

0094

1 BRISTOL BAY FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL

2

3 February 19, 1997 - 9:00 a.m.

4 Bristol Bay Borough Assembly Chambers

5 Naknek, Alaska

6

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8

9 VOLUME II

10

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13 Members Present:

14

15 Daniel J. O'Hara, Chairman

16 H. Robin Samuelsen, Vice Chairman

17 Andrew Balluta, Secretary

18 Peter M. Abraham

19 Robert Heyano

20 Alvin Boskofsky

21

22

23 Helga Eakon, Coordinator

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P R O C E E D I N G S

1  
2

3 CHAIRMAN O'HARA: Good morning. We are ready to call  
4 the meeting back into order and it looks to me like you made a  
5 lot of progress yesterday afternoon. Good morning, Peter, how  
6 are you?

7

8 MR. ABRAHAM: Fine.

9

10 CHAIRMAN O'HARA: I think we're looking at Proposal 44,  
11 Helga?

12

13 MS. EAKON: That is correct, Mr. Chair.

14

15 CHAIRMAN O'HARA: All right.

16

17 MS. EAKON: Proposal 44 to revise an open season for  
18 brown bear in Unit 17 will be presented by David Fisher.

19

20 CHAIRMAN O'HARA: All right, David, you're on.

21

22 MR. FISHER: Thanks, Mr. Chairman. I thought maybe  
23 last night I'd have a little bit more luck, the fellow I was  
24 standing next to won a prize over at the GCI, but I didn't.

25

26 CHAIRMAN O'HARA: No Hawaii trips.

27

28 MR. FISHER: He won a hat. Pretty enjoyable, those  
29 dancers were real interesting.

30

31 CHAIRMAN O'HARA: Good. I've seen them before, they're  
32 very good.

33

34 MR. FISHER: Moving on here, 44 was submitted by the  
35 Bristol Bay Regional Council and deals with brown bears. It  
36 would lengthen the fall brown bear season in Unit 17(B), that  
37 portion that's not in the western brown bear management area  
38 and I think the regulations refer to it as the remainder of  
39 17(B) by 10 days in the fall, it would move the season from  
40 September 20 to September 10th.

41

42 CHAIRMAN O'HARA: To September 10th?

43

44 MR. FISHER: From September 20th, it would move it up  
45 and make it an earlier season, to September 10th.

46

47 CHAIRMAN O'HARA: Oh, okay, right.

48

49 MR. FISHER: And then the season would end on October

50 10th.

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1           It would also lengthen the spring season from May 10th  
2 to April 15th and it would shorten the brown bear season in  
3 17(C), the spring season by five days from April 10th to April  
4 15th.

5  
6           Federal lands located in 17(B) consist of Togiak  
7 National Wildlife Refuge, but there's not a lot of refuge land  
8 there in 17(B). Some BLM land in the southern part of the unit  
9 and the Lake Clark National Park and Preserve in the eastern  
10 part of the unit. 17(C) Togiak Wildlife Refuge is located in  
11 the western part and some BLM lands in the central and  
12 southeastern part. Unitwide, brown bear population in Unit 17  
13 appears to be in good shape, stable to increasing. We don't  
14 have a lot of biological information available. The habitat is  
15 in good shape, excellent habitat in the unit. Brown bears are  
16 seasonably abundant along salmon spawning streams, we all know  
17 that, we've seen it quite a few times, primarily the Nushagak,  
18 Mulchatna and Wood River Lake areas. With the increase of the  
19 Mulchatna caribou herd, more bears were being seen in post  
20 calving areas. And we're getting an increase in reports from  
21 bear encounters from recreational type users, village people in  
22 the Mulchatna River drainages.

23  
24           Staff recommendation on this was to modify the proposal  
25 as requested. Staff felt that an earlier spring season will  
26 allow hunters to travel when snow conditions are better, an  
27 early fall season would provide some additional hunting  
28 opportunities.

29  
30           There is also a similar proposal that's been submitted  
31 by the Nushagak Advisory Committee to the Board of Game.  
32 That's all I have.

33  
34           CHAIRMAN O'HARA: Okay, any questions of Dave? Thank  
35 you very much, Dave. Written comments, Helga?

36  
37           MS. EAKON: Yes, Mr. Chair. Alaska Department of Fish  
38 and Game supports Proposal 44. They say that a similar  
39 proposal has been submitted to the Board of Game. We support  
40 consistency in the State and Federal subsistence regulations  
41 for the brown bear hunting seasons in Unit 17(B) and 17(C), end  
42 of comment.

43  
44           CHAIRMAN O'HARA: Okay. Any questions on the written  
45 -- no other written comment, um? Any questions, Council  
46 members on the written comments? Okay, Federal and State  
47 people, are there any further comments that you want to make on  
48 this? Excuse me, I guess we do have public comment on this, if  
49 there is any members of the public that would like to comment

50 on this. Okay, hearing none, then we'll go on to the Federal

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1 and State people, are you satisfied with the proposal? Okay,  
2 then we'll go on and have the Council recommendation, either  
3 put it up or down. What's the wish of the Council?

4  
5 MR. SAMUELSEN: Mr. Chairman, I move for adoption of  
6 the proposed date changes.

7  
8 CHAIRMAN O'HARA: Second?

9  
10 MR. HEYANO: Second.

11  
12 CHAIRMAN O'HARA: Okay, Robert second. Any discussion  
13 on the motion? Do you want to address it?

14  
15 MR. SAMUELSEN: Yeah, Mr. Chairman, I think the brown  
16 bear population has been increasing throughout 17(B) and 17(C)  
17 units. Just in my community in Dillingham, I think now we have  
18 56 local bears in our dump, it's getting harder and harder to  
19 dump your trash because there's so many bears and they're not  
20 getting scared of humans.

21  
22 And I also reflect the customary and traditional  
23 practice of those people that reside in 17(C) and 17(B), a lot  
24 of them folks hunt earlier in the spring on snowmachine; it'd  
25 make that practice legal.

26  
27 CHAIRMAN O'HARA: Okay, any further comment? Dave, I  
28 just had one question if I could ask you there, on Page 81  
29 under justification, at the last sentence; this proposal as  
30 submitted would align both Federal and State seasons only if  
31 the State changes their regulation and is being forwarded to  
32 the Board. So apparently it doesn't line up yet with the State  
33 regulations on brown bear now?

34  
35 MR. FISHER: No, it doesn't. I guess it would sort of  
36 depend on what the Board of Game does. I don't know whether  
37 they would align theirs up with what we've done or not.

38  
39 CHAIRMAN O'HARA: Okay, thank you. Okay, no further  
40 discussion, call for the question?

41  
42 MR. HEYANO: Question.

43  
44 CHAIRMAN O'HARA: All those in favor say aye.

45  
46 IN UNISON: Aye.

47  
48 CHAIRMAN O'HARA: Opposed.

49

50 (No opposing votes)

0098

1 CHAIRMAN O'HARA: Let the minutes show that it's  
2 unanimous. And we are on 45, Helga.

3  
4 MS. EAKON: Proposal 45 would revise harvest limit and  
5 open season for caribou in Units 9, 17 and 18 and the lead is  
6 Dave.

7  
8 CHAIRMAN O'HARA: All right. Okay, Dave, if you would  
9 please.

10  
11 MR. FISHER: Sure. Proposal 45 was again submitted by  
12 the Bristol Bay Regional Council. And it would allow for the  
13 increase of five caribou in 9(B), 17(B) and 17(C) instead of  
14 the current regulation which states that five caribou of no  
15 more than two may be bulls, this would be just five -- the  
16 proposed regulation would just be five caribou, any sex.

17  
18 It would also establish a permanent season from October  
19 1 to March 31 in 17(A) west of the Togiak River instead of the  
20 current to be announced season. It would also change the  
21 description of the hunt area in 17(C) from east of the Nushagak  
22 River to east of the Wood River and Wood River lakes. It would  
23 establish a two caribou limit for Unit 18, south of the Yukon  
24 River, change the split season in 18 from October 1st to March  
25 31st and eliminate the Federal registration permit requirement  
26 in Unit 18.

27  
28 Federal lands located in 9(B) consist of the Lake Clark  
29 National Park and Preserve, BLM lands. 17(A) has the Togiak  
30 National Wildlife Refuges. Refuges also located like I  
31 mentioned in the previous proposal in part of 17(B) and 17(C).  
32 There's also some BLM land in 17(B) and some Park Service land  
33 in 19(B). BLM land also on 17(C). The animals that we're  
34 dealing with are primarily from the Mulchatna herd. And as we  
35 know this herd has increased dramatically over the last 10  
36 years. I think the population now is estimated up over  
37 200,000. The herd is exploring new range that it at present  
38 has never used before. And when it has expanded to the west --  
39 to the south it's overlapped part of the range of the Kilbuck  
40 caribou herd and it's providing some excellent opportunities  
41 for a lot of areas that haven't had caribou in our lifetime.

42  
43 This proposal is also similar to a proposal that was  
44 submitted to the Board of Game. And the Yukon-Kuskokwim  
45 Regional Advisory Council, they deferred that part of this  
46 proposal that dealt with 18 and they supported a proposal,  
47 which was #52, which was submitted by the people from that  
48 area.

49



50            Staff recommendation would be to support the proposal.

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1 And we feel that dealing with this proposal, if we could align  
2 State and Federal regulations if possible would make it easier  
3 for the users. That's basically it.

4  
5 CHAIRMAN O'HARA: Okay.

6  
7 MR. FISHER: It's pretty self-explanatory.

8  
9 CHAIRMAN O'HARA: All right.

10  
11 MR. FISHER: That's all I have.

12  
13 CHAIRMAN O'HARA: Good, thank you. Any questions of  
14 Dave, Council members? All right. Let's have the written  
15 summary then if you would, Helga, please?

16  
17 MS. EAKON: One comment for Proposal 45 submitted by  
18 the Alaska Department of Fish and Game. And they say support  
19 Units 9(B) and 17 portions. A similar proposal has been  
20 submitted to the Board of Game. We support consistency in the  
21 State and Federal subsistence regulations for caribou hunting  
22 in these units. However, we defer comment on the Unit 18  
23 portion of this proposal until it has been evaluated by the  
24 Coville caribou cooperative management planning group at its  
25 next meeting, end of comment.

26  
27 CHAIRMAN O'HARA: All right. Any questions, Council  
28 members on the written comment? And that's the only written  
29 one you have, Helga?

30  
31 MS. EAKON: Um-hum. (Affirmative)

32  
33 CHAIRMAN O'HARA: Any public comment on this caribou  
34 proposal? Yes, Dave, if you wouldn't mind, we've got a public  
35 member coming up. Randy Alvarez.

36  
37 MR. ALVAREZ: Good morning.

38  
39 CHAIRMAN O'HARA: Good morning, Randy.

40  
41 MR. ALVAREZ: My name is Randy Alvarez. I got a  
42 question on proposed regulation 9(B), the limit is five  
43 caribou, however, they changed it. It used to be no more than  
44 two may be bulls, but it looks like they said -- it says you  
45 can get five. I was just wondering, does this pertain to non-  
46 resident sport hunters, would they be able to come in and shoot  
47 five bulls in the fall time on Federal lands?

48  
49 CHAIRMAN O'HARA: I suppose Dave would have to answer

50 us on that. Good question.

00100

1 MR. FISHER: I may have to get someone from the refuge  
2 here to help me out. Andy or Aaron?

3  
4 MR. SAMUELSEN: It only applies to rural residents,  
5 Dave, Page 54.

6  
7 MR. FISHER: Yeah, you're correct.

8  
9 CHAIRMAN O'HARA: Where do you see that?

10  
11 MR. SAMUELSEN: Page 54.

12  
13 CHAIRMAN O'HARA: Yeah, what section -- oh, it's in  
14 black and white.

15  
16 MR. ADERMAN: Yes, Mr. Chairman, Andy Aderman, Togiak  
17 National Wildlife Refuge. Of course, the things that you're  
18 dealing with right here pertain just to rural residents. If  
19 the State were to make a change similar to what you're  
20 considering, then it's possible that non-residents could  
21 harvest five bulls. I believe the Nushagak Advisory Committee,  
22 their proposal to the State is very similar, however, Robert,  
23 you might help me out, I think they proposed a two bull limit  
24 during the rut, October/November?

25  
26 MR. HEYANO: Correct.

27  
28 CHAIRMAN O'HARA: That's a good question. I was  
29 wondering, does that pertain to 9(B) also; isn't that what it  
30 says here, 9(B)? 9(B) goes all the way down to -- actually  
31 that's -- 9(B) is not refuge lands, that's State lands, no,  
32 that's a preserve.

33  
34 MR. FISHER: Those are park and preserve lands in 9(B).

35  
36 CHAIRMAN O'HARA: That's interesting. You know, it  
37 might create a problem if you have a lot of Peninsula herd  
38 moving up into the lower section of the Egegik there, which we  
39 do. But they can get five there, um?

40  
41 MR. ADERMAN: The current State regulation, I believe,  
42 is for non-resident hunters, they can get two caribou or for  
43 residents, they can get five.

44  
45 CHAIRMAN O'HARA: Thank you, Randy for that question,  
46 that was a good one. Any other public comments that we need to  
47 address this morning on this item?

48  
49 MR. SAMUELSEN: Question for Staff, Mr. Chairman.



00101

1 CHAIRMAN O'HARA: Yep, go ahead.

2

3 MR. SAMUELSEN: What is the feelings of the customary  
4 and traditional users in Unit 18, we've had no public testimony  
5 and we're acting on that portion of that?

6

7 MR. FISHER: The Yukon-Kuskokwim Regional Advisory  
8 Committee, they just deferred this proposal and they dealt with  
9 Proposal 52. They didn't want to enter into making any  
10 decisions at all. I think they just would kind of leave it up  
11 to you and let you people handle this proposal.

12

13 MR. SAMUELSEN: Proposal 52 is similar to this one?

14

15 MR. FISHER: Yes.

16

17 MR. SAMUELSEN: But that only dealt with Unit 18?

18

19 MR. FISHER: That's correct.

20

21 MR. SAMUELSEN: Okay.

22

23 MR. FISHER: And what they did in 52, they eliminated  
24 the split season. I think they increased the bag limit and  
25 they went with a State harvest ticket instead of a Federal  
26 registration permit. And they also wanted the refuge manager  
27 there at the Yukon-Delta Wildlife Refuge to be able to set the  
28 season in conjunction with the State, so the seasons would  
29 align up. In other words, what they did is they simplified the  
30 regulations, Proposal 52 did. But they didn't want to do  
31 anything on 45 that would, I guess, maybe irritate you guys.

32

33 MR. SAMUELSEN: Okay, then if the Council here decides  
34 to adopt this proposal with the deletion of the Unit 18  
35 section, Unit 18 will be taken care of in Proposal 54?

36

37 MR. FISHER: 52.

38

39 MR. SAMUELSEN: Or 52.

40

41 MR. FISHER: That's correct.

42

43 CHAIRMAN O'HARA: That's a good point, yeah, maybe we  
44 should do that. Any other questions, Council members?

45

46 MR. HEYANO: One question, Mr. Chairman. What did they  
47 increase the bag limit to?

48

49 MR. FISHER: Yeah, maybe you can go ahead and answer

50 that Aaron.

00102

1 MR. ARCHIBEQUE: Yeah, Aaron Archibeque, Togiak  
2 Wildlife Refuge. I believe what their recommendation was was  
3 to defer it to the refuge manager to make the decision to open  
4 the season.....

5  
6 MR. FISHER: That's right.

7  
8 MR. ARCHIBEQUE: .....with a bag limit of up to five  
9 caribou. So it wasn't saying that there was going to be five  
10 caribou, but it would be up to their recommendation at that  
11 time, being responsive to what those Mulchatna animals were  
12 doing. So it was -- they deferred to them to open the season  
13 with a bag limit up to five caribou.

14  
15 MR. FISHER: That's correct. Thank you, Aaron.

16  
17 CHAIRMAN O'HARA: Does that answer your question,  
18 Robert?

19  
20 MR. HEYANO: (Nods affirmatively)

21  
22 CHAIRMAN O'HARA: Any other questions Council members  
23 might have? All right. Thank you, then we'll go down to  
24 Federal and State comments if they have any. Hearing none,  
25 we'll go on down then to Council deliberation on this Proposal  
26 45. What's the wish of the Council? Robin.

27  
28 MR. SAMUELSEN: Thank you, Mr. Chairman. I move that  
29 we adopt the proposed regulation with the date changes with the  
30 deletion of the last portion deleting Unit 18.

31  
32 CHAIRMAN O'HARA: Second?

33  
34 MR. BALLUTA: Second.

35  
36 CHAIRMAN O'HARA: Okay, Andy second. Any further  
37 discussion on -- yes, Robert.

38  
39 MR. HEYANO: Yes, Mr. Chairman. I'd like to make some  
40 changes to Proposal 45.

41  
42 CHAIRMAN O'HARA: The floor is yours.

43  
44 MR. HEYANO: Okay. The first one I'd like to change is  
45 that portion of 17(A), the October 1st date, have it start at  
46 the 1st of August for the Federal season.

47  
48 MR. ABRAHAM: The 1st of August?

49



MR. HEYANO: And the other portion, Mr. Chairman, is

00103

1 based on Nushagak Advisory Committee's proposals, what we're  
2 recommending to the State for Units 9(B) and 17(B) and (C) as  
3 far as bag limits goes is five caribou, however, no more than  
4 two bulls may be taken from the 1st of October to the 30th of  
5 November. Our concern there is October and November being the  
6 time of the rut and in State lands, all Alaska residents are  
7 allowed to hunt and the potential for abuse and in the interest  
8 in wanton waste, if they're allowed to take more than two bulls  
9 during the rut, and I wanted to prevent that from happening.  
10 And still allowing the people who actually -- the opportunity  
11 to take a small bull by mistake if they happen to choose to.

12

13 CHAIRMAN O'HARA: Okay.

14

15 MR. SAMUELSEN: I think that was -- in the State's eyes  
16 all Alaskans are subsistence users.

17

18 CHAIRMAN O'HARA: Any other changes?

19

20 MR. HEYANO: No, I think that's it for that.

21

22 MR. SAMUELSEN: Mr. Chairman, I'll accept that as a  
23 friendly amendment if it was offered as an amendment?

24

25 CHAIRMAN O'HARA: Is that okay, Andy, do you second it?

26

27 MR. BALLUTA: Um-hum. (Affirmative)

28

29 CHAIRMAN O'HARA: Okay, all right. That's an  
30 interesting point. We had the informational meetings with BBC  
31 and the Nushagak and the biggest concern was the wanton waste  
32 of a lot of animals, that was the number one subject that was  
33 discussed at our meeting, which we were quite surprised. It  
34 turned into a -- instead of an informational meeting, it turned  
35 into a subsistence meeting and we -- it was pretty good to hear  
36 large groups of people deal with this issue, so I think it's a  
37 good point.

38

39 Okay, any further discussion on the proposal?

40

41 MR. SAMUELSEN: Question.

42

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

44

45 IN UNISON: Aye.

46

47 CHAIRMAN O'HARA: Opposed.

48

49 (No opposing votes)



00104

1 CHAIRMAN O'HARA: Ayes have it. Excuse me, did you  
2 have a comment? I'm sorry, did you come up to comment on that?

3  
4 MR. HINKES: Yes, I did. Mike Hinkes from the Togiak  
5 Refuge.

6  
7 CHAIRMAN O'HARA: Um-hum. (Affirmative)

8  
9 MR. HINKES: I just had one comment on Robert's  
10 amendment as far as the August -- August 1, was that it?

11  
12 CHAIRMAN O'HARA: Yes.

13  
14 MR. HINKES: And our concerns being that Mulchatna herd  
15 is generally moved in there later in the fall and that the  
16 chances are any animals that would be there during August, you  
17 know, unless the herd comes over earlier, chances are they are  
18 either Nushagak or a Kilbuck animal that have been expanding  
19 into the area. And I think that's why we had the October 1  
20 date, the later date to protect any of those resident animals  
21 that may be expanding across the Togiak River.

22  
23 CHAIRMAN O'HARA: Um-hum. (Affirmative)

24  
25 MR. HINKES: Which we've had them on the east side of  
26 the river. So that was our only concern with having an earlier  
27 date in the fall.

28  
29 CHAIRMAN O'HARA: Okay. Did you want to change  
30 anything Robert or leave it like it is? Yeah, Robin.

31  
32 MR. SAMUELSEN: But in October they're in rut, the  
33 locals won't hunt them in October.

34  
35 CHAIRMAN O'HARA: August was your concern, isn't it?

36  
37 MR. HINKES: Right. It was August/September.

38  
39 MR. SAMUELSEN: August and September the Nushagak  
40 Peninsula, Kilbuck herds in there?

41  
42 MR. HINKES: Yeah. The animal's most likely to be  
43 found there during that time would be from those two herds and  
44 the Mulchatna's have generally come in a little bit late. IT  
45 seems like maybe it was late September this year when the  
46 larger numbers started moving into it. I don't remember, Andy,  
47 when that survey was. You know, so that would be our only  
48 concern with August. August especially, early September.

49

MR. SAMUELSEN: But this is west of the Togiak River?

00105

1 MR. HINKES: Right, I know it's west. But I mean  
2 because those two herds are expanding. I mean during that  
3 early time it's more likely to be those resident herds than  
4 larger groups from the Mulchatna early on.

5  
6 MR. SAMUELSEN: You have documentation that shows the  
7 Nushagak Peninsula caribou herd west of the Togiak River.....

8  
9 MR. HINKES: No.

10  
11 MR. SAMUELSEN: .....in August?

12  
13 MR. HINKES: No. I mean we have one -- there has -- we  
14 have one radio collar at this time that's been over in that  
15 country and we've never documented around the west side. I'm  
16 just saying it's more likely to be either Kilbuck or Nushagak  
17 animals earlier on. But it's possible that some of the  
18 Mulchatna animals that have migrated in there over the past  
19 three years are maybe hanging out there or setting up some sort  
20 of residency. That's the only concern that we have as far as  
21 that earlier hunt.

22  
23 CHAIRMAN O'HARA: Apparently we're going to leave it  
24 stand like it is? Okay. I apologize for not recognizing  
25 earlier, put your hand up and call my attention next time.  
26 Robert, did you have a comment? No, thank you. That proposal  
27 is passed.

28  
29 Okay, 46, open season 17.

30  
31 MS. EAKON: Proposal 46 would revise open season for  
32 caribou in Unit 17 and that's again presented by Dave Fisher.

33  
34 CHAIRMAN O'HARA: All right.

35  
36 MR. FISHER: Thank you, Mr. Chairman. This proposal  
37 was submitted by the Togiak National Wildlife Refuge. It would  
38 allow the refuge manager to open the season, set the season  
39 dates, set the harvest limit and the hunt area for caribou  
40 hunting in the remainder of 17(A) and 17(C). It's that area  
41 that doesn't deal with the Nushagak caribou herd.

42  
43 CHAIRMAN O'HARA: Okay.

44  
45 MR. FISHER: This proposal would establish a Federal  
46 subsistence season for possibly selected drainages depending on  
47 what the manager did. And in essence, what this does is  
48 replaces the special action last year which the refuge  
49 instituted to open that season east of the Togiak River. I

50 think it was east of the Togiak River, north of Pungokebuk Lake

00106

1 in that area for that expanding Mulchatna herd.

2

3 Federal lands that we're concerned with here are the  
4 Togiak National Wildlife Refuge in 17(A) and 17(C). Biological  
5 information, we've pretty much discussed that, again we're  
6 dealing with that expanding Mulchatna herd. We discussed that  
7 in #45.

8

9 Staff recommendation would be to replace the special  
10 action with this proposal and allow the manager to set the area  
11 and the dates and so on. That's all I have.

12

13 CHAIRMAN O'HARA: Okay. Any questions Council members?  
14 Do we have something from the refuge? Okay. I don't want to  
15 end up doing something and then asking you afterwards.

16

17 MR. ARCHIBEQUE: Well, okay, I'll go ahead and make one  
18 comment. I hate to go back and revisit #45, but just one more  
19 comment you might want to be aware of. If the Unit 18 proposal  
20 goes through, it will be a to be announced season for Unit 18.

21

22 CHAIRMAN O'HARA: It will be what?

23

24 MR. ARCHIBEQUE: To be announced.....

25

26 CHAIRMAN O'HARA: Okay.

27

28 MR. ARCHIBEQUE: .....by the refuge manager and  
29 coordination with the area biologist.

30

31 CHAIRMAN O'HARA: Um-hum. (Affirmative)

32

33 MR. ARCHIBEQUE: For this special action, if that goes  
34 through, that will also be a to be announced. But for Proposal  
35 45, if they go through the set season, you're going to have  
36 that silver that's going to be open that's going to be a set  
37 season. Everything else around it is going to be a to be  
38 announced season. I think in that proposal you just did away  
39 with the to be announced season in that area. SO there's going  
40 to be a little bit of difference there and it may create some  
41 problems, yeah, with the set season west of the Togiak River.

42

43 MR. FISHER: That part of 17(A) that's west of the  
44 Togiak River and goes up to 18.

45

46 MR. ARCHIBEQUE: It borders 18 and 18 you -- their  
47 proposal is to have a to be announced hunt.

48

49 CHAIRMAN O'HARA: Robin, do you have a comment?





00107

1 MR. SAMUELSEN: Yeah, on the August 1 to March 31st  
2 there on Proposal 45, can we have a to be announced included in  
3 there and based on the caribou herd, whether it's Kilbuck,  
4 Nushagak Peninsula or Mulchatna; you guys could make a judgment  
5 call? If you see a bunch of Kilbuck animals, August 1, you  
6 don't want to open, but if you see a bunch of Mulchatna animals  
7 in there, you'd want to open it.

8  
9 MR. ARCHIBEQUE: I think that was the idea behind 18's  
10 proposal, to be a little more responsive and to deal with it.  
11 I think that's what we were maybe looking at having that as the  
12 side boards and then being able to respond to what those  
13 animals are doing. But by having a set season in that -- in  
14 the previous proposal, that's going to be -- that area will be  
15 open all the time and you're going to have these other areas  
16 that are going to be a to be announced. And that's going to be  
17 -- there's going to be some confusion there.

18  
19 CHAIRMAN O'HARA: Okay.

20  
21 MR. FISHER: The feeling there in the Bethel area, by  
22 that Council, was that -- a to be announced season -- let me  
23 backup just a little bit. They do it -- the 10 day moose  
24 season there in Unit 18 and that's worked out real fine. It  
25 took a few years for the Feds and the State to kind of line up  
26 and agree on which 10 days, but now that they've kind of got  
27 things going, it's worked real well, just letting the local  
28 biologist sort of call the shots. And the same would apply  
29 here. These fellows are out there on the area and they're  
30 making flights, so they know what's the best thing to do.

31  
32 CHAIRMAN O'HARA: Well, maybe we should go back and  
33 align that then. Do we want to? Go ahead.

34  
35 MR. SAMUELSEN: Mr. Chairman, based on Staff's  
36 comments, I'd like to go back and revisit Proposal 45 and make  
37 an amendment.

38  
39 CHAIRMAN O'HARA: Okay, go ahead.

40  
41 MR. BOSKOFISKY: Second.

42  
43 CHAIRMAN O'HARA: Second, okay. We don't have to go  
44 through all the process, we can just handle that. Since we've  
45 already had all the information from.....

46  
47 MS. EAKON: Just revisit, yeah.

48  
49 CHAIRMAN O'HARA: Okay, go ahead, Robin.



00108

1 MR. SAMUELSEN: Yeah, in the August 1 opening date, I'd  
2 like to include in there that the season and hunt area to be  
3 announced by the Togiak National Wildlife Refuge manager.

4  
5 CHAIRMAN O'HARA: Okay.

6  
7 MR. ABRAHAM: Is it the west portion of Togiak?

8  
9 MR. SAMUELSEN: Yeah, it's that west portion. That way  
10 they could see what animals are there, if they're Kilbuck,  
11 Nushagak Peninsula or Mulchatna. If they're Mulchatna, then  
12 they could have an opening immediately on August 1. But if  
13 there's Kilbuck animals in there, a few Kilbuck animals or a  
14 few Nushagak Peninsula animals, they might want to not open  
15 that 'til September 15th or sometime when the Nushagak animals  
16 are in there.

17  
18 MR. ABRAHAM: October -- August 1 -- September -- there  
19 is no access to the, you know, to the back area at the time.  
20 The only access areas are by the river. So wasn't it last year  
21 winter time -- yeah, last year wintertime, they were both mixed  
22 Kilbuck and Mulchatna in that area at the time, if I remember  
23 right. We're learning little by little the herd doesn't, you  
24 know, hangout in one area all the time, it's constantly moving,  
25 doing something all the time.

26  
27 If that's the wishes of the Board, you know, I'll  
28 agree.

29  
30 CHAIRMAN O'HARA: I think we can live with that one  
31 okay.

32  
33 MR. ABRAHAM: I think so too, yeah. But when I go back  
34 to Togiak, you know, these things, I have to explain to the  
35 people over there. There is always going to be a little  
36 friction here and there with a certain group, certain people.

37  
38 CHAIRMAN O'HARA: Do you have the three party system in  
39 Togiak?

40  
41 MR. ABRAHAM: Yeah.

42  
43 MR. SAMUELSEN: Mr. Chairman, I think this is  
44 consistent to what we've been trying to achieve the last few  
45 years in the Kilbuck herd as well as the Nushagak Peninsula  
46 caribou herd. We've afforded those two herds because they're a  
47 small population and the expansion westward, especially  
48 Nushagak Peninsula caribou herd. It's now moving up by Twin  
49 Hills. And Staff has documented calving up by Twin Hills in

50 the Nushagak Peninsula caribou herd. We don't know at this

00109

1 time if them animals are going to cross to the west side of  
2 Togiak River. And I think what Staff is saying, they'd like to  
3 have the opportunity to go out and do the assessment on which  
4 herd is in the area before it's open and I think that's  
5 consistent to what we've been trying to strive to do.

6

7 CHAIRMAN O'HARA: Any further discussion? Call for the  
8 question?

9

10 MR. HEYANO: One comment, Mr. Chairman?

11

12 CHAIRMAN O'HARA: Yeah, go ahead, Robert.

13

14 MR. HEYANO: I think that opening needs to be done in  
15 conjunction with the State. If you look at the map there's  
16 quite a bit of State land around the community of Togiak. So  
17 I'm assuming that -- especially if it's going to be open in the  
18 early part of the season, August/September, primarily be on the  
19 State lands.

20

21 CHAIRMAN O'HARA: Okay.

22

23 MR. ARCHIBEQUE: Yeah, I agree with you Robert and we  
24 intend to do that. We've been coordinating all our efforts  
25 with the area biologist. And what we also want to do, we have  
26 met with the manager from Yukon-Delta and with their area  
27 biologist at the time and discussed doing it as a joint opening  
28 when they open 18, include that portion west of the Togiak  
29 River so that there isn't that problem like we've seen in the  
30 past. Where 18 was open, but that small silver of land between  
31 the Togiak River in 17(A) was not, so we're trying to do it to  
32 be consistent in that area.

33

34 One thing Andy just pointed out was that their proposal  
35 included an August 25th date, not an August 1st date. So if we  
36 really want to be consistent, you may want to look at that as  
37 well.

38

39 MR. HEYANO: Maybe they could change their proposal to  
40 the 1st of August.

41

42 CHAIRMAN O'HARA: I like the August 1. It gives people  
43 an opportunity to get some animals, yeah, it's good meat. Any  
44 further discussion? Call for the question?

45

46 MR. HEYANO: Question.

47

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

49

IN UNISON: Aye.

00110

1 CHAIRMAN O'HARA: Opposed.

2

3 (No opposing votes)

4

5 CHAIRMAN O'HARA: The ayes have it. Now, let's go back  
6 to 46. Where were we at on that now?

7

8 MS. EAKON: Dave was just saying that this replaces the  
9 special action that was done.

10

11 CHAIRMAN O'HARA: Pardon?

12

13 MS. EAKON: Dave had just finished saying that this  
14 proposal replaces the special action that was done.

15

16 CHAIRMAN O'HARA: Okay, we're into written part of it  
17 then? Or -- no, you're still carrying on?

18

19 MS. EAKON: Yeah.

20

21 CHAIRMAN O'HARA: Okay. I'm totally lost there.

22

23 MR. FISHER: I think I finished.

24

25 CHAIRMAN O'HARA: Oh, you did, okay.

26

27 MR. SAMUELSEN: What did you say?

28

29 MR. FISHER: Yeah, it deals with the remainder of 17(A)  
30 and (C), that area that wasn't covered by the previous  
31 proposal.

