number 3, correct?

MR. SAMUELSEN: 3 is sheep, 2 is brown bear.

MR. O'HARA: 1 is fish, 2 is brown bear, 3 is sheep. How about 4 being black bear.

MR. HEYANO: That one is great.

MR. O'HARA: Pippa, you helped us out a lot, but it didn't help 18 out.

MS. COILEY: That wasn't my intent.

MR. O'HARA: When you said that I understand, the light came on.

MR. SAMUELSEN: Black bear, that's exactly what we would be doing, if we adopt number 10, those folks 17(A), (B), (C), 18, 19, 19(B), 19(C), 19(D) all have a C & T within them game units for black bear, right, Mike?

MR. COFFING: Mr. Chairman, Robin, that's right. Number 10, black bear, is a proposal to have Akiak/Akiachak have C & T uses in 17(B) and Unit 19, that doesn't address the communities

here.

MR. O'HARA: We won't do that one.

MR. HEYANO: Mr. Chairman, that wasn't my intent. My intent if you look, well, let me get to a page here.

MS. EAKON: 54.

MR. HEYANO: If, in Unit 9 on page 54, if you look under black bear there is no determination for C & T finding.

MR. ABRAHAM: On 17, on page 90, same thing.

MR. HEYANO: You go back in 17 there is no C & T. So we need to generate a proposal to the staff saying we want C & T findings on black bear as a number 4 priority or number 3 priority for Units 9 and 17, generate a proposal outside of this list. When I was talking black bear I wasn't referencing item 10 on the handout.

MR. O'HARA: You were doing that for 9 and 17. Are we okay, then, that's number 4?

MR. COFFING: What's 3, sheep?

MS. EAKON: 3 is sheep.

MR. O'HARA: Robert, that's number 4 then, you got that.

MS. EAKON: Yes. 9 and 17. And that will be a new proposal sponsored by the council.

MR. COFFING: That was black bear. Mr. Chairman, that's going to be one of your priorities in your listing of your priority issues which would be the fact that there is no C & T for Unit 17, and then you're going to generate a proposal, that's kind of another part of it.

MR. O'HARA: We're still on 3. We have fish, brown bear, we don't have number 4 yet, which one of those --

MR. SAMUELSEN: Number 4 would be our generated proposal on black bear.

MR. COFFING: Well, that wouldn't be a priority to the backlog, that would be one of your issues though.

MS. EAKON: It's going to be a proposal, a council generated proposal.

MR. COFFING: Sure.

MR. O'HARA: Are you ready.

MR. HEYANO: I'm ready and confused, Mr. Chairman, but go ahead. What I heard Susan say, that we can take our priority off the backlog or we can generate new C & T priorities.

MR. O'HARA: We just did a new C & T, nothing to do with the backlog.

MR. COFFING: That's right. You can create new C & T proposals, you can look at the backlog and you can look at the existing determinations that are in the booklet that we haven't gone through yet, and from that group identify your priority issues. They are all related, but they are different, and certainly, you know, whatever the council does, if you generate proposals for black bear and you tell me -- that's going to tell me if you're generating one, I'm going to work on that one probably before I start working on these ones for freshwater fish, but I need some direction from you on the ones --

MR. O'HARA: You got one new one.

MR. COFFING: Black bear, 9 and 17.

MR. O'HARA: And you have three old proposals from off the shelf, fish, bear and sheep was it?

MR. COFFING: Uh-huh.

MR. O'HARA: And now what's the fourth one if you want to have one off that priority list?

MR. HEYANO: Mr. Chairman, the only one I see left is beaver, and there is no determination in 9 and 17 for beaver.

MR. O'HARA: Well, you have it in 9(C) and (E).

MR. HEYANO: No, that's a request on the backlog, but currently there is no determination for beaver.

MR. O'HARA: In 9 or 17?

MR. COFFING: That's right.

MR. O'HARA: Do you want to make that number 4? Committee members is that okay?

MR. ABRAHAM: Which one?

MR. O'HARA: He wants the beaver to be C & T.

MR. HEYANO: I think it will take a generated proposal if you want to include 17 and 9.

