

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

**BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING**

October 19, 1994
City of Newhalen Building
Newhalen, Alaska

VOLUME II

COUNCIL MEMBERS PRESENT:

- Robin Samuelsen, Vice Chairman
- Sam. G. Stepanoff, Secretary
- Peter M. Abraham, Member
- Robert A. Christensen, Member
- Timothy J. LaPorte, Member
- Helga Eakon, Coordinator

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

PROCEEDINGS

1

2

3 MR. SAMUELSEN: Okay, we'll call the meeting back to
 4 order. We are on 7N, I think there's a typographical error
 5 here, it's the Katmai Pass ORV resolution and the first one
 6 up, I believe, this morning is Susan.

7

8 MR. PIERCE: Sorry, but

9

10 MR. SAMUELSEN: Bill.

11

12 MR. PIERCE: I'm not as good looking as Susan.

13

14 MR. SAMUELSEN: That's all right.

15

16 MR. PIERCE: We're going to tag team you.

17

18 MR. SAMUELSEN: Okay.

19

20 MS. SAVAGE: Actually, I was so busy other things that
 21 I asked Bill to help me with this on.

22

23 MS. EAKON: Actually, Chair, at the last meeting the
 24 Council had asked Katmai staff to clarify how the ORV issue was
 25 resolved in Anaktuvak Pass 'cause I guess there's parallels or
 26 something.

27

28 MR. PIERCE: Yeah, Mr. Chairman, Bill Pierce and Susan
 29 Savage, Katmai National Park and Preserve. I guess with this
 30 item on the agenda we have a little bit of background on
 31 Anaktuvak Pass, we're obviously not the experts on Anaktuvak
 32 Pass by any means. We looked at it from the standpoint, I
 33 believe, the Council wanted to discuss, which was the
 34 comparison or contrasting or discussion of access at Katmai
 35 National Preserve.

36

37 My limited knowledge of Anaktuvak issue, it was
 38 apparently a village that was completely surrounded by the
 39 Gates of the Arctic Wilderness when it was enacted in 1980 when
 40 ANILCA came into effect. And that village apparently has no
 41 water access, no large river, no lake, no ocean that they can
 42 get out on and their only means of access was through the
 43 Wilderness to get many of their subsistence access.

44

45 So with that concern, over the years they worked in a
 46 joint effort with a number of the agencies in looking for
 47 solutions and currently proposed is -- or probably will be
 48 proposed next year in Congress a bill to make some land
 49 exchanges which will allow access from the village by ORV, but

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

it won't be in the Park or Preserve, it'll actually be on lands that will be exchanged, either with the Native corporation or some other agency.

4

5 As far as how that matches up with Katmai National Preserve and some of the access from some of the villages, like, Kakhonak or Levelock or Igiugig, there are some differences in that those villages do have access for subsistence uses either by water or by land, other than ORV. And as we went back and checked our -- you know, the General Management Plan in the early '80's and some of the documentation was done, the only documentation we can find, so far, that talks about ORV used, shows no documented ORV use for subsistence uses in those villages in the Preserve in the '70's. The first documentation we can find of ORV use, even in the villages, in the early 1980's and initially it's documented more for travel within the village rather than subsistence access.

18

19 So because of that the GMP stated that it was not a traditional and customary use for subsistence in the Preserve and, therefore, was not included as a means of access. I think probably the issue is more directly -- it should be worked, I think, with the local residents in park (sic) and maybe some of the Native organizations, rather than the Council. It's more probably a land management issue with them than it is a subsistence issue with the Council, but we're certainly here to respond and see what direction the Council is going in.

28

29 MR. SAMUELSEN: Okay. Susan.

30

31 MS. SAVAGE: I really don't have anything to add to Bill's, unless you have questions for us.

33

34 MR. SAMUELSEN: Any questions?

35

36 MR. CHRISTENSEN: I think ORV or 4-wheelers, they're used 100 percent for subsistence, huh? I mean, back home or -- I don't know how they hunt up in Katmai or who hunts up in Katmai, but we used them, you know, 100 percent for hunting or going out, unless it's a skiff access.

41

42 MS. SAVAGE: Our feeling is that Congress directed us to maintain subsistence as it was customary and traditional and our feel is if by the time ANILCA was passed the technology wasn't being used and hadn't been used probably for, at least, a generation that it wasn't customary and traditional and the Park Service isn't told by Congress that we have to maintain that technology. And that's where we get our direction.

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. CHRISTENSEN: Okay. If it was dog sleds back then,
2 they're not going to expect us to use dog sled. What the
3 Congress is trying to do is put a stop to us going up there to
4 use subsistence, so they can preserve this for their -- for the
5 liking of protecting everything. They don't want us to use
6 our 4-wheelers. It was like I was saying yesterday, they want
7 us to sit back and eat apples with you. I mean, I can see it
8 plain and clear, they want to stop us to use 4-wheelers, so
9 we're not up there, you know, taking subsistence. They want us
10 to get back on a dog sled and do it again? That was the old
11 modern way of doing things, was dog sled. When 4-wheelers came
12 by, somebody got money, by golly, we got a 4-wheeler, 3-wheeler
13 because it was an easier and a better way to do things.

14

15 MS. SAVAGE: I guess

16

17 MR. CHRISTENSEN: I mean, modern things are modern, you
18 know, and that's the way it is.

19

20 MS. SAVAGE: Well, in part of ANILCA, it does say that,
21 you know, it doesn't intend to stop all modern technology, but
22 we also have to look at the impacts that are caused by modern
23 technology and the Park Service has several studies which
24 document impacts that are caused by ORV use and that's
25 something we have to be concerned about is the impacts that
26 modern technology causes.

27

28 MR. CHRISTENSEN: Okay. It's the same thing as me
29 taking a 4-wheeler, running across North River or Reindeer
30 River, whatever name it is, down low when the tide is low to
31 go up to Aniakchak to go hunting. And they say that we're
32 passing this spawning area, fish don't spawn in the mouth of
33 the North River, you know, they spawn miles up the river.
34 They're trying to put a stop to use, right, from crossing these
35 rivers unless we have a special permit, is that true?

36

37 MS. SAVAGE: Park Service is -- I don't know what
38 you're talking about, I think you're talking about around the
39 village and we don't have any management authority over that
40 area, but if you guys

41

42 MR. CHRISTENSEN: But it is the same as if I crossed --
43 they want me to have a permit to cross a river.

44

45 MS. SAVAGE: Who is they?

46

47 MS. SAVAGE: I heard it from -- we had a meeting at the
48 community hall and I was listening in. I think Ron Hood was at
49 that meeting. They wanted us to get -- it was the State or

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

Something wanted us to get a permit to cross the river.

2

3 MR. HOOD: I'm confused because I don't remember being
4 at the meeting dealing with State regulations.

5

6 MR. CHRISTENSEN: Some kind of little thing for the
7 Council to -- I was asked by a guide if I would get a thing
8 signed so that everybody in the Village Council would be
9 acceptable to pass this river, you know, so I called the Fish &
10 Wildlife in Anchorage, they never did respond back to me, so I
11 never did do it, but it's something about getting a permit to
12 cross the river with an RV because there was spawning bed.

13

14 MS. SAVAGE: I can't speak for the State of Alaska, I'm
15 sure it has something to do with

16

17 MR. CHRISTENSEN: Well, okay, to come back to that,
18 it's the same thing as us using -- they want use to discontinue
19 using 4-wheelers in the Park.

20

21 MS. SAVAGE: That's correct, we have a regulation that
22 says ORVs are not allowed in Park Service areas, in Aniakchak
23 and at Katmai, that's correct. Not for subsistence uses or any
24 other uses.

25

26 MR. CHRISTENSEN: Maybe I'll put my dogs and
27 indistinguishable -- laughing)

28

29 MR. SAMUELSEN: Is ORV use currently happening in
30 Katmai?

31

32 MR. PIERCE: Not legally.

33

34 MR. CHRISTENSEN: But it's being used for subsistence.

35

36 MR. SAMUELSEN: You guys seen the trails?

37

38 MR. PIERCE: What, Robin?

39

40 MR. SAMUELSEN: You've seen the trails?

41

42 MR. PIERCE: There are some and I think the reason I
43 don't want to necessarily -- I don't particularly want a
44 confrontation as much as I want to see if we can't work with
45 some of the local people there because I think the bottom line
46 for us and for them is the same, we want to protect the
47 resource. And even beyond what's customary and traditional,
48 you know, our charge in the Park Service is to also preserve
49 that resource and so it's not just whether it's customary and

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

traditional, which we should certainly talk with those local people about and verify what's been done in the research and what's valid. But also, then, the next step is what also would be the impact to the resource and that's one of our big concerns, too, with the ORVs is -- as opposed to a snowmachine, for instance, which they also utilize, but the snowmachine appears to have much less impact on the resource than the ORVs.

8

9 MR. SAMUELSEN: Um-hum. And the habitat.

10

11 MR. PIERCE: Right.

12

13 MS. SAVAGE: Even if ORVs are found to be customary and additional that does not necessarily mean the Park Service has to allow them. And even if, at some point, they decide they will allow them, they still -- the Park Service can still regulate them as in they could designate a trail or they could give a certain number of permits, that's what they do at Wrangell/St. Elias they had a certain number of permits which keeps the use to a certain level. And so unregulated ORV use probably would never be the norm of operation for a Park Service area.

23

24 MR. SAMUELSEN: The two villages we're basically talking about here is Kakhonak and Igiugig.

26

27 MS. SAVAGE: Well, Igiugig has a large portion of corporation land and what they choose to do on the corporation land is up to them. So that -- you know, we don't regulate ORV use on that portion unless it's in our boundaries.

31

32 MR. SAMUELSEN: No, I was talking on Federal lands. Okay, any other questions, comments? Okay. Any other comments from the public? Russell has got a comment.

35

36 MR. NELSON: Good morning, Council, Mr. President or Chairman. We've -- since our last meeting we've been -- at BNA Department -- oh, my name is Russell Nelson, Bristol Bay Native Association, Department of Natural Resources. Ted and I have been working on trying to find out why ATVs, ORVs, whatever you want to call them, were not allowed in Katmai and Ted wrote to Susan and she sent them -- we wanted to know exactly where they came up with the ruling that you couldn't use a 4-wheeler or a 3-wheeler in Katmai.

45

46 And so Susan sent him this paper, it was a memorandum to the Superintendent of the Gates of the Arctic National Park and Preserve from the Associate Regional Director or Acting Associate Regional Director of Operations. And the subject was

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

the Prohibition of All Terrain Vehicles (ATVs) Use for Subsistence Purposes. And this was done for the Gates of the Arctic National Park and then she sent a note with it saying that: I found new copies of KATM and ANI -- ANGIP, inclosed, I found no specific info about ORV Katmai GMP decisions, I found a few general memos, one inclosed, that are explaining NPS's position.

8

9 So we feel that they looked at the Gates of the Arctic and said, well, geez, you know, that's a good reason to not have ORV use in Katmai and we don't feel that way. I talked with Danny Roehl and John Nelson, both of Kakhonak, and Sharon Roehl, which is married to Danny Roehl, that's his wife, she's the daughter of John Nelson. And when she was a young girl in high school she broke her hip and her dad got her a 3-wheeler to get around the village in, that was her transportation.

17

18 That was in Kakhonak and that was in the early '70's, real early '70's. And John Nelson and Danny Roehl both tell me in conversations with them on the phone that they both utilized their 3-wheelers back then, they were Honda 3-wheelers and they both went down into the Park to do subsistence activities and to go down into there to trap -- or it was the Preserve actually, what is now the Preserve since the Park has been expanded, you know, with the Preserve boundaries. They've used those for -- and I think -- you know, this problem is not going to go away until it's resolved.

28

29 We have people out there that say, yes, we've used it, it is customary and traditional for us, we've had 3-wheelers in the Park before, you know, pre-1978, I believe it is that they say was -- you know, if you didn't prove the use before that, you know, you can't use them now.