32

33 CHAIRMAN O'HARA: Now, we're in written comment unless  
34 the Council members have any questions of Dave. Okay, Helga.

35

36 MS. EAKON: The Alaska Department of Fish and Game  
37 supports this proposal. And that was the only comment we  
38 received on this proposal.

39

40 CHAIRMAN O'HARA: All right. Any questions on --  
41 Robin.

42

43 MR. SAMUELSEN: Mr. Chairman, I move to support  
44 Proposal 46.

45

46 CHAIRMAN O'HARA: Second?

47

48 MR. BOSKOFISKY: Second.

49



CHAIRMAN O'HARA: Okay, on the second. Any further

00111

1 discussion?

2

3 MR. HEYANO: Mr. Chairman?

4

5 CHAIRMAN O'HARA: Yeah, Robert.

6

7 MR. HEYANO: Once again I'd like to offer an amendment,  
8 I guess, if I'm a little faster, maybe we can discuss that  
9 before the motion's been made, but on this particular proposal,  
10 Mr. Chairman, I would like to have it read that in Unit 17(A)  
11 east of the Togiak River drainage and in 17(C) west of Wood  
12 River, excluding those lands consisting of the Nushagak  
13 Peninsula, Igushik River, Tuklung River, Tuklung Hills and west  
14 of some unknown bay here by Tvativak. What that would exclude  
15 is the area that is currently open to the Nushagak Peninsula  
16 herd permit hunt. So I would -- what I'm proposing is that --  
17 by EO -- that the area in 17(A) would be confined to the east  
18 side drainage of the Togiak River and Unit 17(C) is the west of  
19 the river, excluding those lands where the permit hunt takes  
20 place with the Nushagak Peninsula herd. I would like to have  
21 those dates the 1st of August to March 31st, may be open by EO  
22 and there's a minimum of 10,000 Mulchatna caribou present.  
23 Whenever possible, the open area needs to be confined to the  
24 10,000 Mulchatna caribou. Protection of the Nushagak Peninsula  
25 herd must be a consideration before any EO opening is  
26 authorized with a bag limit of two caribou.

27

28 CHAIRMAN O'HARA: Was that August 1 to March 31?

29

30 MR. HEYANO: Yes.

31

32 CHAIRMAN O'HARA: Okay.

33

34 MR. SAMUELSEN: I got a question.

35

36 CHAIRMAN O'HARA: Yeah, Robin.

37

38 MR. SAMUELSEN: Okay, Robert, question. On the west of  
39 the Wood River, there's got to be 10,000 caribou present before  
40 that area opens?

41

42 CHAIRMAN O'HARA: Didn't we act on it last year?

43

44 MR. HEYANO: Yes, Mulchatna animals.

45

46 CHAIRMAN O'HARA: Remember that.

47

48 MR. SAMUELSEN: Mulchatna animals, and that's 10,000  
49 between the Wood River and the Togiak River?



00112

1 MR. HEYANO: No, I think the intent is 17(A), 10,000 --  
2 and 17(C) would need 10,000 before there's an opening.

3  
4 CHAIRMAN O'HARA: I think when we dealt with it last  
5 year, we wanted 10,000 in 17(A) mainly, basically is what we  
6 wanted. Go ahead.

7  
8 MR. SAMUELSEN: Yeah, Mr. Chairman, well, I guess we  
9 need to accept -- if I understand this right I'm not going to  
10 accept it as a friendly amendment. So.....

11  
12 CHAIRMAN O'HARA: Yeah, he can make his motion if he  
13 wants on an amendment and somebody can second it.

14  
15 MR. HEYANO: Okay. I move as an amendment.

16  
17 CHAIRMAN O'HARA: To amend, okay, go ahead. Is there a  
18 second to his amendment for discussion purposes? No second?

19  
20 MR. ABRAHAM: Mr. Chairman?

21  
22 CHAIRMAN O'HARA: We got to have a second or you can't  
23 discuss it. Well, I think your amendment dies for a lack of a  
24 second, Robert. Okay, would the Council members like to  
25 discuss this a little further to see if we could come up with a  
26 compromise on Robert's amendment or do you want to just leave  
27 it like it is?

28  
29 MR. ABRAHAM: Mr. Chairman, I think 10,000 -- if that's  
30 going to be the threshold, I think that's a little too steep.  
31 The people in that area over there who would want a caribou,  
32 it's not just Togiak people or any place else. A threshold of  
33 10,000 in that area, I think, you know, is just a little too  
34 steep, don't you think?

35  
36 CHAIRMAN O'HARA: Well, Helga -- no, go ahead, Robin.

37  
38 MR. SAMUELSEN: Thank you, Mr. Chairman. Nushagak  
39 Advisory Committee as well as the Togiak Wildlife Refuge opened  
40 west of the Wood River, both on State and Federal lands.  
41 Caribou were in that area in December and it was a 30 day hunt  
42 -- I think it was a highly successful hunt that afforded the  
43 subsistence users an opportunity to get out on a snowmachine  
44 from Dillingham, Manokotak, Aleknagik and with the -- there's  
45 no biological concerns because of the growing Mulchatna herd,  
46 these were Mulchatna animals. But our winters have been  
47 changing, the last three or four winters, and I, myself,  
48 participated in that hunt as well as quite a few people from  
49 Dillingham and Aleknagik. But as the hunt opened up, the

50 caribou were headed for Weary River and they were exiting

00113

1 before the hunt even started. And I think it provided a real  
2 good opportunity for the people to get their caribou meat and  
3 that's why I wasn't going to accept Robert's proposal. I think  
4 10,000 animals just west of the Wood River in Unit 17(C) and  
5 17(A), east of the Togiak River is pretty excessive.

6  
7 Subsistence is an opportunity -- the practice is when  
8 the animals are there you harvest them. And I think caribou  
9 are proven that, you know, they may be going north today, but  
10 for some reason they'll turn west tomorrow and after they might  
11 be going south, we don't know where they're going. But it sure  
12 provided the people in Unit 17(C) a real good opportunity when  
13 they were there in December. And now it's -- the area's just  
14 like over here, there's no snow and it's real hard to get out  
15 on snowmachine.

16  
17 I think if the managers have in their tool basket, the  
18 right to open the area by they feel there's enough animals in  
19 the area and there's a number of factors that they could take  
20 into consideration. A lot of opposition. It was a very close  
21 vote by the Nushagak Advisory Committee to allow this opening,  
22 but I think when it did take place, it was one of the biggest  
23 gatherings I seen on the Nushagak Advisory Committee. But I  
24 think the hunt was real successful and it provided a real good  
25 opportunity for the subsistence users.

26  
27 CHAIRMAN O'HARA: Okay.

28  
29 MR. SAMUELSEN: Basically hunt via Sno-Go. And it was  
30 also a good -- very good experience for a number of people that  
31 brought their kids out caribou hunting for the first time  
32 instead of running the last three years, Mulchatna or  
33 someplace, they were able to take their young ones out and show  
34 them how to hunt -- during a caribou hunt and I think that's  
35 very important also.

36  
37 CHAIRMAN O'HARA: Any other comments? Robert.

38  
39 MR. HEYANO: Yes, Mr. Chairman, I guess my concern is  
40 that, you know, part of the management objective of the  
41 Mulchatna caribou herd is to maintain it at 50,000 animals.  
42 And the second objective is to continue the westward expansion  
43 of those animals. And what I saw happen last winter is that  
44 for the first time, right west of Dillingham, immediately west  
45 of Dillingham, in fact, my place is Mile 6.5 on the Lake Road  
46 and we probably had about a thousand animals in my backyard  
47 around Thanksgiving time. There was no snow. And from all  
48 reports we've had, there was between 1,500 and 2,000 animals in  
49 that area between there and the Weary River and up around Snake

50 River Warehouse Mountain. And it was the opinion of the State

00114

1 biologist that those animals came from the south shore of Lake  
2 Aleknagik where they spent most of the summer.

3  
4 And those animals were pretty relaxed. Spent a lot of  
5 time feeding. Sometime between Christmas and Thanksgiving we  
6 had some snow coverage. People, through curiosity and poaching  
7 were actually causing some disturbance to the animals and  
8 actually causing them to -- at that time to start moving.....

9  
10 (End Side A)  
11 (Begin Side B)

12  
13 MR. HEYANO: .....for a hunt to start on Christmas for  
14 a period of one month to the 25th of January. And it was  
15 pretty obvious, I think, you know, at that particular time,  
16 school vacation, Dillingham being the largest population  
17 community with Manokotak and Aleknagik being high populated  
18 areas that that activity moved them caribou out of the area in  
19 a real short order.

20  
21 You know, it wasn't -- I flew two days observing the  
22 hunt. Those animals were constantly being harassed and chased.  
23 A completely different picture than it was after Thanksgiving  
24 when there wasn't any snow on the ground as far as caribou  
25 behavior.

26  
27 So I guess my concern is that if we're going to  
28 continue with the second objective, with the westward migration  
29 or encourage the westward migration is is that -- and this is  
30 the first time this area has probably seen caribou in those  
31 kind of numbers for about a hundred years. And we can't allow  
32 a hunt to take place when there's only a couple of thousand  
33 animals or else they're going to chase them right out of the  
34 country side.

35  
36 There's two things that are diff -- there's another  
37 thing that is different if you look at the proposal and what  
38 we're proposing is actually opening the east side of Wood River  
39 that was currently closed. That would be open from August 1st  
40 to April 15th. And currently it's open from the 1st of August  
41 to the end of September and then it closes and needs to be  
42 opened by EO during the winter when there is 10,000 animals  
43 present. But we're proposing that change and that would --  
44 that portion would carry the same time frame as the rest of 17  
45 and the same bag limit of five caribou. So that should take  
46 care of some that problem. You know, it's very close for the  
47 Aleknagik and the communities of Dillingham are right across  
48 the Red River, Manokotak would have to travel half hour, 45  
49 minutes further.





00115

1           So I think it's important if we're going to maintain  
2 the second objective. And the 10,000 number came from is this  
3 committee, along with the Nushagak Advisory Committee has used  
4 10,000 as a primary figure. And of course, that number's been  
5 reduced once the caribou has frequented an area over several  
6 years, you know, we've reduced that. I think you see a 3,000  
7 number in for the west side of the Togiak, which was down from  
8 the 10,000 number. So it's just -- you know, it's things that  
9 we've done before and ask other people to abide by is the  
10 reason I took the 10,000 number. But I guess, you know, we  
11 could probably debate the 10,000 number, but you know, I don't  
12 think it's -- we can't debate the fact that by allowing what  
13 happened this winter and still maintain the second objective of  
14 the Mulchatna caribou.

15  
16           MR. ABRAHAM: Thank you, Robert. I know I see the  
17 light more clearly now. The people in the Togiak area were  
18 very upset at opening -- why, you know. When they've been  
19 asking over there for openings in such areas over there and  
20 then just overnight, why they had that opening, when they  
21 couldn't get nothing open over there. You know, it's like the  
22 Togiak area's been fighting for a lot of things, like not just  
23 the caribou, but walrus and things like that; started wondering  
24 why, maybe just being looked at as someplace different.

25  
26           I agree with Robert on that, you know.

27  
28           CHAIRMAN O'HARA: So you think there needs to be a  
29 revision of the proposal, um? Okay. Any other discussion  
30 Council members? Let's take a 10 minute break or do you have a  
31 comment, go ahead.

32  
33           MR. SAMUELSEN: Well, Mr. Chairman, Larry VanDaele.....

34  
35           CHAIRMAN O'HARA: Excuse me, was there someone here  
36 that needed to speak?

37  
38           MR. SAMUELSEN: Well, Larry VanDaele stated in the  
39 Nushagak Advisory Committee, that if them animals were going to  
40 be migrating out of the area, why not harvest them. Larry  
41 VanDaele is a Fish and Game biologist. And them caribou were  
42 migrating out of the area before the season even happened. And  
43 as we all know when you go after caribou on a snowmachine,  
44 they're not going to stand there and let you drive up and shoot  
45 them. There was some isolated incidents, I think, of kids and  
46 some of the non-subsistence users chasing caribou. Several of  
47 my friends have reported it to me.

48  
49           But again, I think the hunt was overall beneficial to

50 the subsistence users because they were right there and

00116

1 subsistence hunting is a -- you know, you take advantage when  
2 the animals are there. I don't think them animals would have  
3 stayed around that area because they were already exiting.  
4 Russell Nelson was flying daily keeping track of that herd and  
5 five days to a week before the hunt even opened, they were  
6 going up to the head of Weary River and up over the mountain  
7 range and they continued that pattern of the opening of the  
8 hunt and during the hunt. They were moving from down by Coffee  
9 Point and moving out. But you know, the people of Aleknagik,  
10 Dillingham and Manokotak, by and large, that use subsistence,  
11 some snowmachines hunt, there was just enough snow cover then  
12 to go out and get caribou and they were there. And one of them  
13 guys that were poaching early, and there was a few of them, you  
14 know, I can't support them guys. I supported the legal hunt.  
15 And like I said, Larry VanDaele said if they are going to move  
16 out, why not -- why not harvest them.

17

18 CHAIRMAN O'HARA: Okay.

19

20 MR. SAMUELSEN: They didn't show any indication of  
21 setting up residency in that area. And as far as the Nushagak  
22 Advisory Committee goes, the caribou that came to Togiak, you  
23 know, we designed -- our Nushagak Advisory Committee adopted a  
24 plan that we thought the Nushagak Peninsula caribou herd would  
25 go from east to west, migration this way. Well, it didn't  
26 happen that way, the caribou went up around by Bethel and came  
27 down by Quinhagak and Platinum and Goodnews and then came from  
28 the west to the east. And I think Aaron and them will testify  
29 that that was their migratory route. And I don't know what you  
30 guys ended up with last year over there, 25 -- between 25 and  
31 50,000 animals or whatever. And them all came from the west of  
32 Togiak. I think we were just blessed that these caribou showed  
33 up when they did last year right behind Dillingham.

34

35 And you know, another thing is that we need to worry  
36 about is a resource managers, we've got the Nushagak Peninsula  
37 caribou herd that is not being harvested because there's no  
38 more snow. I think this is the third year in a row and we're  
39 looking proposals to up that bag limit. We could have that bag  
40 limit at 10 animals, but because there's no snow, nobody's  
41 going to go down there and hunt them. That herd has grown by  
42 leaps and bounds, it's a very healthy herd and it's going to be  
43 expanding and the only way it could expand is to the north.

44

45 So one thing we got to take in consideration, when do  
46 we give up on the Nushagak Peninsula caribou herd, let them mix  
47 with the Mulchatna herd if we're going to put 10,000 animals  
48 between Dillingham and Manokotak. I mean we've got some  
49 serious management problems and something's going to have to

50 give, either we'll let the Nushagak Peninsula caribou herd go

00117

1 and mingle in with the Mulchatna caribou herd. And so far,  
2 from what I've been hearing from the refuge managers as well as  
3 the committee villages, they would like to keep that as two  
4 distinctive herds as much as possible. And when this season  
5 opened behind Dillingham, Aaron was involved, Togiak Wildlife  
6 Refuge staff was involved in protecting the Nushagak -- their  
7 concern was protecting the Nushagak Peninsula caribou herd.

8  
9 CHAIRMAN O'HARA: Do you have a comment on the refuge  
10 side? Okay. Dave, was there anything else that you wanted to  
11 mention?

12  
13 MR. FISHER: No.

14  
15 CHAIRMAN O'HARA: Okay. Let's take a 10 minute break  
16 and come back and look at this.

17  
18 (Off record)  
19 (On record)

20  
21 CHAIRMAN O'HARA: Helga, where are we at?

22  
23 MS. EAKON: You're still on 46.

24  
25 CHAIRMAN O'HARA: Okay, 46, there was no second to the  
26 amendment. Okay, there was no second to that unless the  
27 committee wants to -- for the amendment. So lets go back to  
28 the original motion then.

29  
30 MR. BOSKOFISKY: Question.

31  
32 CHAIRMAN O'HARA: Okay, all those in favor say aye.

33  
34 IN UNISON: Aye.

35  
36 CHAIRMAN O'HARA: Opposed.

37  
38 MR. HEYANO: Aye.

39  
40 CHAIRMAN O'HARA: Okay, one opposition. Now, we're  
41 back on 47. Before we go on to 47 -- where are we at in 47,  
42 Helga, I got totally lost here in the confusion, are we ready  
43 to act on it?

44  
45 MR. SAMUELSEN: No, we need the Staff analysis.

46  
47 CHAIRMAN O'HARA: Oh, we're just starting on it?

48  
49 MR. SAMUELSEN: Yeah.



00118

1 CHAIRMAN O'HARA: Okay. Before we start 47 then, we  
2 have Pete Caruso who'd like to testify on the leg-hold trap.  
3 And I realize that he works during the day and I talked to him  
4 last night and said that we would make a provision for him to  
5 come in if that's okay with the Council members. Pete, would  
6 you like to come up and give us your name and what you'd like  
7 to say today. Thank you, for coming by.

8  
9 MR. CARUSO: Thank you, everybody for giving me the  
10 opportunity. My name is Pete Caruso, I work for the Bristol  
11 Bay School District. I've been trapping in this area for the  
12 last 14 years, been teaching the younger kids out here how to  
13 trap, I chair the Indian Ed Board here at the school and we got  
14 a little program we're putting into place to teach the kids  
15 next year. To take them out, trapping skills, survival skills,  
16 hunting skill, et cetera, along those lines. I don't  
17 understand about this leg-hold trap in the preserves or  
18 anything like that or why they're doing it. But it seems like  
19 to me that the next thing you know we're not going to be  
20 allowed to use snares, connabears(ph), et cetera.

21  
22 What I see happening is it's going to close more of an  
23 area off to some of us who want to get out even more.  
24 Unfortunately I'm limited to an area because I don't have the  
25 full-time to put into the trapping like I'd like to. When that  
26 time comes, I would like to branch out in other areas along  
27 with other trappers. The area that I trap, up King Salmon  
28 Creek, I have a nice little 12 mile stretch that doesn't belong  
29 to me that I trap, people up above me, people below me, we have  
30 a gentleman's agreement not to step on each other. By closing  
31 off the preserve to leg-holds, like I say, that I foresee even  
32 closing it off altogether, folks are stepping on each other  
33 around here and also trapping closer into town, catching dogs,  
34 those types of things. And we're trying to stay away from a  
35 lot of that.

36  
37 So I just wanted to have that little bit of input  
38 there. I don't see the reasoning for the leg-hold to be  
39 banned. If you check your traps like you're supposed to, three  
40 or four times a week, usually when you get to the animal, they  
41 haven't been the trap very long. As a matter-of-fact, most of  
42 the time the skin isn't broken. If there's something in it you  
43 don't desire, you can easily let it go. I've done that before.  
44 Basically I just wanted to make that little pitch there.

45  
46 CHAIRMAN O'HARA: Yeah, good. Any questions for Pete?  
47 Thank you, very much for coming by Pete.

48  
49 MR. CARUSO: Thank you.





00119

1 CHAIRMAN O'HARA: Helga, we're on 47.

2

3 MS. EAKON: Proposal 47 would revise the harvest limit  
4 for caribou in Unit 17 and once again, Dave Fisher has the  
5 lead.

6

7 MR. FISHER: Thank you, Helga. Mr. Chairman, 47 would  
8 increase the harvest limit from one caribou to two caribou for  
9 the Nushagak caribou hunt. I think we've pretty much discussed  
10 and everyone is aware of the biological situation of that herd.

11

12 Staff recommendation was to support the proposal.  
13 That's all I have.

14

15 CHAIRMAN O'HARA: Okay, any questions of Dave? All  
16 right. Any written comments?

17

18 MS. EAKON: The Alaska Department of Fish and Game  
19 supports this proposal and that was the only comment we  
20 received.

21

22 CHAIRMAN O'HARA: Any public comment on this? Anymore  
23 Federal and State concerns on this issue? Council members,  
24 what's your wishes?

25

26 MR. HEYANO: Move to adopt Mr. Chairman.

27

28 CHAIRMAN O'HARA: Second?

29

30 MR. SAMUELSEN: Second.

31

32 CHAIRMAN O'HARA: Any further discussion? All those in  
33 favor say aye.

34

35 IN UNISON: Aye.

36

37 CHAIRMAN O'HARA: Opposed.

38

39 (No opposing votes)

40

41 CHAIRMAN O'HARA: Ayes have it. Okay, Helga.

42

43 MS. EAKON: Proposal 48 would provide for same day  
44 airborne hunting of caribou in Unit 17, Dave Fisher.

45

46 MR. FISHER: Thank you, Helga. The way 48 is proposed  
47 and written, it would establish same day airborne subsistence  
48 hunting for caribou only on the Nushagak Peninsula.

49

Land status here is were dealing with only the Togiak

00120

1 National Wildlife Refuge. Nushagak Peninsula is also composed  
2 of village corporation lands. The important thing we should  
3 note here is those village corporation lands come under the --  
4 follow the Alaska Department of Fish and Game regulations,  
5 while the refuge lands follows Federal Fish and Wildlife  
6 Service regulations. Again, we're dealing with the Nushagak  
7 Peninsula, we're pretty much up on what that herd is doing.

8  
9 Current Federal subsistence regulations prohibit the  
10 take of wildlife same day airborne. State regulations are  
11 quite similar. There is an exception there in the State  
12 regulations, you have to be to hunt same day airborne provided  
13 you are 300 feet from your airplane. There's also another  
14 regulation that enters into it and that's the Airborne Hunting  
15 Act, that prohibits the same day airborne hunting shooting or  
16 intention to shoot any type of wildlife or harassing any  
17 wildlife.

18  
19 In talking with the anthropologist in our office we've  
20 found very little information as far as same day airborne  
21 hunting of caribou. However, there was some aircraft were used  
22 in the Bristol Bay area for same day airborne hunting prior to  
23 the Airborne Hunting Act. The animals taken there were  
24 primarily wolves and wolverines. Management of this caribou  
25 herd is a cooperative effort. A management plan has been  
26 developed by the Nushagak caribou planning team and that plan  
27 does not mention anything about using same day airborne hunting  
28 as a management tool.

29  
30 To sum it up here, the Staff recommendation was to  
31 reject this proposal. Staff felt that allowing same day  
32 airborne hunting may increase the harvest somewhat, but  
33 probably not that much. Fish and Wildlife Service and all the  
34 cooperators with this herd, I'm pretty familiar with it, I was  
35 in Dillingham when we did the reintroduction, so -- the Service  
36 and these cooperators have gone quite a ways to maintain the  
37 integrity of this herd. Allowing same day airborne could  
38 create enforcement problems. Like I mentioned previously you  
39 have two areas, if this proposal passes, you would have one  
40 area where you allow same day airborne hunting and you'd have  
41 one area where there'd be no airborne hunting. And where those  
42 boundaries are it's pretty hard to distinguish from the air let  
43 alone from the ground.

44  
45 Biologically, probably not a problem, depending on how  
46 much activity you had in the area. How many airplanes you  
47 would have out same day airborne hunting versus how many  
48 snowmachines you may have on the ground. The combination of  
49 both could disrupt this herd. I think we've had some previous

50 discussion concerning the Dillingham area, what happened when

00121

1 those animals moved in and there was snowmachine activity and  
2 some airplane activity, it did push the animals out. Again, it  
3 depends on the number of planes, weather conditions, where the  
4 animals are located, number of snowmachines, time of year and  
5 so on.

6  
7 That's basically all I have.

8  
9 CHAIRMAN O'HARA: Okay. Any questions for Dave,  
10 Council members? Did you have a question there, Robert?

11  
12 MR. HEYANO: Yes. Dave, is there currently any hunting  
13 done on this Nushagak Peninsula herd on State land?

14  
15 MR. FISHER: Yes.

16  
17 MR. HEYANO: Where at? Where's the State season?

18  
19 MR. FISHER: Well, there's just a Federal season, but  
20 there is hunting on State land. I take that back, it's all on  
21 Federal land.

22  
23 MR. HEYANO: That's correct.

24  
25 MR. FISHER: That's correct.

26  
27 MR. HEYANO: Where these caribou are located, there is  
28 some private corporation land which would fall under State  
29 regulations, but that applies even today to the people who get  
30 the permits to hunt, they're not allowed to hunt on those State  
31 lands. This is just a Federal hunt.....

32  
33 MR. FISHER: On Federal lands.

34  
35 MR. HEYANO: .....on Federal lands.

36  
37 MR. FISHER: That's correct.

38  
39 MR. HEYANO: So those State lands today are closed to  
40 hunting.

41  
42 MR. FISHER: That's correct. The point I was trying to  
43 make was that it's hard to tell where the State lands leave off  
44 and the Federal lands pick up; where those boundaries are,  
45 where those land boundaries are. So you could have --  
46 potentially you could have some enforcement problems, depending  
47 on where the animals are.

48  
49 MR. HEYANO: But not any more enforcement problems than

50 you're faced with today because those boundaries, I agree with

00122

1 you, are hard to determine on the ground. There's no -- we're  
2 talking about this little sliver of land here on the Nushagak  
3 Peninsula, Mr. Chairman, on the east side.

4  
5 CHAIRMAN O'HARA: Yeah, I see that.

6  
7 MR. HEYANO: There's no geographic boundary at all.  
8 You wouldn't have any more enforcement problem than you have  
9 now because the difficulties there for everybody, right?

10  
11 MR. FISHER: That's correct.

12  
13 CHAIRMAN O'HARA: Any further questions? Okay, thank  
14 you, Dave. Helga.

15  
16 MS. EAKON: The Alaska Department of Fish and Game  
17 supports this proposal, end of comments.

18  
19 CHAIRMAN O'HARA: Okay, no other -- any comments from  
20 the public on this Proposal 48? Yes, Smiley, you'd like to  
21 come up, you have a card here already.

22  
23 MR. KNUTSEN: I do have a question. John Knutsen with  
24 Paug-Vik, Inc., Ltd., here in Naknek. This would be restricted  
25 to residents of 17 -- what is that 17.....

26  
27 CHAIRMAN O'HARA: 17(A).

28  
29 MR. KNUTSEN: 17(A); is that correct?

30  
31 MR. SAMUELSEN: No, 17(C) and (A).

32  
33 CHAIRMAN O'HARA: 17(C).

34  
35 MR. HEYANO: No, Mr. Chairman, it's actually a further  
36 restriction. This permit hunt is only allowed by, I think  
37 seven communities who participated in the cooperative  
38 management agreement, Togiak, Twin Hills.....

39  
40 CHAIRMAN O'HARA: Manokotak.

41  
42 MR. HEYANO: .....Manokotak, Dillingham, Clark's and  
43 Ekwok.

44  
45 CHAIRMAN O'HARA: Not Alegnagik?

46  
47 MR. FISHER: Yes, Alegnagik is.

48  
49 MR. HEYANO: And Alegnagik.





00123

1 CHAIRMAN O'HARA: All right.

2

3 MR. KNUTSEN: Okay, and I have one other question  
4 pertaining to caribou hunting I need clarified. When the State  
5 season for hunting caribou is open, does that mean refuges are  
6 closed too or can State residents hunt on Federal lands during  
7 the State open season?

8

9 MR. FISHER: Well, if you're talking about Nushagak  
10 Peninsula, there is no State season for caribou hunting on the  
11 Nushagak Peninsula.

12

13 CHAIRMAN O'HARA: Maybe he's talking in generalities.

14

15 MR. KNUTSEN: Yeah, but how do you -- I know that if --  
16 and Ron or Lee can correct me if I'm wrong, but when the State  
17 season is open, we can hunt on the Becharof Refuge. How did  
18 that -- how do you -- I mean why is that way here and different  
19 for another refuge?

20

21 MR. FISHER: Well, it happens to be different on the  
22 Nushagak Peninsula. Historically it's been a long time since  
23 there were caribou there and that we introduced the herd there  
24 and this is sort of a specific hunt that's setup just for this  
25 area. And primarily the only people that are allowed to  
26 hunting on Federal lands are primarily those cooperators that  
27 entered into a cooperative agreement to get the caribou -- a  
28 reintroduction going.

29

30 CHAIRMAN O'HARA: Go ahead, Robin.

31

32 MR. SAMUELSEN: Dave, with the opening of 17(C), west  
33 of the Wood River, would this same day airborne regulation --  
34 would it have taken effect during the December caribou hunt on  
35 -- when the State opens State lands and the Feds concurred and  
36 opened the Federal lands for the Mulchatna caribou herd? Maybe  
37 it's better asked of Aaron.

38

39 MR. FISHER: I'm not quite sure I understand your  
40 question. The way the proposal is written, it's just --  
41 they're just wanting the same day airborne hunting on the  
42 Nushagak Peninsula. I don't know if I -- maybe you want to  
43 reword your question or maybe Aaron could answer it.

44

45 MR. ARCHIBEQUE: No, Robin, I don't believe it would  
46 have. Because the boundary that was setup for that opening was  
47 from the Wood River to the Weary River. And it doesn't include  
48 the hunt area described for the Nushagak Peninsula, which is, I  
49 think, includes that Igushik drainage, so it would not have

50 been in that same area.

00124

1 MR. FISHER: Aaron's right, it would exclude that area.

2  
3 CHAIRMAN O'HARA: Okay, any other questions? Okay, we  
4 have finished public comment, agency comments. Anymore  
5 comments from the Federal or State people on this issue? We'll  
6 take it then down to the Council level, what's the wish of the  
7 Council on this proposal that's recommended by the Nushagak  
8 Peninsula caribou planning committee to have same day airborne  
9 hunting on the Nushagak Peninsula caribou herd? What's the  
10 wishes of the Council? Vote it up or down or defer it?

11  
12 MR. HEYANO: Well, Mr. Chairman, I think we ought to  
13 take some type of action on it. You know, it's submitted by  
14 the planning team for the Nushagak Peninsula caribou herd. And  
15 as the information showed, due to weather conditions, I think  
16 the intent -- the management intent is to harvest 200 caribou  
17 per year now and the highest number that we've had in the last  
18 season was 52 caribou. That's in my opinion, a primary result  
19 of the traveling conditions. This herd was transplanted in  
20 that area to provide for a subsistence harvest -- harvest for  
21 those specific communities and it seems that that hasn't  
22 happened. Hasn't happened since a harvest was allowed to take  
23 place. Currently, issue, I think it's 300 permits in an  
24 attempt to harvest 200 animals and that hasn't happened. I  
25 think by allowing our previous action, by allowing one  
26 individual to obtain two -- be allowed to take two caribou, it  
27 suddenly makes it more economic, feasible for three people to  
28 charter an air taxi down and come back with six caribou.  
29 Whereas before if you had to go down and come back with half  
30 that many, it -- it probably didn't pencil out economically.

31  
32 The other thing is is in the community of Dillingham,  
33 there are numerous individuals who own private aircraft that  
34 would probably be able to take part in this hunt. And I think  
35 it's a unique situation, similar to that what we saw up in Lake  
36 Clark on the brown bear. You know, we said in order for the  
37 protection of the resource we're going to allow X amount of  
38 bears to be taken and only certain people in certain  
39 communities -- or people in certain communities would only be  
40 eligible to take those animals and that's a similar situation  
41 we have here.

42  
43 I can't agree with some of the Staff comments here.  
44 You know, it says aircraft used in Bristol Bay are primarily  
45 for the taking of wolf and wolverine since the late '40s and  
46 '50s. I think we all know before it was prohibited by the  
47 State that any local resident who owned an aircraft used them  
48 also to do some caribou hunting.

49

CHAIRMAN O'HARA: Yeah, where did that come from, Dave?

00125

1 Who put that in the writing?

2

3 MR. FISHER: I wrote the Staff analysis. And I think  
4 what we're referring to there was, law enforcement records and  
5 historical records show that most of the animals that were  
6 taken prior to the Airborne Hunting Act was -- same day  
7 airborne were primarily wolves and wolverines, that's what  
8 aircraft was primary used for.

9

10 CHAIRMAN O'HARA: That's not true at all.

11

12 MR. FISHER: We've found very little information that's  
13 said that aircraft were used for the taking of moose and  
14 caribou.

15

16 CHAIRMAN O'HARA: We surely did. From the early days  
17 of flying, you know, before this -- even before the State, we  
18 hunted on all those lands with aircraft and I was very young  
19 when we hunted with aircraft in those days. So that's a good  
20 point, Robert, go ahead.

21

22 MR. HEYANO: So you know, with that, Mr. Chairman, I  
23 think it's -- it's very clear in my mind that the use of  
24 aircraft for taking in this particular instance, caribou, has a  
25 long history in Bristol Bay. There was a period of time when  
26 people from Manokotak, Togiak and Twin Hills would charter air  
27 taxi operators to come over to the Peninsula here.....