MR. ABRAHAM: 9(C) and 9(E).

MR. O'HARA: No, 9 and 17 period. That's pretty broad, isn't it? We have beaver -- maybe I'm confused here, Mike. But we dealt with the beaver in the Lake Iliamna area and 9(C) and on down the peninsula a ways, maybe E.

MR. COFFING: What happened when we looked at the reg book, there is a season from, I think, perhaps from John's proposal or someone's proposal, the federal board did provide a season, so they did provide a season for trapping beaver, but they did not address the C & T, so that's why you're seeing it here, the C & T portion hasn't been addressed yet.

MS. COILEY: When there is no C & T determination, all state rural residents are eligible. So when you've been passing regulations for species in game management units where there is no C & T determination, even though there is special subsistence regulations, all rural residents of the state of Alaska qualify. You can restrict that area if you'd like by passing a C & T determination for a particular resident zone, so to speak.

MR. O'HARA: So a 9(C) and(E) needs to have a C & T, even though it is --

MS. COILEY: You may.

MR. O'HARA: So saying -- all right, okay, so that would be 9 and 17 then.

MR. ABRAHAM: So you'll make that 4.

MR. O'HARA: 5, that's number 5.

MR. ABRAHAM: I'm all confused now, too.

MR. O'HARA: Anything else committee members, any other priorities. Enough to keep you busy for a couple days there.

MR. COFFING: That will keep me busy.

MR. O'HARA: Let's go on to something else before we get some ideas here. Is that it, Mike?

MR. COFFING: Well, that's it, and the one item we haven't gone through, and I'm a little hesitant to mention it but I'm going to and you can tell me to be quiet, and we haven't gone through and reviewed what the existing C & Ts are in the booklet. That's item 4. If you want to do that I'd be happy to, if you want to leave it alone I won't be offended.

MR. SAMUELSEN: We just did on 54.

MR. O'HARA: We hit 5 on the agenda, now you want to come back to 4.

MR. COFFING: If the council wants to come back to 4.

MR. SAMUELSEN: We just did it. If you had this book out.

MR. O'HARA: They said no.

MR. SAMUELSEN: If we use this book as a reference that's what we just did. As we were -- at least that's what I was doing, is going through and checking the C & T determinations.

MR. COFFING: That's right.

MR. O'HARA: Is there something we missed there.

MR. COFFING: No, Mr. Chairman there is not. Just for reference I would point out that for -- it's not only for Unit 9 and 17, but for many units across the state, for many of the fur bearers.

MR. O'HARA: Page.

MR. SAMUELSEN: 68.

MR. COFFING: Muskrat, marmot, fox, beaver, coyotes there are no determination. Doesn't mean you can't hunt them, all rural residents are eligible, there is no priority for people close to home. There may even be some that are not in there, marmot are not listed, those are the kind of things you want to pick up on. Ptarmigan, no determination, so there is no priority for people for that resource in their unit close to their home, all rural residents.

MR. LaPORTE: Can we, instead of going through it now, just have somebody that knows exactly what's going on chart it out like this so you've got species per unit?

MR. COFFING: I've done that for another unit, I can do that for you.

MR. O'HARA: Do you want to come back at the next meeting.

MR. LaPORTE: One piece of paper charted for C & T for each species in each unit.

MR. COFFING: I could do that, it would be more than one piece of paper, but I could do that.

MR. O'HARA: Thank you.

MS. EAKON: Yes.

MR. O'HARA: We're going to skip the workshop.

MS. EAKON: Yes. Dave Fisher had said that it would be okay to defer this until your next meeting, where he, as the author of this course or training, he said he would be happy to do it at the winter meeting.

We're down to G and that's proposals to change methods and means and seasons, harvest limits, and I think we might be dealing with brown bear in 21 and 22.

MS. EAKON: I guess we'll ask Andy and Bruce and Mike to come up. Yep, in the proposal booklet based on the action you did today on brown bear in Unit 9(B), last year's proposal was 21 and 22 are going to re-appear for action.

The question, the next question I have is moose in Unit 17. The issue you talked about earlier, that was proposal 31 and you had said you wanted to act on it at the winter meeting. Do you want that proposal to appear in a proposal booklet?