34

35 When somebody comes up here and sits down at the mic and say, you know, my feelings on this issue are -- I say, I don't want to know what your feelings are, I want to know the facts of this case, I want to know exactly why the people are denied access with 3-wheelers and 4-wheelers now. And this is an evolutionary process of subsistence. We always use the most efficient means to go get our meat, we're not out there for sport, you know, the people are out there for the need. And the evolution of transportation when the dog teams die out, and they're only used for competition now, they're not used for mapping and stuff, so you can't expect the people to start walking 'cause the dog teams went away.

47

48 So that's -- you know, and when you talk about protecting of the resource, it seems to me like the sports

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

industry has been here saying, you know, we want to continue to hunt on some of these other places that we've been discussing for the last two days. And the Native community is the one that's standing up and saying, look, we need to conserve this resource, we need to stop hunting on some of these select species that are on the -- populations that we feel are on the decline and can't be found until you come up with some evidence on what the population numbers are.

9

10 I feel the Native community is being real prudent in coming forward with their concerns, you know, a lot quicker than even the Park Service and the Fish & Wildlife Service is reacting to the declining populations. It seems like they should have raised the red flags, came out and stopped the hunting down there and took a good look at it to find out what's happening before the Native community came up with their red flags.

18

19 So my feelings that the Native community -- we'll there go with my feelings again, you know, I should be saying -- I should be letting my feelings control what I'm saying. But it's the prudent thing for the Fish & Wildlife Service and National Park Service and the Refuge Service to do right now I believe is to start taking a good look at what's happening on their lands and for themselves, too, to err on the side of conservation. But as far as the 4-wheelers go, we need to find out why in Katmai is this not happening. You know, why are using Gates of the Arctic to stop 4-wheelers in Katmai?

29

30 Thank you.

31

32 MR. SAMUELSEN: Okay. Any questions of Russell?

33

34 MR. LaPORTE: I've got some. Have you seen any of the tracks left by -- you're a pilot, you fly around?

36

37 MR. NELSON: I've never flown over Katmai. I fly over the Nushagak, Mulchatna, Togiak, so I personally I have not seen them. I have talked to John Nelson and I have talked to Sharon Roehl and I've talked to Danny Roehl quite a bit on the phone.

42

43 MR. LaPORTE: But have you seen in other areas where Hondas are being used? Down in Bristol Bay area across the tundra and that, are they using Hondas down there?

46

47 MR. NELSON: They have them all over and, no, I don't see trails all over in the Bristol Bay area when I fly. I fly near to Togiak and I don't see trails. I fly clear up river

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

and I don't see 3 or 4-wheeler trails, so -- I can see traces of the main snowmachine trails in the wintertime, but in the summertime, you know, you can see where the snowmachine trails are, but no, I've never really seen 4-wheeler trails over in our area.

6

7 MR. LaPORTE: I would encourage you to take a trip down the north shore of Lake Illiamna and look at the trails, they're becoming more and more prevalent. Because on State land there is no prohibition against use of 4-wheelers, ATVs. Between here and Lower Talarik Creek there are freeways being created and I think this is what the Park Service is wanting to not happen up in the Park.

14

15 The other thing is, I don't know, have you flown on that side of the lake in particular looking at access from Kakhonak or Igiugig and I'm speaking of this low area here between the lake and the ridge line that the Katmai boundaries lie on. If you do fly over there, I mean, I encourage you to take a look at it and for anybody to get a Honda from Kakhonak up through this lowland, across the many creeks and rivers that are involved there, they better be one strong individual to carry their Honda up there.

24

25 I'm not going to say it's impossible to get there, but I've been flying here for 21 years, I have never seen a Honda up in this area here, ever.

28

29 MR. NELSON: Well, according to Danny Roehl and John Nelson it's very good traveling across -- heading from Kakhonak down there, so I guess we just have two different opinions. You know, there's people that are down there using the 3-wheelers or that have used them into the Park and then there is you that fly over it and it's kind of hard when you fly over to tell exactly what goes on on the ground, as you know.

36

37 MR. LaPORTE: Yeah, but the trails are telltales, I mean, I see snowmachines up in that area in the wintertime for mapping purposes and for caribou harvesting and that, but it might be worth a call to get them on a telephone conference or something, see if we can get them on, get some current knowledge on it.

43

44 MR. NELSON: Yeah, well, we could do that if that's what the Council would like. We can try to get a hold of them.

46

47 MR. SAMUELSEN: Any other questions for Russell?
 48 Appa, you had your hand up?

49

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

1 MS. COILEY: I'm trying to remember what it was, it was
 2 one of those fleeting things. Thank you very much, Robin, but
 3 it passed.

4
 5 MR. SAMUELSEN: It's all right it's morning. Ted.

6
 7 MR. KRIEG: Ted Krieg, BBNA Natural Resources. Just a
 8 couple of things. I wanted to say, you know, Katmai always --
 9 Susan, Bill, they've been real good about getting us
 10 information and they've always been open to talking about these
 11 issues and I appreciate that. And I appreciate the fact that,
 12 you know, they came and presented this information.

13
 14 I guess one of the things that's still not clear in my
 15 mind is when we first put this proposal in it, you know, we
 16 went through this thing where, you know, it was accepted and
 17 then it wasn't. As the process went along the proposal got
 18 deleted and the Council never saw this proposal, or at least
 19 not, you know, in its entirety. It wasn't a decision that was
 20 made back in February anyway.

21
 22 And we were told that and agency specific regulation
 23 and, therefore, this Council couldn't rule on that, but yet,
 24 you know, as I understand it, one of the things that this
 25 Council is ruling is anything that has to do with methods and
 26 means and seasons and bag limits and, you know, it sure seems
 27 like -- like Mr. Christensen pointed out that, you know, ORVs
 28 are a means of transportation used for subsistence uses.

29
 30 You know, I also -- I don't think that ANILCA intended
 31 to lock, you know, subsistence into some past time frame of,
 32 you know, method or means. And, you know, it's my
 33 understanding that it even made provision for new technology to
 34 be included as that became available. You know, and I don't
 35 know what the -- I don't claim, you know, to have an answer to
 36 the -- a solution to this problem, but it seems like, you know,
 37 in winter travel -- I know I spent some time in Kakhonak and
 38 worked on the Katmai Research Project and it was about this
 39 some of year and, you know, I noticed as it started to snow --
 40 there's not that many people in Kakhonak that have snowmachines
 41 and just about everybody has a Honda 3 or 4-wheeler. And they
 42 really rely on those to get around. And, you know, it seems
 43 like winter travel, you know, really wouldn't be much of a
 44 problem if the ground is frozen, I don't think there would be
 45 any damage.

46
 47 You know, I guess in my mind, I -- if I see some trail
 48 out there, you know, I don't think that necessarily always bad
 49 if somebody needs to get somewhere and they've got a trail to
 50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

go out there. I think it's, you know. I mean, we build roads and get to where we want to go, so a trail is less intrusive than a road in some respects so Thank you. Any questions?

5

MR. SAMUELSEN: Doesn't look like it, thank you. It came to you, Pippa?

8

MS. COILEY: Yeah, it did. I'm Pippa Coiley and I just wanted to -- a point of correction about State land, is it? The State, through the Board of Game, does regulate means on State land and in my experience it's always been upon recommendation of the local Advisory Committee in agreement with the local biologists. And there are pockets of land where ORVs and other types of travel are controlled, restricted in one way or another.

17

And the reason why down in Dillingham we don't rely on ORVs as much is because we freeze up down there a lot earlier. If you come up to Iliamna in the wintertime you can see by the land that we're often times froze up down there and as you approach Lake Iliamna it warms up and we get a lot more snow cover. So the reason why this keeps coming up is that places like Kakhonak people have ORVs there, it's rare to have a snowmachine, they have ORVs and they use them and that's -- and the reason why is because you can't be guaranteed as often that you're going to freeze up and be able to travel use a snowmachine. So I just wanted to make that -- that's why we don't see all of the tracks down there.

30

MR. LaPORTE: In response to yours, I know that like right now State regulations, 17(B) is closed for any ORV hunting, sports hunting or

34

MS. COILEY: Upon recommendation of the local Advisory Committee.

37

MR. LaPORTE: Right.

39

MS. COILEY: Made up of people who live in those communities.

42

MR. LaPORTE: Right. And also, as President of the Iliamna Local Advisory Committee, one of the recommendations that the local people wanted to, at one time, bring in as a proposal was the close Unit 9(B) to ORV transportation, too. And their reasoning was for they didn't want the guides to have the access to the -- it opens the whole area for guides to go down to Upper Talarik Creek. With an ORV you can go all the

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

Way -- I mean, it's incredible how far you can go with an ORV.

2

3 And my comment to them at that time was don't cut your
own throat. Here you want to close 9(B) to ORV use and who's
really using it? I don't know any guides that are using ORVs
in 9(B), but it's the local people that are using ORVs in 9(B)
and the local people that are creating these freeway trails
that are visible from the air, they're getting more and more
prevalent in this local area here. A lot of it is because of
like you say, the freeze up, poor access with snowmachine,
you can't really go cross country crossing rivers and that, but
you can put an ORV in a boat, go down to Lake Illiamna, hop up
on the beach and gain access once you get past the Newhalen
River, past Upper Talarik Creek, that whole lower section down
here.

16

17 It is something that is being used to a great extent on
the north shoreline. The south shoreline of Unit 9(B), where
there's heavily wooded -- I know the guys up on the upper
section there, above Kakhonak, if you stay up in the higher
country up towards Gibraltar and that, there is fairly good ORV
traffic through there. I mean, availability, but whether or
not they're actually getting into the Park with the ORVs, I
think on a very occasional sightseeing trip

25

26 MS. COILEY: Well, the concern -- I'm sorry for
interrupting you. The concern right now, of course, is that
it's illegal, so it's really difficult to move -- I mean, I
don't really have strong feelings about this, it's just that,
yeah, you probably don't see them a lot in the Preserve because
they're illegal.

32

33 MR. LaPORTE: No, because they just don't have to go
that far to get animals. It's not that necessary. As you go
up into the Park -- I don't know exactly how wide this band is
here, but I would suggest it's in the neighborhood of 15 miles.

37

38 MS. COILEY: I think you're right. I think there's a
lot more game around now than there used to be. I think this
is -- but there are -- I mean, this isn't a secret, they're
pretty well known ORV corridors through that area. I mean we
all now that, so I just wanted to bring that up.

43

44 MR. LaPORTE: I call them freeways.

45

46 MS. COILEY: That's your choice.

47

48 MR. SAMUELSEN: Does Levelock use ORVs in Katmai? Do
we have any documentation, Susan?

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MS. SAVAGE: Well, can I back up just a step. For a
point of correction, Ted did contact me in August and I did not
find at that time any research that was conducted, but I did
subsequently figure out or remember that the Park Service did
do a few preliminary ethnographic studies in the late '70's
which did a very superficial overview of subsistence uses of
all the communities around Katmai National Park and sort of a
very superficial check of whether technology was present in
that community or not. And that's when Bill said, that the
research that, I think, was relied upon to use for the GMP, so
we did not rely only on what was done at Gates of the Arctic or
Denali National Park Service units.

14
15 We are currently in the process of doing a new
ethnographic study, one that Ted has referred to as the Katmai
Research Project, and that project is directed at trying to get
some more information about species that were used and
technology over a more historic time period. I don't know
right now what the results of that study is going to be. The
field work was done last year and the history is due out any
moment now, it's actually overdue, I think. And the rest of
the study is probably due in about a year or a year and a half,
we write up of that.

25
26 And I don't know the answer, directly, to your
question. I know that whenever I've gone to Levelock and
people have asked me about ORVs I've always said that, you
know, Park Service has a regulation against them and they have
seem to be in compliance with that, but maybe they didn't want
to discuss it, maybe that just not their way to be
confrontational about it and challenge me, whereas when they go
to Kakhonak people are definitely challenging that regulation.
So my answer would be, I don't know of ORV use out of
Levelock. That doesn't mean that it doesn't occur.

36
37 MR. SAMUELSEN: Yeah.

38
39 MS. SAVAGE: ORVs, also, you know, for Levelock, the
main access would be up the river and I've had people in
Levelock tell me that ORVs are fairly dangerous on that river
when it's frozen because of the overflow freeze and people
falling through the ice. So that's my perspective of it.