28

29 CHAIRMAN O'HARA: Johnson Hill.

30

31 MR. HEYANO: .....to hunt when they were allowed to do  
32 so, same day airborne, a group of people got together and did  
33 that and divide their meat. So I think aircraft is being  
34 unduly singled out here for the subsistence user. I think we  
35 heard yesterday that we need to make these -- we need to take  
36 into consideration subsistence practices that other people  
37 might have or use and be sensitive to those needs and in this  
38 particular area, you know, aircraft has been.

39

40 So I can't -- I really can't see any good reason in  
41 this particular instance not to allow it, other than it's --  
42 maybe it's politically incorrect. And I don't know if we want  
43 to be managing subsistence users based on what's politically  
44 correct or not. And I think there is another discrepancy here  
45 in the State analysis -- or the Staff's analysis, not the  
46 State, is that currently you're allowed to take caribou in  
47 17(C), 17(B) and 9(B), same day airborne, Mulchatna caribou,  
48 today, you're allowed to do (inaudible). And as far as  
49 concerns for the Federal Airborne Hunting Act for harassment

50 and whatnot, you know, I think that kind of activity hinges on

00126

1 individuals and not necessarily the type of -- the mode of  
2 transportation they use. We're all aware that there are the  
3 same regulations prohibiting people to drive, herd or molest  
4 wildlife with a motorized vehicle, but still you know, a lot of  
5 people use that form of method and I don't -- I haven't seen  
6 very many convictions or citations dealing with that type of  
7 typical violation.

8  
9 So I think that's about all I have for here. I think  
10 this was supported by the planning committee. I think we've  
11 underachieved the harvest and I think this will allow  
12 additional opportunity to meet those harvest objectives.

13  
14 CHAIRMAN O'HARA: Can you -- by regulation, you cannot  
15 hunt and shoot the same day airborne on Federal lands, Dave?

16  
17 MR. FISHER: No.

18  
19 CHAIRMAN O'HARA: Except for deer?

20  
21 MR. FISHER: Deer in Unit 6, I believe. There's no  
22 airborne hunting at all on park or preserve lands.

23  
24 CHAIRMAN O'HARA: All right. What's the wishes of the  
25 Council, any comments before we take action on this? Hearing  
26 none, let's have a motion.

27  
28 MR. HEYANO: I move the adoption of Proposal 48, Mr.  
29 Chairman.

30  
31 CHAIRMAN O'HARA: Second?

32  
33 MR. BOSKOFISKY: Second.

34  
35 MR. ABRAHAM: Second.

36  
37 CHAIRMAN O'HARA: Okay, any further discussion? All  
38 those in favor say -- oh, excuse me, I'm sorry, go ahead.

39  
40 MR. SAMUELSEN: Thank you, Mr. Chairman. I'll be  
41 voting in opposition of Proposal 48. I feel, as well as the  
42 Bristol Bay Native Association, board of directors, that  
43 hunting by aircraft is not a customary and traditional tool. I  
44 think that the transplanted -- and the board has voted on that  
45 specific issue, on aircraft. I think this area that we're  
46 talking about, the reason why the caribou were transplanted  
47 into that area was because of the close proximity to the  
48 communities of -- that are participating in the Nushagak  
49 Peninsula caribou management plan. It was never the intent of



50 the committee to allow airborne hunting into this area.

00127

1           We feel, I feel that if we do allow hunting into this  
2 area, it is going to focus the outside world on this area and  
3 as well as hunting on Federal conservation units. I only have  
4 to relate back to the trapping experience that we're going  
5 through right now on traps. The animal rights groups got all  
6 in an uproar about traps and now they're trying to ban them,  
7 we're in a fight for one of our customary and traditional  
8 practices, which is trapping. I feel that the villages that  
9 are participating in the Nushagak Peninsula caribou management  
10 plan have not had a reasonable opportunity to harvest them  
11 animals, that's why they're up to 1,500 because of the lack of  
12 snow conditions. That was brought out at the planning  
13 committee meetings. You go to a land use map and see who owns  
14 the land adjacent to the Federal lands in this area, it's hard  
15 to define the boundaries, so I feel that the aircraft -- and  
16 I'm not trying to debate whether it's customary and traditional  
17 or not, but the board has voted, like I stated earlier that  
18 they feel that snowmachines are, that yes, aircraft has been  
19 used for a long time in the Bristol Bay region, not only for  
20 wolf hunting, but for moose and caribou hunting. But this herd  
21 was put in place to give these folks in the surrounding  
22 villages a reasonable opportunity and that reasonable  
23 opportunity, I think, was looked at as by snowmachine or going  
24 down there by a boat in the fall and hunting.

25  
26           And we haven't seen the full effects of what the  
27 subsistence hunters can do to that herd yet because of the  
28 weather conditions the last few years. I think people that  
29 have airplanes are a few people in each community. You know  
30 who owns an airplane over here, there's 800 people here in  
31 Naknek and I don't know how many people own airplanes, but you  
32 could probably name every one of them, Dan. Airplane users do  
33 have a reasonable opportunity, 17(C) is open to them, west,  
34 17(B) is open to them. They have roughly 200,000 Mulchatna  
35 caribou they could fly off and hunt. And I just feel very  
36 strongly that when animals are in close proximity to the  
37 communities like that that airplanes should not be used. I  
38 think that it's just a matter of convenience for a few and it's  
39 not a true reflection of the majority of the hunters.

40  
41           I'll be opposed to it.

42  
43           CHAIRMAN O'HARA: Any other comments, Council members?  
44 Robert.

45  
46           MR. HEYANO: Mr. Chairman, I guess I would ask Robin,  
47 how did the Bristol Bay Native Association come up with their  
48 determination that aircraft wasn't customary and traditional?  
49

MR. SAMUELSEN: The board deliberated for quite a while

00128

1 and they felt that by and large that the majority of their  
2 shareholders or tribal members did not use airplanes and that  
3 it was just a very few in each community. And they were also  
4 under the -- they also knew that wanton waste has been a major  
5 problem within the Bristol Bay region. With all Alaskans being  
6 subsistence users and the influx of sport hunters into the  
7 area, they had before them data that showed that the ADF&G  
8 biologists on Dillingham side as well as the Naknek side, that  
9 75 percent of the kill sites that they inspected were wanton  
10 waste cases, too much meat being left out in the field. They  
11 just didn't want to foster anymore aircraft hunting areas, I  
12 guess, and the close proximity of these communities to the  
13 resource, they wanted the pilots to go further away.

14  
15 They felt you guys had a reasonable opportunity to fly  
16 anywhere you wanted to outside the area.

17  
18 MR. HEYANO: I guess that's a politician's answer to a  
19 simple question. I don't think he answered the question. But  
20 I guess it's pretty apparent to me, Mr. Chairman, that they  
21 didn't use the criteria that we're mandated to follow as to  
22 determining customary and traditional use practices. And  
23 irregardless of how this vote goes, I think we should, as a  
24 committee, ask the Staff to make that determination. There's a  
25 lot of us here who actually believe that the use of aircraft is  
26 a customary and traditional practice.

27  
28 And you know, it's pretty obvious that the Bristol Bay  
29 Native Association doesn't think that those of us who use  
30 aircraft for subsistence purposes can do so in a responsible  
31 manner or that we are even true subsistence users. And I think  
32 the other thing we need to be aware of, Mr. Chairman, is that  
33 we represent all subsistence users in our area and not just the  
34 Native people. And I think that's probably some difference  
35 there between what BBNA's position could be and the other  
36 subsistence users in the area. So I think we need to get that  
37 issue settled and maybe make that as a priority.

38  
39 CHAIRMAN O'HARA: Do that for the next meeting, yeah.  
40 Robin, you wanted to make another comment.

41  
42 MR. SAMUELSEN: Yeah, thank you, Mr. Chairman. Joe  
43 Clark, who sits on the Nushagak caribou planning team voted in  
44 favor of allowing airplanes. However, at the BBNA meeting, Joe  
45 said he didn't quite understand the vote and he voted to oppose  
46 traditional airplanes. So that was a pretty interesting  
47 observation on my behalf. Joe said that, you know, with all  
48 Alaskans being subsistence users, both Native and non-Native,  
49 and the influx of subsistence hunters in the Bristol Bay that

50 he couldn't support it.

00129

1 CHAIRMAN O'HARA: Robert, go ahead.

2  
3 MR. HEYANO: Yeah, I think we're mixing apples and  
4 oranges here. We're talking about a use of aircraft on a  
5 limited hunt similar to the bear situation in Lake Clark. I  
6 think a lot of us would have voted different if we thought that  
7 was opened up to all State subsistence users. But I personally  
8 felt very comfortable that it was those five communities and  
9 only 10 bear.

10  
11 CHAIRMAN O'HARA: Um-hum. (Affirmative)

12  
13 MR. HEYANO: In this particular instance, it's seven  
14 communities and 200 caribou. And you know, I could probably  
15 agree with some of Robin's analogy there if we're at the 200  
16 mark and we're trying to make them more efficient, but the data  
17 clearly shows we don't even come close. I just think this is a  
18 good opportunity for all the people of these communities and  
19 the reason they're not getting close to the 200 is the  
20 traveling conditions, well, now we give them another option, if  
21 they choose to do so, to hire an airplane to go down to hunt  
22 caribou. It's pretty close proximity, you know, we're not  
23 talking a lot of flying time, so it's -- I think it's an  
24 economically feasible option to provide the people so they can  
25 harvest those 200.

26  
27 CHAIRMAN O'HARA: Okay.

28  
29 MR. ABRAHAM: Dan -- excuse me, Mr. Chairman?

30  
31 CHAIRMAN O'HARA: Please, go ahead.

32  
33 MR. ABRAHAM: Not only that, but fall time when you  
34 have the season -- it's when the waters are rough. Togiak  
35 people over there, they like -- they want to go over there to  
36 hunt, but, you know, they can't because of the rough waters in  
37 the fall time. And then not only that, a single person  
38 wouldn't benefit by going over there and getting one because,  
39 you know, charge of an airplane to go down there and back, when  
40 he could turnaround and use that charter, he might as well go  
41 into the store and buy -- you know, buy meat with it. You  
42 know, something like that. But if like two or three people  
43 would get together and charter there in the fall time, I don't  
44 know, they might be lucky. But in the winter conditions -- the  
45 wintertime over there, I don't think Togiak ever had any  
46 opportunity to hunt in Cape Constaine ever. I think last year  
47 only two people that went, but they had to fly to Manokotak to  
48 do that, but not from Togiak, you know, on a snowmachine.

49

CHAIRMAN O'HARA: Okay, any other discussion, Council

00130

1 members? Yes, Robin.

2

3 MR. SAMUELSEN: This is more for Aaron there. Aaron,  
4 in the State regulations isn't there a companion to allow same  
5 day airborne hunting on State land in Unit 17(B) west of the  
6 Nushagak; isn't there a proposal in there for that?

7

8 MR. ARCHIBEQUE: No, not that I'm aware of.

9

10 MR. SAMUELSEN: I thought there was.

11

12 CHAIRMAN O'HARA: Okay, you got the Nushagak herd of  
13 about 1,500 animals and the proposal has been written to  
14 support same day as airborne hunting on 200 animals at a  
15 certain time, from -- the date is January 1 to April 15th, two  
16 animals, right and that's what we have. I just might make a  
17 comment that I made a real strong push.....

18

19 MR. ABRAHAM: August 1.

20

21 CHAIRMAN O'HARA: Did I miss a date there? What's the  
22 dates?

23

24 MR. SAMUELSEN: January 1 to April 15th.

25

26 CHAIRMAN O'HARA: Yeah, it's January 1, Page 95.

27

28 MR. HEYANO: No, I think the dates are August 1st to  
29 August 31st and December 1st to March 31st.

30

31 CHAIRMAN O'HARA: What page is it on Robert?

32

33 MR. HEYANO: I'm looking at Page 90, Mr. Chairman, at  
34 Proposal 47, which is a previous proposal, but those set out  
35 the harvest dates for that particular hunt.

36

37 CHAIRMAN O'HARA: Oh, okay, I was looking at what was  
38 written in the 48. Okay, so that's the issue. I made a big  
39 push for -- I do believe that aircraft is customary and  
40 traditional use because we've used it for so long. And I made  
41 a big push for same day as airborne hunting in the refuges for  
42 -- when the wolf situation was cutoff. And I went to the  
43 Bristol Bay Native Corporation, BBNC, to have a resolution  
44 passed and low and behold they turned me down. And they said  
45 that the reason was is that the aircraft had an opportunity to  
46 get a wolf and the snowmachiners were disadvantaged by not  
47 having an aircraft, more people have snowmachines, so they did  
48 that.

49



I favor airborne hunting on -- when the animal numbers

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1 are up. And I guess there's just not enough animals here, as  
2 far as I'm concerned, to have an airborne hunt if I were to  
3 vote on this issue.

4  
5 So any further discussion? Call for the question.

6  
7 MR. SAMUELSEN: Question.

8  
9 MR. HEYANO: Question.

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

12  
13 IN UNISON: Aye.

14  
15 CHAIRMAN O'HARA: Three ayes. All no.

16  
17 MR. SAMUELSEN: Aye.

18  
19 CHAIRMAN O'HARA: Aye. Okay, we've had two no's and  
20 three.....

21  
22 MS. EAKON: Roll call.

23  
24 CHAIRMAN O'HARA: Roll call, okay.

25  
26 MS. EAKON: Robin?

27  
28 MR. SAMUELSEN: No.

29  
30 MS. EAKON: Robert?

31  
32 MR. HEYANO: Yes.

33  
34 MS. EAKON: Dan?

35  
36 CHAIRMAN O'HARA: No.

37  
38 MS. EAKON: Pete?

39  
40 MR. ABRAHAM: Yes.

41  
42 MS. EAKON: Alvin?

43  
44 MR. BOSKOFKY: No.

45  
46 MS. EAKON: Andrew?

47  
48 MR. BALLUTA: Yes.

49

CHAIRMAN O'HARA: Hey, tied it. Three to three?

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1 MS. EAKON: Um-hum. (Affirmative)

2

3 CHAIRMAN O'HARA: Okay, doesn't go anywhere. All that  
4 work for nothing boys. Well, that was interesting. That was  
5 interesting. Okay, next proposal Helga.

6

7 MS. EAKON: Okay, Mr. Chair.....

8

9 CHAIRMAN O'HARA: I thought this was a rubber stamp  
10 board there for awhile, but that really changed that around in  
11 a hurry.

12

13 MS. EAKON: .....Proposal 49 would revise the customary  
14 and traditional use determination for moose in Unit 17. And  
15 we're going to handle this in two parts because as you -- at  
16 the last meeting you had requested that a field visit be done  
17 to get the views of the Quinhagak residents as to their use of  
18 moose in 17(A), and that will be part one and Pat McClenahan  
19 will do both parts. The second part is going to focus on same  
20 issue with Akiachak and -- Akiak and Akiachak.

21

22 MS. McCLENAHAN: Maybe I should hand these maps out  
23 now.

24

25 CHAIRMAN O'HARA: Good idea.

26

27 MS. McCLENAHAN: I'm going to refer to them in part in  
28 just a minute.

29

30 MR. SAMUELSEN: Helga, the comments that go before the  
31 Federal Subsistence Board, how come we don't get them? I  
32 thought we would automatically get them on proposals that we're  
33 acting on.

34

35 MS. EAKON: Yes, they would ordinarily be in your book,  
36 but for some reason they were left out.

37

38 MR. SAMUELSEN: Okay.

39

40 CHAIRMAN O'HARA: I don't think this is going to go  
41 anywhere, this proposal.

42

43 MR. SAMUELSEN: I didn't make it over there either.

44

45 CHAIRMAN O'HARA: Pete did.

46

47 (Off record comments)

48

49 MS. McCLENAHAN: Mr. Chairman?



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1 CHAIRMAN O'HARA: Okay, Pat.

2

3 MS. McCLENAHAN: I'm Pat McClenahan from Anchorage.

4

5 CHAIRMAN O'HARA: Okay.

6

7 MS. McCLENAHAN: Proposal 49 is a complex proposal  
8 because it combines a backlog proposal for Quinhagak that has  
9 been under consideration as Proposal 96-36 and it adds to it a  
10 new proposal for Akiak and Akiachak. So what we're going to do  
11 is split this into two pieces and you can act on this as you  
12 like. If you'd like to act on the first part and then move to  
13 the second part or if you want to act on it altogether at the  
14 end, whatever.

15

16 CHAIRMAN O'HARA: Okay.

17

18 MS. McCLENAHAN: Proposal 49 was submitted by the Akiak  
19 and Akiachak IRA. It requests positive and customary and  
20 traditional determination for moose in Unit 17(A) for the  
21 residents of Quinhagak, Akiak and Akiachak and in Unit 17(B)  
22 for residents of Akiak and Akiachak.

23

24 The first part of this proposal considers Quinhagak.  
25 Quinhagak introduced -- the Quinhagak part of this proposal was  
26 introduced last year. It was taken up by this Council last  
27 winter and it was deferred because Region 5 supported the  
28 proposal, but Region 4 opposed it. So at the April 30th, 1996  
29 Federal Subsistence Board meeting, action on the proposal was  
30 deferred in order to give Region 4 and Region 5 Councils an  
31 opportunity to resolve the issue between themselves (sic). At  
32 this point I'm going to stop and we'll have a special  
33 presentation.

34

35 MR. ABRAHAM: Okay, on the pamphlet right here on Page  
36 -- this other side of Page 123, we -- Jon and I went to  
37 Quinhagak and Robin was somewhere else, I had asked a lot of  
38 questions pertaining to this 17(A) moose hunting. But I found  
39 out -- remember that proposal that Quinhagak had a couple years  
40 ago, a year ago that they used to hunt with the dog team to  
41 gather moose over there, it was negative. They had not hunt  
42 moose in that area for moose hunting except there were only two  
43 people that used to go over there on a dog team, that was  
44 Kenneth Cleveland and Sam Cleveland and those are fur bearer  
45 people. They were beaver hunting.

46

47 As you could see across there on the map, those green  
48 areas across there are the trails of the dog team hunters that  
49 used to go over there, and there's no -- anybody that hunted in

50 that area in 17(A) during the wintertime. They go to the

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1 Kwethluk area to go moose hunting in the wintertime.

2

3 Some of the people I asked that are not in this -- a  
4 report over here. And at this time since we're discussing  
5 17(A) moose, we got two people over here that weren't on the  
6 board before, so I got these proposals from a year ago -- or a  
7 couple years ago back from Togiak Advisory Committee and the  
8 only reports I could find and I don't think they were submitted  
9 to us at the time and I only got six copies.

10

11 On the front page you're looking at this letter was  
12 written to Robert Heyano from Larry VanDaele and you can see  
13 what they were talking about in the front right there, the  
14 harvest scenario. The population objective, objective 600. If  
15 Togiak harvest 10 bulls by 2006 we'd have 600, is that how it  
16 was done Robert?

17

18 MR. HEYANO: Well, I think, Mr. Chairman, if we could  
19 take care of c&t findings for the Quinhagak communities, maybe  
20 on Proposal 50 we could get into this topic here. I think  
21 where Pete's going with this is a consideration for a limited  
22 moose hunting 17(A).

23

24 MR. ABRAHAM: Pat, do you want to read this trip report  
25 for us?

26

27 MS. McCLENAHAN: Okay.

28

29 CHAIRMAN O'HARA: Let's let him go on with his report  
30 and then we'll go back to what you said.

31

32 MS. McCLENAHAN: You want me to read it?

33

34 CHAIRMAN O'HARA: Um-hum. (Affirmative)

35

36 MS. McCLENAHAN: Okay, hold on just a second. This is  
37 Jon Dyazuk's trip report of January 30th, 1997.

38

39 MR. ABRAHAM: January 28th?

40

41 MS. McCLENAHAN: Um-hum, on January 28th, Interpreter  
42 Jon Dyazuk and Pete Abraham, a Regional Subsistence Advisory  
43 Council member attended Quinhagak IRA council meeting.  
44 Quinhagak Village has made a proposal to be included on  
45 subsistence hunting on GMU 17(A) moose hunting. The regional  
46 Subsistence Advisory Council at their meeting in November 12,  
47 1996 requested more information on customary and traditional  
48 use by Quinhagak Village members, since there were few members  
49 of the village came to testify at the meeting. There were



50 supposed to have been two members of the Federal Regional

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1 Subsistence Advisory Council members attend the meeting at  
2 Quinhagak but due to other obligations Robin Samuelsen was not  
3 able to make it. The groups effort to describe the trails to  
4 Togiak River drainage is summarized.

5  
6 Works cited. Items discussed include the following.  
7 There were three groups that split and described paths to  
8 Togiak River drainage. First individual who spoke was in  
9 agreement with all people that were attending but for some  
10 reason did not want to participate in the group. Others  
11 listening pitch in by describing orally to younger people  
12 attending the meeting. John Sharp talked first by stating that  
13 U.S. Fish and Wildlife Service is the one who feeds the people  
14 in their region. He pointed Pete and me to be representative  
15 the government at this meeting.

16  
17 All species of fish and wildlife used by Quinhagak are  
18 in lands that now become refuges said John Sharp. John Sharp  
19 is an older individual who was born in early '50s when people  
20 depend on dog sleds to subsistence. So therefore, when he  
21 talks he usually talks from his experience and adds what he  
22 used to hear from elders that were alive when he was younger.  
23 Since most of us don't have a written form of history we go by  
24 oral history. John stated that most of the people he knew as a  
25 young man were travelers. Moving whenever they feel that they  
26 need to harvest different species of fish and wildlife and at  
27 times just move so they will not deplete the resource they  
28 depend on, so that other people will have a chance to harvest  
29 the same species they have gathered.

30  
31 John was talking about the Yukon-Kuskokwim Delta and  
32 Bristol Bay region. Most of the Bristol Bay people are  
33 originally from central Yup'ik area which is all Yukon-  
34 Kuskokwim Delta (see the maps). Actually John is stating that  
35 no person really hunts for specific species of fish and  
36 wildlife meaning moose is harvested or food gathered when seen.  
37 He stated that all members of his tribe have traveled all over  
38 Bristol Bay and Yukon-Kuskokwim Delta hunting, gathering all  
39 species in all regions now that become Yukon-Kuskokwim Delta  
40 Refuge and Togiak National Wildlife Refuge. One of his  
41 statements is that the Natives use all the lands and act as  
42 stewards of the land. And since all members of the tribe act  
43 as stewards of the land they act responsible not just few  
44 acting or making decisions. John was stating that this day and  
45 age the politicians can't even make a sensible law and as soon  
46 as one does make a sensible law that would benefit fish and  
47 wildlife and to the Natives of the Togiak Refuge the intent of  
48 the legislation is watered down to benefit only the White  
49 person. All the land use in the region was used with respect.

50 The respect went as far as even asking some individual families

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1 that use certain areas of the land, drainage in Y-K Delta and  
2 Bristol Bay for use at certain times of the years. John did  
3 not specifically state what trails were used to go over to  
4 Bristol Bay but he may have left this issue to the other group  
5 that want to show where what trails were used to trap beavers  
6 at the turn of the century. John never has used such trails  
7 before and he left right after he finished talking. He seems  
8 to be critical of other users.

9

10 Description of trails taken toward Togiak River  
11 Drainage to trap beaver and moose hunting in GMU 17(A), Kenneth  
12 Cleveland stated that it usually takes about 10 days to Togiak  
13 Lake and to its drainage. Kanektok River, to its head waters  
14 Kagati south of Atayak Mountain, follow Kilbuck Mountain ridges  
15 toward Kemuk River and follow the Kemuk to rivers of Togiak.  
16 He relates this trail with a story, one winter season of beaver  
17 trapping he and his companion Sam Cleveland were looking for a  
18 new trapping line and decided to venture toward Togiak  
19 drainage. It took nearly 10 days without stopping for more  
20 than a day, using the known trails and he's referring to the  
21 maps. Once they establish their base camp in Kemuk River, he  
22 and his companion would look for more drainage to look for  
23 beaver houses and this drainage is.....

24

25 MR. ABRAHAM: Nayorurun.

26

27 MS. McCLENAHAN: I'm sorry?

28

29 MR. ABRAHAM: Nayorurun. Don't even try to pronounce  
30 it.

31

32 MS. McCLENAHAN: Obviously I'm going to have trouble  
33 with that one. Kipnukiuli, Truman Creek and part of west  
34 Togiak Lake and once going over to west of Togiak Lake they  
35 check the trail. Jondik Creek that is when they saw moose  
36 tracks and since they were not targeting the moose they told  
37 each other they will only harvest moose when they actually see  
38 the moose, so they just went on their business of just trapping  
39 for a month. They choose to hunt the other moose they spot  
40 later before they head home to Quinhagak. Mr. Kenneth  
41 Cleveland is a 77 year old man and he is comfortable in  
42 describing an area without really looking at the maps that we  
43 made available on the table.

44

45 Peter Matthews is another younger man who describes a  
46 different route of going to Kemuk River. He described that if  
47 a hunter does not want to take the high country trail they can  
48 take the lower route through Arolik River east up to its end  
49 mouth of its lake, and continue on the east fork go through the

50 lake, Arolik Lake and from the lake a hunter can see the

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1 original trail to Goodnews Bay drainage. A hunter can just go  
2 across toward Goodnews Lake follow it toward Igmiumanik River  
3 and turn east to Nayorurun River and down to Togiak area  
4 drainage.

5  
6 These two hunters were the ones that described the main  
7 path to Togiak drainage. But Peter Matthews was the one who  
8 said that if is far and that someone who decides to hunt for  
9 moose in Togiak River drainage will be desperately in need or  
10 dire need. He thinks that this opportunity to change the c&t  
11 needs to be addressed now because game moves where their food  
12 is at and someday in the future the moose might move to GMU 18  
13 and then the villages of GMU 17(A), (B) and (C) will ask for  
14 use in GMU 18.

15  
16 That concludes the report.

17  
18 CHAIRMAN O'HARA: Any questions on that report, Council  
19 members? All right, what's the next step?

20  
21 MS. McCLENAHAN: Helga, what is the next step?

22  
23 CHAIRMAN O'HARA: This is part one of the report, this  
24 is all that you have on the report now?

25  
26 MS. McCLENAHAN: Yes.

27  
28 CHAIRMAN O'HARA: Okay. Robert wanted to do something  
29 -- do you have any questions of Pat or Peter, Council members?

30  
31 MR. HEYANO: I do, Mr. Chairman. I guess, Peter, is it  
32 your opinion then based on your trip to Quinhagak that  
33 residents of Quinhagak have not used 17(A) for moose?

34  
35 MR. ABRAHAM: No, uh-huh. According to what the old  
36 people -- even younger people, they never used -- or in fact, I  
37 know -- I have known people -- they never come to -- Quinhagak  
38 people never come to the 17(A) area, except Goodnews Bay people  
39 are the ones that come around, you know, every once in a while,  
40 not -- maybe once a year is all.

41  
42 In fact, I called Kwethluk, one of the guys in Kwethluk  
43 and asked him about 17(A), if he ever subsisted or hunted in  
44 the area for moose, he doesn't even know where 17(A) is. I  
45 told him Togiak Lake area and he says, no, he hasn't been  
46 knowing -- no one that he knowed (sic), that nobody had hunted  
47 in that area before, except for squirrel hunting in the  
48 springtime. But that's not even close to 17(A).

49

CHAIRMAN O'HARA: Okay.

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1 MR. HEYANO: So is it your intention, Mr. Chairman, to  
2 take action on c&t for Quinhagak, moose in 17(A) and then move  
3 on?  
4

5 CHAIRMAN O'HARA: Yes, that would be good. We're still  
6 on reports though.  
7

8 MS. McCLENAHAN: Are we?  
9

10 CHAIRMAN O'HARA: Go ahead.  
11

12 MS. McCLENAHAN: I don't think so. I think that was  
13 everything we had.  
14

15 CHAIRMAN O'HARA: Okay.  
16

17 MS. McCLENAHAN: Unless Helga has something.  
18

19 MS. EAKON: Are you going to formally act on Quinhagak  
20 separately from Akiak and Akiachak?  
21

22 CHAIRMAN O'HARA: I don't know. I don't know that area  
23 well enough to determine whether or not we should. What do you  
24 guys think? Are you familiar with the area?  
25

26 MR. HEYANO: I have enough information to make a  
27 decision on Quinhagak, Mr. Chairman.  
28

29 MR. ABRAHAM: As it is right now.....  
30

31 CHAIRMAN O'HARA: Yeah, I do too, on that, but I don't  
32 know about the other areas.  
33

34 MR. ABRAHAM: Mr. Chairman, Akiak and Akiachak never --  
35 we never see them in Togiak Lake area, except when you go like  
36 Kes -- Arolik area, that's when you meet them every so often.  
37

38 CHAIRMAN O'HARA: So there's no c&t findings of any of  
39 these communities being in 17(A) right now?  
40

41 MS. EAKON: In which case, let's go ahead and hear  
42 Pat's report on those two villages because you might have the  
43 same action that disposes of the proposal.  
44

45 CHAIRMAN O'HARA: Okay. Is that okay, Council members?  
46 Okay, all right.  
47

48 MS. McCLENAHAN: All right.  
49



CHAIRMAN O'HARA: How long is that going to take about?

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1 MS. McCLENAHAN: About five minutes.

2  
3 CHAIRMAN O'HARA: Okay, then we'll take a break after  
4 that.

5  
6 MS. McCLENAHAN: The current determination for Unit  
7 17(A) is rural residents of Unit 17, residents of Goodnews Bay,  
8 Platinum and Kwethluk. For Unit 17(A) and 17(B), it is for  
9 those portions north and west of a line beginning from the Unit  
10 18 boundary at the northwest end of Nonvianuk Lake to the  
11 southern point of Upper Togiak Lake and northeast to the  
12 northern point of Nuyakuk Lake, northeast to the point where  
13 the Unit 17 boundary intersects with Shotgun Hills and the  
14 residents of Kwethluk also have a positive customary and  
15 traditional use determination. For Units 17(B) and (C) rural  
16 residents of Unit 17 and residents of Nondalton, Levelock,  
17 Goodnews Bay and Platinum.

18  
19 Once again, we've run into the problem that we do not  
20 have many of the usual written records that we rely upon to  
21 come to our eight factors. The information that we have is  
22 reference to the Kwethluk study because Akiak and Akiachak are  
23 neighboring villages. We have a historic map that shows that  
24 the people from Akiak and Akiachak were reindeer herding in the  
25 area that's under discussion here.

26  
27 CHAIRMAN O'HARA: In 17(A)?

28  
29 MS. McCLENAHAN: Um-hum. (Affirmative)

30  
31 CHAIRMAN O'HARA: Okay.

32  
33 MS. McCLENAHAN: And 17(B). We have -- I spoke to  
34 Elizabeth Andrews of ADF&G and she was the one who brought to  
35 my attention that Kwethluk had used that area and then  
36 subsequently I did find a historic map. It's not a very good  
37 map, it doesn't have any features, mountains, rivers to refer  
38 to so it's difficult to say where exactly it cuts. We have  
39 verbal reports from some residents. And we have Ron Thuma's  
40 maps and perhaps you recall that I brought those maps to the  
41 Council meeting that we had last time. There are also maps for  
42 Akiak and Akiachak. And if you'll look in your book.....

43  
44 CHAIRMAN O'HARA: Give us a page number.

45  
46 MS. McCLENAHAN: Actually I don't think it has a page  
47 -- well, yes, it would be Page 109, 110 and 111. 109 is the  
48 Federally managed lands, 110 is moose hunting areas in Region 4  
49 recorded for Akiachak by Ron Thuma and the next page is for

50 Akiak also reported by Ron Thuma when he was preparing the maps

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1 for the Fish and Wildlife Service.

2

3 CHAIRMAN O'HARA: Okay.

4

5 MS. McCLENAHAN: And so based on the written materials  
6 available, our preliminary conclusions are to modify the  
7 proposal, the second half, the part that speaks to Akiak and  
8 Akiachak to grant a positive customary and traditional use  
9 determination for Akiak and Akiachak for Unit 17(B). Table the  
10 request for a positive customary and traditional use finding  
11 for these communities for Unit 17(A) until formal subsistence  
12 studies have been completed since we haven't been able to  
13 ferret out specific information.

14

15 CHAIRMAN O'HARA: Okay, any questions Council members?  
16 Any other reports on this issue? You want to take a break or  
17 do you want to go ahead and go through the rest of the steps  
18 here? We've got to do written comment, public?

19

20 MS. EAKON: The Alaska Department of Fish and Game has  
21 deferred comments on this proposal and that was the only  
22 comment we got on this proposal.

23

24 CHAIRMAN O'HARA: How about any members of the public  
25 want to address this issue? We had a lot the last time that we  
26 were in Dillingham. Regional Council deliberations, what's  
27 your wishes to make a decision on this proposal?