MR. O'HARA: What does that proposal deal with, moose?

MS. EAKON: Moose in Unit 17.

MR. O'HARA: Yeah, okay. 17(A).

MS. EAKON: I know you said you wanted the moose issue and the caribou issue to be referred to the committee of the different agencies. My question is do you want proposal 31 to appear

in the proposal booklet? Do you want a proposal covering the caribou issue in Unit 17 to go into the proposal booklet?

MR. ABRAHAM: Uh-huh.

MS. EAKON: Okay.

MR. O'HARA: So on 31 it takes care of that. How about 21 and the 22 brown bear, we need to have Andy, Bruce and who else.

MS. EAKON: They were going to come up and speak to you a little about key elements in a good proposal.

MR. O'HARA: I see. So what about, I'm still a little confused on 21, 22 brown bear.

MS. EAKON: That's going to appear in the proposal booklet for your consideration at the winter meeting.

MR. O'HARA: Period.

MS. EAKON: Period, because it had been tabled last year, it is going to be in your proposal booklet, and the direction I got from Pete was that he would like the proposals on moose and caribou in Unit 17 to also go into the proposal booklet.

MR. O'HARA: Period, that's okay, so we got that taken care of, those three items.

If everyone on the committee is satisfied that's what's going to happen, we're going to go down to the issue of key elements in a good proposal, and by this we've blown that totally out of the water, so you might as well tell us how to do it right if that's next.

MR. COFFING: Mr. Chairman, I just wanted to ask a question, maybe a point of clarification. Helga asked if the council wanted the proposal to go in the proposal booklet that deals with Unit 17, 17 caribou, and there are actually two that need to go in. One is 17(A) west of the Togiak. The other one is the Nushagak Peninsula season, that was changed to December 1st by special action. To make it permanent it needs to be a proposal as well.

MR. O'HARA: Should we do that?

MS. EAKON: Okay.

MR. O'HARA: Okay, got that clear, Mike.

MR. COFFING: Clear.

MR. O'HARA: Now should we go ahead and do the --

MS. EAKON: Go ahead, Andy.

MR. O'HARA: Next time we have a meeting in Dillingham we need to get a table to sit here. I don't believe this council doesn't have a table for someone to put their paperwork on.

MR. ADERMAN: We'll make do, Mr. Chairman. Andy Aderman from Togiak National Wildlife Refuge, I'll be real brief. In fact, one of my supervisors said if I kept it under 3 minutes I'd still have a job. I'd refer you to Section 10 H G --

MS. EAKON: 10 H 2.

MR. ADERMAN: And this is the proposal form to change something pertaining to either a season length, a harvest limit or a method or means of harvesting wildlife for the next regulatory year.

And I guess the key things that I would like to highlight is that anyone can submit a proposal or any group, this council, the State, the refuge, whoever, anybody can submit a proposal.

Mike had mentioned several times the deadline is October 27th. There is an instruction sheet in here, it's pretty self-explanatory. The main things I would like to highlight: Be specific, think about your proposal, what it is you really want, and

if you get support from other groups, other agencies, all the better.

I guess that's about all I'm going to say, and I'll leave it to Mike if he would like to add any more or if you have questions of me.

MR. O'HARA: Committee members, is that fairly explanatory for you, is everyone satisfied with that? All right, thank you, Andy. And Mike, was there anything you needed to add?

MR. COFFING: The only thing, I'd just like to bring your attention to this, it's in your booklet. This is the chart that shows kind of the deadline and the schedule of the proposal process, the regulatory year flow chart.

MS. EAKON: 10 H 1.

MR. COFFING: So you can follow the arrows there. Explains the deadline for the proposals, staff committee meetings, when the federal rule comes out, and that's all I have.

MR. O'HARA: Okay. Bruce.

MR. GREENWOOD: Mr. Chair, what I would add is that there are two good examples of C & T proposals that are included in this package, one for C & T and one for season harvest limits. If you use these for guidelines it will help you submitting proposals that are accurate and detailed.

MR. O'HARA: That's it. You guys have really have few words.