44
45 MR. SAMUELSEN: Council, recommendations? I have a
recommendation. Why don't we direct staff to get together with
traditional Councils of Kakhonak, Igiugig and Levelock, to
discuss and document current use of ORVs in Katmai. And return
use in February, include the BBNA, Big Creek in those
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

meetings and report to use in February.

2

3 We don't have no -- you know, I'm kind of reluctant to
 4 open up the whole Park and Preserve to ORV use when we don't
 5 have a map in front of us with documented trails, they might
 6 only use a certain portion in close proximity to their village.
 7 And just an area up in the northwest corner might satisfy
 8 their appetite and the problem will be solved and the animosity
 9 will go away. So my recommendation is that we put staff
 10 together with these villages.

11

12 Helga.

13

14 MS. EAKON: Councils of Kakhonak, Igiugig and Levelock.

15

16 MR. SAMUELSEN: Levelock.

17

18 MS. EAKON: And with help of BBNA?

19

20 MR. SAMUELSEN: Yeah.

21

22 MS. EAKON: And do, what?

23

24 MR. SAMUELSEN: Have a community meeting with the
 25 additional Councils and to document ORV use in Katmai and
 26 bring forth their findings to us in February. That way we'll
 27 have all the parties meeting in each village, three villages.

28

29 MR. LaPORTE: I think that's a valid point 'cause --
 30 satisfying local needs as a Board here we can't pick and
 31 choose. Basically, if we open Katmai National Park to ATVs or
 32 recommend that it's opened for subsistence use, that means Joe
 33 Blow from Anchorage can hop in his Beaver and fly out to Kulik
 34 Lake, throw his ATV out of the airplane and he's got access to
 35 anything he wants up in there. It would give subsistence to
 36 everybody -- access to everybody, not just the local people and
 37 I think that's something we want to really keep some pretty
 38 tight fingers on.

39

40 MR. SAMUELSEN: Under the State regulations all
 41 Alaskans are considered subsistence users, aren't they?

42

43 MR. LaPORTE: Um-hum. (Affirmative)

44

45 MR. SAMUELSEN: It's different under the Feds.

46

47 MR. LaPORTE: Well, that's true, okay.

48

49 MS. SAVAGE: A point of correction, and, Clarence,

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

listen to me carefully and see if I'm saying this correctly. We can provide separate regulations for subsistence access versus recreational access. But Tim is correct in his understanding that one of our major problems with this issue is that other people seeing subsistence users use ATVs will want to get on the bandwagon and use them. And we do have a guide in our guide area right now who's the biggest person raising the flag right now saying, subsistence users are using ORVs against Park Service regulation, why can't I?

10

11 MR. SAMUELSEN: Yeah, and public comment in our packet here shows that the Archery Association support opening it up to unlimited trails and what not.

14

15 MS. SAVAGE: But you're correct in -- for subsistence regulations that is limited to local rural residents, Katmai Preserve, so people from Anchorage do not qualify.

18

19 MR. SAMUELSEN: Any additions to my recommendation or objections? Bill, is that doable? Pippa.

21

22 MS. COILEY: This is Pippa Coiley. Yeah, I was just going to -- you know, this sort of study has been done before and there are different kinds of records and stuff available and I would just suggest that staff be directed to find out what happened in Wrangell/St. Elias or in other areas of the state and pursue some of the ways that ORV corridors may have been documented in the past.

29

30 MR. SAMUELSEN: Yeah, I'm sure they'll do that. Okay, well, hearing no objections from the Council and Bill in agreement, Ted in agreement, you guys can report back to use in February and we'll proceed on in February with this issue.

34

35 Moving on, we're under 8B, Designated Hunter Task Force Report. Taylor.

37

38 MR. BRELSFORD: Thank you, Mr. Chair. Good morning, everybody. My thought was just to make a couple of -- actually, Helga, we talked about your doing the introductory part on this. Do you still want to?

42

43 MS. EAKON: I'll sit by you.

44

45 MR. SAMUELSEN: Helga.

46

47 MR. BRELSFORD: Go ahead.

48

49 MS. EAKON: At the April Board meeting, April 1994

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

Board meeting, there were four proposals before the Federal Subsistence Board on the topic of having a qualified hunter hunt for someone who is unable to hunt or harvest for him or herself. And the Federal Subsistence Board said, essentially, let's look at this carefully 'cause they had concerns about impacts on wildlife populations and they wanted some kind of framework that was consistent throughout the State.

8

9 So to this end the Social Sciences Branch took the lead and invited representatives from the 10 Regional Councils, State of Alaska, the other Federal agencies that work for the Federal Subsistence Board and because the Council members in this region are very tied up with commercial fishing, no one from this Council was able to attend the summer meeting. It really was something to sit and watch local subsistence users come up and exchange ideas and say, look, basically your regulations -- some of your regulations don't apply in our local villages. The fact of the matter is the people do what they have to do to get their resources.

20

21 So they had another meeting in August and agreed on four options, the so called Designated Hunter Option, the Community Harvest Option, the Tribal Government Option, and the Local Government Option. And it was pointed out that the Designated Hunter Option and the Community Harvest Option were very doable within existing regulatory framework on the Federal side. However the Tribal Government Option and the Local Government Option, even though they may be legally doable in the near or in the future, at this very moment there -- you know, if you try do proposal that fit into those two options, the Federal Subsistence Board couldn't really act on them.

32

33 And the reason this booklet is before you is the Federal Subsistence Board and the staff would like to know your thoughts on these four options. You don't have to vote on approving any of them, but if you have proposals that touch upon this idea of hunting for someone who is unable to hunt for him or herself, you could work on fitting it under the first two options I talked about essentially.

40

41 Taylor.

42

43 MR. BRELSFORD: I think Helga has actually covered what all of the main points. I think as you look at the document you'll find that it's not a typical government report, there's a lot more of kind of the expression of the aspirations and the concerns of the Council representatives, particularly in the Preface. And again in appendix -- the first appendix drafted by the Chairman of the Seward Peninsula Regional Advisory

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

Council.

2

3 And I think our purpose was to try and put a lot of
 4 that dialogue together so that many people could read it and
 5 sort of have an understanding of how some of the Councils, some
 6 of the villages view this whole area of flexibility in the
 7 regulation and allowing for very flexible traditions of hunting
 8 for someone else, sharing foods once they've been harvested. I
 9 think the breath and the effort to kind of convey the feelings
 10 and the convictions that were expressed in this meeting is an
 11 important part of what were trying to do.

12

13 The other point I'd add to Helga's remarks has to do
 14 with the appendices that may be very useful to this Council
 15 this year and next year. There's several background documents
 16 from the Department of Interior, one drafted by Assistant
 17 Secretary Ada Deer. touches on some of the basic elements of
 18 Federal Indian policy having to do with the status of tribe and
 19 the jurisdiction and roles of tribes, the recognition -- the
 20 constitutional recognition of tribes in their special status.
 21 It's kind of a basic foundation for policy making in the
 22 Department of Interior and there are a lot of things that are
 23 under discussion having to do with the special circumstances of
 24 Alaska. So it might be, you know, background that you'll hear
 25 more about as the year -- in the months to come, in fact.

26

27 Another appendix there is the Native American Policy of
 28 the U.S. Fish & Wildlife Service. It's signed by our national
 29 Director and that's a little bit more specific as far as
 30 National Wildlife Refuges or any of the programs of the U.S.
 31 Fish & Wildlife Service. This talks quite boldly about our
 32 responsibilities to consult and work directly with the tribes
 33 in a government to government relationship. So, again, that's
 34 kind of an over arching policy direction that from time to time
 35 will become important in the work of the Subsistence Councils
 36 and of the Federal subsistence program.

37

38 And there was one final appendix that I wanted to draw
 39 your attention to as well. That's the final one drafted by John
 40 Morrison from the State and probably most of you are aware that
 41 the State has a program somewhat along these lines, it's termed
 42 proxy permit and it allows a hunter to harvest resources on
 43 behalf of another person who is blind, elderly or disabled.
 44 John did a careful job trying to compare some of the ideas in
 45 the chapter on designated hunters with the current State
 46 program. And this idea that this Council has raised and others
 47 have, too, of trying to have consistency between State and
 48 Federal regulations where that's reasonable and possible so
 49 that you don't have three or four handbooks to carry around

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

With you. That really one of the themes that John has raised
in the final appendix.

3

4 And I believe with that we've sort of surveyed what's
in there and from there it's a matter of the Council's wishes.
6 If you'd like to address proposals in some particular area, we
would be happy to try and help.

8

9 MR. SAMUELSEN: Any comments? A simple issued turned
10 a 65 page document. John.

11

12 MR. MORRISON: Mr. Chairman, I wonder if I could add
some comments to what he's made there.

14

15 MR. SAMUELSEN: Sure, come on up to the mic there.

16

17 MR. MORRISON: I'm John Morrison, the guilty party he
was referring to. I might amplify that the State had just one
reason of employing its proxy hunting regulation, it's a fairly
new thing. It was designed as a means of enabling people who
needed food, needed meat, to be able to get someone else to go
out and get it for them. The regulation was restricted to
people that were either over 65 or physically disabled or
blind. That restriction was aimed at trying to prevent misuse
of the opportunity and minimize people getting those proxy
permits for other than the intended purpose of helping needy
people.

28

29 In applying this first year's run of the regulation
about 400 -- a little over 400 of the permits were issued
statewide. We found that about three quarters of them were
from the major urban areas of the state, Fairbanks, Anchorage,
Palmer, Soldotna, Homer. And this would imply, of course, that
well, that's where all the population is concentrated. On the
other hand it could also make you wonder, well, why didn't more
permits go out to people in the rural areas where there's maybe
a greater need for that opportunity.

38

39 That's something we're investigating, having looked at
the -- or having run this for the first year, we're now looking
at the results as best we can, with the idea of improving the
regulation. If there are ways that we can make it work better
for the public we certainly want to do so and we'd welcome any
information, any idea, that might come out of all of these
Council meetings throughout the state.

46

47 One of our hopes is that we can get both the Federal
and the State regulation similar as possible. We feel it would
be more workable, it would be more fair to the public. But

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

We're still undecided as to how that State regulation might yet be changed. It would require an action by the Board of Game to do so, of course, but any good information we can provide the Board that would improve this regulation would be very welcomed.

6

7 The biggest complaint we've had about it is that it's very unwieldy, there's a lot of paperwork, it's very difficult for some people to go through the hoops that are required in order to get that permit. People in these big urban areas tended to be better informed about it, more aware of the opportunity than a lot of the rural people. And they're also in a better position to go through all the rigmarole of either getting a doctor's certificate that they're disabled or blind or those kind of things, so we hope that by the time this exercise is over with that we've been able to come up with a more satisfactory regulation for everybody.

18

19

20 Thank you.

21

22 MR. SAMUELSEN: The Dillingham Native Village Council is looking -- is going to administer the hunt for Dillingham on the Nushagak Peninsula caribou herd this winter in conjunction with U.S. Fish & Wildlife Service. And the Council has instructed that a number of permits of Dillingham's allotted permits be designated for designated hunter for elderly and the people that can't go hunting. And we've incorporated I sit on the Dillingham Native Council and I've been working -- using some of your stuff, filling out -- making up the permit requirements that we're going to present to U.S. Fish & Wildlife Service and hope it'll be used as model throughout all the villages, Togiak included, that are going to participate in this hunt.

35

36 MR. MORRISON: This is a situation where there's a limited number of permits available, I think.

38

39 MR. SAMUELSEN: Yes.

40

41 MR. MORRISON: And so you want a certain part of those reserved for people that need the designated hunter set up. That's another thought to consider in all of this.

44

45 I might add one more comment. Taylor emphasized my addition to that document as a minority report, you might say. In the August -- in the earlier meetings of the task force there were some groups assigned to develop each one of those options that Helga described. I happened to be on the

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

Designated Hunter Task Force and the chairman of it pretty much put together the story on it. And my impression of it was that it did not make a distinct enough difference from what was included in the Community Harvest type of option and that actually the two had a lot of overlap and there was not much of a true distinction -- or a distinction of a true designated hunter, which would be more of one on one opportunity between a beneficiary on the one hand and then the designated hunter on the other. More restriction, if you will, on who could do the hunting.