28

29 MR. HEYANO: Well, Mr. Chairman, I don't see enough  
30 information based on our previous actions for determining  
31 customary and traditional use in the criteria we've used in the  
32 past about any of these three villages for c&t findings for  
33 moose in 17(A).

34

35 CHAIRMAN O'HARA: Is that a motion?

36

37 MR. HEYANO: Sure.

38

39 CHAIRMAN O'HARA: All right, second?

40

41 MR. BOSKOFISKY: Second.

42

43 CHAIRMAN O'HARA: Any further discussion? Call for the  
44 question?

45

46 MR. BOSKOFISKY: Question.

47

48 CHAIRMAN O'HARA: Oh, excuse me, I've got -- Robin.

49

MR. SAMUELSEN: Yeah, I'll be in support of the

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1 proposal. I think, you know, reading this Staff report, when  
2 reindeer herds were being utilized by the people, not only on  
3 this side of the mountain range, but also on the Kuskokwim  
4 side, yes, there was a lot of traveling back and through. The  
5 current data does not convince me that these people have been  
6 targeting moose in 17(A). I do know that over in the Togiak  
7 and Manokotak area, that a number of the Kuskokwim people have  
8 relocated to them two villages that have friends or family that  
9 come over and visit and I think that's indicative of the moose  
10 that were harvested in those game units in '95 -- I think it  
11 was in '91 or '89 or something like that, I don't know the  
12 number right off the top of my head. But I spent quite a bit  
13 of time at the village of Akiachak and nobody ever talked about  
14 coming over here and hunting, however, they talked about going  
15 up the river to Aniak and above up to -- well, as far as they  
16 could go with skiffs in the fall time up river.

17  
18 CHAIRMAN O'HARA: Um-hum. (Affirmative)

19  
20 MR. SAMUELSEN: So I don't see no compelling evidence  
21 that shows that they have participated in Unit 17(A), so I  
22 would be voting in favor of the motion.

23  
24 CHAIRMAN O'HARA: Smiley, do you have a comment?

25  
26 MR. KNUTSEN: John Knutsen, yes, one quick question.  
27 Could you repeat his motion for me please?

28  
29 CHAIRMAN O'HARA: These communities as mentioned in  
30 this proposal are -- we do not find them to be customary and  
31 traditional use to come into Unit 17(A), by Togiak area where  
32 they previously hunted moose. They want to come from their  
33 district into our district to hunt moose and we don't see where  
34 they have traditionally done this of any length of time,  
35 period, so we're drawing a boundary line there on 17 -- Unit  
36 17. And the motion is not to allow them to come in there and  
37 hunt moose.

38  
39 MR. KNUTSEN: And the recommendation from Helga was to  
40 wait and see through further studies to see?

41  
42 MR. SAMUELSEN: No, we deferred this proposal before,  
43 Smiley. And I and Peter were supposed to go up there and hold  
44 a hearing -- Peter went out with Federal Staff to hold a  
45 hearing out there and come back to this Council and bring that  
46 information back and we're going to act on it at this meeting.

47  
48 MR. KNUTSEN: And so you're making a decision based on  
49 what he brought back. What I'm concerned about is that you're

50 making a decision on something that earlier, when you had the

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1 authority to make a decision on c&t determinations for Naknek,  
2 you deferred it, but you had the authority to do it and you're  
3 making a decision on, you know, a pretty important item, based  
4 on -- and I'm not doubting the authority of the one or two  
5 going up there, but you could have done the same by just asking  
6 me or one of the other people in the audience what the  
7 customary and traditional use of bear in the area was.

8  
9 CHAIRMAN O'HARA: Which we haven't determined yet, by  
10 the way.

11  
12 MR. KNUTSEN: Yeah, you deferred to do it. You wanted  
13 to wait for further studies.

14  
15 CHAIRMAN O'HARA: Okay, thank you.

16  
17 MR. HEYANO: I think, Mr. Chairman, in addressing  
18 Smiley's concern is that you're exactly right, but where we  
19 were yesterday with c&t finding for brown bear in Naknek, we  
20 were probably two or three meetings ago for the folks in  
21 Quinhagak. You know, the information really didn't support a  
22 strong c&t determination for those folks. So we've elected to  
23 postpone it two or three meetings in an attempt to gather more  
24 information and to the fact that Peter and Robin volunteered to  
25 go over and hold a meeting with the folks in Quinhagak.

26  
27 But today, in my opinion, all that information, plus  
28 the previous information shows that they don't have customary  
29 and traditional use of moose in 17(A).

30  
31 CHAIRMAN O'HARA: All right, any more discussion on the  
32 proposal?

33  
34 MR. SAMUELSEN: Question.

35  
36 CHAIRMAN O'HARA: All those in favor say aye.

37  
38 IN UNISON: Aye.

39  
40 CHAIRMAN O'HARA: Opposed.

41  
42 (No opposing votes)

43  
44 CHAIRMAN O'HARA: Okay, passed unanimously. Let's take  
45 a 10 minute break and then after that we'll finish and go to  
46 lunch.

47  
48 (Off record)

49 (On record)





00143

1 MR. HEYANO: (Inaudible) for c&t findings for 17(B).

2

3 MS. McCLENAHAN: This is the problem, because the  
4 first part was in the other proposal, not in this one. This  
5 only spoke to Akiak and Akiachak. So there are two parts. One  
6 you must decide about Quinhagak and secondly you must decide  
7 about Akiak and Akiachak. Since this one only speaks to -- my  
8 recommendation in this particular analysis only speaks to half  
9 of that.

10

11 CHAIRMAN O'HARA: It speaks to the two villages of

12 what?

13

14 MS. McCLENAHAN: It speaks to Akiak and Akiachak.

15

16 CHAIRMAN O'HARA: Okay.

17

18 MS. McCLENAHAN: That's my recommendation for those  
19 two. But for Quinhagak, I think you need to be very clear  
20 about that.

21

22 CHAIRMAN O'HARA: Well, we can come back and address it  
23 after the break if you like.

24

25 MS. McCLENAHAN: Yeah, okay.

26

27 CHAIRMAN O'HARA: Let's take a 10 minute break.

28

29 (Off record)

30

31 (On record)

32

33 CHAIRMAN O'HARA: Let's call the meeting back to order.

34

35 MR. ABRAHAM: What time will we be done?

36

37 CHAIRMAN O'HARA: I'll be done by 2:00 o'clock, I

38 think.

39

40 (Off record comments)

41

42 CHAIRMAN O'HARA: Pat, maybe you could come back up to  
43 the table here again. It's my understanding that we took care  
44 of those three communities on c&t, 17 and 18, 17(A) and (B) --  
45 Pat it's our understanding that we took care of the three  
46 communities, the c&t findings?

47

48 MS. McCLENAHAN: For 17(A).....

49

50 CHAIRMAN O'HARA: And (B).



00144

1 MS. EAKON: Uh-huh. (Negative)

2  
3 MS. McCLENAHAN: .....and (B).

4  
5 CHAIRMAN O'HARA: I don't think (B) was even a  
6 consideration in the proposal was it?

7  
8 MS. McCLENAHAN: Well, there's a problem. (B) was  
9 supposed to be in consideration but it was not in the proposal  
10 proper as it was published. And so Helga has more information  
11 for us.

12  
13 MS. EAKON: The way it came in is exactly how it  
14 appears in the book, yes.

15  
16 MS. McCLENAHAN: This is a combined one, several and  
17 (B) was supposed to be in that, that was the problem.

18  
19 MS. EAKON: You combined this with another proposal?

20  
21 MS. McCLENAHAN: Several, yes.

22  
23 MS. EAKON: Oh, no.

24  
25 MS. McCLENAHAN: And I didn't do it, I didn't do it.  
26 Oh, please, I didn't do it, but it has confused the issue  
27 considerably. And so I think, Helga, if you want to give us  
28 some guidance on what we should do?

29  
30 MS. EAKON: You're the anthropologist, I'm not.

31  
32 MS. McCLENAHAN: Well, I can tell you about  
33 anthropology, but I can't tell you about these proposals.

34  
35 CHAIRMAN O'HARA: Can you talk to us Tom?

36  
37 MR. BOYD: Well, let me try to sort this out. My  
38 understanding is what may be confusing is that the proposed  
39 regulation on Page 97 at the top deals only with 17(A),  
40 however, the analysis deals with and also identifies additional  
41 -- an additional proposal that includes addressing the use of  
42 17(B) by the residents of Akiak and Akiachak. I'm thinking,  
43 looking at the numbers that this must be one of the backlog  
44 proposals.....

45  
46 MS. McCLENAHAN: Several.

47  
48 MR. BOYD: .....several that we've carried forward  
49 until this time. Unfortunately it didn't get included in the

50 proposed regulation change at the top of Page 97. Let me just

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1 suggest that if the Council so chooses to, that they might want  
2 to address the use of moose in 17(B) by residents of Akiak and  
3 Akiachak, you do have information in front of you that might  
4 help you with that if you choose to, if you don't, that's fine  
5 as well.

6  
7 CHAIRMAN O'HARA: It is up to the Council members if  
8 they want to, I'd just as soon not to do it. If you want to do  
9 it in the -- I guess the next time we meet is September, if you  
10 want to do it then, that would be fine unless the Council  
11 members want to go ahead and address it right now. It's up to  
12 you. All right, we'll take your.....

13  
14 MR. BOSKOFISKY: I thought we were working on Quinhagak  
15 and Akiachak and those ones on that proposal?

16  
17 CHAIRMAN O'HARA: Yeah, but they forgot the -- somehow  
18 or another 17(B) was not included in it. I don't mind coming  
19 back and visiting it again, but I don't necessarily think I  
20 want to deal with it today.

21  
22 MR. HEYANO: I think, Mr. Chairman, I'm pretty  
23 convinced for 17(A), that there is no c&t findings for those  
24 three communities. I'm also convinced at this time by the  
25 information there is no c&t finding for Quinhagak for 17(B).  
26 There appears to be some information available for a portion of  
27 17(B) for the other two communities.....

28  
29 CHAIRMAN O'HARA: Um-hum. (Affirmative)

30  
31 MR. HEYANO: .....and I would like to revisit that  
32 issue on our September meeting. If I had to vote today, I  
33 couldn't support the recommendation to grant them c&t findings  
34 for all of 17(B), when the charts provided to us show just a  
35 small portion of 17(B) that they've actually used. So I'd be  
36 in favor of your recommendation and revisit it again in  
37 September.

38  
39 CHAIRMAN O'HARA: That leaves the door open and we can  
40 maybe even have more information for us by then and that will  
41 help out. So, okay, continue on.

42  
43 MS. EAKON: You're revisiting what?

44  
45 CHAIRMAN O'HARA: 17(B) in the September meeting.

46  
47 MS. EAKON: The use of 17(B) by all three communities  
48 or Akiak and Akiachak?

49

CHAIRMAN O'HARA: That's what I thought, those two

00146

1 communities, yeah.

2

3 MR. HEYANO: Correct, Mr. Chairman, and if we can get a  
4 legal description of the areas that are shown on these two  
5 charts for those two communities as far as there use are of  
6 17(B) would be helpful.

7

8 CHAIRMAN O'HARA: All right. Okay, we have finished  
9 with Proposal 49. Helga, have we?

10

11 MS. EAKON: Yes.

12

13 CHAIRMAN O'HARA: Yes. Okay, we're on 50.

14

15 MR. ABRAHAM: Mr. Chairman?

16

17 CHAIRMAN O'HARA: Yeah, go ahead Pete.

18

19 MR. ABRAHAM: Not quite.

20

21 CHAIRMAN O'HARA: Oh, not quite?

22

23 MR. ABRAHAM: Not quite. Remember I got these things  
24 and handed them out over there?

25

26 CHAIRMAN O'HARA: Um-hum. (Affirmative)

27

28 MR. ABRAHAM: For 17(A).

29

30 CHAIRMAN O'HARA: Okay.

31

32 MR. ABRAHAM: The reason I brought this up is because  
33 two of these new that the Council hasn't seen this over here  
34 when it was proposed. This recent proposal from Togiak  
35 Advisory Committee. And I don't recall this was given to us.

36

37 MR. SAMUELSEN: Your paper is blowing out Joe's ear  
38 there.

39

40 COURT REPORTER: Thank you, Robin, I was just going to  
41 mention that.

42

43 MR. ABRAHAM: Oh, I'm sorry.

44

45 CHAIRMAN O'HARA: Oh, it keeps you awake.

46

47 COURT REPORTER: You're right.

48

49 MR. ABRAHAM: On August 20, 1996, Larry VanDaele sent a



50 letter to Robert Heyano on Nushagak Advisory Committee in

00147

1 Dillingham and sending this harvest scenario. Robert, can you  
2 explain that to us?

3

4 MR. HEYANO: Sure, Pete. I guess, Mr. Chairman, as  
5 we're all aware that the community of Togiak has numerous times  
6 come before this group requesting a legal moose hunt. And the  
7 information provided to us that it was -- there was such a  
8 large amount -- or substantial amount of illegal moose taken,  
9 both bulls and cows that we probably couldn't allow a legal  
10 hunt. And through some discussions and what not, there  
11 appeared to be some consideration on behalf of the communities  
12 in that drainage is that, if they were provided with a legal  
13 hunt, they'd be willing to come forth and curtail and stop the  
14 current illegal hunting that has been done over there. And you  
15 know, we're all aware is that there's winter closures in the  
16 bordering 17(C) in an attempt to have the moose population  
17 spill over into 17(A) to repopulate that area. I don't know if  
18 -- maybe not repopulate, but to put a sustainable moose  
19 population in that area. And through some conversations with  
20 Peter and whatnot and his meetings with the folks in Togiak,  
21 they reinstated the fact that they'd be willing, if they were  
22 provided with a legal hunt to take some responsibility to  
23 curtail the illegal harvest.

24

25 With that information, I went to Larry VanDaele and  
26 asked him, is there any number that we could allow a legal hunt  
27 that would still not have a detrimental impact on the moose  
28 population and allow it to repopulate to the level, I think  
29 it's the opinion of the State and Federal people that 17(A)  
30 should handle a moose population of 600 to 1,000 animals. And  
31 as a result of that is the letter that Larry drafted. And it  
32 was his recommendations that if you -- we probably could allow  
33 a harvest of 10 bulls only and still reach our 600 minimum  
34 population objective in the year 2006. And he makes some  
35 assumptions and realizes that this is a best guess analysis  
36 based on existing situations and population trends. Is that  
37 answer your.....

38

39 MR. ABRAHAM: Yeah, because I talked to some various  
40 people, even to the traditional council, they were supposed to  
41 submit the proposal again on 17(A) moose hunt. Togiak  
42 Traditional Council has been willing to work with ADF&G and  
43 U.S. Fish and Wildlife on this one over here to have co-  
44 management, so this way they will work together more closely  
45 and we then we can watch the population over there more  
46 closely, too. We've been asking this for two or three years.  
47 I think as of last year, last count -- last year was about 160  
48 animals in that in 17(A), Togiak drainage area. Is Andy here?

49

CHAIRMAN O'HARA: We can fit this into this proposal.

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1 MS. EAKON: Which proposal?

2  
3 CHAIRMAN O'HARA: 49.

4  
5 MS. EAKON: 49 is c&t.

6  
7 CHAIRMAN O'HARA: Yes, that's why I think.....

8  
9 MS. EAKON: Harvest would be a different proposal.

10  
11 CHAIRMAN O'HARA: 50.

12  
13 MS. EAKON: Proposal 50 would address revising harvest  
14 limit and open season for moose in 17. Were you trying to  
15 address Proposal 50?

16  
17 MR. ABRAHAM: Yes.

18  
19 CHAIRMAN O'HARA: Oh, all right.

20  
21 MS. EAKON: Okay.

22  
23 CHAIRMAN O'HARA: That's fine. Because I said we were  
24 done with 49 and you said, not quite, we need to go to 50 then  
25 and address it.

26  
27 MR. ABRAHAM: Okay.

28  
29 CHAIRMAN O'HARA: All right. Okay, here we are.

30  
31 MR. SAMUELSEN: Mr. Chairman, how do we address this  
32 proposal in 50?

33  
34 CHAIRMAN O'HARA: Well, I don't know, that's why I  
35 asked the question of where does it fit in. Who answers that  
36 question?

37  
38 MS. EAKON: Dave Fisher.

39  
40 CHAIRMAN O'HARA: All right. Okay, Dave Fisher.

41  
42 MR. FISHER: Thank you everybody.

43  
44 CHAIRMAN O'HARA: Dave, before you start we're going to  
45 knock off at noon for lunch and then come back, if that's okay  
46 with the Council members.

47  
48 MR. FISHER: So you want to come back?

49

CHAIRMAN O'HARA: All depends on what you say.

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1 MR. HEYANO: Mr. Chairman, I don't know what your  
2 intent here is, but if we could maybe focus on Peter's request  
3 of considering a moose hunt in 17(A) and is it possible to fit  
4 it since there is no specific proposal to do that, if we can do  
5 that in Proposal 50. I think if we can take that issue, deal  
6 with it and then we could get on with the rest of 50. And I  
7 hope that's what Dave's comments are going to be.

8  
9 CHAIRMAN O'HARA: Helga, can we do that?

10  
11 MS. EAKON: You're doing a new proposal -- you're  
12 trying to fit in a new proposal onto what's already here?

13  
14 CHAIRMAN O'HARA: Yeah, we're trying to amend -- trying  
15 to come in here on this and I don't know where we stand on this  
16 thing really. David, you want to talk to us?

17  
18 MR. FISHER: I think probably if you want to deal with  
19 another new proposal, it would have to go through possibly a  
20 special action. I realize this is a proposal that you people  
21 have dealt with, I think, twice before and I think probably  
22 maybe you either deferred it or -- I don't recall what your  
23 action was. But Helga or Tom may want to correct me if I'm  
24 wrong, but I think at this time if you want to submit a change  
25 in the regulation, you're going to have to submit it through a  
26 special action.

27  
28 MR. HEYANO: We can't amend Proposal 50? We can amend  
29 Proposal 50.....

30  
31 MR. FISHER: Yeah, you can amend.....

32  
33 MR. HEYANO: .....I guess the question is, can we amend  
34 Proposal 50 to include 17(A)?

35  
36 MR. FISHER: I don't have the answer to that question,  
37 maybe Helga or Tom would have the answer. I don't know how  
38 much you can modify a proposal, maybe you could do that.

39  
40 MR. BOYD: I'm thinking.

41  
42 CHAIRMAN O'HARA: I think this is where you need some  
43 legal advice or the Federal Board comes into the situation,  
44 they have to ask the lawyer, how does this fit into this  
45 situation.

46  
47 MR. HEYANO: Well, Mr. Chairman, we probably could do  
48 whatever we want until the Federal Board tells us no.

49

CHAIRMAN O'HARA: Yeah, we can give it a shot and if

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1 they don't like it, they can throw it back to us. That's fine  
2 with me. Sure, that's okay with me. Let's give it a shot and  
3 see where we fall into it. If they tell us, no, we can come  
4 back and do it again.

5  
6 I guess the point is is Togiak wants to cooperate on  
7 something legal here and get some animals out of it and I'd be  
8 glad to help them out if we can possibly fit it in here  
9 somewhere.

10  
11 MR. FISHER: Okay, what I'd like to do then is I would  
12 like to have Aaron address.....

13  
14 CHAIRMAN O'HARA: Who?

15  
16 MR. FISHER: Aaron.

17  
18 CHAIRMAN O'HARA: Okay.

19  
20 MR. FISHER: .....address 17(A) and then I can go on  
21 with the rest of 50.

22  
23 CHAIRMAN O'HARA: Okay, Aaron if you could do that,  
24 please.

25  
26 MR. ARCHIBEQUE: Yeah, I guess I'm not sure what we're  
27 addressing at this point. But it was our understanding that  
28 because Togiak did not submit a proposal and I think Pete made  
29 that clear that he was trying to encourage the traditional  
30 council to do so that we would not be able to act on anything  
31 at this meeting. I don't know if we can -- or if this  
32 committee can amend that to include 17(A), but it was our  
33 understanding because they had not submitted a proposal, that  
34 it would not be taken up at this meeting.

35  
36 So I guess, to address the concerns, yes, I think we do  
37 agree with Larry that you could probably have a legal season of  
38 10 bulls and not significantly impact, you know, the growth of  
39 that population there. And we've discussed that in the past.  
40 We've been in contact with Togiak, our last two joint meetings,  
41 we've made it real clear that we're going to have a legal --  
42 law enforcement presence out there this winter to enforce the  
43 closed season. There was no objections to that. We've  
44 notified them and Manokotak traditional councils so that  
45 they're aware of that, that we will be out there trying to  
46 enclose that closed season.

47  
48 So I guess if you can legally modify this proposal to  
49 allow it, we wouldn't object to that.





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1 CHAIRMAN O'HARA: Robin.

2  
3 MR. SAMUELSEN: Thank you, Mr. Chairman. I don't think  
4 there's a way that we could include this proposal in Proposal  
5 50. It's a stand alone proposal. I'd recommend that because  
6 this action has been up before us, you know, the particulars,  
7 we have some new information that's being presented by the  
8 State of Alaska, as well as our own Staff that we could deal  
9 with this under -- after we're done with the proposals we will  
10 do -- my recommendation is that we do a special action request  
11 to the Federal Subsistence Board dealing with this proposal.

12  
13 CHAIRMAN O'HARA: When?

14  
15 MR. SAMUELSEN: As soon as we're done with the  
16 proposals.

17  
18 CHAIRMAN O'HARA: 50, okay.

19  
20 MR. SAMUELSEN: 51, you know.

21  
22 CHAIRMAN O'HARA: How would that be? I think that's  
23 the best track to go, I think we can get something done that  
24 way. If we go ahead and do it in 50 and then they throw it  
25 out, we've accomplished nothing, and they do have a procedure  
26 to go through.

27  
28 MR. SAMUELSEN: Well, I think, Mr. Chairman, we could  
29 do a special action request to the Board.....

30  
31 CHAIRMAN O'HARA: Sure.

32  
33 MR. SAMUELSEN: .....and then.....

34  
35 CHAIRMAN O'HARA: They're very receptive to that.

36  
37 MR. SAMUELSEN: .....at the call for proposals on the  
38 next round, Togiak Traditional Council could submit a proposal  
39 and we will take action like a normal proposal.

40  
41 CHAIRMAN O'HARA: All right, thank you very much.  
42 We'll do that.

43  
44 MR. HEYANO: I guess the only concern I have Mr.  
45 Chairman, would this fall under a special -- meet the criteria  
46 for special action?

47  
48 MR. BOYD: I'm still trying to understand what you want  
49 to propose. My understanding is to open a season in 17(A) for

50 the residents of Togiak for 10 moose; is that correct?

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1 MR. HEYANO: (Nods affirmatively)

2  
3 MR. BOYD: Generally we've had special actions that  
4 have had what we might call openings when circumstances change  
5 in a wildlife population. And the rationale has varied from  
6 circumstance to circumstance. So, yes, I think this could fall  
7 under the criteria for a special action. I would encourage the  
8 Council now that I have a better grasp on this to keep the  
9 proposal that's before, Proposal 50, separate as an action from  
10 any additional hunt that you want to consider here. So I would  
11 use -- just keep it as a separate action, call it a special  
12 action and the Board will react to it. We haven't done the  
13 analysis, even though I think generally what I'm hearing is  
14 some of the biologist might support your action. We haven't  
15 done the analysis on it yet, it would have to go through a  
16 similar process and it's possible that the Board could take it  
17 up in April. It's quite possible. So we'll see what we can  
18 do. But I would encourage the Council to keep the two actions  
19 separate.

20  
21 CHAIRMAN O'HARA: Robin.

22  
23 MR. SAMUELSEN: Thank you, Mr. Chairman. Tom, the  
24 Staff has done the analysis on a previous proposal.

25  
26 MR. BOYD: Okay.

27  
28 MR. SAMUELSEN: That the Advisory Council did not take  
29 action on. However, we've got new information, I think, that  
30 if the Council deems compelling to take up special action at  
31 this point in time based on this new information.

32  
33 MR. BOYD: Okay.

34  
35 MR. SAMUELSEN: But we did the analysis. The only  
36 analysis that Staff hasn't done is on the new information.

37  
38 MR. BOYD: New information, okay.

39  
40 MR. SAMUELSEN: Yeah.

41  
42 CHAIRMAN O'HARA: Okay, thank you. If there's no  
43 further questions, is everybody agreed on that? All right.

44  
45 MR. FISHER: Let's move on here with 50.

46  
47 CHAIRMAN O'HARA: Sure.

48  
49 MR. FISHER: Proposal 50 was submitted by the Bristol

50 Bay Regional Council. And as it's written in your book, it's

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1 pretty confusing. It was confusing to me, it took me a while  
2 to figure out what exactly wanted to be done. I think it's  
3 confusing because we're dealing with 17(B), the two parts and  
4 we're dealing with 17(C), two parts. And there's various  
5 regulations for each of those two parts.

6  
7 However, this proposal would reduce the moose harvest  
8 in 17(B) and (C) by shortening the seasons and changing antler  
9 restrictions. Biologically, the moose population in 17(B) and  
10 (C) is estimated to be in stable condition. We don't have a  
11 lot of census data for these two subunits. But during the last  
12 10 years we feel that the moose population has increased.  
13 Census data for the park and preserve in 17(B) seems to  
14 indicate that moose population is declining in that area,  
15 probably due to predation and some overhunting.

16  
17 Overall the moose hunting pressure in both units has  
18 been increasing primarily in the last 10 years, especially in  
19 the Upper Mulchatna River drainage in 17(B). More and more  
20 hunters are coming in to hunt the expanding Mulchatna herd and  
21 they're also taking more moose. In fact, the hunting pressure  
22 has a little bit more than doubled in the last 10 years. The  
23 number of hunters and also the harvest has doubled. And sort  
24 of in my discussions with Larry VanDaele, looking down the long  
25 road at the current rate of increase in the number of hunters  
26 and also the harvest, it doesn't appear that the population  
27 will be able to sustain its current level.

28  
29 Therefore, the primary purpose of this proposal is to  
30 try and adjust the regulations to maintain that current moose  
31 population. We're trying to look down the future and slow this  
32 rate of harvest.

33  
34 I might note that there's a similar proposal that was  
35 submitted to the Board of Game by the Nushagak Advisory  
36 Committee. And looking at that proposal and discussing it with  
37 Andy from the refuge Staff, that proposal seems to do a better  
38 job than Proposal 50, taking into consideration what Larry and  
39 you people were trying to do. I think 50 was, as you recall at  
40 our last meeting, it was submitted as sort of a last minute --  
41 before we adjourned. And since that time, the Nushagak  
42 Advisory Committee has sat down and thoroughly analyzed the  
43 situation and I feel has come up with a good proposal.

44  
45 Let me just briefly touch on what 50 would do.  
46 Proposal 50 would shorten the early permit hunt for bulls in  
47 17(B), that part of 17(B) that deals with the Mulchatna River  
48 drainage and also 17(C), the Wood River drainage. Proposal 50  
49 would allow for no August season for the remainder of 17(B) and

50 also the remainder of 17(C). There would be no early permit --

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1 registration permit hunt in 17(B), remainder and 17(C).  
2 Proposal 50 also changes the December season in 17(B), the  
3 remainder and 17(C) remainder, from one bull with a  
4 registration permit to one bull spike-forked 50 inch antlers  
5 with three brow-tines\*\* with a harvest ticket.

6  
7 Robert may want to address the proposal submitted by  
8 the Nushagak Advisory Committee. Like I stated earlier, it  
9 seems to be a little bit better proposal from a conservation  
10 standpoint and I think it would do a better job of what your  
11 original intentions were. That's all I have. I've tried to  
12 keep it simple, rather than get into it exactly what is going  
13 to happen in each part of each unit, it does get kind of  
14 confusing.

15  
16 MR. HEYANO: Do you want to do that before we go to  
17 lunch, Mr. Chairman?

18  
19 CHAIRMAN O'HARA: How long is it?

20  
21 MR. HEYANO: Well, it's quite lengthy.

22  
23 CHAIRMAN O'HARA: Let's come back and do it after lunch  
24 then. Let's recess. Thank you, Dave.

25  
26 (Off record)  
27 (On record)

28  
29 CHAIRMAN O'HARA: Let's call the meeting back to order.  
30 We have one more proposal left after we finish this one. At  
31 this time we will have Robert Heyano make a presentation to us  
32 on this proposal. Okay, Robert.

33  
34 MR. HEYANO: Okay, Mr. Chairman, I'll just attempt to  
35 give you the changes that the Nushagak Advisory Committee's  
36 proposal does. Andy says he's ready to standby to correct me  
37 if I'm wrong.

38  
39 Okay, for the non-resident hunter, Mr. Chairman,  
40 they're only allowed to hunt moose in Unit 17(B), it reduces  
41 the season by five days, from the 15th to the 10th of  
42 September, so he loses five days on the tail end of his season.  
43 It also requires him to have a four or more brow-tines instead  
44 of three.

45  
46 CHAIRMAN O'HARA: You got more?

47  
48 MR. HEYANO: Yes.

49



CHAIRMAN O'HARA: Okay.

00155

1 MR. HEYANO: Oh, yes. So that's what it does to the  
2 non-resident hunter. What it does to the resident hunter, Mr.  
3 Chairman, is that it reduces the registration hunt and ends it  
4 at the 31st of August where it currently is allowed to the  
5 15th. And it also reduces his season or her season by five  
6 days. Their season will also end the 10th of September instead  
7 of the 15th. During that portion of September it puts an  
8 additional requirement on the resident hunter where he would  
9 have to take a spike-forked bull or a bull with 50 inch or  
10 three brow-tines, so it puts antler restriction on them also.  
11 And the other thing it does to the resident hunter is that it  
12 takes 15 days away from them from the month of December. So  
13 instead of beginning the 1st of December, his season will start  
14 the 15th.

15  
16 Those are the changes from the current regulation.

17  
18 CHAIRMAN O'HARA: Okay, any questions Council members?  
19 Yes, Robin.

20  
21 MR. SAMUELSEN: Robert, the sport hunter in September  
22 is rolled back five days?

23  
24 MR. HEYANO: Five days off the tale end.

25  
26 CHAIRMAN O'HARA: The 10th. And going -- was it the  
27 20th -- the resident hunter can go to the 15th or the 10th?

28  
29 MR. HEYANO: Currently the current regulations allow  
30 both the resident and the non-resident to hunt 'til the 15th,  
31 this proposal will also reduce the resident hunter to the 10th  
32 by five days.

33  
34 CHAIRMAN O'HARA: Just take the pressure off of the  
35 moose, period, by both groups?

36  
37 MR. HEYANO: Correct.

38  
39 CHAIRMAN O'HARA: Any other questions? All right,  
40 thank you, that takes care of the biological socio-cultural  
41 analysis. We'll go down to the summary of written public  
42 comments, Helga.

43  
44 MS. EAKON: Alaska Department of Fish and Game supports  
45 Proposal 50. They say a similar proposal has been submitted to  
46 the Board of Game. We support consistency in the State and  
47 Federal subsistence regulations for moose hunting Unit 17(B)  
48 and 17(C), end of comment.

49

50           CHAIRMAN O'HARA:   No other comments, um?

00156

1 MS. EAKON: No.

2

3 CHAIRMAN O'HARA: Okay, Council members. We'll go then  
4 to public comment, if there's any public comment on this  
5 proposal from the floor. Robert, what kind of a participation  
6 was there in the Nushagak area when this proposal was written,  
7 was there much comment or interest or what?

8

9 MR. HEYANO: Well, actually it took a good portion of  
10 the advisory committee's meeting. There was -- if I remember  
11 correctly there was all the communities that the advisory  
12 committee represents and there was some opposition to it from  
13 the public for those people who were representing the  
14 commercial users. Especially losing the five days, shortening  
15 their season by five days. They stated that it would impact  
16 their economics greatly, you know, probably you can figure  
17 about a third, I guess, of their income. But it passed  
18 unanimously on the advisory committee.

19

20 CHAIRMAN O'HARA: All right. Any other comments from  
21 the Federal or State agencies? Okay, let's take the matter  
22 then to the Council and what are your wishes?

23

24 MR. HEYANO: Mr. Chairman, I guess I would move to  
25 amend Proposal 50, incorporating those changes that I just  
26 stated.

27

28 CHAIRMAN O'HARA: Is there a second?

29

30 MR. ABRAHAM: Second.

31

32 MR. SAMUELSEN: Second.

33

34 CHAIRMAN O'HARA: Okay. Any further discussion?

35

36 MR. HEYANO: I guess.....

37

38 MR. SAMUELSEN: Go ahead.

39

40 MR. HEYANO: Just a clarification, Mr. Chairman, it's  
41 actually Proposal 136 in the State, just for a reference point  
42 in the future.