MR. SAMUELSEN: They know when the plane is leaving, Dan.

MR. O'HARA: Thank you, very much, we appreciate that.

Of course we do have this part of the agenda where we open the floor to proposals. I don't know if there is anyone here that has a proposal that we would want to submit at this time. Apparently there isn't.

What are the thoughts of the committee on the regional council training needs. Do you feel there needs to be a seminar with having Helga set up something for us, or what do you think?

MS. EAKON: May I please address the next item on the annual report that's 9 I. My suggestion was that I would summarize all of the recommendations that you have made during this meeting and the recommendations that you made in the past that have not yet been acted upon by the board to be summarized in this annual report and I think that would be a good report.

MR. O'HARA: When you do that is that going to be sent to us?

MS. EAKON: Yes. In fact, I will send you out the draft. The deadline for this is November 15th, so I'm going to do this pretty quickly, and I will send each of you a draft and if you have any comments you send it back to me and then after that I'll revise and it then send it to you for signature for the deadline, how is that?

MR. O'HARA: Is that okay, council members? And I apologize, I didn't mean to get ahead of the agenda item there.

The next one then is regional counsel training needs. Do you want to address that, do you have any thoughts on that?

MS. EAKON: I was just going to share with you what Southcentral did. They would like training on office organization and procedures, who does what and what are our time lines. They would like training on the legislative history of Title 8 of ANILCA.

They would like training on what's going on with major judicial decisions on ANILCA, and they had some other topics just to give you

an idea of different kinds of training needs.

MR. O'HARA: What kind of a time frame? Would this take like a whole day of training.

MS. EAKON: It could be structured to a doable block, like a refresher. It's up to you.

MR. O'HARA: See, we have one that we probably should come back to, council members, next time we meet, which would probably be, are we meeting in February, maybe, or is that going to be decided later on?

MS. EAKON: Actually before you adjourn you probably should pick a date, because mainly for the benefit of regional teams, especially with the new C & T proposals, we would like to have an idea of what our time lines are going to be. That's what -- all the council is setting meeting dates.

MR. O'HARA: The reason I mentioned, because we were going to have a workshop today on wildlife conservation.

MS. EAKON: If you want to have that next February, that could be a start of a training.

MR. O'HARA: Well, it could be, or we could take what you had off here, too, maybe as one that we would prefer. I don't know if we want two in one session or not.

MS. EAKON: Do you want to just start off with the wildlife conservation one that Dave is looking at.

MR. O'HARA: Not necessarily. Some of the things you mentioned there are, the part working items that a council like this needs. It might even be a little boring, not if you did that.

MS. EAKON: Well, I was going to propose that I train you.

MR. O'HARA: Well, it's fun to sit down and listen to the wildlife management plan, because you're dealing with somebody else, but as council members we need some additional training to struggle through with what we did here. Look how much trouble we had getting one little supposedly simple piece of paper done. I guess that's what I was referring to, and I don't know the volume of training we're going to have to have to be talked about there, but apparently some of the other council feels like they need to have some training to get some of these things done. It's up to you council members, this is where we're at on the agenda item, what additional training, any thoughts you might have?

MR. STEPANOFF: Where is this training at?

MS. EAKON: Here during the meetings, basically. Sue, basically during the meetings?

MS. DETWILER: Yeah, during the meetings, and it's up to you guys to determine how much and what kind of training you want. It's at your direction.

MR. O'HARA: Do you have any thoughts on that, council members?

MR. HEYANO: Yeah, Mr. Chairman, I guess my opinion at this time is that I don't see a need for additional training. I would like to explore some of those items that Helga mentioned maybe in a little more detail to see what they consist of and make a decision later on. I would also like to see what the workshop on wildlife conservation management is going to consist of before I agree to a workshop wildlife management.

MS. EAKON: You do have a copy of Dave Fisher's draft, and it is in your item as 10 G, I believe, 10 G.

MR. HEYANO: I guess what I'm saying, Mr. Chairman, I don't see a need for any workshops.