11

12 MR. SAMUELSEN: Any other questions of John? Thank you. Surely, I'm not prepared to give a comment on this option 14 Designated Hunter Option. I've breezed through it. Is anybody prepared to give a comment on it? When do you need comments by, Taylor?

17

18 MR. BRELSFORD: I think that would be at the option of this Council. Some Councils are submitting proposals to 20 complement a designated hunter program on deer in Southeast and Prince William Sound. Basically the same areas that raised the 22 question a year ago. Other Councils have said they wanted to see the individual villages ask for community harvest limits or 24 designated hunters. They wanted to leave the way open for the 25 individual villages to submit proposals this year. And nothing 26 limits your opportunity to think about this, to this regulatory 27 year alone. It's something you may want to -- it may emerge as 28 an important proposal area next year instead, so there's not 29 urgency to do it now. If it's not emerged as a need among the 30 communities in the Bristol Bay region and there's nothing that 31 prohibits from coming back to this next year if a need does 32 emerge.

33

34 MR. SAMUELSEN: Yeah, okay. Well, I guess we could look at it as a staff report and if any Council members feel 36 that they want to comment they can write in written comments 37 individually. We'll leave it at that, how's that?

38

39 (Council members nod affirmative)

40

41 MR. SAMUELSEN: Everybody is shaking their head in agreement, okay. C, Cooperative Agreements.

43

44 MR. BRELSFORD: Me again. You didn't want to get coffee before we begin?

46

47 MR. SAMUELSEN: Is it done?

48

49 UNIDENTIFIED VOICE: Yeah.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MR. SAMUELSEN: Oh, we'll take a five minute break
3 then.

4
5 (Off record)

6
7 (On record).

8
9 MR. SAMUELSEN: Okay, call the meeting back to order.
10 We're on 8C, Cooperative Agreements. Taylor.

11
12 MR. BRELSFORD: Thank you, Mr. Chairman. I'd like to
13 offer just a few general overview comments about the
14 cooperative agreements that are currently in place as part of
15 the Federal Subsistence Management Program. With five such
16 agreements they are governed by Section 809 of ANILCA, which is
17 a kind of wide open provision allowing the Federal Government
18 to cooperate with tribes, universities, any other organization
19 that's able to assist in an effective and responsive
20 subsistence management program.

21
22 We have had a cooperative agreement, for example, with
23 the Alaska Department of Fish & Game from the beginning of the
24 Federal subsistence program, but the agreements that are
25 probably of the greatest interest to you are the five
26 cooperative agreements that are currently in place with
27 Regional Tribal Associations. Three of those are between the
28 Fish & Wildlife Service and the Council of Athabascan Tribal
29 Governments in the Fort Yukon area. The Tanana Chiefs
30 Conference in Central Interior and the Association of Village
31 Council Presidents. The other two agreements are combined.
32 The BLM and the National Park Service both have a cooperative
33 agreement with the Cooper River Native Association looking at
34 the Copper Basin area.

35
36 Taken all together those cooperative agreements with
37 Regional Tribal Associations are accomplishing three tasks.
38 The first is to collect subsistence information, and here the
39 idea was to strengthen and broaden the involvement of the
40 communities in the subsistence management program. It was a
41 good idea to go through local and regional organizations to
42 collect the data, to involve local people in painting the
43 picture of contemporary subsistence harvest activities. So in
44 several of these cooperative agreements the major focus is on
45 individual field work surveys done household to household or
46 through the use of harvest calendars that are handled by Tribal
47 Association employee who visits the household every other month
48 to collect harvest calendars.

49
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 A second task that is occurring under cooperative
2 agreements, particularly in the AVCP region, is to support
3 what's being called cooperative management meetings. And in
4 this case, AVCP, for example, provides the administrative and
5 logistic support for village representatives to come in and meet
6 with the resource managers from the Department of Fish & Game
7 and from the Federal agencies, parks, refuges, the regional
8 offices, to talk about resource crisis. Most of these have
9 looked at areas where the population was in trouble for some
10 reason and to try and figure out a joint plan, kind of a
11 consensus approach to recovery of that wildlife population,
12 while at the same time allowing a limited subsistence harvest.

13

14

15 So the Kilbuck caribou hunt -- or the Kilbuck Caribou
16 Cooperative Management Plan in the Bethel area is an example of
17 these often, several times a year, getting together the
18 village representatives plus the resource managers and just
19 trying to sort of figure out what's behind the decline and how
20 to address it. Those have actually been quite successful. The
21 Kilbuck herd is actually recovering and the subsistence hunt
22 has been extended substantially this year. Other examples
23 would have to do with management of brown bear in Western
24 Alaska and more recently with moose on the Lower Yukon Delta.

25

26 The third task is that's being accomplished under
27 cooperative agreements addresses those customary and
28 additional use studies that we talked about yesterday. And in
29 the Council of Athabascan Tribal Governments cooperative
30 agreement, the village harvest monitors, the Tribal Association
31 staff that's working under the cooperative agreement, they
32 collecting information on harvest activities, harvest levels,
33 use areas and so on. But they are also going to add some
34 additional documentation this coming year on things like
35 sharing patterns and preparations, traditions of storage, and
36 preparation of wild resources. They're going to help us
37 address those eight factors more fully. So that's a third area
38 that's occurring under the cooperative agreements.

39

40 I think there's one new one in the Copper River Native
41 Association that's unusual and worth drawing to your attention.
42 I think this is a really creative idea and I, in some ways,
43 hope we do more of it. Most of you probably remember from
44 ANSCA there was a section having to do with historic sites and
45 cemeteries, additional land selections by the regional
46 corporations for historic sites and cemeteries. An awful lot
47 interviews, oral history interviews, were conducted all
48 around the state. Hours and hours of tapes are sitting in
49 regional corporation and BIA offices, many of those have been

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

transcribed, but they haven't typically been used in the resource management area. So the Cooper River Native Association in this cooperative agreement is actually reviewing the oral history tape, systematically, to identify traditional use areas and patterns of seasonal migration and so on. I think it's a new use made of data that Native corporations have already pulled together and I think that's kind of an interesting new path being pioneered by the Cooper River Native Association.

10

11 Let me finish by just referring to some of the elements of the future of the cooperative agreements. We've looked at these as kind of building blocks, not just hit and run projects that you jump in with the tribe one year and back away -- you know, figured business is done the next year. We've more taken the idea these would be three to five year projects, that it would allow the Tribal Associations to develop staff and some expertise and some familiarity in the communities on these research programs. So we're approaching the third and fourth year of several of these agreements and after those have kind of gotten up on step and achieved some good results we will be moving that funding to new areas in the state, other areas where this same idea of cooperation with the Regional Tribal Associations would make a lot of sense.

25

26 So I think we will be moving from the current set of cooperative agreements on to some new ones within the next two years. And we've had some indication, some discussions within the Fish & Wildlife Service in the last three months indicating that there may be some money for additional cooperative agreements actually during this current year, but that has not been conclusive and I'm not able to say anything definitive to you.

34

35 I think to finish we view the cooperative agreements as perhaps one of the most important new areas of working well with the communities that the Federal program is experimenting with one of the new things that we're trying to do and I think it's paying off and we're seeing some important benefits from this more intensive involvement with the Regional Tribal Associations. We will be looking for some new partners in the near future and we may even be able to do some additional work in the coming year if the funding situation turns out as we hope.

45

46 So I believe that touches on the main points and if you have any specific questions I'd be happy to try to answer.

48

49 MR. SAMUELSEN: You have any cooperative agreements

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

dealing with marine mammals?

2

3 MR. BRELSFORD: No, Robin, the Federal subsistence
 4 program under Title VIII of ANILCA is limited to the Federal
 5 public land and that's been defined as upland regions and,
 6 therefore, upland species. So we have no cooperative
 7 agreements relating to marine mammals nor to fisheries
 8 resources. And I think, generally speaking, we're not very
 9 active in the area of migratory water fowl. There are separate
 10 statutes and treaties that define the programs for marine
 11 mammals and that would be the Marine Mammal Protection Act.
 12 And for migratory water fowl, they are governed by treaty and
 13 implementing legislation.

14

15 I think it's fair to say, especially on -- well, in
 16 both of those programs some of these same ideas about
 17 cooperation and employment with local people to help with the
 18 harvest monitoring and so on, they're doing some similar things
 19 in the wildlife survey and in the marine mammal tagging and
 20 sampling programs, but that basically happens in another branch
 21 of the Fish & Wildlife Service and not through our program.

22

23 MR. SAMUELSEN: Okay. Any questions? Thank you. D,
 24 Council Nomination Process. Helga.

25

26 MS. EAKON: You do not have this flow chart in your
 27 packets.

28

29 MR. SAMUELSEN: I think we do somewhere.

30

31 MS. EAKON: I didn't put it in your book, just in case
 32 didn't I'll go ahead and give you one.

33

34 We embarrassingly fell way behind in this process this
 35 year with the embarrassing and rude result, on our part, that
 36 the appointment letters signed by the Secretaries of the
 37 Interior and Agriculture have not yet been received by the
 38 appointed members and the new members. And on behalf of the
 39 Department of Interior, I apologize for that.

40

41 And to help ensure that we don't repeat that mistake
 42 Bill Knauer put up this chart that if we follow it we won't
 43 have this embarrassment again next year. So that when we start the
 44 recruitment process in early December you can follow the steps
 45 here. Now, when you come to the provision of the applications
 46 to the Regional Councils, March 8th, 1995, we did get a
 47 solicitor's opinion. The previous solicitor has said that he
 48 felt that the Regional Councils should have a stronger input
 49 than a mere provision of a list of candidates to the Regional

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

Council. And recently the solicitor said at the most this list should be provided to the Regional Councils, but it is up to your discretion as to how you want to handle it.

4

5 You want to go further or what? Remember last time the Council had said, no don't -- the incumbents said, they wanted to be treated in the same manner as candidates, Mr. Chair.

8

9 MR. SAMUELSEN: Well, I think it's important that we have geographic -- you know, Bristol Bay is a big area and it's important that we have geographical representation on this Council.

13

14 MS. EAKON: They way we did it, and I facilitated the panel, this past year we had representatives from each land managing agency come into Anchorage and before then they had gone through the candidate applications and done the reference checks. And when we convened in Anchorage the panel members felt that geographic area was the main criteria in their recommendation, okay? So they did insure that geographic areas within the region were adequately represented.

22

23 MR. SAMUELSEN: That was quite a process, it reminds me of the Price is Right, you know, where the guy drops the Plinko by down to the \$5,000.00. You got to go through a maze of stuff here to have your named dropped out in the bottom, I guess.

28

29 MS. EAKON: Yes, but you know --

30

31 MR. SAMUELSEN: I didn't think it was that in depth.

32

33 MS. EAKON: you know, it's just a bureaucratic process because even though the work is done at the grass roots level, by the time it gets to Washington, D.C. it goes through all these, I don't know, bureaucratic maze we use, but that's just the way when working with the bureaucracy, Mr. Chair.

38

39 MR. SAMUELSEN: So what do you need from us, Helga?

40

41 MS. EAKON: This was just an explanation.

42

43 MR. SAMUELSEN: Oh, okay. I like that. Thank you.

44

45 MS. EAKON: Helga version.

46

47 UNIDENTIFIED VOICE: Feel better?

48

49 MR. SAMUELSEN: Roger. Okay, E, we're done with that

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

Subject, Helga?

2

3 MS. EAKON: Yes.

4

5 MR. SAMUELSEN: Okay. 8E, Bristol Bay Native
 Association Request for Closure of Federal Public lands in Unit
 9(C) and (E) to Non-Subsistence Hunting of Caribou.

8

9 MR. CHRISTENSEN: I don't feel very good.

10

11 MR. SAMUELSEN: Huh?

12

13 MR. CHRISTENSEN: I don't feel very good.

14

15 MR. STEPANOFF: We'll be done here shortly, we're
 moving right along.

17

18 MR. FISHER: How we doing for time?

19

20 MR. SAMUELSEN: Good. How's my time going here? Let
 me see the time keeper here. Oh, 10:00 o'clock, we're doing
 real good.