43

44 CHAIRMAN O'HARA: Okay. Anybody else have any  
45 questions? Go ahead, Robin.

46

47 MR. SAMUELSEN: Thank you, Mr. Chairman. I was also at  
48 that meeting and listened to Larry VanDaele, the ADF&G  
49 biologist. Currently the take of moose in Unit 17(B) and (C)

50 is at an all time high of about 350 animals being reported.

00157

1 Larry said that -- VanDaele, with ADF&G, says that the harvest  
2 is probably closer to 500 animals with the non-reported  
3 harvest. A lot of our village people don't turn in their tags.  
4 And he made it unequivocally clear that the moose population  
5 cannot withstand this type of pressure, especially in light of  
6 the increase in predators, our wolf population as well as our  
7 bear population, I think is at an all time high on the Nushagak  
8 drainage, the Mulchatna drainage.

9  
10 Since the McDowell decision, we have seen that all Alas  
11 -- we're, primarily talking about State lands and in trying to  
12 bring Federal regs in line with the State regs here, the  
13 McDowell decision, all Alaskans are considered subsistence  
14 users. The Nushagak Advisory Committee a number of years ago  
15 devised the August 20th to September 1st hunt is primarily a  
16 local season, you needed to get a permit in Dillingham. Now  
17 we're seeing a great influx of people from other parts of the  
18 State of Alaska coming in and participating in that hunt,  
19 hiring people to transport them. You know, in my eyes it looks  
20 like a transported subsistence hunt. So I think this proposal  
21 is to slow down that harvest rate. It's one of the approaches  
22 that, as Robert indicated, the Nushagak Advisory Committee  
23 spent considerable time on and I think it's going to be an  
24 evolutionary process and this is the first step that you're  
25 seeing in curtailing the harvest.

26  
27 There's a number of villages along the Nushagak  
28 drainage, because of the high take of moose also considering  
29 closing village lands, transporters, outfitters. They're very  
30 concerned, the subsistence users along the watershed as well as  
31 the Aleknagik, Clark's, Ekwok, Manokotak, they utilize that  
32 resource. And surely Stuyahok and Egegik very alarmed because  
33 that's their bread and butter right there. So I'll be  
34 supporting the proposal and like I stated earlier, I think it's  
35 the first step, I think it's a good step. Everybody sharing in  
36 the burden of conservation, the subsistence users, the  
37 resource, the sports people. And I think it's a real good  
38 piece of work by the Nushagak Advisory Committee.

39  
40 CHAIRMAN O'HARA: Good. Thank you. Any other  
41 comments? Call for the question, all those in favor say aye.

42  
43 IN UNISON: Aye.

44  
45 CHAIRMAN O'HARA: Opposed.

46  
47 (No opposing votes)

48  
49 CHAIRMAN O'HARA: Passes. All right, 51, Helga if you

50 would please.

00158

1 MS. EAKON: Okay, the last of the proposals, Proposal  
2 51, would revise harvest limits in open season for fur bearers  
3 in Unit 17 and Dave is the presenter.

4  
5 MR. FISHER: Thank you, Helga. Mr. Chairman, this  
6 proposal makes an attempt to align State and Federal trapping  
7 seasons in Unit 17, both the land based animals and the water  
8 based animals. Species covered include, beaver, otter,  
9 muskrat, arctic fox, red fox, lynx, marten, mink, weasel. Now,  
10 this proposal would only align State and Federal regulations in  
11 a similar proposal that's been submitted to the Board of Game,  
12 those proposals come out to be the same and they would line up.  
13 It may not happen, I don't know.

14  
15 If you turn to Page 121 in your book it gives a pretty  
16 good description of what the current Federal season is, the  
17 current State season and then the proposed season for 51. No  
18 c&t determinations have been made for these species considered  
19 by this proposal, so residents would be eligible.

20  
21 We don't have a lot of biological information for these  
22 species. Most of the information is obtained when biologists  
23 are in the field, they talk to people in the villages, trappers  
24 or when they're doing other census work for other critters.

25  
26 All these species seem to be stable except for muskrats  
27 and lynx. Muskrats were common in the area at one time,  
28 however, their numbers have -- they're pretty scarce, I don't  
29 know what has happened. Like I said, we don't have a lot of  
30 information, whether it's a habitat change or whether it's over  
31 exploitation of them or predators, weather, I don't know.

32  
33 MR. ABRAHAM: Nobody hunts them anymore.

34  
35 MR. FISHER: Nobody hunts them anymore?

36  
37 MR. ABRAHAM: They're there.

38  
39 CHAIRMAN O'HARA: I'll say, yeah, nobody.....

40  
41 MR. FISHER: There's no interest. And lynx aren't too  
42 common in the Bristol Bay area.

43  
44 CHAIRMAN O'HARA: Really?

45  
46 MR. FISHER: Pardon?

47  
48 CHAIRMAN O'HARA: Really? I thought there was quite a  
49 few lynx in the Bristol Bay area, Lake Iliamna.





00159

1 MR. FISHER: Well, when you compare it to other areas  
2 in the State, they're.....

3  
4 CHAIRMAN O'HARA: Oh, really.

5  
6 MR. FISHER: If you'll look on Page 21 you'll see that  
7 this proposal would shorten the muskrat and otter season. It's  
8 the Staff feeling that shortening the otter season should not  
9 impact trappers. After February, otter pelts are -- they start  
10 to lose their prime and after the Beaver Roundup, there isn't  
11 too many trappers taking otter. I checked with -- talked with  
12 Pete a little bit about this and he seemed to agree with me.

13  
14 The recommendation by the Staff would be to support the  
15 proposal, however, like I said earlier, there is a similar  
16 proposal being submitted to the Board of Game. It would be  
17 nice if these two proposals could somehow line up because we're  
18 dealing with Unit 17, we're dealing with navigable waters,  
19 State lands, private lands and of course, Federal lands. So it  
20 makes it tough on the user to figure out where he is, depending  
21 on water levels and navigable waters and so on. So by  
22 simplifying the regulations, it would make it easier on all  
23 trappers, whether they're on Federal lands, State lands,  
24 Federally managed waters or State managed waters. That's all I  
25 have.

26  
27 CHAIRMAN O'HARA: Okay. Any questions, Council  
28 members? Thank you. How about written comment, Helga.

29  
30 MS. EAKON: The Alaska Department of Fish and Game  
31 supports Proposal 51. They say a similar proposal has been  
32 submitted to the Board of Game. We support consistency in the  
33 State and Federal subsistence regulations for fur bearer  
34 trapping in Unit 17, end of comments.

35  
36 CHAIRMAN O'HARA: Okay. Any questions or comments,  
37 Council members? Public comment on this issue? 17 butts right  
38 up against 9, okay, no public comment? Anymore agency, State  
39 comments? Yes.

40  
41 MR. SAMUELSEN: We're going to go from 20 beaver to 40  
42 beaver per season and the date will open November 10th through  
43 February 28th just on beaver? Is that the correct  
44 understanding?

45  
46 MR. FISHER: That's the way the proposal was submitted,  
47 yes.

48  
49 CHAIRMAN O'HARA: Okay. All right, we'll take it to

50 the Council, what's your wishes on this? Oh, excuse me.

00160

1 MR. FISHER: Could I just say one more thing?

2  
3 CHAIRMAN O'HARA: Sure, you bet.

4  
5 MR. FISHER: Robin, there is one difference here with  
6 the State proposal. I think the State proposal calls for 20  
7 beaver, maintained at a 20 beaver limit. So this would put the  
8 Federal proposal on -- the Federal lands and waters would be  
9 40.

10  
11 CHAIRMAN O'HARA: There doesn't seem to be a great deal  
12 of interest on beavers anymore anyway, as far as trapping goes.  
13 What are they doing -- I don't know what they're doing up in  
14 Nondalton, Lake country much.

15  
16 MR. BALLUTA: (Inaudible) it started up again.

17  
18 CHAIRMAN O'HARA: Okay, Council members, what are your  
19 wishes on this? Are you ready to make a motion?

20  
21 MR. ABRAHAM: Yes. I make a motion to accept.....

22  
23 MR. SAMUELSEN: I.....

24  
25 CHAIRMAN O'HARA: Did you want to comment, Robin, or  
26 what?

27  
28 MR. SAMUELSEN: Yeah, I want to comment on the 40  
29 beaver.

30  
31 CHAIRMAN O'HARA: Okay.

32  
33 MR. SAMUELSEN: I know the beaver will.....

34  
35 CHAIRMAN O'HARA: Then we're going to get to your  
36 motion.

37  
38 MR. SAMUELSEN: .....be a targeted species and with  
39 welfare reform, I fully expect trapping to increase in our  
40 villages. And currently when I was trapping, I had a license,  
41 my wife got a license and under the current bag limit, I was  
42 taking -- that lets us get a limit apiece. I just wonder how,  
43 in Federal waters, are the managers going to react to a 40  
44 limit and localized depletion.

45  
46 MR. FISHER: Well, I can attempt to address that.  
47 Aaron may want to or Mike may want to have some comments. But  
48 from all indications, in talking to State biologists and  
49 Federal biologists, the beaver population seems to be doing

50 quite well. It's something, I guess, if the increase in

00161

1 trapping continues and you go with the 40 limit, that's  
2 something we may want to keep an eye on to see what the  
3 population is doing. But the population currently seems to be  
4 stable in a lot of areas and increasing in a lot of areas, too.  
5 Maybe the refuge staff may want to add something to my  
6 comments, I don't know.

7  
8 CHAIRMAN O'HARA: If they want to, they certainly can.  
9 No, okay.

10  
11 MR. SAMUELSEN: So if we got a problem we could bring  
12 it back up, I guess, and lower the bag limits?

13  
14 MR. FISHER: Yes.

15  
16 CHAIRMAN O'HARA: Peter.

17  
18 MR. ABRAHAM: I move to accept Proposal 51.

19  
20 CHAIRMAN O'HARA: Second?

21  
22 MR. SAMUELSEN: Second.

23  
24 CHAIRMAN O'HARA: Okay, got a second over here. Okay,  
25 anymore discussion Council members?

26  
27 MR. HEYANO: Mr. Chairman, I guess in addition, what  
28 this proposal attempts to do is to align all fur bearers that  
29 would be taken in the water or around the water, I guess, to  
30 have the same dates. You know, it's a pretty common problem if  
31 you're trapping for otter to occasionally catch beaver. This  
32 here, they would (inaudible) that it attempts to align all land  
33 based animals, fur bearers at the same season dates. So I  
34 would be voting in support.

35  
36 CHAIRMAN O'HARA: Okay. All right.

37  
38 MR. ABRAHAM: Question.

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

41  
42 IN UNISON: Aye.

43  
44 CHAIRMAN O'HARA: Opposed.

45  
46 (No opposing votes)

47  
48 CHAIRMAN O'HARA: Ayes have it. Okay, we are done with  
49 -- no, let's see, we do have one more issue, don't we, on the

50 special action.

00162

1 MR. FISHER: Mr. Chairman, could I say one thing?

2  
3 CHAIRMAN O'HARA: You bet.

4  
5 MR. FISHER: I want to thank the refuge staff and Fish  
6 and Game, Larry VanDaele isn't here, but for all the help  
7 they've given our office with supplying data and reviewing our  
8 analysis and so on. They're certainly doing a super job.

9  
10 CHAIRMAN O'HARA: Good, thank you. We appreciate your  
11 help. Okay, Helga, where do we go on this special request or  
12 provision on this moose? Or Dave, can you handle that?

13  
14 MS. EAKON: Special action?

15  
16 CHAIRMAN O'HARA: Um-hum, special action.

17  
18 MS. EAKON: Help, Tom.

19  
20 CHAIRMAN O'HARA: Are we going to take this here and go  
21 with it? Is this satisfactory, Larry VanDaele's thoughts and  
22 ideas here; it pretty much fits into the system that we'd like  
23 to work? You're kind of the lead on this Pete.

24  
25 MR. ABRAHAM: For over past years residents of Togiak  
26 and Twin Hills have been asking for a short moose season in the  
27 Togiak because in the summertime or in the fall time there is  
28 no access to anywhere except through the river and surrounding  
29 villages don't have an access to Togiak River unless they come  
30 by air to Togiak. And 10 bulls would satisfy the village of  
31 Togiak and Twin Hills.

32  
33 CHAIRMAN O'HARA: Yes, Robin.

34  
35 MR. SAMUELSEN: Yeah, I'd like to ask Tom or Aaron, how  
36 they're going to manage to contain the 10 bull limit if they  
37 developed a permitting system and work in conjunction with the  
38 Togiak Traditional Council and the Twin Hills Traditional  
39 Council? Togiak is a village of roughly 700 people now or 800.

40  
41 MR. ARCHIBEQUE: Yeah, I don't believe we've developed  
42 any plan right now as to how those permits would be  
43 distributed. Because I think like Pete mentions, if it's a  
44 fall hunt, you're probably more apt to have just residents from  
45 Togiak and Twin Hills that would take advantage of that. If  
46 you go into the winter season, there are other villages that  
47 have c&t and we would have to deal with how those permits would  
48 be distributed amongst all those villages.

49



MR. SAMUELSEN: But since the harvest goal is so low,

00163

1 10 animals, can't the refuge staff develop a similar situation  
2 that we have with the Nushagak Peninsula herd with Twin Hills  
3 and Togiak for the fall hunt? I'm leaning towards supporting  
4 it, but I'm very reluctant because I haven't heard no control  
5 measure once the hunting season opens that we're going to  
6 contain it with 10. I'd sure hate to see 30 moose drop up  
7 there, when our goal is 10 moose. So I think that a permitting  
8 system needs to be worked out with the traditional councils  
9 issuing the permits to the hunters. And that will be the  
10 control mechanism.

11  
12 MR. BOYD: We have worked out similar permitting  
13 structures with other communities in the State where we've had  
14 a limited harvest. I'm trying to recall off the top of my head  
15 the various mechanisms that we've used. Let me just be general  
16 and say that it's possible to issue 10 permits to -- or five or  
17 whatever the distribution is between the two communities. I  
18 don't know what the numbers would be, but we're talking about  
19 10 total between the two communities, we would have to have  
20 some determination of how to allocate between the communities  
21 and then we have allowed the traditional councils in some  
22 communities to issue those permits to individuals. So in this  
23 case, we're talking maybe 10 permits total issued to the  
24 community on a community harvest basis and allow the community  
25 then to allocate those or to distribute to those folks in the  
26 community that are going to do the harvesting.

27  
28 MR. SAMUELSEN: Pete, would you be in agreement with  
29 that?

30  
31 MR. ABRAHAM: Yeah.

32  
33 MR. SAMUELSEN: Or the people of Togiak would?

34  
35 MR. ABRAHAM: Yeah. Well, as far as I know. As far as  
36 I can remember. I don't think not even 10 have been harvested  
37 in the fall time over there anyway. As for distributing, when  
38 somebody catches a moose, it's distributed, you know, among the  
39 families and people and the one that caught that animal, you  
40 know, is just left with maybe a very small portion of that  
41 moose because everybody is, you know, everybody wants that. So  
42 they're not stingy with the people. And it's been the  
43 traditional way to do it for years and years.

44  
45 CHAIRMAN O'HARA: How do you divide up 10 moose among  
46 two communities, one being small and one being a little big?

47  
48 MR. BOYD: I'd look for recommendations from the  
49 Council.



00164

1 MR. SAMUELSEN: You know, that comes from the  
2 communities.

3  
4 MR. ARCHIBEQUE: Yeah, I think what we'll do is take a  
5 similar approach to what we did with the Nushagak caribou  
6 management plan and get the two traditional councils to get  
7 together.....

8  
9 CHAIRMAN O'HARA: Sure.

10  
11 MR. ARCHIBEQUE: .....and come up with a  
12 recommendation, something that they can both agree on. That  
13 was real successful and I think we can do the same.

14  
15 CHAIRMAN O'HARA: This proposal is for -- well, limit  
16 of 10, what's the dates you want to use?

17  
18 MR. ABRAHAM: Similar to Nushagak -- what was it now,  
19 August.....

20  
21 MR. SAMUELSEN: 15th through September 20th. Now, are  
22 you -- Pete, are you referring back to Proposal 38 from the  
23 Togiak Traditional Council?

24  
25 MR. ABRAHAM: Yeah.

26  
27 MR. HEYANO: Mr. Chairman?

28  
29 CHAIRMAN O'HARA: Yeah, go ahead.

30  
31 MR. HEYANO: If I may, with consideration to this moose  
32 proposal, the Federal season only.....

33  
34 CHAIRMAN O'HARA: Yeah.

35  
36 MR. HEYANO: .....in Unit 17(A), only those lands  
37 draining into Togiak Lake and Togiak River, August 20 to  
38 September 30, 10 bull moose.

39  
40 CHAIRMAN O'HARA: And?

41  
42 MR. ABRAHAM: August what?

43  
44 MR. HEYANO: Twenty to September 30.

45  
46 MR. ABRAHAM: September -- I think that's too long.

47  
48 CHAIRMAN O'HARA: What, the dates?

49

50 MR. HEYANO: August 20th to September 30.

00165

1 MR. ABRAHAM: Why not August 20 to September 20?

2  
3 MR. HEYANO: Well, Mr. Chairman, my understanding of  
4 the situation, there is a limited amount of moose in 17(A) and  
5 during this time the hunting is going to be predominately  
6 around the river.

7  
8 CHAIRMAN O'HARA: Um-hum. (Affirmative)

9  
10 MR. HEYANO: And the only way this is going to work is  
11 that the total harvest, somewhere all winter has got to stay at  
12 10 bulls. We can't have the winter harvest on cows or even  
13 bull moose taking place in addition to these 10. And I wanted  
14 to give the residents of the area ample time to get the 10  
15 bulls, that's the only reason for the length of time on the  
16 proposed season.

17  
18 CHAIRMAN O'HARA: You want to kill a small bull from  
19 the 15th on then or something or what?

20  
21 MR. HEYANO: Well, you know, we're basically talking  
22 residents of Togiak and Twin Hills. You know, in my opinion  
23 they're not going to go out and shoot a big bull on the end of  
24 September.

25  
26 CHAIRMAN O'HARA: Yeah, okay. In other words, that  
27 will take care of itself?

28  
29 MR. HEYANO: Sure.

30  
31 CHAIRMAN O'HARA: Okay.

32  
33 MR. HEYANO: Yeah, I think so. But see, what I was  
34 trying to do, Peter, is give as much time as possible in the  
35 fall so we don't have a winter hunt so you can get, every year,  
36 hopefully 10 bull moose.

37  
38 MR. ABRAHAM: The Traditional Council of Togiak want to  
39 work with, you know, U.S. Fish and Wildlife and ADF&G, co-  
40 managing this thing over here -- or co-management on this thing  
41 over here, see, they're getting the idea of not hunting the  
42 moose in the wintertime now. This winter there was not even a  
43 kill. There was no winter hunt on the moose. There was only  
44 two kills of moose this winter and those were by wolves. And I  
45 think people are willing to cooperate with U.S. Fish and  
46 Wildlife and ADF&G because they want this opening over here in  
47 the fall time.

48  
49 CHAIRMAN O'HARA: Anything else? Does that cover

50 everything we need to act on? Okay, Robin.

00166

1 MR. SAMUELSEN: Did you mentioned the permit, Robert,  
2 if you didn't mention the permit?

3  
4 CHAIRMAN O'HARA: That's something we need to.....

5  
6 MR. SAMUELSEN: I'd like that included in on the tail  
7 end of the motion.

8  
9 CHAIRMAN O'HARA: Togiak, as a city and Twin Hills as a  
10 traditional council?

11  
12 MR. SAMUELSEN: Togiak Traditional Council and Twin  
13 Hills Traditional Council.

14  
15 CHAIRMAN O'HARA: Would handle it, not the city of  
16 Togiak, okay. That's good, right down to the grassroots. Is  
17 that okay, Robert, to have in your motion?

18  
19 MR. HEYANO: Well, I guess my concern, once again, Mr.  
20 Chairman, traditional councils represent only council -- tribal  
21 members. There's obviously, I know, in the community of  
22 Togiak, members who probably don't belong to the traditional  
23 council and I need to be assured that those people will have  
24 equal opportunity to these permits as the traditional council  
25 members are. There's non-tribal members in Twin Hills, I need  
26 to be assured that those people are going to have equal access  
27 to these permits. Other than that, whatever mechanism works,  
28 the harvest stays at 10, I'd be satisfied with.

29  
30 CHAIRMAN O'HARA: Okay, Robin.

31  
32 MR. SAMUELSEN: Thank you, Mr. Chairman. Under the  
33 Nushagak Peninsula caribou management plan, the traditional  
34 councils issue permits to both Natives and non-Natives that  
35 reside in the seven communities that participate in that  
36 management plan and I would assume that this criteria is going  
37 to be carried forth to this.

38  
39 CHAIRMAN O'HARA: Peter, can you live with that?

40  
41 MR. ABRAHAM: Um?

42  
43 CHAIRMAN O'HARA: Can you live with that?

44  
45 MR. ABRAHAM: Um-hum. (Affirmative)

46  
47 CHAIRMAN O'HARA: Okay, let's have a motion on the  
48 floor then.

49



MR. HEYANO: Okay.

00167

1 MR. SAMUELSEN: I just offered it as a friendly  
2 amendment.

3  
4 MR. HEYANO: Well, I didn't.....

5  
6 CHAIRMAN O'HARA: There hasn't been a motion made yet,  
7 it just sounded like it.

8  
9 MR. HEYANO: Before I read the motion, do you have any  
10 problems with the area described in the proposal, Aaron?

11  
12 MR. ARCHIBEQUE: No.

13  
14 MR. SAMUELSEN: Question, Robert, before you read your  
15 motion. About halfway through this document Peter gave us, I  
16 see the Togiak Advisory Committee recommended an August 15th to  
17 September 20th and then the traditional council recommended  
18 August 20th to September 15th. It's been my past experience  
19 anything beyond the 15th of August is pretty much in rut in  
20 moose.

21  
22 MR. ABRAHAM: Um-hum. (Affirmative)

23  
24 MR. SAMUELSEN: Now, you get up around the 10th and  
25 12th and the only thing you can shoot is really young moose  
26 because the big ones are pretty much in rut.

27  
28 MR. ABRAHAM: Yeah.

29  
30 UNIDENTIFIED VOICE: September, Robin?

31  
32 MR. SAMUELSEN: September, yes. But I guess that would  
33 be up to the council if they want to -- or the hunter that they  
34 want to issue the permit to. If they want a rutty moose, they  
35 could go get a rutting moose.

36  
37 MR. HEYANO: Well, you know, once again I don't think  
38 people are going to shoot these to eat. And if they can't eat  
39 them, they won't be shooting them. But I think there's moose  
40 that could be shot after the 15th that are edible, you know.  
41 We used to have seasons go to the 20th and the 25th and you  
42 would have to be careful on which one you shot, but there was  
43 actually edible moose at that time. And I just wanted to make  
44 sure that there's enough time allowed so that -- enough  
45 opportunity to harvest the 10.

46  
47 MR. ABRAHAM: Are you -- in Togiak, now I seen people  
48 get bull after even rut. You know, you can smell a guy a mile  
49 away, but -- they're happy with that meat. Because they don't

50 -- they dry it, they preserve it. I think they'll be

00168

1 satisfied, you know, this is a start.

2  
3 CHAIRMAN O'HARA: Okay.

4  
5 MR. SAMUELSEN: Good enough.

6  
7 CHAIRMAN O'HARA: Let's have a motion.

8  
9 MR. ARCHIBEQUE: Mr. Chairman, may I make one comment?

10  
11 CHAIRMAN O'HARA: Sure.

12  
13 MR. ARCHIBEQUE: Mike Hinkes just brought something to  
14 my attention. He said you might want to consider looking at  
15 maybe a shorter season, not having any registration permits.  
16 He doesn't feel that you would harvest over 10 animals if you  
17 didn't have a permit or set a limit. You know, he feels like  
18 if you had maybe an August 20th to September 15th season for a  
19 bull moose, that you wouldn't likely harvest over 10 animals in  
20 that drainage because there's only certain reaches that they're  
21 going to be able to get to. I know you may have some concerns,  
22 I know you didn't want to see over 10 animals harvested. He  
23 said in all likelihood, that would not probably occur and that  
24 would reduce this need to have a registration permit.

25  
26 CHAIRMAN O'HARA: Who's this?

27  
28 MR. ARCHIBEQUE: Pete might be able to let us know, if  
29 that's the case or not. Mike Hinke's a refuge biologist.

30  
31 CHAIRMAN O'HARA: Okay. Well, let's get the dates  
32 nailed down here guys.

33  
34 MR. SAMUELSEN: Mr. Chairman?

35  
36 CHAIRMAN O'HARA: Yes.

37  
38 MR. SAMUELSEN: You know, this herd has been in trouble  
39 since the '70s and we're seeing more and more moose migrate.  
40 They're migrating out of Sunshine valley and into the Togiak  
41 valley. We're playing with very, very small margins here.

42  
43 CHAIRMAN O'HARA: Yeah.

44  
45 MR. SAMUELSEN: I think under a normal circumstance, I  
46 wouldn't even be voting to open this area because ADF&G has  
47 stated that the optimum number they'd like in the area is 600  
48 to 1,000 animals. But because of the willingness of the people  
49 of Togiak to cooperate, ADF&G Staff reports as well as Togiak

50 Wildlife Refuge people's comments, you know, I'm willing to

00169

1 give it a try.

2

3 CHAIRMAN O'HARA: Um-hum. (Affirmative)

4

5 MR. SAMUELSEN: But we're talking of the second biggest  
6 community in the Bristol Bay region is the community of Togiak.  
7 There's 700 plus people over there. Combined with Twin Hills.  
8 And surely I'm not aware of the hunting conditions or where the  
9 moose are laying, but you know, I could envision in late August  
10 there a flat, calm evening and lots of bugs and them moose are  
11 going to be out in the water like up river or early in the  
12 morning and you know, we're going to go over that 10 limit.  
13 And everything that we've done to try to push moose into that  
14 area to regain their foothold, we'll take a step back, I think  
15 if we hit 20 moose. And I'd sure hate for the refuge managers  
16 to come back and say we've got 20 or 25 moose. That's clearly  
17 not my intent to allow more than 10. And I've sat down and  
18 argued with Larry and even talked pretty extensively with  
19 Robert about it. But I think it's such a fragile situation  
20 there and in the name of conservation, I'm taking into  
21 consideration the people of Togiak that, you know, I'm willing  
22 to allow 10 moose, but I think it's got to be a controlled  
23 hunt.

24

25 CHAIRMAN O'HARA: In other words, you want these guys  
26 to be responsible for not over 10?

27

28 MR. SAMUELSEN: Well, I think that you know, Peter has  
29 stated that the traditional council of Togiak wants to  
30 cooperate with the people and the refuge and I don't see the  
31 permit as being a very hard thing to put into place. You go  
32 over there, you sit down with the traditional council of Togiak  
33 and Twin Hills, tell them what the intent of this Advisory  
34 Council was, as well as the Board, and if this action passes,  
35 they, the communities will divide up their permits, maybe it  
36 will be three for Twin Hills because of its size and seven for  
37 Togiak and the traditional councils will develop the criteria  
38 and issue the permits to whoever they want.

39

40 CHAIRMAN O'HARA: Are you satisfied with the dates?

41

42 MR. SAMUELSEN: Yeah, I'm satisfied with the dates.

43

44 CHAIRMAN O'HARA: Okay, that sounded like a motion to  
45 me.

46

47 MR. SAMUELSEN: I'm just worried about the harvest  
48 capability.

49

MR. ABRAHAM: I don't think -- like I told you before,

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1 I don't think we would go over 10 anyway regardless. I mean  
2 because of the access outside of Togiak River, you know, you  
3 can't go anywhere. And then the moose are inside -- you know,  
4 away from the Togiak River anyway most of the time. Reported  
5 last fall that I know of I think there were only seven moose  
6 sightings between Togiak Lake and the north of Togiak.

7  
8 CHAIRMAN O'HARA: I think we got a proposal here, let's  
9 have a motion.

10  
11 MR. HEYANO: Okay, I guess, Mr. Chairman, I would move  
12 to propose having a Federal hunt only for moose at 17 for those  
13 lands draining into the Togiak Lake and Togiak River from the  
14 20th of August to the 30th of September. This hunt will be for  
15 10 bull moose only through a permit system to be administered  
16 by the Togiak Wildlife Refuge in conjunction with the  
17 traditional councils of Togiak and Twin Hills. I'd like to  
18 further state then by allowing this hunt that the management  
19 goal for Unit 17(A) is to establish a moose population between  
20 600 to 1,000 moose.

21  
22 CHAIRMAN O'HARA: Is there a second to that motion?

23  
24 MR. SAMUELSEN: Second.

25  
26 CHAIRMAN O'HARA: Okay, any further discussion?

27  
28 MR. ABRAHAM: Question.

29  
30 CHAIRMAN O'HARA: All those in favor say aye.

31  
32 IN UNISON: Aye.

33  
34 CHAIRMAN O'HARA: Opposed.

35  
36 (No opposing votes)

37  
38 CHAIRMAN O'HARA: Okay, now, we're done with the  
39 proposals. Helga.

40  
41 MS. EAKON: Mr. Chair, we need to bid a fond adieu to  
42 Andrew Balluta who needs to catch a charter here pretty quick.

43  
44 CHAIRMAN O'HARA: Okay, Andy.....

45  
46 MS. EAKON: However, we'll still have quorum with the  
47 rest of you here.

48  
49 CHAIRMAN O'HARA: Okay, we got a quorum. Thanks Andy,



50 see you at Nondalton, okay.

00171

1 (Off record comments)

2

3 CHAIRMAN O'HARA: Into reports, um, Helga.

4

5 MS. EAKON: Okay, we're done with proposals. Our next  
6 major presentation will be done by Tom Boyd on the fisheries.

7

8 CHAIRMAN O'HARA: Boy, too bad you're going to miss the  
9 fishery one there Andy. Is the plane out there yet?

10

11 MS. EAKON: He's going to land at 2:00 o'clock.

12

13 (Off record comments)

14

15 (Off record)

16 (On record)

17

18 CHAIRMAN O'HARA: Okay, you're on.

19

20 MR. BOYD: Mr. Chair, every time I do this presentation  
21 I change it up a bit because of the reaction I got from the  
22 previous audience -- or Council. This is the briefing in your  
23 book under Tab E was originally designed for presentation of  
24 the Federal Subsistence Board and then modified for the  
25 Councils. And the Board being a bunch of bureaucrats, they  
26 took right to this presentation. But when we tried it out on  
27 the first Council we watched a lot of eyes glazed over, so I  
28 kind of wanted to tailor it a bit to the audience and maybe  
29 come, at least, initially to the part that I think -- I'm going  
30 to presume that you're most interested in, and then if I'm  
31 wrong then you'll correct me.

32

33 CHAIRMAN O'HARA: The difference between bureaucrats,  
34 was it job security, is that what made them so happy?

35

36 MR. BOYD: I just think it's a language thing. If I  
37 could, I kind of wanted to go through a bit of a background of  
38 how we got to where we are and most of you have lived through  
39 this so this may be old to you. But I thought it's always  
40 helpful to at least brief it to get us refocused and then go  
41 right into the content of the proposed rule itself -- the draft  
42 proposed rule and I want to stress that word, draft, because  
43 it's not a proposed rule yet. Then I'll talk a bit about the  
44 process that we're involved in and some of the things that are  
45 going on right now. Then I want to go from there and talk a  
46 little bit about the environmental assessment, which I'm going  
47 to presume you're less interested in than the proposed rule, so  
48 that's why I put it last.

49

CHAIRMAN O'HARA: Okay.

00172

1 MR. BOYD: As most of you are aware in 1990 the Federal  
2 agencies -- we had the McDowell lawsuit and the Federal  
3 agencies had to assume management of subsistence on the Federal  
4 public lands in Alaska. When we did that we defined public  
5 lands as those Federal lands that were not encumbered, selected  
6 by the State of Alaska or the Native corporations under ANCSA.  
7 Included within that definition we essentially defined the  
8 waters as those lands -- those submerged lands that the U.S.  
9 had title to and essentially that meant all of the non-  
10 navigable waters within the Federal reservations and the  
11 Federal public lands being BLM lands across the State as well  
12 as navigable waters within reservations that were selected  
13 prior to statehood or reserved prior to statehood. And that  
14 was essentially most of the area -- or at least the waters that  
15 we included were not major fishing areas. So we didn't get  
16 into fishery management in a real big way.