MR. O'HARA: Why don't we just -- okay, maybe keep that open as an open item and we can discuss this with Helga maybe when you give this to the additional council people that you've mentioned there, there might be something that we might see that we would like to know about though, and as of right now I guess we'll just put it on hold.

MR. SAMUELSEN: Some of the things that Helga mentioned are going through the court system and there is no use having a workshop on something that's going through the court system until after it comes out of the court system.

MS. EAKON: Okay, we'll just kind of keep it open then.

MR. O'HARA: The next item we have is any other new business. Anything that needs to come before this council in the way of new business? We would like to establish a time and place for the next meeting.

MS. EAKON: Here is a calendar that shows the window for the winter meeting and which councils have already set dates.

MR. O'HARA: Helga, you're involved with the Southcentral, they meet February 5, 6 and 7.

MS. EAKON: Yes.

MR. O'HARA: I've got a meeting on 14 through the 17.

MR. HEYANO: Mr. Chairman, when is that Board of Fish meeting scheduled?

MR. SAMUELSEN: 18 through the 27, I think it is. That gives us an opportunity. I'm sure Helga and them will be preparing for Southcentral meetings. Do we need to do it in February, can we do it in March?

MS. EAKON: Sue?

MS. DETWILER: It cuts it pretty close to compile the regional council's comments for the staff committee and to put into the books to get ready for the staff committee and then for the board.

MR. HEYANO: Is it too much of a burden for you to get ready for the Southcentral and also have ours like the 30th of January?

MS. EAKON: It's doable. We can do it because they involve two different teams.

MR. O'HARA: Okay, anywhere from Tuesday, January 30 to February 3rd. Do you have any preference dates in there, Helga?

MS. EAKON: If we start Tuesday, that would be good. Travel on Tuesday and start in the evening and just work our way through.

MR. SAMUELSEN: Can we do it on Wednesday, because some of us will just be coming back from ten days of a Board of Fish meetings. We get back on the 29th. I don't think my wife will take too kindly to me --

MS. EAKON: Your Board of Fish is in January?

MR. SAMUELSEN: February.

MS. EAKON: January 30.

MR. O'HARA: Peter and Sam, how does it look for January 30th?

MR. ABRAHAM: Fine.

MS. EAKON: Travel on that day and meet at 7. So

where do you want to have the meeting, in the Lakes, Togiak?

MS. EAKON: Wherever you say.

MR. LaPORTE: One comment, like scheduled flights in Dillingham during the winter schedule are only Monday, Wednesday and Friday.

MR. O'HARA: We're not having it in Dillingham. Only kidding you.

MR. SAMUELSEN: My recommendation is Naknek.

MR. LaPORTE: That's okay, as long as Helga okays another charter, we can have it in Perryville.

MR. O'HARA: If you really want to have input on what's happening with C & T, go to Togiak or Manokotak or Twin Hills.

MR. ABRAHAM: This meeting over here I was thinking about having at our sports camp in the fall time.

MR. O'HARA: Where?

MR. ABRAHAM: Togiak.

MR. O'HARA: Up the creek.

MR. ABRAHAM: Above Togiak.

MR. O'HARA: Out in camp?

MR. ABRAHAM: Yeah. It's got all the accommodations.

MR. O'HARA: It would be fun.

MS. EAKON: So Naknek.

MR. O'HARA: Well, the next one, if it's okay, will be Naknek. Determine that we're going to travel on Tuesday and meet at 7 p.m. in the borough chambers in Naknek.

MR. ABRAHAM: We need to ask Manokotak, too.

MR. O'HARA: Any other business to come? Motion to adjourn.

MR. SAMUELSEN: So moved.

MR. O'HARA: Second. We're out of here.

(Proceedings concluded at 5:30 p.m.)

CERTIFICATE

I, LEONARD J. DiPAOLO, Registered Professional Reporter and Notary Public in and for the State of Alaska, do hereby certify:

That the proceedings were then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed under my direction by computer transcription; that the foregoing is a true record of the testimony and proceedings taken at that time; and that I am not a party to nor have I any interest in the outcome of the action herein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this _____ day of _____, 1995.

LEONARD J. DiPAOLO
Notary Public for Alaska
My Commission Expires: 2-3-96