23

24 MR. FISHER: What we'd like to do on this one,
 Mr. Chairman, is I'll explain the biological aspect and then
 turn it over to Taylor Brelsford and he'll talk about the
 sociocultural aspects of this special action.

28

29 This deals with Special Action 94-09 and it's a request
 for a special action, it was submitted by the Bristol Bay
 Native Association. This special action would close all
 Federal lands in Units 9(C) and 9(E) to non-subsistence hunting
 of caribou. And this would, by this closure, they're saying
 that this would insure the continuing viability of the Northern
 Alaska Peninsula caribou herd.

36

37 Historically, the size of this northern herd has
 fluctuated quite widely over the years. In the late 1940's the
 herd numbered as few as 2,000 and was up to around 20,000 in
 the mid 1980's. However, over the last 15 years the herd has
 been stable at around 16 to 20,000 animals. Movement of this
 herd has been primarily from the Port Moller, Sandy River area
 and up north to the -- clear as far north as the Illiamna area.
 And in recently years a significant number of these animals has
 crossed the Egegik River on or before August 10th. However, in
 1994 -- July of 1994, an estimated 5,000 animals were observed
 north of the Egegik River.

48

49 The sex ratio of this herd from 1989 to 1992 has

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

averaged 40 bulls per 100 cows. Thirty bulls to 40 cows are, we feel, is needed to insure adequate reproduction of the herd. And, in fact, the bull/cow ratio was 44 to 100 this last fall, which was above the ratio needed to insure adequate reproduction and continuance of the herd.

6

7 As we know the current herd is estimated at 12 to 13,000 animals, this is based on surveys that were conducted this July by the Department of Fish & Game in the Alaska Peninsula Becharof National Wildlife Refuge staff. And this represents about a 20 percent decline in the herd over the past year. Exact reasons for this decline are unknown at this time, however, we do have some ideas of what we think has happened. The primary reason, probably, would be attributable to the fact the traditional range of this herd is showing signs of heavy use.

17

18 And this is something that Ron Hood has mentioned to me several times over the last three to four years. And, in fact, in 1988 when I participated in the Nushagak caribou transplant we did take animals from this Northern Alaska herd down around the King Salmon River and those animals were transplanted, as you know, over to the Nushagak Peninsula. At that time I was out in the field and was with Dick Sellers on several occasions when we were actually capturing the animals and we noticed at that time that the range was receiving fairly good use and this was back in 1988.

28

29 The continued expansion of the herd northward may be another reason for why the animals have moved, their range is depleting so they're seeking new range areas. Other items that could contribute to this would be possibly predation, a hook up with the Mulchatna herd, which is -- could be another reason. And as Mr. Samuelson mentioned yesterday, there was about a 40 percent die off of the collared animals and these were females. And in talking with Dick Sellers earlier he didn't really get a chance to really take a look at these -- examine these animals 'cause they had been really scavenged bad, but that is something we want to take into consideration, the die off of those females.

41

42 Another factor which could be a contributing factor is the '93/94 harvest season was the highest on record. There was 44,460 animals taken, but in talking with Sellers, he thought that a portion of the kill in 9(C), those could have been Mulchatna animals. So I think based on what we know probably the contributing factor would be the -- the most contributing factor would be the decline of the range for these animals.

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 I touched a little bit yesterday on harvest
 2 information, I'd like to just kind of review that. In Unit
 3 9(C) there was approximately 350 animals taken from Federal
 4 public lands. And there was about 2,800 animals taken off of
 5 Federal public lands and there were about 440 animals we aren't
 6 sure where they were taken, we couldn't ascertain that from
 7 looking at the harvest ticket. In 9(E) there was around 1,300
 8 animals taken on Federal lands, about 1,200 animals taken off
 9 of Federal lands and about 770 animals were unknown.

10

11 A little bit about harvest chronology in Unit 9(C), and
 12 this is again from records we looked at from 1987 to 1993. For
 13 September -- for those total years, September was the highest
 14 month in Unit 9(C), there was 650 animals taken. December was
 15 the next highest month, 625; March was the next highest month,
 16 575; then February with 525; and then January with 450; and
 17 then the other remaining months, November -- or August,
 18 October, November, those months we substantially lower.

19

20 For 9(E) September was the highest month with around
 21 1,575 animals being taken; October was the next highest month,
 22 900; August was the next highest month, 450; and then from then
 23 it really trails off. Less than 100 animals were taken in
 24 November, December, January, February or March.

25

26 Recently the Fish & Game has closed the Big Creek
 27 drainages in Unit 9(C) to caribou hunting for the remainder of
 28 the season. This should reduce the harvest during the late
 29 fall and winter in the Naknek Drainage where the harvest effort
 30 over the years have the -- have been both the greatest in
 31 number of animals taken and also the number of cows taken. And
 32 that's very important because we want to keep those cows,
 33 they're the ones that really help us keep that herd up.

34

35 And I had some other figures here as far as the sex
 36 ratios for the kill and, I believe, in 9(C) over the years the
 37 data showed that about 85 percent of the kill was bulls and 15
 38 percent was cows. In 9(E) about 87 percent of the kill was
 39 bulls and 13 percent was cows.

40

41 The biological staff and the subsistence office, and
 42 also with talking with Dick Sellers and Ron Hood, felt as
 43 though that closing public lands in 9(C) and 9(E) to
 44 subsistence caribou hunters at this time would not accomplish
 45 much as the majority of subsistence hunters -- or the majority
 46 of the non-subsistence hunters have completed their hunt by the
 47 end of September. And I think that's pointed out by the fact
 48 that in both 9(C) and 9(E) the highest kills did occur in
 49 September.

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

1
2 Another item that we considered was the fact that most
3 non-subsistence hunters harvest bulls and we feel as though
4 that this should not impact this herd nor its reproductive
5 ability at this time because the bull/cow ratio seems to be
6 more than adequate for successful breeding. The harvest of
7 cows by non-subsistence hunters is very small when we take into
8 consideration the overall caribou harvest in 9(C) and 9(E) and
9 that was pointed out by the percent of males versus the percent
10 of females that were taken.

11
12 The staff also feels that we really don't have a severe
13 biological problem at this time and both the State and Federal
14 managers are very actively involved in monitoring this herd.
15 However, that's not to say that additional closures may not
16 happen or may not be necessary. It sort of depends on the
17 status of the herd.

18
19 That's all I have right now, Mr. Chairman.

20
21 MR. SAMUELSEN: Any questions?

22
23 MR. LaPORTE: What is the bag limit in 9(C) and (E)
24 currently?

25
26 MS. COILEY: For caribou?

27
28 MR. LaPORTE: For caribou.

29
30 MR. FISHER: Did you want to know the season or just
31 the bag limit?

32
33 MR. LaPORTE: No, I was thinking just specifically of
34 just the bag limits in 9(C) and (E).

35
36 MR. FISHER: Unit 9(C) four caribou, however, no more
37 than two caribou may be taken August 10th through September
38 30th and no more than one caribou may be taken from October 1
39 to November, that's for 9(C). 9(E) is four caribou and the
40 season there is July 1 through April 30.

41
42 MS. SAVAGE: For only part of 9(E).

43
44 MR. FISHER: That's right. That portion south of Seal
45 Cape on the Pacific side of the Alaska Peninsula Divide, four
46 caribou and then only bulls may be taken between July 1 and
47 August 9th. Those were the Federal

48
49 MR. LaPORTE: Yeah.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MR. SAMUELSEN: I think it's important to note at this
3 time that the die off rate over the last 12 months was -- of
4 the collared animals was approximately 30 percent compared to
5 the normal 10 percent, according to Dick Sellers, of this herd.

6
7 MR. LaPORTE: Is it know what age group these animals
8 were in? I mean, was it their natural time to go, I mean were
9 they of the

10
11 MR. SAMUELSEN: No, by the time Dick got to the animal
12 they were pretty well decomposed and he lost a couple or radio
13 collared ones also.

14
15 MR. FISHER: But that's a pretty high percent. It
16 could be a combination of factors, range, those females could
17 have been in bad shape from range, from breeding and so. It's
18 pretty hard to tell without being able to take a look at the
19 animals.

20
21 MS. EAKON: Helga, maybe you can help me. Is there any
22 action that we're going to take on this proposal -- need to
23 take on this proposal? Or is it just up for a review?

24
25 MS. EAKON: Well, it's going to go before the Federal
26 Subsistence Board in November.

27
28 MR. SAMUELSEN: Oh, November. Okay, any other
29 questions? Taylor.

30
31 MR. CHRISTENSEN: That was a good report.

32
33 MR. FISHER: Hum?

34
35 MR. CHRISTENSEN: That was a good report.

36
37 MR. FISHER: Thanks, Mr. Chairman.

38
39 MR. SAMUELSEN: Put a star by your name today.

40
41 MR. BRELSFORD: The comments that I'd like to offer are
42 found largely in the first and second page of the report. Dave
43 was reading more from the biological information in the last
44 portion of it.

45
46 Obviously the issue before you turns especially on the
47 biological status of this herd, trying to figure out what the
48 current circumstance is and what that cause of that is, so we
49 can have some idea of the trends, what the future might look

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

like. I think the extra focus on biological information that Dave and Dick Sellers and others have brought to you is actually a pretty strong foundation.

4

5 The traditional uses, which communities use the animals and so on is sort of my responsibility and that's less of a central issues here. That's not disputed information, it's pretty obvious and so I'll be kind of brief and if you have questions we can say some more. But generally speaking there are 23 communities that have subsistence eligibility for Federal harvest, Federal subsistence seasons in Unit 9(C). That's a pretty wide range of communities found in Unit 9(B), in Unit 9(C) and Unit 17 over on the Nushagak and Mulchatna, including Egegik. So for Unit 9(C) there are a total of 23 communities that are affected by Federal seasons in that area.

16

17 In Unit 9(E) there a total of 33 communities, that includes essentially all of Bristol Bay and now down into the Alaska Peninsula, the south side Chignik, Ivanoff, Perryville and all the way down as far as Nelson and Sand Point, so 33 communities total have eligibility in 9(E). There's quite a high rate of participation and involvement in caribou hunting among the Alaska Peninsula communities, among the eligible communities. As many as between 73 and 100 percent of households use caribou. In the studies from the 1980's and early 1990's and as many as 80 percent of households in some communities actually harvest the animal. Many of the Alaska Peninsula communities are especially dependent on caribou and caribou can represent up to 61 percent of their annual subsistence harvest.

31

32 The estimated total subsistence harvest for the communities located in Units 9(C) and (E) is somewhere in the range of 900 to 1,250 caribou annually. And, let's see, here's actually a table that offers that figure. And if we use the other tables in the back of this report you'll see that the total harvest is estimated from 1977 to 1991 to range from about 1,700 animals to 2,300 animals. If local subsistence harvests are 900 to 1,200 then the non-local sport harvest would be somewhere on the order of 400 to 1,200 animals per year.

42

43 And basically the table that lays out that information in Table 5, about midway back through the appendices and that's based on Dick Sellers information as of 1992. I think that largely tells us which communities are involved, how significant caribou are in local subsistence harvests and what portion of total harvest subsistence harvest represent. And I think that's kind of the key information from the human use

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

standpoint.

2

3 If we haven't already underscored it, we need to point
4 out that the configuration of Federal public lands is such that
5 an awful lot of the caribou harvest is actually occurring off
6 the refuges, off the Federal public land. It's actually out
7 closer to the Bristol Bay side of the Peninsula, so that you're
8 jurisdiction, our reach, our ability to influence harvest
9 practices is somewhat limited in this case, because the animals
10 are primarily located off of Federal public land and most of
11 the harvest activity is occurring off of Federal public land as
12 well.

13

14 And with that I think maybe we touched on the key
15 background information points and we move to deliberations.
16 Dave had offered the recommendation, summarized the
17 recommendation for you from the staff report. And I believe
18 Helga had pointed out that this is a matter before the Federal
19 Board in its November meeting. So your specific recommendation
20 would be requested and your Chair will sit at the November
21 meeting to provide information.

22

23 MS. EAKON: This draft analysis will be revised to
24 include the recommendation from this Council today regarding
25 this special action request.