17  
18 Well, not long after we assumed -- the Federal  
19 government assumed management of subsistence on the public  
20 lands we got one of our first lawsuits which became known as  
21 the Katie John lawsuit and basic challenge in that litigation  
22 was that the Federal government should assume jurisdiction over  
23 all navigable waters -- inland navigable waters of the State of  
24 Alaska. That argument wound its way through the courts. It  
25 went through the district court and the district court said,  
26 yeah, that's right, Federal government, you should exert  
27 jurisdiction over all navigable waters in the State. That was  
28 appealed by the State of Alaska to the Ninth Circuit Court of  
29 Appeals. And in the spring of 1995, the Ninth Circuit ruled  
30 that the Federal government should assert jurisdiction only  
31 waters -- inland waters, navigable waters where the United  
32 States had reserved water rights. And then they turned around  
33 and said the Federal agencies will define where those waters  
34 are.

35  
36 We went through an exercise shortly thereafter or maybe  
37 it was a little bit before in anticipation of this decision.  
38 But shortly thereafter all the Federal agencies collaborated  
39 with their attorneys trying to figure out what the court  
40 decision meant on the ground. And in essence what it meant and  
41 what we've come to is that it means that we should assert  
42 jurisdiction in those navigable waters that are within the  
43 exterior boundaries of all of the conservation system units of  
44 the State. And if I could go to the map I'll just kind of give  
45 you maybe a graphic presentation of what I mean.

46  
47 CHAIRMAN O'HARA: If Joe can hear you over there, um.

48  
49 MR. BOYD: And by -- let me just backup a step, by

50 conservation system units, I mean all of the national wildlife

00173

1 refuges, national parks, monuments and preserves, I'm going to  
2 miss a few here, but national conservation -- or let's see,  
3 conservation area and recreation area, the Steese White  
4 Mountains just over the other side of Fairbanks, all wild and  
5 scenic rivers and I think that's most inclusive. A second  
6 determination, there was a little bit of different  
7 determination for -- that's the Department of Interior lands.  
8 There was a different determination for Department of  
9 Agriculture lands, that's U.S. Forest Service, and it would be  
10 that we would exert jurisdiction in all waters, navigable  
11 waters included of the national forest that were bordered, at  
12 least, on one side by Forest Service land, so it's a little  
13 different determination and I'll try to explain when I go to  
14 the map.

15  
16 You're going to try to pick me up from a distance?

17  
18 COURT REPORTER: Yeah, we can try to.

19  
20 MR. BOYD: How is that, one, two, three?

21  
22 COURT REPORTER: I think we can do it.

23  
24 MR. BOYD: This is a map of the Bristol Bay region.  
25 (Inaudible) if you look at the Togiak Refuge, the boundaries of  
26 the Togiak Refuge and you have these maps in front of you as  
27 well. And I'll kind of sketch it here because you can't see  
28 the line probably from where you're sitting. But it runs along  
29 here and falls into the kind of a fine black line, then along  
30 this border here it cuts over here to almost -- almost to  
31 Dillingham and then down the coast line and around, it comes  
32 right around through here and back up this way and then it  
33 counts as a coast line here and back up to where -- so you can  
34 tell from the line that I drew that there are certain lands  
35 within it that aren't refuge lands, but they were contained  
36 within the interior boundaries and the waters essentially that  
37 flow through over (inaudible) those white lands that aren't  
38 necessarily public lands are the ones that we would have  
39 jurisdiction over. So if you look on the map we have a lot of  
40 waterways outlined in red, those essentially the waterways that  
41 we anticipating jurisdiction. Within the refuge it would be  
42 limited to the boundary of the refuge.

43  
44 If this were Forest Service lands and I don't have any  
45 Forest Service lands on this map, it would be only those waters  
46 for which the pink would be touching the waterway on one side  
47 or the other. And that's the difference between them. So you  
48 can tell in the Bristol Bay region that there's not a lot of  
49 water, inland water within the limited region that's effected

50 by this proposal. I should also point out that BLM lands,

00174

1 waters flowing through BLM lands are not included. These are  
2 not reserved waters.

3  
4 So if I could sort of just maybe go through the Bristol  
5 Bay regions. It's essentially all the waters within the Togiak  
6 Refuge exterior boundary, Becharof, Peninsula Refuges, the  
7 Aniakchak National Monument and National Preserve and it  
8 excludes Katmai because Katmai National Park is -- somebody  
9 help me -- no subsistence (inaudible).....

10  
11 CHAIRMAN O'HARA: Yeah, you're going to have to talk a  
12 little louder.

13  
14 MR. BOYD: There's no subsistence in the old part.....

15  
16 COURT REPORTER: I didn't get any of that Tom, I'm  
17 sorry.

18  
19 CHAIRMAN O'HARA: You've got to speak-up.

20  
21 COURT REPORTER: I didn't get it. I'm sorry, I didn't  
22 get any of that because you turned your head from the mike and  
23 there's nothing I can do about it.

24  
25 MR. BOYD: You didn't get anything I said?

26  
27 COURT REPORTERS: Well, I didn't catch any of the  
28 waters that you mentioned because you were.....

29  
30 MR. BOYD: Okay, well, let me back up.

31  
32 MR. SAMUELSEN: Move your map over Tom.

33  
34 MR. BOYD: Now?

35  
36 COURT REPORTER: No.

37  
38 MR. BOYD: I'll just sit down because I think I can  
39 talk.....

40  
41 CHAIRMAN O'HARA: Yeah.

42  
43 MR. BOYD: Let me just start all over again. For the  
44 Bristol Bay region it includes all the waters within the  
45 exterior boundaries of Togiak Refuge, Becharof Refuge and  
46 Alaska Peninsula Refuge, it also includes the waters at  
47 Aniakchak Monument and Preserve. It does not include waters  
48 within Katmai National Park, nor does it include waters within  
49 the -- coursing through the BLM lands that you see up there.





00175

1 In a nutshell that's essentially the coverage for this  
2 region. That represents somewhere around one-third of the  
3 waters within the region, inland waters within the region. And  
4 Lake Clark, it also includes waters in Lake Clark National  
5 Park, they're within the region.

6  
7 MR. SAMUELSEN: Does it include waters in Katmai  
8 Preserve?

9  
10 MR. BOYD: Yes. Yeah, I left that one out.

11  
12 CHAIRMAN O'HARA: Okay.

13  
14 MR. BOYD: Let me backup a step to my briefing again,  
15 but not long after the Ninth Circuit ruling I mentioned that  
16 the Federal agencies had gotten their heads together with their  
17 attorneys to figure all this out and that's sort of the upshot,  
18 the list that I just read for your region -- but that's sort of  
19 the upshot of how we defined where Federal reserved waters  
20 reside.

21  
22 In early 1996 the State petitioned the Supreme Court to  
23 -- essentially filed an appeal with the Supreme Court on this  
24 Ninth Circuit ruling. The Supreme Court denied hearing the  
25 case and the Ninth Circuit Court ruling now stands. IT was in  
26 the spring of '96 then that the agencies began to scramble to  
27 figure out how we were going to implement this court decision.  
28 We had yet to receive a directive from the court to move out on  
29 this, but we anticipated one and essentially we had some  
30 guidance from the court that we should have essentially a plan  
31 or rule in place by early 1997. So we were essentially without  
32 a budget and without adequate staff to get this rolling. And  
33 we were struggling to figure out what the next step was going  
34 to be. Recognizing that the State of Alaska was still trying  
35 to figure out a way to -- the Knowles administration, in  
36 particular, trying to figure out a way to get the State  
37 management back under essentially one tent. There was a lot of  
38 politics going on with this particular issue.

39  
40 One of the things that the Federal agencies did early  
41 on was to publish a notice -- we call it an advanced notice of  
42 proposed rulemaking that would implement this court decision.  
43 That came out in -- I want to say April of 1996. We had 11  
44 public hearings around the State on that advanced notice.  
45 Essentially that advance notice laid out what the Federal  
46 government was contemplating at that time regarding where we  
47 would extend jurisdiction. And essentially that we would  
48 extend jurisdiction into those waters where there was Federal  
49 reserve waters, essentially what I outlined on the map. It

50 also would extend jurisdiction into selected, but not conveyed

00176

1 lands. This was not a result of the court ruling, but to  
2 petitions for rulemaking that had been filed in earlier years  
3 of the Federal program by the Native American Rights Fund as  
4 well as the Northwest Arctic Regional Advisory Council. It  
5 also had a provision where the Secretary of the Interior and  
6 Agriculture would delegate to the Federal Subsistence Board the  
7 authority to extent jurisdiction off the public lands in order  
8 to protect subsistence interests on the public lands. That was  
9 fairly a controversial aspect of that advanced notice that we  
10 got a lot of reaction to.

11  
12 Those are essentially the highlights of that advanced  
13 notice of proposed rulemaking. As I said, we had 11 public  
14 hearings around the State in May of '96. We got a lot of  
15 comments. Generally the comments were either supportive or  
16 antagonistic toward the Federal proposal without a great deal  
17 of subsistence, in terms of how we might implement the Federal  
18 proposal.

19  
20 In the summer of '96, we began to think about a process  
21 where we might begin to implement the court's decision. We  
22 knew we had to go through a rulemaking process and there were  
23 certain requirements from the National Environmental Policy  
24 Act. In other words, we were struggling with whether or not we  
25 were going to write an environmental impact statement or do  
26 something else and we needed to lay out sort of a plan on how  
27 we were going to get to implementation to fulfill the court's  
28 directive of having something in place early in this year.  
29 Simultaneous to that activity, there was activity in congress  
30 to develop a -- essentially a prohibition, a ban on  
31 implementing this decision during this fiscal year. And  
32 essentially that's what happened. In the FY '97 budget package  
33 that congress approved, there was a -- we call it a moratorium,  
34 but essentially a clause put in there that prohibited the  
35 Federal agencies from promulgating or implementing any final  
36 rulemaking during fiscal year '97 or until, if you will,  
37 October of this year, 1997. So with that in mind we had a  
38 little more breathing room and a little more time to put a plan  
39 together.

40  
41 We were directed by our policy makers then to develop a  
42 plan for preparing an environmental assessment to satisfy the  
43 requirements of the National Environmental Policy Act as well  
44 as a plan for putting together a rulemaking. When we devised  
45 the schedule and a plan for doing that, we did it with the idea  
46 that we wanted to incorporate the comments and the review of  
47 the Regional Advisory Councils. You'll recall last fall during  
48 the fall meetings of all the Council meetings we initially  
49 introduced this idea of a rulemaking and sought some of your

50 early thinking on what should go into that rulemaking. We did

00177

1 get some comments from several Councils and other comments --  
2 other Councils didn't comment as much. And we tried to  
3 incorporate those into the rulemaking.

4  
5 What I'd like to do right now is go into our -- at  
6 least our initial draft of the proposed rule that we're dealing  
7 with. And if you would, turn to Tab E and go past those  
8 overhead slide copies and you'll see a letter at the top, it  
9 says, Federal Subsistence Board and if you'll turn the page  
10 you'll see where it says Region 4, subsistence management  
11 regulations for public lands in Alaska, Regional Council review  
12 draft. And what I want to do is highlight for you within that  
13 document where the significant changes are to our existing  
14 regulations and just point some things out to you I think you  
15 should be aware of.

16  
17 Of course the big change in this is jurisdiction. And  
18 if you turn the page, on Page 2 of that document, you'll see  
19 highlighted the list of -- anything that you see that's -- we  
20 call it redlined, but essentially highlighted in this part are  
21 additions to the existing Federal subsistence regulations. And  
22 what we've added on these two pages are a list of the areas  
23 that include non-navigable and navigable waters that are  
24 contained within the exterior boundaries of these following  
25 areas then would be included in Federal regulation -- in our  
26 jurisdiction. This is a statewide list. So that's what you  
27 see on those two pages.

28  
29 If you turn the page again on Page 4, highlighted again  
30 you'll see some additions to the definitions, for example,  
31 Federal lands up there at the top includes a phrase that  
32 includes navigable and non-navigable waters in which the United  
33 States has reserved water rights, essentially implementing the  
34 Ninth Circuit decision. We have a definition of inland waters.  
35 I won't read all these to you, but I just want to point them  
36 out to you. And then down toward the bottom under public lands  
37 or public lands added to that definition we have Item 4, which  
38 adds selected but not conveyed lands to the jurisdiction of  
39 subsistence management. It says notwithstanding the exceptions  
40 in Paragraph A one through three of this section; until  
41 conveyed, all Federal lands within the boundaries of any unit  
42 of the National Park System, National Wildlife Refuge System,  
43 National Wild and Scenic River System, National Forest  
44 Monument, National recreation area, National Conservation area,  
45 new national forest or forest addition shall be treated as  
46 public land for the purposes of regulations in this part. And  
47 the authority for that is listed in Section 90102 of ANILCA.  
48 So this is an expansion on the terrestrial side of Federal  
49 jurisdiction, not just waterways, but on the Federal land --

50 terrestrial land base.

00178

1           If you turn the page again, on Page 7, under Subpart B,  
2 program structure, number 10, highlighted, is a sentence that  
3 essentially states the Secretary's authority to extend  
4 jurisdiction off of public lands to protect subsistence  
5 hunting, fishing and trapping on the public lands to such an  
6 extent as a result in a failure -- if such activities result in  
7 a failure to provide the subsistence priority.

8  
9           If you'll recall, the advanced notice of proposed rule  
10 said that this would be delegated to the Board, the Federal  
11 Subsistence Board. This is the Federal Subsistence Board's  
12 recommendation now that the Secretary's of Interior and  
13 Agriculture retain this authority.

14  
15           Before I answer a question I'll just go to the next  
16 page. On Page 8, it adds an authority of the Board or a duty,  
17 I should say or a responsibility of the Board then to evaluate  
18 -- you see at the bottom there, to evaluate whether hunting,  
19 fishing or trapping activities which occur on lands or waters  
20 in Alaska other than public lands interfere with -- essentially  
21 it gives the Board the responsibility to evaluate when these  
22 activities occurring off the public lands effects subsistence  
23 on the public lands and then provide a recommendation to the  
24 Secretary.

25  
26           Let me just stop right there because I noticed Robin  
27 had his hand up.

28  
29           MR. SAMUELSEN: Yeah, thank you Tom, on Page 7 there,  
30 the highlighted portion down where the Secretary, however,  
31 retains -- how far does that extend out, what's your  
32 interpretation of extending out or what's the government's  
33 interpretation on it?

34  
35           MR. BOYD: Well, it says on lands and waters in Alaska.  
36 And my interpretation would be to the territorial sea, but not  
37 beyond. These are.....

38  
39           CHAIRMAN O'HARA: Either three or 12 miles?

40  
41           MR. BOYD: Yeah, to the three mile limit, essentially.

42  
43           MR. SAMUELSEN: Well, I think that's a problem there,  
44 Mr. Chairman. You know, we have a domestic fleet out there in  
45 the EEZ, three miles to 200 miles off and they've been catching  
46 an average of roughly 40,000 chums and one year they hit  
47 250,000 chums as by catch. It's a Federal fishery, it's in  
48 Federal waters, it's Federally managed and we have a collapse  
49 of the AYK Yukon stocks. I think -- I've seen Staff reports



50 that contributed 90 percent of them fish to the AYK region. So

00179

1 I think that the cause and effect needs to go out into the EEZ  
2 because this is a Federal law in State waters, in the State of  
3 Alaska and it should be extended out to wherever the Feds are  
4 managing that fishery. And the flip-side of the coin, chinook  
5 salmon are mighty important to subsistence users in Bristol Bay  
6 as well as sport and commercial fishermen, there is -- before  
7 we put a cap on the trawl fishermen, they could have been  
8 catching 500,000 chinook salmon in that fishery and the manager  
9 in that fishery, Steve Pennoyer, with the National Marine  
10 Fishery Service could not use his hot spot authority to close  
11 down that fishery.

12  
13 So what's good for the goose is good for the gander.  
14 And if the State is going to reach around and grap -- or if the  
15 Federal government is going to reach around and curtail State  
16 fishermen in State waters, then it should also reach beyond the  
17 State jurisdiction and reach out to Federal waters that they're  
18 managing beyond the State waters, curtail that fishery.

19  
20 MR. BOYD: I don't have a response other than to say  
21 that the legal implications of this extra-territorial authority  
22 are somewhat uncertain as to how far it can extend. I read  
23 this -- when we say is in Alaska as to being to the three mile  
24 limit. And I think that's supported by the -- I don't want to  
25 call it the Savings -- there's a section in ANILCA that  
26 essentially exempts the authority -- I say exempts -- it does  
27 not give the Secretary's the authority to usurp the authority  
28 of the National Marine Fisheries Service and essentially beyond  
29 the three mile limit. That's in Section 816, I believe, it  
30 lists the Magnuson Act as one of those laws that does not  
31 change as a result of Title VIII.

32  
33 MR. SAMUELSEN: Can you bring us back a legal opinion  
34 on that?

35  
36 MR. BOYD: I think we're going to have to explore it.  
37 So I guess for you and the rest of the world to be made aware  
38 of that as this moves on.

39  
40 MR. SAMUELSEN: Well, I wear two hats. I sit on the  
41 North Pacific Fishery Management Council as well as this Board  
42 and I'd like to see the explanation.

43  
44 MR. BOYD: Okay, we're going to capture this comment.  
45 I mean it's certainly something we're going to have to look at.

46  
47 MR. HEYANO: Question for Tom, Mr. Chairman?

48  
49 CHAIRMAN O'HARA: Go ahead.



00180

1 MR. HEYANO: In implementing this authority, do you  
2 perceive going to the user that's closest to the subsistence  
3 problem and working your way out?  
4

5 MR. BOYD: I'm not sure I understand the question. Let  
6 me just try to respond and see if I can.....  
7

8 MR. HEYANO: Well, I guess in some of Robin's examples,  
9 you have a subsistence king salmon fishery in river that's  
10 having a problem, would your immediate regulatory action be to  
11 reduce the sport and the commercial fishery in that same  
12 drainage and then work further away from the area of problem to  
13 other users that have impact on that subsistence king salmon?  
14 Is that how you perceive implementing this? Or would you start  
15 at the other end and work in?  
16

17 MR. BOYD: Well, I think if we receive a regulatory  
18 proposal, for instance, that subsistence uses were not being  
19 accommodated in a particular drainage, I think we would look at  
20 -- we'd have to look at the whole problem as opposed to just  
21 looking at a part of it. However, by saying that, I'm not sure  
22 exactly whether or not the Secretary's are going to have the  
23 authority to deal with the whole problem and that's something  
24 we'd have to take into consideration as well. I mean the  
25 Secretary may be limited to the jurisdiction -- to the direct  
26 jurisdiction or -- I'm answering a general question with a  
27 general answer and I don't like that. But I think the  
28 Secretary would have to look at the whole issue and make a  
29 determination.  
30

31 My sense is we would have to be petitioned to extend  
32 our jurisdiction off the public lands before we would actually  
33 do so. And we would not do so until we consulted with the  
34 State of Alaska and other Federal agencies including the  
35 National Marine Fishery Service if necessary. We're getting  
36 into an area that we really haven't explored fully and I'm not  
37 sure that we have a complete answer to your question.  
38

39 CHAIRMAN O'HARA: Go ahead, Robin.  
40

41 MR. SAMUELSEN: Well, to follow-up on Robert's  
42 question, then I guess the politically correct answer would be  
43 that you would look throughout the chinook's full migratory  
44 range and those waters that are within the State of Alaska, you  
45 would do assessment on if the fishermen in Barrow were catching  
46 and the fishermen in Alagnak were catching them stocks, you'd  
47 do assessments on all them stocks as they were migrating down  
48 back into -- let's say the Nushagak River?  
49

MR. BOYD: Yeah. I think clearly we'd have to look at

00181

1 it.

2

3 MR. SAMUELSEN: You wouldn't just.....

4

5 MR. BOYD: Look at the whole picture.

6

7 MR. SAMUELSEN: .....look at the.....

8

9 MR. BOYD: Yeah, that's what I'm saying.

10

11 MR. SAMUELSEN: .....local sport fishery and the local  
12 commercial fishery, you'd go throughout the whole migratory  
13 route within State waters?

14

15 MR. BOYD: I guess.

16

17 MR. SAMUELSEN: Welcome to fish politics then. Okay.

18

19 MR. BOYD: I avoided a similar question at the Yukon  
20 River Drainage Fisheries Association meeting last week. And I  
21 guess there's no simple answer to a hypothetical question. I  
22 think we'd have to look at the specific case and evaluate it  
23 accordingly.

24

25 CHAIRMAN O'HARA: You know, Tom, it has a lot of merit.  
26 Because Katie John lives way up there and False Pass is way  
27 down there and she got a court case out of it. You just need a  
28 Katie John II to go out into the high seas. I mean it's -- if  
29 it's going to become that, somebody someplace is going to say  
30 this has got to stop someplace and that's what it's going to  
31 boil down to. I appreciate the fact that you can't answer that  
32 yes or no right now. But you do have counsel to go to that  
33 will help us a little bit better later on.

34

35 Okay, what's your next point? You guys satisfied to a  
36 point?

37

38 MR. HEYANO: To a point.

39

40 MR. BOYD: To a point, yeah.

41

42 CHAIRMAN O'HARA: All right.

43

44 MR. HEYANO: If he wants a specific example, I'm sure  
45 we could give him one.

46

47 CHAIRMAN O'HARA: Okay, give him a specific example.

48

49 MR. BOYD: Well -- well.....



00182

1 CHAIRMAN O'HARA: I could give you a specific example.

2

3 MR. BOYD: .....before you do that, I think it would --  
4 we would have to handle it just like we would any other  
5 proposal and we would have to evaluate it. I couldn't sit here  
6 and off the top of my head tell you what we would do without  
7 all of the facts and without, you know, a complete Staff  
8 analysis on the issue. I mean it just wouldn't be right for me  
9 to do that.

10

11 CHAIRMAN O'HARA: The resource could be gone by then,

12 Tom.

13

14 MR. BOYD: Yeah.

15

16 CHAIRMAN O'HARA: I was only kidding, okay.

17

18 MR. BOYD: Yeah. Those are the major changes in the  
19 first two subparts of the regulation, the general provisions  
20 and the program structure. And those line up pretty well with  
21 the advanced notice of proposed -- the advanced notice of  
22 proposed rule I mentioned that we published last year, with the  
23 exception of the provision that would have delegated under the  
24 ANPR, we would have delegated the authority to extend off of  
25 public lands to the Board and now the Board is recommending  
26 that the Secretary retain that responsibility. I want to  
27 highlight that for you, that's what we just covered on Pages 7  
28 and 8.

29

30 It says the Secretary's retain that authority. In other  
31 words, the decisionmaker on extending jurisdiction would be  
32 retained by the Secretary, not the Federal Subsistence Board.

33

34 CHAIRMAN O'HARA: Um, okay.

35

36 MR. BOYD: And that -- what I'm reading to you now is  
37 going to be the -- is currently the position of the Federal  
38 Subsistence Board and what they will be recommending to the  
39 Secretary.

40

41 CHAIRMAN O'HARA: That's according to Title VIII.

42

43 MR. BOYD: Those are essentially the changes in  
44 Subparts A and B of the regulations. I'd have you turn now to  
45 subparts -- to Page 16.....

46

47 CHAIRMAN O'HARA: Is this going to be something  
48 different, Tom?

49



50 MR. BOYD: We want to go to Subpart C.

00183

1 CHAIRMAN O'HARA: Okay. Are you satisfied on -- do you  
2 want to take questions now or are you going to start a new one?

3  
4 MR. BOYD: I could stop here on the general provisions,  
5 if you would like, okay.

6  
7 CHAIRMAN O'HARA: That's okay. Keep going, that's  
8 fine. I just want to make sure everybody's.....

9  
10 MR. SAMUELSEN: What page are we on now?

11  
12 CHAIRMAN O'HARA: What page are we on now?

13  
14 MR. BOYD: Page 16.

15  
16 CHAIRMAN O'HARA: Okay.

17  
18 MR. BOYD: Subpart C essentially is contained within  
19 the boxes on Pages 16 and 17 and it's the customary and  
20 traditional use determinations for your region. We only  
21 excerpted the regulations for Subparts C and D for the Bristol  
22 Bay region.

23  
24 Essentially what we've done for Subpart C is adopted  
25 the c&t regulations that were in place in State regulation  
26 during -- at -- in 1990. If you'll recall at pre-McDowell, the  
27 State had customary and traditional determinations in their  
28 regulations. However, post-McDowell they did not because all  
29 rural residents were -- excuse me, all residents of the State  
30 of Alaska became subsistence users at that time under State  
31 law.

32  
33 So essentially what you have before you represents what  
34 was in State regulations. We've added some language, you'll  
35 see highlighted, that were a result of -- I believe these were  
36 proposals that occurred in the Federal programs since State --  
37 since we assumed Federal management.

38  
39 Subpart D starts on Page 17. Essentially these are  
40 State regulations that are in place -- State subsistence  
41 fishing regulations that are in place today and we've adopted  
42 those for purposes of a draft regulation. Now, if you'll go  
43 through these regulations, you'll see later on -- beginning say  
44 around Page 22 some strikeouts and then through the remainder  
45 of those regulations you'll see some strikeouts. We've made an  
46 initial attempt at trying to strikeout areas within those  
47 regulations that we don't think are within our jurisdiction --  
48 within our geographic jurisdiction, trying to make at least a  
49 first attempt at cleaning up these regulations and taking out

50 those State regulations that don't pertain to Federal

00184

1 jurisdiction.

2

3 MR. SAMUELSEN: Question Tom?

4

5 MR. BOYD: Sure.

6

7 MR. SAMUELSEN: On Subpart C.....

8

9 MR. BOYD: Yes.

10

11 MR. SAMUELSEN: .....on Page 17. The subsistence users  
12 in all of Bristol Bay have a c&t on halibut and also herring.

13

14 MR. BOYD: Yes, I -- are you commenting now? Is that  
15 a.....

16

17 MR. SAMUELSEN: Yeah.

18

19 MR. BOYD: Okay.

20

21 MR. SAMUELSEN: I was just commenting on here, you got  
22 it broken out, salmon and other fresh water fish?

23

24 MR. BOYD: Yes.

25

26 MR. SAMUELSEN: But that should include salmon, herring  
27 and halibut for Bristol Bay boundaries.

28

29 MR. BOYD: Yeah, I.....

30

31 MR. SAMUELSEN: The only communities that do not have a  
32 c&t on halibut is Norton Sound and Prince William Sound that I  
33 know of in the State.

34

35 MR. BOYD: We're going to capture this comment and I  
36 think I'm going to respond to it right now. It may be that  
37 they're not included here because Federal jurisdiction does not  
38 include much of the marine waters within Bristol Bay; probably  
39 any of the marine waters unless there's a portion of the  
40 Maritime Refuge somewhere out there. We're only including  
41 inland waters or fresh waters.

42

43 MR. SAMUELSEN: Oh, okay.

44

45 MR. BOYD: You might see halibut over here for  
46 residents of.....

47

48 MR. SAMUELSEN: Okay.

49

MR. BOYD: .....Kvichek, Newtok, Tununak, et cetera.

00185

1 There are Federal jurisdiction around Nunivak Island. I don't  
2 recall the distance off shore, but some of the marine waters  
3 near Nunivak Island and around that island are included in  
4 Federal jurisdiction, they're part of the refuge system.

5  
6 MR. SAMUELSEN: Yeah, I see the difference here, thank  
7 you.

8  
9 CHAIRMAN O'HARA: Let's speed up a little bit here now.

10  
11 MR. BOYD: Well, essentially that's my briefing on the  
12 proposed rule.

13  
14 CHAIRMAN O'HARA: Okay.

15  
16 MR. BOYD: I wanted to highlight -- well, I have one  
17 more item that I wanted to highlight for you and bring to your  
18 attention on Page 20. This is the issue of customary trade.  
19 It's an issue that's of major concern to us as we develop these  
20 regulations. Clearly we wanted to protect the subsistence --  
21 the traditional practices of customary trade but at the same --  
22 I'm going to point it out to you in a minute -- but at the same  
23 time, we wanted to protect the resource essentially, and not  
24 allow customary -- the sale of subsistence caught fish to go  
25 unchecked and become a commercial exercise.

26  
27 So if you'll look on Page 20 of the regs, Item 11 and  
28 12, just below the middle part of that page, you'll see where  
29 it says no person may buy or sell fish, their parts or their  
30 eggs which have been taken for subsistence uses except as  
31 provided for by the Federal Subsistence Board. The idea here  
32 is that we would not -- again that we would restrict the sale  
33 of subsistence fish, but allow exceptions to be made by the  
34 Board on a case by case basis as proposals come in.

35  
36 Number 12 essentially is adopted again from State  
37 regulations and prohibits people who are engaged in fisheries  
38 business from receiving for commercial purposes through sale or  
39 barter subsistence taken salmon or their parts. Essentially it  
40 prevents the resale of subsistence taken salmon or their parts.  
41 The sale and then the resale.

42  
43 And both of these provisions are intended to  
44 essentially prevent subsistence from becoming a commercial  
45 exercise. Those are the things I wanted to point out to you in  
46 the proposed rule. I might stop there to ask if you've got any  
47 questions on that or comments on these rules.

48  
49 CHAIRMAN O'HARA: I have one. When are you going to

50 implement this, when is this implementation of the

00186

1 navigable/non-navigable waters take place, the Federal program?

2

3 MR. BOYD: Currently we're prohibited from publishing a  
4 final rule before October 1 of this year.

5

6 CHAIRMAN O'HARA: Um-hum. (Affirmative)

7

8 MR. BOYD: It's possible that we may be publishing --  
9 we don't have -- beyond -- we're operating on schedule now that  
10 would have us sending the proposed rule to Washington, D.C.,  
11 for review by the office of the Secretary sometime in early May  
12 -- end of April or early May.

13

14 CHAIRMAN O'HARA: Senator Ted and Murkowski and Young  
15 have not appropriated any money for Federal aside to implement  
16 this program?

17

18 MR. BOYD: Not at all.

19

20 CHAIRMAN O'HARA: Are they softening up any? They  
21 didn't support sovereignty either, but they are now.

22

23 MR. BOYD: I'm not aware of it if they are.

24

25 CHAIRMAN O'HARA: Okay.

26

27 MR. BOYD: We did submit a budget request for the FY  
28 '98 budget which did not make it into the President's budget.

29

30 CHAIRMAN O'HARA: I believe it's just a matter of time  
31 when the law is on the books, either they change it or they're  
32 going to put some money into it.

33

34 MR. BOYD: Yeah.

35

36 CHAIRMAN O'HARA: And that's our problem, but we'll  
37 work on that end of it.

38

39 MR. BOYD: Going back to your initial question  
40 regarding time lines.....

41

42 CHAIRMAN O'HARA: Um-hum. (Affirmative)

43

44 MR. BOYD: .....beyond submitting this to the  
45 Department of Interior and Agriculture, we don't have a firm  
46 time line beyond that date. It's possible that a proposed rule  
47 could be issued this summer or possibly later in the fall.  
48 We've urged the Department not to put out a proposed rule until  
49 next fall because of all of the activities, the fishing season



50 and everything, people wouldn't be available to respond to it.

00187

1 Once a proposed rule goes out, then we have a comment period, a  
2 public comment period and our intent is to have a lot of public  
3 hearings around the State, without a budget of course and  
4 without people available to respond that are engaged in their  
5 fisheries activities, it wouldn't be very good timing to do it  
6 before October. So we've encouraged them to do it sometime in  
7 early October or later. And it would be anticipated that we  
8 would have extensive public involvement around the State at  
9 that time.

10  
11 So a final rule could be out sometime later this year,  
12 I'm talking about very late, like December or early winter.  
13 I'm guess at this point, but we have no firm time line beyond --  
14 beyond April 30th.

15  
16 CHAIRMAN O'HARA: Robin, did you have a question?

17  
18 MR. SAMUELSEN: Yeah, thank you Mr. Chairman. Tom,  
19 where's the dealing with customary trade?

20  
21 MR. BOYD: Go to Page 20 of your rule.

22  
23 MR. SAMUELSEN: Okay.

24  
25 MR. BOYD: Item 11 and 12. It doesn't use the words,  
26 customary trade, but essentially it deals with the sale of  
27 subsistence caught fish.

28  
29 MR. SAMUELSEN: That isn't sale though. Is your  
30 interpretation that number 11 is trade or number 12 is dealing  
31 with trade?

32  
33 MR. BOYD: Well, I think we've had this discussion  
34 privately. And you and I, I guess, differ on what trade and  
35 barter means. I don't know if these provisions get us engaged  
36 in that difference of opinion on those definitions. It just  
37 deals with the sale of fish, whether it be -- whether you call  
38 it trade or barter, it's just -- do you have a comment on that?  
39 We'll entertain it.

40  
41 MR. SAMUELSEN: Yeah, I think it needs to be clarified.  
42 Surely trading in the subsistence -- when you're practicing  
43 subsistence is a big part of subsistence activities. People  
44 trade from Naknek here all the way down the coast, halibut for  
45 caribou meat and.....

46  
47 MR. BOYD: Okay, yeah.....

48  
49 MR. SAMUELSEN: .....that's an ongoing evolutionary

50 thing. It's totally different than selling.

00188

1 MR. BOYD: Yeah, our concern is the sale. I don't  
2 think we have a concern about the kind of exchange that you're  
3 referring to.

4  
5 MR. SAMUELSEN: But that doesn't -- but what you just  
6 said would make that illegal, trade would be illegal under your  
7 definition in number 11 to me.

8  
9 MR. BOYD: Okay.

10  
11 MR. SAMUELSEN: And I think what you guys need to do is  
12 break it out. I think barter, you know, to me barter is  
13 selling -- it's selling subsistence caught products. I think  
14 you could eliminate barter.

15  
16 MR. BOYD: Okay.

17  
18 MR. SAMUELSEN: But you need to clear up that wording  
19 and call it trade.

20  
21 MR. BOYD: Okay.

22  
23 MR. SAMUELSEN: I mean to me that's a commercial  
24 enterprise that's happening under 11 that you're trying to  
25 prohibit.

26  
27 MR. BOYD: I think we agree in concept.....

28  
29 CHAIRMAN O'HARA: Um-hum, yeah, I think so.

30  
31 MR. BOYD: .....we're just using different words to  
32 explain it.

33  
34 CHAIRMAN O'HARA: Anything else, Robin?

35  
36 MR. SAMUELSEN: No, that's -- I just wanted customary  
37 trade to be included.

38  
39 CHAIRMAN O'HARA: Any other questions? So it did not  
40 go from the Ninth Circuit court up to the Supreme Court then.  
41 So it's pretty well cast in stone then; what's going to happen  
42 if the legislature decides to bring State constitution in line  
43 with the Title VIII, it will go back to the State for  
44 regulation.

45  
46 MR. BOYD: You're going to let me speculate a bit, I  
47 guess, more than anything.

48  
49 CHAIRMAN O'HARA: Oh, okay.



00189

1 MR. BOYD: I don't really know. I would  
2 anticipate.....

3  
4 (Tape changed)

5  
6 CHAIRMAN O'HARA: .....repealing this law that was  
7 passed awhile back. The Anchorage Chamber of Commerce  
8 encouraged the State of Alaska to comply with ANILCA and then  
9 they asked the State chamber to comply with it and they just  
10 sat on it, so it's kind of interesting where it's going. So  
11 that's just a point of interest.

12  
13 Thank you, very much Tom. If there's no other  
14 questions, what else you got?

15  
16 MR. BOYD: Just one other item and I'll mention it  
17 briefly.

18  
19 CHAIRMAN O'HARA: Okay.

20  
21 MR. BOYD: I have a whole big briefing and I don't  
22 think you want to go through this. We are preparing an  
23 environmental assessment that is evaluating whether or not --  
24 whether or not there are any significant environmental effects  
25 from this proposal. We don't have a draft ready yet and we  
26 knew we wouldn't when we had this round of Council meetings.  
27 We were going to be prepared to give you at least an overview  
28 of that environmental assessment. The environmental assessment  
29 is largely a requirement of the National Environmental Policy  
30 Act and Federal action that we evaluate whether or not there's  
31 any significant environmental effects. And if there are, then  
32 we would have to do a full blown EIS. But what we're doing  
33 right now is essentially tiering off the EIS that was prepared  
34 when we first established the Federal subsistence program and  
35 all we're adding to it is additional jurisdiction and so we're  
36 evaluating whether or not this expansion in jurisdiction is  
37 going to have any significant environmental consequences.

38  
39 Right now we're not seeing that that's going to be the  
40 case. There certainly may be a shift in some of the allocation  
41 between users, but there's certainly -- we're not expecting at  
42 least in a -- you know, a course or global sense that there's  
43 going to be any more dead -- more or less dead fish.

44  
45 So you know, I won't belabor the EA, it's mostly a  
46 Federal requirement. It certainly something that the public  
47 could be interested in. But if you want me to, I can go  
48 through some of the details on that.

49

CHAIRMAN O'HARA: Robin.

00190

1 MR. SAMUELSEN: Yeah, I'm just getting back to  
2 customary trade and barter on Page 3, your definitions on  
3 Region 4, Page 3. It seems like them definitions should be  
4 swapped right around to be consistent with trading and --  
5 customary trade and barter and other definitions.

6  
7 CHAIRMAN O'HARA: Where are you at on Page 3?

8  
9 MR. SAMUELSEN: About halfway down the page there's  
10 barter.....

11  
12 CHAIRMAN O'HARA: Yeah.

13  
14 MR. SAMUELSEN: .....and all the way down is customary  
15 trade. And what I found out, Tom, as chairman of the Councils  
16 halibut subsistence committee and based on the judge's ruling  
17 on the Southeast case that allowed the customary and trade and  
18 barter of herring roe eggs up to 9,000 -- and found that \$9,000  
19 was not excessive that we had to provide a reasonable  
20 opportunity. And since there is no recognition of subsistence  
21 halibut in the State of Alaska but the Council is moving and  
22 the IPHE is moving in that direction, we included a cap of 200  
23 -- 400, 600 some range in there so they'd have an opportunity  
24 for -- if Robert was going halibut fishing, Danny could give  
25 Robert 20 gallons of gas for his share to go out and harvest  
26 Danny halibut. So you might want to check with the NIMPS legal  
27 counsel on some of them points. I think we're all trying to  
28 attain the same goal here, it's just how we're going about it.

29  
30 CHAIRMAN O'HARA: Anything else?

31  
32 MR. SAMUELSEN: I have nothing else.

33  
34 CHAIRMAN O'HARA: I think, Tom, we will probably stop  
35 there if you feel like you've given us what we need to know.  
36 Thank you, very much, appreciate that.

37  
38 MR. BOYD: I just might point out the letter that was  
39 sent to all the Council members that's preceding the Council  
40 review draft of the proposed rule.

41  
42 CHAIRMAN O'HARA: By Mitch?

43  
44 MR. BOYD: It kind of outlines -- yeah, by Mitch -- in  
45 the next to the last paragraph it says, we would entertain any  
46 Council comments and suggestions up until March 3rd. So if any  
47 of you, even as a Council or as individuals wants to send in  
48 any additional comments to us we would be happy to receive them  
49 and deal with them.





00191

1 CHAIRMAN O'HARA: IF you'd like to have something  
2 drafted up on this barter trade thing from us or not?

3  
4 MR. SAMUELSEN: Yeah, I'll try, Danny to draft  
5 something up.

6  
7 MR. BOYD: We've captured your comments today. If you  
8 want to send in additional that's fine as well.

9  
10 CHAIRMAN O'HARA: Okay, that's good, all right. Thank  
11 you. Okay, Helga, who do we have next on the reports? Hey,  
12 you guys want to take a break?

13  
14 MR. SAMUELSEN: Don't matter.

15  
16 MS. EAKON: We're down to Item 8(D), D as in David,  
17 annual report 1996.

18  
19 CHAIRMAN O'HARA: What item?

20  
21 MS. EAKON: 8(D), annual report 1996.

22  
23 CHAIRMAN O'HARA: Okay, who's doing that?

24  
25 MS. EAKON: Me.

26  
27 CHAIRMAN O'HARA: You, okay.

28  
29 MS. EAKON: If you'll look under Tab G, G as in Gordon.  
30 You do have major items in your '95 report that are still  
31 unresolved and I think at the last meeting, Robin had said keep  
32 them in the reports until they're resolved.

33  
34 CHAIRMAN O'HARA: Okay.

35  
36 MS. EAKON: So access on the ATV, Katmai, is still a  
37 live issue. Wanton waste of caribou and moose by sports  
38 hunters is still a live issue. Alagnak Wild River problems are  
39 still a live issue. Question of reductions in rainbow trout  
40 fisheries, I guess, we're awaiting more data from ADF&G. More  
41 agency cooperation, you still stress that.

42  
43 And I was just wondering if you have any more burning  
44 issues to be added to your '96 report because the Federal  
45 Subsistence Board is now paying attention to what you say in  
46 your annual reports. And they do devote a special session in  
47 August strictly on annual reports of Regional Councils.

48  
49 CHAIRMAN O'HARA: You said that the Katmai is still an

50 ongoing issue, what is the issue at Katmai there?

00192

1 MS. EAKON: That was the use of ATVs.

2

3 CHAIRMAN O'HARA: Yeah, okay. Yes. Mr. Hummel is  
4 working on, yeah, okay, great. Is there any other issues that  
5 need to come before the Federal Board that Council members are  
6 interested in bringing up or do we have enough here? Okay.

7

8 MS. EAKON: That's a big plateful as it is.

9

10 CHAIRMAN O'HARA: Yeah, we got plenty there, we don't  
11 need anymore. Okay, is that all you have?

12

13 MS. EAKON: Yes.

14

15 CHAIRMAN O'HARA: Okay.

16

17 MS. EAKON: And then our next major presentation is  
18 going to be by Bruce Greenwood on the National Park Service  
19 subsistence law and park regulations.

20

21 CHAIRMAN O'HARA: Okay, we'll take a break and we'll be  
22 back in 10 minutes.

23

24 (Off record)

25 (On record)

26

27 CHAIRMAN O'HARA: Okay, everybody take your sits.  
28 Katmai National Park report, um?

29

30 MR. GREENWOOD: Actually this is the draft review of  
31 the subsistence law and the National Park Service regulations.

32

33 CHAIRMAN O'HARA: Oh, excuse me. I'll get my glasses  
34 on.

35

36 MR. GREENWOOD: This has been presented to the Council  
37 at the meeting last spring and again last fall and I was asked  
38 to update you and present it to you at this meeting. There's a  
39 couple of ways we could go, we could just kind of do an overall  
40 status report and where we're going with it or we could go into  
41 more detail and have you comment on it.

42

43 But to start with, I'll just give you a little update  
44 on what you decided at the last meeting. There were three  
45 points that this Council made. One was that they recommended  
46 that the paper needed legal counsel, legal review. You might  
47 refer to Page 4 of the.....

48

49 CHAIRMAN O'HARA: What tab?



00193

1 MR. GREENWOOD: .....minutes from the last meeting.

2  
3 CHAIRMAN O'HARA: The minutes, okay.

4  
5 MR. GREENWOOD: You mentioned it needs legal counsel  
6 review and what I understand is that Sandy Rabinowitch has  
7 sent a copy to you to forward on.

8  
9 CHAIRMAN O'HARA: Um-hum. (Affirmative)

10  
11 MR. GREENWOOD: The other point is that you asked that  
12 the Park and Subsistence Resource Commissions meet and make  
13 recommendations on this paper. In the last month, the  
14 Aniakchak Resource Commission and Lake Clark Resource  
15 Commission have both met and are in the -- have commented on it  
16 and Lee and Susan can give you an update on that if you would  
17 like to know what the SRC's comments were.

18  
19 CHAIRMAN O'HARA: Um-hum. (Affirmative)

20  
21 MR. GREENWOOD: And the third thing you mentioned is  
22 that the Regional Council will set aside time at the next  
23 meeting to work on comments for the draft paper. I'm not sure  
24 if you want to have the Council make specific comments or you  
25 want to concur with and support the SRC's comments that they  
26 are sending in. Where we're going with this is that in mid-  
27 April, there'll be a meeting of the Park Service people and  
28 they're going to decide what direction to take this work. The  
29 important thing to note with that is that there's not going to  
30 be a final regulation or anything final drawn up after this  
31 meeting. It's important to realize this is an open-ended paper  
32 with issues discussed and action items identified to be worked  
33 on over a long period of time. And the National Park Service  
34 will continue to seek input and involvement from subsistence  
35 users and advisory groups on any actions or anything that  
36 becomes of this paper.

37  
38 And I think right from the issue paper itself, there's  
39 a quote that's important to note is that, the National Park  
40 Service recognizes the necessity for continued development and  
41 modification to the program based on review and input from the  
42 public, subsistence users, and legal and technical advisors.

43  
44 So I'm not sure what the Council's preference is, maybe  
45 you would like to let me know the detail -- or what you'd like  
46 to do at this point.

47  
48 CHAIRMAN O'HARA: You mentioned that we have two  
49 reports coming up from both ends of the Peninsula where they've

50 held meetings in the region on some of these issues?

00194

1 MR. GREENWOOD: Yes. If you would prefer, both Lee and  
2 Susan have suggested that they would be willing to discuss  
3 those comments with you at this time.

4  
5 CHAIRMAN O'HARA: Would the Council here object to  
6 hearing those two reports? I don't imagine they would take too  
7 long and I think they would be pretty informative on some of  
8 the issues that we need to deal with. What do you think,  
9 Council members, is that okay? Can we do that now then and  
10 then we'll continue on with you here as soon as they finish up?

11  
12 MR. GREENWOOD: Okay. That would -- I think that would  
13 -- unless you wanted to make specific comments that would  
14 probably take care of that and I think the thing that --  
15 another note is that if you do want to send comments and  
16 whether it either be the Regional Council or individuals that  
17 -- we'll receive comments until the end of March and they could  
18 be sent to Bill -- Bob Barbee, the Regional Director or in the  
19 form of motions at this meeting.

20  
21 CHAIRMAN O'HARA: Okay.

22  
23 MR. GREENWOOD: But I'll just let Lee or Susan give a  
24 brief report.

25  
26 CHAIRMAN O'HARA: Okay.

27  
28 MS. SAVAGE: This is Susan Savage for Katmai National  
29 Park in Aniakchak National Monument and Preserve. I apologize  
30 that I can't give you a written summary of their actions at  
31 this point because the meeting was only November -- or February  
32 4th and 5th and I was in travel status last week so we could  
33 not finalize these. What the Aniakchak Subsistence Resource  
34 Commission did was they made specific comments on each section  
35 of the document. So what I can do is go over those section by  
36 section if that's what you wish to do. I'll have to say there  
37 weren't huge, substantive comments about really any part of the  
38 document and so it's whatever you prefer to do we can do.

39  
40 CHAIRMAN O'HARA: How long would it take to do that?  
41 Robin, go ahead.

42  
43 MR. SAMUELSEN: Mr. Chairman, we don't have to take  
44 action on this until the next meeting?

45  
46 MS. SAVAGE: No, I think from your last -- I think the  
47 Park Service is going to meet in April and consider all the  
48 comments that were given so we would really like to have  
49 comments -- if you're going to give comments, we would like to



50 have them at this meeting.

00195

1 CHAIRMAN O'HARA: Okay, go ahead Susan.

2

3 MS. SAVAGE: The first section is on the Regional  
4 Subsistence Policy Statement and our commission said that they  
5 supported that statement, which is basically the statement --  
6 the idea that Bruce first read. To protect the opportunity for  
7 local rural subsistence residents and their families. So they  
8 supported that.

9

10 They also supported the extension of Title VIII Federal  
11 subsistence regulations to selected lands. I think you've  
12 heard that argument before.

13

14 On the issue of eligibility, we have a resident zone  
15 system for Aniakchak National Monument. They are not concerned  
16 about defining resident zone community boundaries. This was a  
17 large issue in the Park Service a few years back. They -- but  
18 it hasn't really surfaced as a big issue in the near future --  
19 or the current time. They do want to include Ivanof Bay and  
20 Perryville as resident zone communities and they've taken  
21 action through a different mechanism also to recommend that.  
22 They recommend that resident zone -- that people live in a  
23 resident zone community for one year minimum to become eligible  
24 for using subsistence resources in Aniakchak National Monument.

25

26 MR. SAMUELSEN: Susan, they wanted Ivanof Bay, the  
27 Chigniks and Perryville included?

28

29 MS. SAVAGE: The Chigniks are already resident zone  
30 communities.

31

32 CHAIRMAN O'HARA: Just Perryville and Ivanof.

33

34 MS. SAVAGE: Just Perryville and Ivanof Bay they want  
35 to add and Port Heiden/Meshik is also currently a resident zone  
36 community.

37

38 There is an issue about what makes up a significant  
39 concentration of subsistence users for a resident zone  
40 community and they did not want to use the 51 percent test.  
41 They wanted more of a qualitative test rather than a  
42 quantitative test.

43

44 They didn't comment on preserve eligibility. The  
45 support the roster regulation that the National Park Service is  
46 currently developing. They also have taken.....

47

48 CHAIRMAN O'HARA: The what?

49

MS. SAVAGE: A roster regulation.

00196

1 CHAIRMAN O'HARA: What does that mean?

2  
3 MS. SAVAGE: Well, this has a long history, but for a  
4 National Park Service Monuments or Preserves and this would  
5 apply to Lake Clark National Park and Aniakchak National  
6 Monument, to be eligible to use those resources, you have to  
7 either be a resident of a resident zone community or you have  
8 to obtain a 1344 permit. And they -- Lake Clark actually was  
9 the first SRC to suggest that there is another mechanism for  
10 eligibility called a roster. And basically what would happen  
11 is local entities would develop a list of families or people  
12 that are eligible to use the park or the monument. If you  
13 would like more details, Lee's probably a little bit more savvy  
14 on that issue because his SRC was the first to come up with  
15 that idea.

16  
17 CHAIRMAN O'HARA: Well, maybe you can bring it up when  
18 you give your report then. Okay, continue on.

19  
20 MS. SAVAGE: They did have a number of comments about  
21 the access issues. They recommend that there's an amendment to  
22 the law and the regulations that the Park Service currently is  
23 under to allow for aircraft access to the monument for  
24 subsistence.

25  
26 CHAIRMAN O'HARA: It is c&t.

27  
28 MS. SAVAGE: Well, this is different than c&t issue.

29  
30 CHAIRMAN O'HARA: I was talking to Robert.

31  
32 MS. SAVAGE: Oh, okay, I see. They support a finding  
33 that off-road vehicles were traditionally employed in Aniakchak  
34 National Monument. They support determining that traditionally  
35 employed is made on a group or community basis and not on the  
36 basis of individual people.

37  
38 There was no comment on the trapping section and on the  
39 subsistence resource commission they want the subsistence  
40 resource commission to be able to address issues related to the  
41 preserve as well as to the monument. And that their comments  
42 should not only be restricted to hunting, they want to be able  
43 to address all issues such as trapping, access and the use of  
44 vegetation materials for subsistence purposes in both the  
45 monument and the preserve. Currently, their charter basically  
46 restricts them to commenting on what's going on in the monument  
47 at Aniakchak and the park at Lake Clark.

48  
49 The SRC's should be able to make comments directly to

50 the Bristol Bay Regional Advisory Council and the Federal

00197

1 Subsistence Board. The mechanism that's commonly used for the  
2 SRC is going -- is developing a hunting plan and going through  
3 the Secretary of Interior, and so they're asking that they have  
4 a little bit broader authority to go through you guys and the  
5 Federal Subsistence Board.

6  
7 And they want to make sure that they're able to meet  
8 twice a year and that they hold at least one meeting in the  
9 winter between November and March -- oh, no, a chairman's  
10 meeting, I'm sorry. They want to have a chairman's meeting for  
11 all the SRC chairman in the wintertime between November and  
12 March, not in June when it was last year.

13  
14 CHAIRMAN O'HARA: Oh, dear.

15  
16 MS. SAVAGE: And that was their comments.

17  
18 CHAIRMAN O'HARA: Okay, any questions, Council members?  
19 That's quite a list.

20  
21 MS. SAVAGE: It is.

22  
23 CHAIRMAN O'HARA: I tried to write them down, you know,  
24 if you want a little direction. Is that all you have?

25  
26 MS. SAVAGE: That's all I have.

27  
28 CHAIRMAN O'HARA: Anything Council members. Lee.

29  
30 MR. FINK: Mr. Chairman, Lee Fink, Lake Clark National  
31 Park. I'll go ahead and kind of roll part of my next  
32 presentation into this one because I think it's appropriate if  
33 that's all right?

34  
35 CHAIRMAN O'HARA: Sure.

36  
37 MR. FINK: Our SRC doesn't have quite a full list of  
38 points at this point in time. The SRC met on January 15th and  
39 we had two tasks. One was to go through all the proposals that  
40 came before you that effected basically Units 9 and 17 and we  
41 spent a lot of time on Proposal 40. They extended to the next  
42 day and then we were weathered out so we didn't get to go into  
43 the NPS position paper. We rescheduled the meeting and  
44 actually held a meeting February 17th, which was Monday and  
45 unfortunately we didn't receive a quorum, so I was going to  
46 carry these down on real short notice -- but without a quorum,  
47 they didn't make any official comments.

48  
49 So the only point so far that our SRC has commented on

50 is that the use of -- the question of what is traditional or

00198

1 was where was traditional use and they did that in the meeting  
2 in January and basically said that the entire area within the  
3 park was traditional use wherever game was available.  
4 Basically they just said that there was no place in the park  
5 where subsistence resources occurred that a subsistence user  
6 would not go to obtain it. So kind of a wide broad opinion on  
7 what was traditional.

8  
9 They've also made a few points about residency --  
10 establishing residency as Susan brought up earlier. Basically  
11 the park has two -- well, presently two mechanisms, the  
12 resident zone communities of which Lake Clark has five or six  
13 that we've worked with before, Pedro Bay, Iliamna, Newhalen,  
14 Nondalton, Port Alsworth and Lion Village. Anybody that lives  
15 in one of those villages is automatically a qualified  
16 subsistence user in the park area once they have established  
17 residence which currently is kind of tied to a one year type  
18 residency requirement. The other is the 1344 permit. If they  
19 don't live -- if individuals don't live inside one of the  
20 resident zone communities, they can apply for a 1344 permit,  
21 which has some criteria established to it.

22  
23 And then thirdly is this, the idea of the roster  
24 regulation, which frankly they put forth many years ago to the  
25 Secretary, but it has been -- has not -- the Secretary has  
26 still not rendered an opinion. And that would be when areas  
27 come under significant growth or change that if -- and I think  
28 where in the Lake Clark area, particularly when Keyes Point was  
29 being developed, little peninsula of land between the villages  
30 of Iliamna and Nondalton and Port Alsworth that Kijik  
31 Corporation was developing for a kind of a residential or  
32 resort community or afraid that this would blossom and a lot of  
33 people would move in and all of a sudden we might have several  
34 hundred new folks on the block saying that they were qualified  
35 subsistence users, so they went to this roster regulation  
36 theory where the communities would develop a list of users that  
37 had -- that met the criteria for customary and traditional use  
38 in the area and that way not everybody would have to have a  
39 permit. It was just kind of to make it easier so not everybody  
40 has to have a permit to subsistence hunt. And so that's --  
41 they're still in favor of that, still pushing, still  
42 championing that opinion. And that may be one of the things  
43 that will be addressed -- or that may be one of the additional  
44 methods of qualification that will come from this position  
45 paper.

46  
47 MS. SAVAGE: Roster regs would actually take the place  
48 of the resident zone community.

49



MR. FINK: A roster regulation -- right, you would

00199

1 delete a resident zone community and establish a roster  
2 regulation for that community as opposed to having a resident  
3 zone community.

4  
5 CHAIRMAN O'HARA: Residency, number two, is that a year  
6 type thing they're talking about there?

7  
8 MR. FINK: Yeah. Basically that's -- there is some  
9 comment on that, but basically that's what the Lake Clark SRC  
10 said, is it should be tied to some of the same criteria that  
11 the State uses for residency.....

12  
13 CHAIRMAN O'HARA: Okay.

14  
15 MR. FINK: .....one year type thing.

16  
17 CHAIRMAN O'HARA: Anything else?

18  
19 MR. FINK: They listed a couple other areas that they  
20 are going to comment on and I don't know that it's worth  
21 reading those, unless you want. But I could send a list  
22 through Helga to the Council members. What the chairman of the  
23 commission is going to do is, he's drafting up a working paper  
24 with the six items that the commission is most interested on  
25 and then he's going to put forth the opinion and send it out  
26 for comment to all the commission members and then try to get  
27 comment back on paper instead of holding another meeting right  
28 now at this point in time.

29  
30 CHAIRMAN O'HARA: Any questions, Council members?  
31 Okay, thank you very much, appreciate that. Okay, Bruce, what  
32 would you like us to do now?

33  
34 MR. GREENWOOD: At this point, the Council could make a  
35 motion or a recommendation supporting these comments that the  
36 SRC's are going to be making to the National Park Service. Or  
37 if the Council chose to, we can go through some of the issues  
38 that you may be concerned about and you could develop your own  
39 recommendations and suggestions based on your own personal  
40 input.

41  
42 CHAIRMAN O'HARA: Council members, what would you  
43 prefer? Susan had a long list and Lee had a short list and  
44 they were good ones. Did you want to take these or add any to  
45 them or what would you like to do?

46  
47 MR. HEYANO: Well, I Mr. Chairman, I fully agree with  
48 the last recommendation from the Aniakchak SRC is that reading  
49 through these comments.....



00200

1           CHAIRMAN O'HARA:  Um-hum.  (Affirmative)

2  
3           MR. HEYANO:  .....you know, every area of the State it  
4 seems like had a little different twist or little different  
5 interest in a particular area.  And I think, you know, these  
6 subsistence resource groups were actually established to make  
7 sure that the subsistence users in that particular designated  
8 area were being heard and responded to.  You know, the State of  
9 Alaska is so huge and subsistence uses and practices vary  
10 throughout the State, even within regions.  You know, to grant  
11 more authority to these organizations, I think would be the  
12 long-term solution for the protection of the subsistence  
13 activities.  And I guess that's all we're dealing with here,  
14 right, is the subsistence issues?

15  
16           MR. GREENWOOD:  Yes, that effect the national park and  
17 national monument.

18  
19           CHAIRMAN O'HARA:  And they're geared to communities, I  
20 mean it's not an open-ended thing, it's very restrictive to the  
21 people who live in the villages are named.

22  
23           MR. GREENWOOD:  Correct.  And one addition, too, is  
24 that there are some actions or some suggestions and quotations  
25 that would also effect the national preserves.

26  
27           CHAIRMAN O'HARA:  Such as?

28  
29           MR. GREENWOOD:  Such as access -- such as in the future  
30 if -- I'm not saying it's a suggestion, but the possibility  
31 exists that you could also develop resident zones for the  
32 preserves.  But these are the kind of issues that before that  
33 action is taken that would again come to the Regional Council  
34 for comment and review.

35  
36           CHAIRMAN O'HARA:  And off road vehicles is one of the  
37 issues that's going to be still dealt with?  I know that's a  
38 big issue.

39  
40           MR. GREENWOOD:  Yes, access would concern the  
41 preserves.

42  
43           CHAIRMAN O'HARA:  Access that also, yeah.

44  
45           MR. GREENWOOD:  Maybe more so than the parks and  
46 monuments.

47  
48           CHAIRMAN O'HARA:  I would say that these issues that  
49 have been brought up by both of these reports would be

50 satisfactory to me unless you have some detailed items that you

00201

1 want to deal with in addition to those. So we can let it go or  
2 also we can make a motion to use these or have some of your  
3 own, what's the wishes of the Council?

4

5 MR. SAMUELSEN: Mr. Chairman, I move that we adopt the  
6 SRC's recommendations.

7

8 CHAIRMAN O'HARA: Okay, second?

9

10 MR. HEYANO: Second.

11

12 CHAIRMAN O'HARA: Now, did you want to address your  
13 motion? Okay, just a couple of comments.....

14

15 MR. SAMUELSEN: No, they pretty well went through it.

16

17 CHAIRMAN O'HARA: Yeah, just a couple of comments. And  
18 Susan, you know, while you were giving these things I tried to  
19 write some of these things down, I got about eight of them,  
20 there may be more. You don't need to go through them again now  
21 for timesake, but just to make sure that we got them all in  
22 there, I notice that down in Ivanof Bay, I think they told you  
23 that they did not -- on a fisheries issue, which doesn't  
24 pertain to this, that they wanted the fish to be dealt with  
25 every year and not one year game and one year fish like we  
26 suggested? That's probably not in this area. Was that  
27 mentioned at all?

28

29 MS. SAVAGE: Actually that was a motion. When I give  
30 the report on the total Aniakchak meeting I will bring that up.

31

32 CHAIRMAN O'HARA: Okay, all right thank you. Call for  
33 the question.

34

35 MR. SAMUELSEN: Question.

36

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

38

39 IN UNISON: Aye.

40

41 CHAIRMAN O'HARA: Opposed.

42

43 (No opposing votes)

44

45 CHAIRMAN O'HARA: Anything else?

46

47 MR. GREENWOOD: That's all, thank you.

48

49 CHAIRMAN O'HARA: Thank you very much, appreciate it.

50 Helga. Screaming right along.

00202

1 MS. EAKON: Yes, moving right along to agency reports.  
2 The one that Dan and I are supposed to give on the joint  
3 Federal Board Subsistence Board Chair's meeting. I could do a  
4 real brief rundown on what happened on November 20 during their  
5 work session and then if you wanted to add to it, Mr. Chair?

6  
7 CHAIRMAN O'HARA: Sure.

8  
9 MS. EAKON: Okay. An important idea that came up at  
10 the work session was the issue of Council member stipends for  
11 the Regional Council chairs or representatives felt that they  
12 would like to be compensated for attendance at meetings. Our  
13 program is working on that issue. If you will look under Tab  
14 K, the exact wording is there, I'm just highlighting some  
15 topics here.

16  
17 Annual reports, the Board did promise to respond in a  
18 more forthright and straightforward fashion to annual reports.  
19 There was a commitment to try to provide Regional Council  
20 member training. The Regional Council Chairs are going to  
21 develop a proposal to the Secretary's of Interior and  
22 Agriculture to restructure the Board so that it is composed of  
23 the Chairs of the Regional Councils. And it is an action item  
24 on your agenda, we did want to hear the Regional Council  
25 comments on this particular issue.

26  
27 There was discussion of an Alaska Native Policy and  
28 that responsibility falls to the Chairs to draft two policies  
29 for Board review.

30  
31 The next joint work session of the Board and the  
32 Council Chairs is going to be on April 7, the morning of April  
33 7, from 8:30 until noon. And that's all I have, unless you  
34 want to add something, Mr. Chair?

35  
36 CHAIRMAN O'HARA: No, I think that about covers it all.  
37 What are your thoughts on any of these comments from reports  
38 here? The Board is giving consideration now to the annual  
39 reports of the Council. What about the structure of the  
40 Federal Subsistence Board, what do you think; do you have any  
41 thoughts for me to pass on when I meet with these people now in  
42 April? It's going to be fun to try to wrestle away from the  
43 Department heads -- talk about giving up power. I didn't hear  
44 any cheering going on from the Federal Board when they brought  
45 this up, but if you don't have any comments, that's fine, too.  
46 Nothing? Everybody happy with that report? Great.

47  
48 These guys are interested in fish and game, Helga,  
49 they're not interested in positions.





00203

1 MS. EAKON: Okay.

2  
3 CHAIRMAN O'HARA: All right.

4  
5 MS. EAKON: The next report is Togiak National Wildlife  
6 Refuge and Aaron is going to hand out to you their report at  
7 this very moment.

8  
9 CHAIRMAN O'HARA: At this very moment?

10  
11 MS. EAKON: At this very moment.

12  
13 MR. ARCHIBEQUE: Thank you, Mr. Chairman, I'll keep it  
14 brief. I think we've discussed a majority of our issues  
15 throughout the day here. But just some quick things that I'll  
16 let you know about that you might have some interest in. We  
17 are going to be staffing the three main rivers within the  
18 refuge, the Togiak, Goodnews and Kanektok with river rangers  
19 like we've done in the past.

20  
21 This year we're working on a cooperative agreement with  
22 the village of Quinhagak whereby we will be providing some  
23 funds to them and they are going to be hiring an individual  
24 from the village that will be teaming up with one of our  
25 seasonal employees. So it's fairly unique and something new and  
26 we're right now working on that cooperative agreement. And we  
27 hope in the future that we'll be able to do something similar  
28 on the Togiak and the Goodnews.

29  
30 Our fisheries program, refuge fisheries biologist, Mark  
31 Lisac, coordinated the third Southwest Alaska interagency fish  
32 meeting that was held in Dillingham February 6th and 7th, just  
33 a week or so ago. Approximately 24 fisheries biologists and  
34 managers attended, it was a real good workshop. I think there  
35 were several things that were presented there and a good  
36 opportunities for folks to share ideas and what we were doing  
37 for the upcoming field season, so that was a real good workshop  
38 there.