26

27 MR. BRELSFORD: Right.

28

29 MR. FISHER: Mr. Chairman.

30

31 MR. SAMUELSEN: Yes.

32

33 MR. FISHER: May I ask -- maybe Ron Hood has some
34 additional comments on this, I feel a little bit guilty about
35 coming out here and talking about caribou in his area when he's
36 probably really the real resident expert, so maybe Ron has some
37 more to say.

38

39 MR. SAMUELSEN: Okay. Where's that draft analysis?

40

41 MR. BRELSFORD: Did you guys not have copies of this?

42

43 MS. EAKON: No, it was given to me at the last minute
44 and I had already packed the Board's books.

45

46 MR. BRELSFORD: I passed it around to all the audience
47 and not to the Board, I'm sorry. I thought it was in the
48 notebooks. Bad form.

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. SAMUELSEN: Go ahead there, Ron.

2

3 MR. HOOD: Ronald Hood, Refuge Manager, Alaska
4 Peninsula Becharof Refuges and also a subsistence hunter from
5 King Salmon. I would ask the group are you all familiar with
6 the action taken by the Naknek/Kvichak Fish & Game Advisory
7 Committee on October 4th?

8

9 MR. SAMUELSEN: October 10th?

10

11 MR. HOOD: Or October 10th? Where they have submitted
12 an Emergency Regulation Request to the Board of Game. The meat
13 of that proposal is that the caribou season for the remainder
14 of this year be modified to where there would be no more than
15 one caribou can be taken per month for the remainder of -- by
16 each hunter, no more than one of those caribou can be -- for a
17 total of four caribou. And no more than one of those caribou
18 can be a female. They discussed this issue at their last
19 meeting and have submitted this Emergency Regulation
20 Recommendation, like I say, to the Board of Game.

21

22 Just to keep you all aware that the action has been
23 taken on the State's side.

24

25 MR. SAMUELSEN: It looks like, Ron, that they'll be
26 probably moving towards a Tier II hunt.

27

28 MR. HOOD: There's interest expressed in a Tier II hunt
29 and at their next meeting they will be discussing that and
30 developing recommendations for regulations and next year (sic).

31

32 MR. SAMUELSEN: Yeah, I got their minutes here.

33

34 MR. HOOD: Okay. I was just trying to put my thoughts
35 together. I have a couple of figures here that demonstrates a
36 couple of the points that Dave made, and I'll pass these around
37 for you to look at, we don't have any extras copies, I wasn't
38 wise enough to bring them. But the first one demonstrates the
39 shift in caribou take from 9(E) to 9(C) rather dramatically and
40 point up the reason that Dick Sellers felt like he had to put a
41 closure in the -- south of the Naknek River and Smelt Creek and
42 Big Creek Drainages because of the increased hunting pressure
43 from, not the local people, but from the fly in hunters that
44 were taking advantage of cheap airline rates and coming into
45 the King Salmon road system and hunting there.

46

47 Then I have a second figure that demonstrates the
48 distribution of kill, 1987-1993 in Unit 9 that gives you a
49 other graphic figure showing that 9(C) there's a significant

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

amount of their hunt killed in October, November, December, January, February and March. While in 9(E) the major amount of the reported kill is concentrated in August, September and October. You know, these are points that they've made. So I'd like to pass these around.

6

7 MR. FISHER: Mr. Chairman, those two graphs will probably be included once we do the final analysis in that report, so you'll have those.

10

11 MR. SAMUELSEN: Okay.

12

13 MR. HOOD: And beyond that I'm available for any questions that you might have.

15

16 MR. SAMUELSEN: Any questions of Ron? Thank you, Ron.

17

18 MR. NELSON: Public comment?

19

20 MR. SAMUELSEN: Public comment, sure.

21

22 MR. NELSON: Russell Nelson, BBNA, Natural Resources Department. I realize that this is a little bit late for this year on this process that we're going through because, you know, we were trying to stop the caribou hunt earlier and there were just too many hurdles in the way for this EO process, but, you know, this process that the Board is doing now needs to be carried out, I believe to their -- from this Council up through the Federal Subsistence Board. If for no other reason than to show, you know, how long this EO process takes and the problems inherent in it in case this happens again with another species at another time or this species continues to have a problem next year. I think it's really important this Council continue this process right to the end, so that we can see how this -- you know, as a test case, so that we can see how this process works and hopefully we can get the problems in it resolved.

37

38 MR. HOOD: Good point.

39

40 MS. EAKON: Instead of EO it's SA, Special Action.

41

42 MR. NELSON: Okay, I stand corrected.

43

44 MR. SAMUELSEN: Any other public comment? It was calls into my office at BBNA Natural Resources that prompt the action of letter writing campaign to Ron Hood and to Dick Sellers by myself as the Natural Resource Director for Bristol Bay Native Association. And what triggered it was the press release by Dick Sellers on the decline of the North Peninsula caribou

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

herd.

2

3 And Dick had written me a letter after I had requested
 4 a closure -- I verbally requested a closure to Dick and he
 5 shipped me over a letter and I want to read part of this letter
 6 to you that gave me great concern as well as the -- and I
 7 shared it with all the Tribal villages. And this is dated
 8 September 19 to myself from Dick.

9

10 The decline to 12,000-13,000 animals was first
 11 substantiated this past July. At the time we decided that some
 12 reductions in this July's harvest would be necessary, but we
 13 wanted to implement this reduction with the least amount of
 14 disruption to all users. Thus, we put a great deal of effort
 15 in to persuading non-local hunters to hunt the Mulchatna herd
 16 as much as possible. This worked quite well during August when
 17 a large number of Mulchatna animals were in 9(B) and 17(B).

18

19 Unfortunately at the end of August these animals took
 20 upon themselves to move out of range of local air services.
 21 In the mean time some hunters, especially non-residents, who
 22 had booked and paid deposits over a year ago to guides or air
 23 services on the Alaska Peninsula were allowed (ph) to hunt in
 24 the North Alaska Peninsula caribou herd. For us to have
 25 cancelled a non-resident season in 9(C) and (E) would have been
 26 extremely disruptive and would have entailed great economic
 27 hardship with minimum biological benefit.

28

29 That statement alone there drove me nuts. When we see
 30 a population crashing 20 percent, the majority of the
 31 Traditional Councils saying they're not meeting their
 32 subsistence needs, there was just no animals around South
 33 Naknek, around the Egegik vicinity and other villages. And to
 34 put economics above -- the economic benefit for the sport
 35 hunting industry above the conservation concerns and the
 36 subsistence priority that is afforded to subsistence users that
 37 have relied on that caribou for generation to generation was
 38 beyond my belief.

39

40 I also recognize that we had a major problem out there,
 41 I had gotten Ron's reports on the guide use activity and I had
 42 made a determination at that time from all the information I
 43 could gather and also making several trips into Anchorage and
 44 coming out on the two airlines and getting off at King Salmon
 45 each time. That it was the unguided harvesters that we were
 46 having a major problem with. You could buy a ticket from
 47 KenAir for \$100.00 and come out and get flown out, it was half
 48 the cost of last year.

49

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

1 So I think we have problem, I agree with Russell that
Dick Sellers with the Alaska Department of Fish & Game hands
are tied right now. He can close down a season, correct me if
I'm wrong, Ron, but he can't close down a season for just
Subsistence users, he got to close down for all user groups in
an area.

7

8 MR. HOOD: Yes.

9

10 MR. SAMUELSEN: Yeah. Let the record show that John is
nodding his head yes and Ron said yes. So I submitted the
proposal to the Federal Subsistence Board asking for a special
action and found out that the special action process is such a
cumbersome process. A public hearing had to be held out in the
region and I had an option of letting the proposal go forward
and withdrawing it and letting it die.

17

18 I think that the Federal Board needs to look at the
process and that's kind of what we tied in here with G (1), the
Special Actions. I felt that the Federal Subsistence Board
needed to streamline their -- the way they -- the process where
when an emergency happens that we don't have to wait 45 days to
get an emergency ruling or a special action ruling out. And I
thought it would be helpful for them to go through and review
this process and also for the other Advisory Boards that will
be coming upon conservation concerns for different sectors of
the resource.

28

29 With that I'd like to turn the Chair over to Sam and
I'd like to make motion that this proposal be put forth to the
Federal Subsistence Board for their review.

32

33 MR. ABRAHAM: Second.

34

35 MR. STEPANOFF: Any more discussion?

36

37 MR. LaPORTE: Your proposal just requests that this be
put before the Federal Board for their review, it's not a
feeling of how we feel about it ourselves, but just that the
Federal Board review this?

41

42 MR. SAMUELSEN: If this proposal goes before the
Federal Board we'd be asking for special action of closing this
area. However, since the -- based on Ron's graphs, since the
peak of the season is over with, clearly September and October
were the peak of the season, you know, it'll have very little
effect. I think that in the future that we need to somehow
streamline the process down more. This type of proposal could
get it's due a little faster than 45 days or whatever because

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

You have to hold a hearing within the region, correct me if I'm wrong, Helga.

3

4 MS. EAKON: If it's a real emergency situation where the viability of the species is as stake then that would be termed emergency, the Board could act real fast. But I don't know, it's kind of gray, I think Bill could explain it a little bit better. But if it goes beyond 60 days it is termed a temporary closure and that requires a public hearing in the vicinity of the affected communities, so to me it's a difference in degree.

12

13 And as far as your motion goes, I don't know, I think we need help from Bill over here. To me, your motion would ask the Council to support this request and why. Because this is a request from a non-profit association and what we want today is a recommendation from the Council on either supporting it or not supporting it and why.

19

20 Am I on the right track, Bill?

21

22 MR. KNAUER: Um-hum.

23

24 MR. LaPORTE: I'm not all that familiar with this, I'm sorry, but it seems to me that the closure requested by the State was a pretty limited area in the Naknek River area. Basically that area right around King Salmon?

28

29 MS. SAVAGE: Snow Creek and Big Creek.

30

31 MR. FISHER: Big Creek, yeah.

32

33 MR. HOOD: On the south side.

34

35 MS. SAVAGE: On the south side of the Naknek Drainage.

36

37 MR. LaPORTE: Right, but stuff that is pretty readily available by flying into King Salmon and getting a short hop out into that general geographic area.

40

41 MR. HOOD: Or in a boat.

42

43 MR. LaPORTE: Or in a boat.

44

45 MS. SAVAGE: Flying into King Salmon and then getting out in a boat, yeah.

47

48 MR. LaPORTE: Okay. But based on that limited closure, how we're asking the Federal Board to close all of 9(C) and all

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

of 9(E) clear down to Port Moller? Based on that small State closure of the Naknek (indiscernible - interrupted)

3

4 MR. SAMUELSEN: No, this is before the State closure. These letters went in before the State closure. You should have got a copy of them. Did they get a copy of the letters?

7

8 MS. EAKON: I have copies of the letters here if you want to see them.

10

11 MR. SAMUELSEN: I wrote letters to the State as well as to the Federal land managers or resource managers. Although Bristol Bay Native Association wrote these letters I want to record to reflect they were on behalf of the King Salmon Native Village Council, Naknek Native Village Council, South Naknek, Egigik, Pilot Point, Ugashik, Port Heiden, Chignik Bay, Chignik Lagoon, Chignik Lake and Ivanof Bay. And we had concurrence from all them Regional Village Councils to move forth on these proposals.

20

21 MR. LaPORTE: But the State's reaction to this, based on their biological analysis of this area here, is that they -- the State didn't close the State land in all of 9(C) and (E), but just certain portions of it that were easily accessible from King Salmon and South Naknek.

26

27 MR. SAMUELSEN: Yes. Pippa.

28

29 MS. COILEY: Yeah. What Dick did is he did an -- through his emergency order authority he could open or close whole sections, he couldn't limit, even non-resident use. He can only -- and then he met with the Advisory Committees and sought recommendations about how to deal with the emergency because the Board was meeting -- after the peak of the season had already past because the Board of Game in November and they would be able to institute emergency regulations starting December 1st. So just to give you a little background, that was the process.

39

40 MR. LaPORTE: Even though the State doesn't have authority to close to user groups, they have geographic

42

43 MS. COILEY: The State does to some degree, they can distinguish between residents and non-residents of the state, however, Dick Sellers emergency order, his powers -- only the Board can distinguish between those two groups, Dick couldn't. He could only close or open an entire area. Now, they'll be looking at the Board.