39  
40 Our refuge is currently working on a challenge cost  
41 share agreement with -- again, with the Quinhagak Native  
42 Village to operate a combination counting tower and weir on the  
43 Kanektok River. And it's looking like we're going to provide  
44 approximately \$25,000 in support of that effort.

45  
46 Some of the wildlife issues, I think we've discussed  
47 the Nushagak Peninsula caribou planning committee met on  
48 November 14th. Some of the items that were discussed and  
49 included there were status report on the population, calf

50 survival and previous hunt effort. The committee developed

00204

1 several proposals that you've acted on today and also the  
2 special action that went before the Federal Subsistence Board.  
3 I won't get into all the details because we've already  
4 discussed a lot of those, but basically we've done in  
5 coordination with the State was open up three joint areas west  
6 of the Togiak River in Game Management Unit 17 and that was  
7 where two caribou bagged. And north of Pungokebuk Creek and  
8 that was for one caribou limit and that's east of the Togiak  
9 River and north of that creek. And just recently here on the  
10 14th of February we announced another joint opening, which is  
11 from on the east of the side of the river between the  
12 Negukthlik River and the Togiak River. And that was at a  
13 request from the Togiak Traditional Council. And all of those  
14 were to take advantage of the Mulchatna animals in the area.  
15

16 Due to lack of snow conditions we haven't had the  
17 opportunity to do any moose surveys or census at this point,  
18 but we're hoping that we'll be able to do some of that in the  
19 near future if the weather cooperates. Like I mentioned  
20 earlier the refuge is going to be actively enforcing the closed  
21 season for moose in the Togiak drainage. Again, we've notified  
22 the traditional councils in those villages that are effected.  
23

24 Some environmental education outreach efforts that you  
25 might be interested in. We're working on continuing our Cape  
26 Peirce Marine Science Yup'ik Culture Camp, which will be held  
27 out at our Cape Peirce field camp and we're working with the  
28 schools from Goodnews Bay and Togiak. This year we hope to  
29 combine students from the two schools and there'll be two  
30 different sessions there. And we incorporate some local elders  
31 to help with some of the local traditional knowledge as well as  
32 our western science approach.  
33

34 The other item of interest is the Nushagak caribou  
35 science camp, it's something new that we're trying to develop  
36 and that will be with the local schools from Dillingham and  
37 Manokotak and again, we're hoping to have a camp setup where we  
38 can incorporate some of the local traditional knowledge to get  
39 those kids more involved.  
40

41 The report kind of details a lot of the other things  
42 that we have coming up for this next field season, I won't get  
43 into that for the sake of time. But those are kind of some of  
44 the highlights and I just wanted to bring those to your  
45 attention at this point.  
46

47 CHAIRMAN O'HARA: Good.  
48

49 MR. ARCHIBEQUE: That's really all I have.



00205

1 CHAIRMAN O'HARA: Thank you. Any questions? Thank  
2 you, very much.

3  
4 MR. HEYANO: I got a question.

5  
6 CHAIRMAN O'HARA: Go ahead.

7  
8 MR. HEYANO: Did you or any members of your staff have  
9 an opportunity to observe the caribou hunt that took place west  
10 of the Wood River?

11  
12 MR. ARCHIBEQUE: Yeah, Mike and I flew on one day and  
13 we were able to observe. At that point there were -- I think  
14 we noticed three planes that were in the air flying overhead of  
15 the animals. We didn't notice them visibly chasing them the  
16 time we were out and there were several snowmachines on the  
17 ground that looked like they were making an effort to get up  
18 towards the herd, but we didn't visibly notice anything -- any  
19 type of harassing or chasing at that point. I will add that we  
20 did receive several calls from people in Dillingham complaining  
21 about the approach some folks were making towards harvesting  
22 those animals as far as chasing them, shooting into the herds.  
23 But we were never able to substantiate that.

24  
25 MR. HEYANO: Did you have any reports of dead animals  
26 that weren't -- that were left in the field?

27  
28 MR. ARCHIBEQUE: I believe that Mike Hinkes, our refuge  
29 biologist has heard of a few cases where that was -- and I  
30 don't know if they were actually left there or if they were  
31 animals that were wounded and then maybe later went off and  
32 died.

33  
34 CHAIRMAN O'HARA: Okay.

35  
36 MR. ARCHIBEQUE: But just one note, I think that, you  
37 know, hopefully in the future we might be able to deal with  
38 some of that. There was no law enforcement presence during  
39 that harvest, the Fish and Wildlife Protection officer was out  
40 of town and the area that we're talking about -- the majority  
41 of that is corporation land, so we don't have any jurisdiction  
42 on that. We are working at this point to try to get some  
43 current jurisdiction so we can assist the Fish and Wildlife  
44 Protection officer. But I think that would have curtailed some  
45 of the problems that people, you know, saw or at least what we  
46 heard were occurring.

47  
48 CHAIRMAN O'HARA: Robin.

49

MR. SAMUELSEN: Yeah, what were you saying there Aaron,

00206

1 people were buzzing the herd with airplanes, using airplanes?

2

3 MR. ARCHIBEQUE: No, I'm saying I didn't notice that.  
4 When we flew out there we saw three planes flying around but we  
5 didn't notice them visibly harassing those animals. But there  
6 were people that were flying over and looking at those animals.

7

8 MR. SAMUELSEN: And these animals that were left, were  
9 they shot animals or were they animals that were taken by  
10 wolves or do you know that?

11

12 MR. ARCHIBEQUE: I have no idea. All I'm saying is  
13 reports that we've heard were that they were animals that were  
14 shot that obviously weren't harvested. They either went off  
15 and died and maybe wounded animals. But I can't say that we  
16 actually saw that.

17

18 MR. SAMUELSEN: Were there any citations issued during  
19 the hunt west of the Wood River?

20

21 MR. ARCHIBEQUE: Again, there was no Fish and Wildlife  
22 Protection presence out there during that hunt.

23

24 MR. SAMUELSEN: You weren't out there?

25

26 MR. ARCHIBEQUE: We don't have authority out there.  
27 Most of that is corporation land and that falls under State  
28 jurisdiction.

29

30 CHAIRMAN O'HARA: Are you a law enforcement officer?

31

32 MR. ARCHIBEQUE: I am. And again, we're working with  
33 Fish and Wildlife Protection to try to get concurrent -- or at  
34 least some State jurisdiction to help them with that in these  
35 future openings.

36

37 CHAIRMAN O'HARA: Any other questions?

38

39 MR. SAMUELSEN: No, just, you know, I don't know what  
40 was being implied here, but I'll stick by what I observed out  
41 there. I participated in that hunt, it was a successful hunt.  
42 It seems that we want to paint that -- as one individual said  
43 on KDLG, local residents like to run into a herd of caribou and  
44 cut loose with a Mini-14, I think that guy was totally off  
45 base. A number of concerns that were voiced by the community  
46 in Dillingham, but I think most of them fears were unfounded.  
47 Mr. Chairman, it's very evident to me that if there were one or  
48 two caribou that were left in the field, I don't know where  
49 they spotted them, I think one of them was up towards



50 Alegnagik, nobody probably went there and examined that carcass

00207

1 whether it was shot or was it bitten by a wolf. There's a  
2 number of wolves in that area. In defense of the subsistence  
3 users, I'd like to see enforcement out there and monitor the  
4 hunt. We hear many horror stories in the sport hunting field.  
5 Fish & Game documented 12 moose with their heads cut off,  
6 that's justification to close down sport hunting completely.  
7 Close down the moose hunting in rut, that's documentation in my  
8 estimation. We're hearing guesstimates on what's happening in  
9 the subsistence hunt to make subsistence users mad, it really  
10 antagonizes me. And if there is violations being committed,  
11 then let them subsistence violators be prosecuted, cited and  
12 prosecuted. But overall, that fishery (sic) was conducted in  
13 quite an orderly manner. Thank you.

14  
15 CHAIRMAN O'HARA: Okay, no further questions.

16  
17 MR. ARCHIBEQUE: Mr. Chairman, well, wait a minute, let  
18 me just add one thing.

19  
20 CHAIRMAN O'HARA: All right.

21  
22 MR. ARCHIBEQUE: I'm not -- I guess I want to make it  
23 real clear, I'm not saying that that's what occurred or did not  
24 occur, those are reports that we received. On the other end, I  
25 did talk to several individuals that felt like it was a real  
26 good opportunity. They were able to take their kids out and  
27 harvest animals. They really enjoyed the chance to be able to  
28 do that. So you have both sides. But I'm not going to say  
29 that, you know, there weren't some activities that weren't  
30 right didn't occur.

31  
32 CHAIRMAN O'HARA: Robert.

33  
34 MR. HEYANO: Mr. Chairman, nothing was implied. I just  
35 asked agency if -- the Federal agency who is directly involved  
36 in allowing the hunt their perspective or a report, if you  
37 would, on what happened at the hunt. And it must have touched  
38 a pretty sensitive button because he went from caribou to  
39 fisheries.

40  
41 CHAIRMAN O'HARA: All right.

42  
43 MR. SAMUELSEN: I know where Mr. Heyano was coming  
44 from.

45  
46 CHAIRMAN O'HARA: We will continue on from here. Thank  
47 you very much, Aaron.

48  
49 MR. ARCHIBEQUE: One more quick note.....



00208

1 CHAIRMAN O'HARA: Now, don't open up anything here.

2

3 MR. ARCHIBEQUE: .....there is a report that Larry  
4 VanDaele, I think, provided to Robert that kind of outlined the  
5 chronology of the hunt and what reports he had and it talks  
6 about both the pros and cons there. So I don't know if you've  
7 received that Robin, but it might be worth reading.

8

9 MR. SAMUELSEN: Well, it seems that Larry VanDaele does  
10 not want to work with us after that hunt took place. And I'm  
11 speaking for BBNA. And I know there was real hard feelings  
12 generated at that meeting, but I'm going to stand by the  
13 subsistence users and people can make all the accusations they  
14 want, but until I see the data come in from the protection  
15 officers and the area biologists, it's pure conjecture at this  
16 point.

17

18 CHAIRMAN O'HARA: All right, thank you very much,  
19 Aaron. Helga, what's the next item there?

20

21 MS. EAKON: It give me great pleasure to commend the  
22 Alaska Peninsula Becharof Refuge on their fine report that you  
23 do have under Tab K, information bulletin.

24

25 CHAIRMAN O'HARA: What tab is that?

26

27 MS. EAKON: It's a very fine report, Mr. Hood's report.  
28 Information bulletin is a prototype of what an agency report  
29 should look like that in my opinion, Mr. Chair.

30

31 CHAIRMAN O'HARA: In your opinion, okay. All right,  
32 okay. What tab?

33

34 MR. HEYANO: K.

35

36 CHAIRMAN O'HARA: Well, with that introduction, it  
37 better be good Ron.

38

39 MR. HOOD: This is Ronald Hood, refuge manager of  
40 Alaska Peninsula Becharof National Wildlife Refuge. With that  
41 introduction, I think I'll go sit down and allow you all to  
42 read that outstanding report.

43

44 CHAIRMAN O'HARA: Yeah.

45

46 MR. HOOD: I have only one item that I want to bring to  
47 your attention at this time and you have had an opportunity to  
48 look at the report and read it. I want to point out the first  
49 item report on the December moose season. We had the most

50 successful moose hunt that we've had since it was implemented

00209

1 in 1993. We had good snow conditions and we had good ice  
2 conditions and the local hunters finally figured out where the  
3 moose were in Unit 9(C) and we issued 16 antlerless permits.  
4 We ended up taking seven animals, three on the last day on the  
5 31st, which was two over our goal of five. I do want to alert  
6 you that if this type of efficiency continues in the future we  
7 might have a problem with some overharvest there, but this is  
8 something that I want to see play out in the past. Weather  
9 conditions, lack of ice, lack of snow prevented an effective  
10 taking of more than one or two animals. But now that the  
11 snowmobile users have located where these animals are, over  
12 next to the Katmai Park, it could create a lot of demand in the  
13 future.

14  
15 And with that I'll shut-up and ask if you have any  
16 questions on the report?

17  
18 CHAIRMAN O'HARA: That's it. Well, with all that  
19 fanfare, that's all right. Any questions, Council members? No  
20 dead animals around? Okay, thank you, Ron. Appreciate that  
21 very much. What's the next item here, Helga?

22  
23 MS. EAKON: Okay, we come down to the trapping on the  
24 refuge issue. And at your Chair's direction on February 13, I  
25 did electronically send and fax a letter to Mr. John Rogers  
26 acting director of Fish and Wildlife Service in support of  
27 trapping on refuges and you do have a copy that I had given you  
28 on the first day. And we have George Constantino, Division of  
29 Refuges before you, Mr. Chair.

30  
31 CHAIRMAN O'HARA: Okay, George.

32  
33 MR. CONSTANTINO: Good afternoon, Mr. Chairman. It  
34 appears that this Council is fairly well briefed on this issue  
35 and the fact that congress, as it passed our appropriation  
36 bills for the 1997, it directed the Service to gather  
37 information about all trapping activities on all refuges within  
38 the system and it, in fact, asked us to setup a committee. But  
39 it turned out, given the time we had and the difficulty, we  
40 elected to just have a comment period where everyone could send  
41 in information and their opinions about trapping and we would  
42 gather it all up and that report's deadline was just a couple  
43 of days ago and I'm glad to see you got your comments in and  
44 that will be sent on to congress to deal with as they see fit.

45  
46 So I'm not sure if there's much more I could add, but  
47 I'll be glad to answer any questions or any clarifications that  
48 I can.

49

CHAIRMAN O'HARA: Okay, any questions or comments on

00210

1 the trapping issue for George?

2

3 MR. HEYANO: Have you received a lot of comments?

4

5 MR. CONSTANTINO: Well, again, the comments in general  
6 are sent to our national office and they're starting to just  
7 put it together so it's just close and I can't give you a  
8 number. Whatever we receive -- we probably received about 15  
9 directly, our office, which we forwarded on. And you know,  
10 we're just real pleased that a lot of people got the message  
11 and took the time to write in our comments. That's our job, we  
12 can't lobby one way or the other, that's totally outside of our  
13 purview.

14

15 CHAIRMAN O'HARA: Sure.

16

17 MR. CONSTANTINO: But it's our responsibility to make  
18 sure that Alaskans that would take this quite seriously knew  
19 about what was going on and had a chance to get their comments  
20 in.

21

22 CHAIRMAN O'HARA: When you said you have received 15,  
23 is that for the whole State or for our region?

24

25 MR. CONSTANTINO: No, that's just for the State. And I  
26 would expect most people would send them directly to our  
27 national office because that's what all the news releases  
28 directed them to do, but we got a few in.

29

30 CHAIRMAN O'HARA: Okay.

31

32 MR. CONSTANTINO: So we passed them on.

33

34 CHAIRMAN O'HARA: No further comment, Council members?  
35 Do you have anything else, George?

36

37 MR. CONSTANTINO: No.

38

39 CHAIRMAN O'HARA: Thank you very much, appreciate that.

40

41 MR. CONSTANTINO: Thank you.

42

43 CHAIRMAN O'HARA: Where are we at there, Helga, on the  
44 Katmai?

45

46 MS. EAKON: Back to National Park Service Katmai with  
47 Mr. Pierce, I guess.

48

49 CHAIRMAN O'HARA: Yes. Well, we're really glad that



50 you waited and you gave us our report today, Bill, nice to have

00211

1 you here.

2

3 MR. PIERCE: You bet, save the best for last.

4

5 CHAIRMAN O'HARA: Yeah, you brought the entourage with  
6 you, I see, you're doing all right.

7

8 MR. PIERCE: Mr. Chairman and Council, Bill Pierce,  
9 superintendent at Katmai National Park and Preserve and also  
10 Lake Clark National Park and Preserve and Aniakchak National  
11 Monument and Preserve and the Alagnak Wildriver. And you can  
12 tell by that list that obviously there's more there than I'm  
13 going to handle for sure. And we introduced yesterday the two  
14 field unit managers that are just coming on board, Karen Gustin  
15 and John Bundy. John will be at Port Alsworth and Karen will  
16 be here in King Salmon. And they're really the -- the key  
17 there is to work on the operational issues here and work on the  
18 resources. So I guess you can almost say that they'll be  
19 dealing with you and the SRC's quite a bit. My job is to try  
20 to pull that together.

21

22 I wanted to let Lee as the subsistence person for Lake  
23 Clark kind of wrap-up his comments for Lake Clark and let him  
24 and John catch a plane and then we'll deal with some of the  
25 other things, too.

26

27 MR. FINK: Thank you, Mr. Chairman. Let's see when I  
28 was just here a little bit ago I kind of went over the report  
29 on the SRC and yesterday we also had the chairman of the SRC  
30 down here and he expressed some of his views and concerns  
31 directly to the commission. So I think we're pretty good there  
32 unless you have any questions on what our SRC has been up to.

33

34 And the next thing that I guess I'd like to address  
35 would be a letter to the superintendent from the Bristol Bay  
36 Advisory Council on use of the Tazimina River. And we have not  
37 developed a written response to that letter as of yet, but  
38 we've been doing a lot of work on evaluating the situation and  
39 have found pretty strong support for some type of a restriction  
40 to probably horsepower and boat length on the Tazimina River.  
41 It's a fairly small section of water, probably six to eight  
42 miles at the most of useable river directly across from the  
43 village of Nondalton. A very pristine river, clear water. Big  
44 salmon runs on some years, they've been kind of short the last  
45 couple of years, the return of reds. But good char and rainbow  
46 and grayling fishing also in there. So we have some competing  
47 user groups between floaters and small jet boat traffic and  
48 most recently the introduction of large jet boats, which the  
49 letter addresses. So in trying to develop a plan of action,

50 I've been soliciting response from a lot of local entities,

00212

1 individuals, lodges, traditional councils or village councils  
2 and everybody that we've talked to so far is in support. They  
3 want to see some kind of a restriction. Most people actually  
4 want to see more restrictions than just the horsepower  
5 restrictions. Some people are interested in float only days,  
6 but we're not really going to -- we're really looking at just  
7 the -- probably the aspect of the letter that you sent to the  
8 superintendent and that would be reducing the horsepower or  
9 putting a horsepower limitation in the 40 to 60 range  
10 horsepower seems to be the most common theme and then possibly  
11 some type of maybe an 18 foot length boat restriction on the  
12 river.

13  
14 But we haven't decided which avenue to go, there's  
15 several factors involved and the best would be for the Federal  
16 government to work with the State and develop -- and have the  
17 State actually develop some type of a regulation be it through  
18 the DNR or legislatively to enact the regulation on the river.

19  
20 CHAIRMAN O'HARA: Who has authority over the water?

21  
22 MR. FINK: Well, tech.....

23  
24 CHAIRMAN O'HARA: Does the State of Alaska?

25  
26 MR. FINK: It's navigable water.....

27  
28 CHAIRMAN O'HARA: It's State waters then.

29  
30 MR. FINK: It is navigable waters.....

31  
32 CHAIRMAN O'HARA: It is State waters.

33  
34 MR. FINK: .....so it's technically State water.

35  
36 CHAIRMAN O'HARA: Sure, okay.

37  
38 MR. FINK: But it is inside the boundary of the  
39 preserve.

40  
41 CHAIRMAN O'HARA: Okay.

42  
43 MR. FINK: So that's kind of where we are, good support  
44 and moving forward, but we do not have a regulation drafted or  
45 even a clear idea on which avenue or which agency will develop  
46 the regulation.

47  
48 CHAIRMAN O'HARA: And that's why I withdrew my proposal  
49 under your guidance, Bill, because it was not correct. It was

50 not within our jurisdiction to handle that. Okay, anything

00213

1 else?

2

3 MR. FINK: I think that's it.

4

5 CHAIRMAN O'HARA: Okay. Any questions for Lee?

6

7 MR. HEYANO: How is the moose population doing, Lee?

8

9 MR. FINK: The moose population -- well, we actually  
10 just -- we probably don't have any good data yet, but we  
11 collared 30 moose in November. And we've tracked them -- been  
12 out on three different tracking missions since November. And  
13 the 30 that we collared are all -- are all still kicking and  
14 doing well. And you know, the jury is still out, it's a little  
15 too early to -- probably by the next meeting we'll have a  
16 report on the findings or you know, at least an update on how  
17 that moose population is looking. You know, basically it still  
18 seems to be in a decline not having real good calf survival.  
19 We didn't get a good composition count this fall because we did  
20 not have a good snow cover.

21

22 CHAIRMAN O'HARA: Do you still have a pretty healthy  
23 bear population obviously? We think it's related to the  
24 decline in your moose of course.

25

26 MR. FINK: Yeah, we still seem -- yeah, there still  
27 seems to be a pretty healthy bear population. It was thinned  
28 out a little bit in Port Alsworth this fall, but I don't know  
29 that it made any significant dents, I'm not sure.

30

31 CHAIRMAN O'HARA: It hit the news.

32

33 MR. FINK: But it does -- I don't know, you know, I'm  
34 not sure I guess -- or I couldn't say how much the bear  
35 population is effecting the moose population.

36

37 CHAIRMAN O'HARA: Thank you.

38

39 MR. HEYANO: So you haven't been able to do a survey or  
40 conclusive survey -- area to survey the moose populations for --  
41 I think the last time we got one from you is what, two years  
42 ago, three years ago?

43

44 MR. FINK: I think two years ago we did. And then last  
45 year we kind of had the same problem that we faced this year,  
46 in that, with really poor snow cover we did not get a real good  
47 composition count. And then this year we initiated -- our  
48 biologists initiated a more in-depth study and he went ahead  
49 and tagged -- or radio-collared 30 moose and hopefully that

50 will give him more definitive information on calving and calf

00214

1 survival because we'll be able to track the collared 30 cows  
2 and so hopefully we're going to get better data off of this  
3 project. It's a two year project and we should have some --  
4 hopefully some -- at least some interim information probably by  
5 the fall meeting if certainly not by the next winter meeting.

6  
7 MR. HEYANO: Thank you.

8  
9 CHAIRMAN O'HARA: Any questions? What's your next step  
10 there, Bill?

11  
12 MR. PIERCE: Okay, we'll let Lee and John hit the sky  
13 and Susan and I will team up for the rest.

14  
15 CHAIRMAN O'HARA: Okay, Lee, thanks for coming by, good  
16 to see you again.

17  
18 MR. PIERCE: And we'll go back and forth. Susan  
19 actually has a report in Section K, not maybe as flashy as  
20 Ron's, but it's good, it's informative and.....

21  
22 MS. SAVAGE: But it was on time.

23  
24 MR. PIERCE: Yes.

25  
26 CHAIRMAN O'HARA: What no fanfare?

27  
28 MR. PIERCE: We'll kind of -- we won't hit all of it,  
29 but we'll hit the highlights of it and then take it from there  
30 with questions from you. Maybe the first item would be Susan  
31 can cover the Aniakchak SRC meeting.

32  
33 MS. SAVAGE: I have two handouts.

34  
35 MS. EAKON: While she's doing that, Mr. Chair, may I  
36 interrupt and give you a heads up that Tom Boyd and Robin and  
37 Robert and Pete have to catch the 4:28 jet.

38  
39 CHAIRMAN O'HARA: Okay.

40  
41 MS. SAVAGE: Again, because we just had our meeting I  
42 could not include these in the report.

43  
44 CHAIRMAN O'HARA: We're going to -- make it fairly  
45 brief.

46  
47 MS. SAVAGE: Again, Aniakchak Subsistence Resource  
48 Commission met on February 4th and 5th and in addition to the  
49 comments on the white paper, they made a number of motions.



50 That was the one page that I passed out and I can quickly,

00215

1 quickly go through these. They're concerned about SRC -- do  
2 you want me to go through these, I guess?

3  
4 CHAIRMAN O'HARA: Sure.

5  
6 MS. SAVAGE: They're concerned about the membership and  
7 so they recommend that if a person/member misses three  
8 consecutive meetings, that they be removed unless they have a  
9 really good excuse and they'll be sending a letter to the  
10 appointing source of that recommendation.

11  
12 CHAIRMAN O'HARA: Okay.

13  
14 MS. SAVAGE: You already acted on the second motion.  
15 The third motion is Harry Kalmakoff who was voted as Chair and  
16 Robert Christensen as vice chair. They adopted the meeting  
17 minutes from the last meeting, which was November '92. They  
18 supported the addition of Ivanof Bay and Perryville as resident  
19 zone communities and we already talked about that.

20  
21 The next motion is they -- it has to do with the second  
22 handout. The November 1992 hunting plan recommendations. They  
23 wanted to forward them to yourselves and for comment and it's  
24 part of the guidelines of ANILCA that you review and comment on  
25 these. We sort of missed this opportunity when they were first  
26 drafted because it was before you formed as a formal body. So  
27 I would say that you probably have time to work on these at  
28 your next meeting and I would recommend you get them on the  
29 agenda because we will probably try to have our next SRC  
30 meeting in November which should be after your next meeting.

31  
32 CHAIRMAN O'HARA: Okay.

33  
34 MS. SAVAGE: They are very concerned about the moose  
35 and caribou populations within 9(E). And they recommended that  
36 we submit a letter to the Board of Game to close 9(E) for the  
37 taking of moose and caribou by non-resident hunters. And they  
38 also want to submit to the Federal Subsistence Board, probably  
39 through your body an action to close 9(E) to non-subsistence  
40 taking of moose and caribou. As you'll recall this issue came  
41 up, there were proposals that specifically talked about  
42 Aniakchak a few years ago. So we're revisiting this issue  
43 again.

44  
45 So if you get down there you'd probably want to talk to  
46 those folks about that issue.

47  
48 They supported -- they were concerned about the  
49 workload of your body and so they said if we are to assume

50 management of subsistence fisheries that they recommend that

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1 there might be a second board that's equivalent to yourselves  
2 to deal with that. They did not really recommend that you deal  
3 with fisheries and game on alternate years as you had suggested  
4 in your last meeting.

5  
6 CHAIRMAN O'HARA: Um-hum. (Affirmative)

7  
8 MS. SAVAGE: And I think you brought that up a minute  
9 ago. They recommend we conduct moose population surveys which  
10 are very difficult for us to do because of our snow conditions  
11 down there. The same with caribou surveys. They would like to  
12 see some more caribou data. They want to meet twice a year and  
13 they next want to meet November of '97 in Chignik Lake. And  
14 they want to have good visitor use statistics for Aniakchak  
15 National Monument and Preserve and they would like to see a new  
16 hunting guide prospectus for the national -- they put monument  
17 and preserve, actually there is no sport hunting in the  
18 monument, so that would only apply to the preserve. They're  
19 eager to comment on such a document.

20  
21 CHAIRMAN O'HARA: Any questions? All right, no.

22  
23 MR. PIERCE: Probably the only other two items that  
24 really should be mentioned is the red fish topic.

25  
26 CHAIRMAN O'HARA: Um-hum. (Affirmative)

27  
28 MR. PIERCE: And Don, Bill, Jim and Susan are headed up  
29 -- the team that they'll be working with, the local users and  
30 the State in developing the regulations to implement that red  
31 fish legislation. And so I think we're moving forward well on  
32 that one. We should have something by fall that we can put out  
33 and we're going to work with the locals to get that program off  
34 the ground and working.

35  
36 The Alagnak, the same team have got a pretty good  
37 project going. Susan deserves a lot of credit on this one,  
38 she's actually sought and gotten some funds from the national  
39 level, besides the work she's already done there, gotten some  
40 funding to do some additional work. So we've got like five  
41 different things we're working on on the Alagnak. One is the  
42 monitoring and the continued visitor contact and education,  
43 which we'll do this summer as we squeeze our budget to do that.  
44 Commercial operators and getting them more in tune with the  
45 protection of the Alagnak and the communication with their  
46 clients. There's going to be an archeological survey -- or  
47 continued work by our cultural resources archeologist, Jean  
48 Shape out there, this next summer.

49

Fisheries research, Don's working with the State. They

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1 met the last couple of days here and they've been meeting on a  
2 couple of research projects there on fisheries. And then joint  
3 planning, the bulk of what Susan was able to get funding for  
4 will be a three year program of actual coming up with a joint  
5 planning methodology of how we can protect that resource with  
6 all the areas and jurisdictions.

7  
8 CHAIRMAN O'HARA: All right.

9  
10 MR. PIERCE: Those are the highlights. There's some  
11 biological information, if there's questions on that or any  
12 questions from the Council.

13  
14 CHAIRMAN O'HARA: Council members, any questions on  
15 these issues? Thank you very much, we appreciate your concern  
16 on that branch of the Alagnak River up there. We do want to  
17 stay up to speed on that. And thank you very much, appreciate  
18 it. Helga, what's next?

19  
20 MS. EAKON: You added two new items, Robert Heyano, the  
21 Nushagak Advisory Committee support for a proposal to reduce  
22 wanton waste and eliminate boning of meat in the field. And  
23 Dan, you had brought up catch and release in Iliamna Lake.

24  
25 CHAIRMAN O'HARA: Yeah, well, I think we'll hold off on  
26 the catch and release until -- see what happens with navigable  
27 waters.

28  
29 MS. EAKON: All right.

30  
31 CHAIRMAN O'HARA: Do you want to.....

32  
33 MR. HEYANO: Yes, Mr. Chairman, I would just ask for a  
34 letter of support from this body. The Nushagak Advisory  
35 Committee is submitting a proposal to the State Board of Game,  
36 which would make it illegal to bone meat in the field in Game  
37 Management Unit 17.

38  
39 The proposal reads, the meat of all moose and caribou  
40 harvested in the area must remain on the bone until it is  
41 either processed for human consumption or removed from the  
42 area. As you stated, Mr. Chairman, on your travels throughout  
43 the communities in Unit 17 on behalf of BBNC, the issue of  
44 wanton waste. I think Robin here has addressed numerous times.  
45 We've seen a large increase in hunting effort in this  
46 particular game management unit and we think that adoption of  
47 this proposal will go a long ways to reducing the waste of meat  
48 and making it a lot easier for enforcement -- to enforcement on  
49 a difficult regulation as it currently is on the books.



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1 CHAIRMAN O'HARA: So that will go in to next years -- I  
2 mean this year's proposal -- do you want us to.....

3  
4 MR. HEYANO: No, what I'm asking for is a letter of  
5 support to the State Board of Game for this.

6  
7 CHAIRMAN O'HARA: Okay, all right. Gotcha, now, we're  
8 on the same page. Yes, ma'am.

9  
10 MS. EAKON: Time's almost out.

11  
12 CHAIRMAN O'HARA: Time's almost out, um?

13  
14 MS. EAKON: Yeah, if they want to catch their plane.

15  
16 MR. SAMUELSEN: Okay, I'll second Robert's motion.

17  
18 CHAIRMAN O'HARA: All those in favor say aye.

19  
20 IN UNISON: Aye.

21  
22 CHAIRMAN O'HARA: Opposed.

23  
24 (No opposing votes)

25  
26 CHAIRMAN O'HARA: Okay, go ahead.

27  
28 MS. EAKON: One more item and that's to pick the time  
29 of your next meeting. You do have a calendar.

30  
31 CHAIRMAN O'HARA: September in Togiak sounds good to  
32 me.

33  
34 MS. EAKON: Can we say to be announced during the week  
35 of September 22?

36  
37 CHAIRMAN O'HARA: Call on the Chair, yes.

38  
39 MR. HEYANO: Call of the Chair.

40  
41 CHAIRMAN O'HARA: Call of the Chair, there we go. Any  
42 other -- something to come before us? Okay, motion to adjourn?

43  
44 MR. SAMUELSEN: So moved.

45  
46 CHAIRMAN O'HARA: Second?

47  
48 MR. HEYANO: Second.

49



CHAIRMAN O'HARA: Second, we're done -- out of here.

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1 See you. Thank you.

2

3 (END OF PROCEEDINGS)

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

I, Joseph P. Kolasinski, Notary Public in and for the  
State of Alaska and Reporter and Owner of Computer Matrix, do  
hereby certify:

THAT the foregoing pages numbered 95 through 219  
contain a full, true and correct Transcript of the Bristol Bay  
Federal Subsistence Regional Advisory Council, Volume II,  
meeting taken electronically by myself on the 19th day of  
February, 1997, beginning at the hour of 9:00 o'clock p.m. at  
the Naknek Borough Assembly Chambers, Naknek, Alaska;

THAT the transcript is a true and correct transcript  
requested to be transcribed and thereafter transcribed by Mary  
E. Miller and myself to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party  
interested in any way in this action.

DATED at Anchorage, Alaska, this 27th day of February,  
1997.

---

JOSEPH P. KOLASINSKI  
Notary Public in and for Alaska  
My Commission Expires: 04/17/00