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. SAMUELSEN: State your name for the record there
and speak into the mic.

3

4 MR. DeNEUT: Yes, my name is Mike DeNeut and I would
like to ask the Board, is this decision or vote going to be
based on biological data and reasoning only? Like, the State
sometimes doesn't, you know, they make their decisions from
pressure and also economical factors and stuff. Is this
decision going to be based 100 percent on biological facts?

10

11 MR. SAMUELSEN: Well, I think you got a 20 percent
decline in the herd, you got a 30 percent mortality rate from
unknown causes, you've got the largest sport harvest ever
recorded in the history of that herd, so I think you have some
pretty good biological information.

16

17 MR. DeNEUT: That's true, but also is there going to be
any taking in of any consideration about the closure of this --
is it your responsibility or your concern of the pressure that
will be put on other areas?

21

22 MR. SAMUELSEN: No, I think that our main concern is
making sure that the subsistence users that have a customary
and traditional use of that herd that they're meeting their
subsistence needs and afforded a reasonable opportunity in the
process.

27

28 MR. DeNEUT: I believe you just stated that it was
going to be biological and everything and I think in these
graphs and stuff that it's been shown that the subsistence
users would take the cows more than they would the bulls. And
they don't want as many cows taken as they do bulls.

33

34 You know, I'm not against subsistence whatsoever, but I
think -- I've been to a lot of these meetings and everything
and -- State and Federal and I think -- I don't believe that
biological reason alone has been the factors in 90 percent of
the decision that the State and the Federal Government have
made in the past. So that's why I was asking whether this
decision was going to be made and, if so, that was my --
because I feel that as an other user group that we should, as
all United States citizens, take every group of users into
consideration and see maybe what's the most important one and
everything like that.

45

Because we all know that subsistence is very important
a lot of people and stuff, but we also know that a dollar
value is a form of subsistence to other people, like the
Bristol Bay fishermen, are that -- that are a lot of
subsistence users and everything that they get a lot of their

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

money from Bristol Bay fishing and everything like that. So I feel that other user groups should be considered in on this decision also and everything.

4

5 I thank you very much.

6

7 MR. SAMUELSEN: Just one quick question. Are you a guide or a sport hunter?

9

10 MR. DeNEUT: I'm a registered guide.

11

12 MR. SAMUELSEN: Okay, thank you. Okay. I turned the chair over to you, you're running the meeting. I got a motion on the floor.

15

16 MR. KNAUER: Yes, Mr. Chairman, I was going to present some information that I'm aware of that was presented to the Alaska Board of Game on this issue. There was concern for this population and the declining nature of it. The information presented to the Board of Game was speculation that the decline was primarily due to a declining habitat base.

22

23 In other words, the overgrazing of the habitat. And as such the Board of Game was requested by ADF&G biologist not to reduce the harvest, but to maintain it because in a crashing situation you got -- you want to maintain the harvest to prevent a disastrous crash rather than a controlled decline. And that was -- the Board of Game deliberated considerably over that issue and they were aware of the decline and the one probably cause for it. And, therefore, they were suggesting that the harvest remain high to utilize that animals that would otherwise be lost through a crash.

33

34 MR. SAMUELSEN: So I think what you're saying is the Board of Game thinks there's going to be a crash due to habitat?

37

38 MR. KNAUER: That was the information that was presented to the Board of Game.

40

41 MR. SAMUELSEN: Who presented that information?

42

43 MR. KNAUER: The State biologist, the original biologist for that area. That was at their June meeting. Excuse me, not June, March/April meeting.

46

47 MR. SAMUELSEN: So just based on that -- I haven't seen that report, but I guess that's just theory, they have no biological information to substantiate that.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1

2 MR. KNAUER: That was based on their biological
3 information, their habitat review and the conditions of the
4 animals.

5

6 MR. SAMUELSEN: Ron, were there any studies on the
7 habitat out there? I know you've been a strong proponent to
8 get some studies done out there. Are you aware of any on
9 habitat?

10

11 MR. HOOD: Other than observations by professional
12 biologists, there's not been any formal study that I'm aware
13 of. We've been unable to generate money.

14

15 MR. SAMUELSEN: Yeah, I didn't think there was.
16 Taylor, do you know of any studies by the State?

17

18 MR. BRELSFORD: Not of range status, no, no formal
19 study of that sort.

20

21 MR. SAMUELSEN: Okay.

22

23 MR. DeNEUT: But the State broadcast it and everything
24 like, you know, they know what they're talking about. They've
25 been crying this about the crash due to the habitat for three
26 or four years and everything, so what was just said here that
27 the biologists -- it's theory, all theory. There again, making
28 a decision on a theory.

29

30 MR. SAMUELSEN: Okay. Sam, it's

31

32 MR. STEPANOFF: Yeah, you know, like earlier in the
33 meeting when we started, we talked about the bulls being killed
34 off and then, you know, the advisors (ph) are saying that the
35 natives are killing off the cows, you've got no choice but go
36 out there and kill cow and the young bulls. What can we do?
37 We're being put up against the wall, you know.

38

39 MR. SAMUELSEN: Well, I'll call for the question on my
40 motion.

41

42 MR. STEPANOFF: Are there any comments?

43

44 MR. ABRAHAM: Question.

45

46 MR. STEPANOFF: If not, all in favor.

47

48 IN UNISON: Aye.

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. STEPANOFF: Opposed.
2
3 MR. LaPORTE: Opposed, aye.
4
5 MR. SAMUELSEN: Okay, the motion passes, we'll move on
6 to F, Development of Regulation Proposals.
7
8 MR. KNAUER: Excuse me, Mr. Chairman.
9
10 MR. SAMUELSEN: Yes.
11
12 MR. KNAUER: Procedurally the motion does not pass,
13 there would only be three in favor. I don't believe

14
15 MR. SAMUELSEN: Four is a quorum, isn't it?
16
17 MS. EAKON: Four is a quorum.
18
19 MR. KNAUER: Four is a quorum, that's right. Excuse
20 me, I apologize.
21
22 MR. SAMUELSEN: We'll take a five minute

23
24 MR. LaPORTE: Where's Robert (ph)?
25
26 MR. SAMUELSEN: Yeah, Robert will be right back, he had
27 to run over and get some medicine, but we'll take a five minute
28 break and let them research it.
29
30 (Off record)
31
32 (On record)
33
34 MR. SAMUELSEN: Call the meeting back to order. I was
35 kind of taking a long break there hoping Bobby would come back.
36 The question was raised there just before we broke on whether
37 three to one vote constituted a quorum. From staff research
38 I did, so that matter is cleared up. So we'll continue on
39 with F, Development of Regulation Proposals. Helga, I think
40 that's your department.
41
42 MS. EAKON: Okay. If you look under your Tab 8F, and
43 members of the public, if you look at the Dear Reader letter,
44 the whole packet, Proposal Making, there is instructions for
45 completing a proposal form, there's a proposal form. And to
46 start this part of with I'm going to ask Dave Fisher to come
47 and give his thoughts on what makes a solid proposal.
48
49 MR. FISHER: Thanks, Helga. I don't really know how to
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

address that, what makes a sound or good proposal.

2

3 MR. SAMUELSEN: Sound off.

4

5 MR. FISHER: I don't really have too much to say, other
 6 than there's proposal form and there's also instructions that
 7 go with the proposal form. I'll hit a couple of highlights
 8 here that you should take into consideration when you're
 9 submitting a proposal. And that would be, why should this
 10 regulation be changed or what actually are you trying to do?
 11 Tell us what concerns you about the regulation and describe how
 12 your proposal will resolve these concerns or problems. That's
 13 pretty important.

14

15 From the biological standpoint, how will this proposal
 16 that you're submitting how will this affect wildlife
 17 populations? That's very important. As far as from our
 18 perspective, from the biological perspective. Also how will
 19 this change affect subsistence uses? That's very important
 20 also.

21

22 Another thing that is real important is any additional
 23 information that you could give us on what the population is
 24 doing. A lot of you people are very informative on what's
 25 going on in your area, so any information that you can put
 26 there would really help us.

27

28 That's about all I have. Unless there was something
 29 else you want me to address, Helga?

30

31 MS. EAKON: No, just run through the form.

32

33 MR. FISHER: Thank you.

34

35 MS. EAKON: Then Taylor with the sociocultural
 36 considerations.

37

38 MR. BRELSFORD: Thank you, Helga. This Council has
 39 done well and this region as done well. I think people are
 40 pretty familiar with the Board process and so on. But
 41 basically the sociocultural elements that I work with turn up
 42 under Section 5, How will this change affect subsistence users?
 43 And just generally speaking, when the proposal has to do with
 44 accommodating traditional seasons or places or levels of
 45 harvest for traditional methods, it's real important to be
 46 specific about that. Be as informative as you can.

47

48 Sometimes our records, like the studies that are done,
 49 may not be accurate or as complete as they should and so the

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

local information that you could add in to the proposal form or
 in later comments, that's often real critical information for
 the Board's deliberations. And I guess that's simple enough.

4

5 Maybe comment based on our experience in working
 6 together with proposals here is we ought to be careful to avoid
 7 a large proposal that's got a bunch of different site specific
 8 elements in it. You know, last year we had that Number 30 that
 9 really had three specific areas in mind. And I think, you
 10 know, we've all recognized that it's better to try and treat
 11 those one at time. So focusing a proposal often helps, it
 12 allows us to bring the right information on the table and kind
 13 of concentrate appropriately, but generally speaking I think
 14 this Council, this region has been real effective in the Board
 15 process in developing proposals.

16

17 We'll leave it at that, maybe.

18

19 MR. SAMUELSEN: I'd also like to note for the record.
 20 Since I work for BBNA, BBNA does not submit proposals as BBNA,
 21 we submit proposals on behalf of the Traditional Council of the
 22 villages that make up BBNA. And because of time constraints
 23 last year we submitted proposals with BBNA's name on them,
 24 however, we are implementing a process that the Traditional
 25 Council that wants a proposal submitted to the Federal
 26 Subsistence Advisory Council and then on to the Board will pass
 27 a Resolution. And we will help and assist the Tribal members
 28 develop that proposal.

29

30 MR. FISHER: Yeah, I just have one follow up here. If
 31 you have any questions at any time, call me or call Helga or
 32 call Taylor, don't hesitate to give us a call and we'll try to
 33 help you all we can.

34

35 MR. SAMUELSEN: Thank you.

36

37 MR. LaPORTE: I have a comment, too. You know, talking
 38 with Robin -- not Robin

39

40 MR. SAMUELSEN: Robert?

41

42 MR. LaPORTE: No -- with Bristol Bay Native
 43 Association.

44

45 MR. SAMUELSEN: Ted and Russell?

46

47 MR. LaPORTE: Yeah. Earlier today, too, a lot of times
 48 just because -- I mean, having this in front of us here and
 49 having properly submitted proposals to the Board, I think it's

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

real important, too, where so often, I think, BBNA gets approached by -- I mean, they get some good proposals thrown at them and they get some goofy ones too, just somebody's hairball idea, and it's hard to sort them out sometimes. And a good well presented proposal, something that's got some good background, some good biology with it. Or good local input and enough of it to either sway it one way or another is really important. Where so often you get into these gray areas, oh, let's just flip a coin, you know. That's where a good solid proposal that's what's going to make it.

11

12 MR. SAMUELSEN: Okay. Helga.

13

14 MS. EAKON: I guess we'll open the floor to public. Do any members of the public here have a proposal to change?

16

17 MR. SAMUELSEN: I think Wassie Balluta has a proposal.

18

19 MR. BALLUTA: As a matter of fact I have two proposals, if I could hand them out, please.

21

22 Okay, my number one proposal was Unit 9(B) moose. I want to change that - go down to Number 2 down there on the -- change in harvest limit as follows: December 1 to December 31st, with a harvest limit of one antlerless moose. At present they have only antlered moose season on December 1 to December 31st. I want to change that just to antlerless moose in December.

29

30 Then under three it says, why? The current harvest limits do not represent Native customary and traditional subsistence practices. Number two, Native people traditionally take antlerless moose during this period. Number three, the regulations used to allow this practice. It used to be on regulation before that, used to harvest cow moose during the December season in this area. It was taken out and I want to get that back on the books again, antlerless moose season for December for Unit 9(B).

39

40 How will this change affect wildlife population? No affect to wildlife if proper measures are taken by the Federal Board to restrict State sport seasons and bag limits on Federal lands. The Board must take actions to ensure that customary and traditional practices are protected.

45

46 Number five, how will this change affect subsistence users? Subsistence hunters will benefit by being able to take moose by traditional means and methods. Number six, additional information to support your proposal. The State sport

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

regulation traditionally used to allow for antlerless moose in the December 1 to December 31st season in Unit 9(B).

3 Any questions on that?

4

5 MR. SAMUELSEN: Wassie, when did this regulation change from antlerless moose?

7

8 MR. BALLUTA: I think it changed in the last time that the season for moose and everything else went

10

11 MR. SAMUELSEN: Last year or the year before?

12

13 MR. BALLUTA: About a couple of years ago, I think, it change, huh? Yeah.

15

16 MR. LaPORTE: It's been a few years.

17

18 MR. BALLUTA: Yeah. So I just want it changed back to the antlerless moose season again, December, because traditionally the people used to use season for subsistence. And the reason I want it changes because the bulls are just out of rut and December meat for our December -- winter supply we'd rather have antlerless moose. And I think that the Board should consider this.

25

26 MR. SAMUELSEN: Okay.

27

28 MR. LaPORTE: I got a question of Wassie. Where would the local people do the -- or where have they traditionally done their December 1st through 31st moose hunting when it was allowed?

32

33 MR. BALLUTA: For myself, I've been living here in Newhalen for 27 years and I hunt across on this down here and up in the mouth up here and toward Nondalton traditionally.

36

37 MR. LaPORTE: Okay. Good. You understand that we're only involved in Federal lands and so like the jurisdiction that this Board only has is subsistence in Federal lands which

41

42 MR. BALLUTA: We do hunt in the Preserve and Tazimina River back there, Pancheckok (ph).

44

45 UNIDENTIFIED FEMALE VOICE: Martok (ph).

46

47 MR. LaPORTE: Which is basically -- yeah, Lake Clark National Park and Preserve, yeah.

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. BALLUTA: Right, Preserve. We do hunt back in
 2 here.

3
 4 MR. SAMUELSEN: Any other questions on Proposal 1?
 5 Okay, go to the second one there.

6
 7 MR. BALLUTA: Okay, my second one is also in Unit 9(B)
 8 for sheep.

9
 10 Number two is how would you like this regulation
 11 changed? The change harvest date and harvest limit as follows:
 12 September I want to change from September 20th to October
 13 30th, with the harvest limit of one sheep, any sex.

14
 15 Number three, why should this regulation be changed?
 16 Current season and harvest limits do not represent Native
 17 residents customary and traditional subsistence practices.
 18 Number two, current season and harvest limits are a carry over
 19 from the State sport regulations. Number three, during the
 20 current season are too high for subsistence hunters. Number
 21 four, the proposed regulation allows subsistence hunters to
 22 take sheep when they are at the lower elevations and this is
 23 the Native traditional and customary practices. Number five,
 24 the current season forces subsistence users to compete with
 25 sport hunters.

26
 27 Number four, how will this change affect wildlife
 28 populations? No change, if proper measures are taken by the
 29 Federal Board to restrict State sport seasons and bag limits on
 30 Federal lands. Number two, the Federal Board must take action
 31 to insure that customary and traditional practices are
 32 protected.

33
 34 Number five, how will this affect subsistence users?
 35 Number one, subsistence hunters will benefit by being able to
 36 take sheep during a traditional harvest period without
 37 competition from sport hunters. Number two, By extending the
 38 open season to September 20th to October 30th subsistence
 39 hunters will be able to sort the meat for winter utilization
 40 and traditional methods. Number three, subsistence hunters
 41 traditionally hunted sheep later on in the fall and the
 42 subsistence hunter would rather hunt in October. This is the
 43 subsistence hunters customary and methods and means to hunt.

44
 45 And this is what we're talking about in the Park.
 46 Traditionally the Lake Clark National Park is allowed for
 47 subsistence hunters to hunt in that area, but the seasons are
 48 wrong for us right now, it's too early. And we want to change
 49 those dates. I want to change to September -- instead of
 50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

August 10th to September 20, I want it changed from September 20th to October 30th, okay?

3

4 MR. LaPORTE: Can you say, again, those dates, please?
5 What are the current dates?

6

7 MR. BALLUTA: The current dates are August 10th, I
8 think, to September 20th or 15th.

9

10 MR. SAMUELSEN: Yes, 20th. Page 54, Tim, in your
11 little book here.

12

13 MR. BALLUTA: Yeah, and I just want to change those
14 dates back a little further so we can have more access to the
15 sheep in the Park. And we're allowed to hunt sheep in the
16 Park.

17

18 MR. SAMUELSEN: Okay, any questions on Proposal Number
19 Okay. Thank you, Was.

20

21 MR. BALLUTA: Okay, thank you.

22

23 MR. SAMUELSEN: I guess, Helga, at this time proposal
24 will be submitted for staff analysis and brought back to use in
25 February.

26

27 MS. EAKON: Yes, that is correct.

28

29 MR. SAMUELSEN: So I guess we don't have to take any
30 action on these proposals at this time, am I right?

31

32 MS. EAKON: No.

33

34 MR. SAMUELSEN: Or do we have to take action?

35

36 MS. EAKON: No, you just -- no, huh?

37

38 MR. SAMUELSEN: Okay. You understanding, Was, that
39 your proposal is not submitted and staff will do an analysis
40 and in February they'll come back and give the Council a report
41 and the Council will do a vote in February.

42

43 MR. BALLUTA: Okay, thank you.

44

45 MR. SAMUELSEN: Okay. Thank you. Are there any more
46 proposals out there? Are there any Council proposals? Okay,
47 we're down to G, I believe. Any other new business? We've
48 taken care of the special action, I guess, by our actions
49 earlier on the North Peninsula caribou herd. Number (2), the

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

Togiak moose season and caribou season.

2

3 MS. EAKON: Oh, wait. You had asked -- you wanted Bill
Knauer to review how special actions are done.

5

6 MR. SAMUELSEN: Yes. Bill.

7

8 (Off record comments -- whispered conversations)

9

10 MR. SAMUELSEN: Go ahead, Bill.

11

12 MR. KNAUER: Thank you, Mr. Chairman. Before I start I
would like to apologize to Mr. Abraham. The current regulation
inadvertently omits the changes that the Council recommended
and the Board passed regarding the beaver season and the taking
of firearms. And that will be corrected. And I apologize to
him for not being sure that was in the regulations, but it will
be there, it will be corrected.

19

20 MR. SAMUELSEN: That'll cost you one case of shells.

21

22 MR. KNAUER: In our subsistence regulations on
subparts

24

25 MR. ABRAHAM: Excuse me, Bill. I wasn't paying too
much attention, I was talking to him. You say that regulation
that was proposed last year that became a regulation now it was
overlooked to be on the

29

30 MR. KNAUER: We inadvertently missed printing in our
document and there will be a correcting document that appears.

32

33 MR. ABRAHAM: Thank you.

34

35 MR. KNAUER: In addition to the regular regulations
process the Federal Subsistence Board did develop an additional
system whereby certain things that occur between the regular
regulations process could be accommodated. They provided for
essentially two mechanisms and they're all called special
actions. One relates to an emergency situation, an emergency
closure and it's generally considered necessary to assure the
continued viability of a fish and wildlife population or for
public safety reasons. And an emergency closure cannot last
more than 60 days. The Boards can act very rapidly and it can
do the past upon request of the public and upon request of the
State. We have had situations where the Federal Subsistence
Board has acted within a matter of days to close a season.

48

49 The second situation is where there is a temporary

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

closure and it's a situation where a closure can last for up to one year. There is a requirement that there be a public meeting held in the affected area prior to this action. And the Regional Council is also consulted on this. And in that situation it's -- it can also be for reasons of public safety or administration. It can also be so as not to interfere with the conservation of healthy fish and wildlife populations. A situation like that is generally not used in an emergency situation where action must be taken immediately.

10

11 And on the situation that you debated just before our break there was a misunderstanding there and a lack of communication. The Federal Subsistence Board and the Subsistence staff should have communicated to Robin and to the Council this action was being treated as special action regarding a temporary closure. Your Chairman was under the impression that it was being regarded as an emergency closure and he was wondering why action wasn't being taken. So that was our fault, I apologize for our staff and for not getting back to you. That did create a bad situation that was really unnecessary as far as the misunderstanding. We apologize for that.

23

24 MR. SAMUELSEN: No problem.

25

26 MR. KNAUER: Normally a special action is not necessarily just a closure, it can also be an opening. And we've had situations like that where a migratory, say, herd of caribou that doesn't normally come into an area all of a sudden does come into an area and they're animals that could be harvested if there were a season. And that situation has occurred in some areas and a season has been opened.

33

34 Or, for example, the situation up in the Kanuti/Koyukuk area with the flooding this year, the Board did act to extend the season and extra, I believe it was, 10 days to provide for best resources up there. The meat and fish that the folks had harvested were destroyed due to the flood, so the Federal Subsistence Board did reopen that season up there for those folks.

41

42 So there are two situations, one, emergency, which action can be taken very rapidly, but the action cannot last longer than 60 days. Secondly, -- they're both special actions, but we normally refer to as special action which takes longer than that, normally anywhere from 30 to 45 days to accomplish. But the action can go for up to a year, the results of that.

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. SAMUELSEN: Thanks, Bill.

2

3 MR. KNAUER: Do you have any questions?

4

5 MR. ABRAHAM: Yeah, question. Can you show us a flow
6 chart on how to do it?

7

8 MR. KNAUER: The flow chart that I passed out is the
9 same on up on the board and that's the -- what goes on from
10 year to year in our regulations. And in that situation the --
11 a proposed regulation based on the last year's regulation is
12 published in the Federal Register. In other words that's the
13 starting point. And in your Dear Reader letter you have copy
14 of that Federal Register document. This year it was published
15 on September 2nd.

16

17 We try and identify -- we know that there are sometimes
18 things that occur during the course of the year where we don't
19 want to use the exact same thing from last year because a
20 couple of things change. This year there were four changes and
21 those were identified in that little summary sheet there. None
22 of those specifically related to the Bristol Bay area. One
23 related to sheep in Southeast -- excuse me, goats in Southeast,
24 one related to changes in trapping seasons on lynx around the
25 state, but not in this region. One related to changes in moose
26 seasons on the Yukon Delta area and one related to declining
27 sheep populations in Northwestern Alaska. So those were the
28 only differences from what came out as final regulations this
29 year. But they're the starting point.

30

31 When that comes out, that also opens the proposal
32 period. In other words, there's about a 90 day period from
33 which the public and make proposals, like Mr. Balluta did, like
34 the Council can do or any organization. The proposal or
35 comment period this year closes on November 11th. After that
36 the staff does an analysis, we provide the information to you
37 folks and then in February you hold another meeting to both
38 receive orally the staff comments, receive the public comments
39 and to deliberate each proposal that affects your region.

40

41 Then in April the Federal Subsistence Board meets, your
42 chair attends that meeting and provides the recommendations
43 from this Council on the proposals. That Board deliberates
44 each proposal and after hearing your testimony, the testimony
45 of the public, comments from the State of Alaska, staff
46 analysis, they either adopt or reject or possibly they adopt
47 with some modifications or maybe they table. And the adopted
48 regulations, the adopted proposals then get put into final
49 regulations for the next year.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 From those final regulations is published the green
3 Booklet that you have there, the public version, which tends to
4 remove some of the legal language to make it a little easier to
5 read. It also puts in the maps to help you understand, to help
6 all of us understand, what's in effect. So that's the general
7 regulatory process each year. And the special actions are
8 things that occur in between that normal cycle as are the
9 requests for reconsideration. The requests for reconsideration
10 are essentially appeals to the Board decisions that were made
11 in April and the public determines that well, maybe the Board
12 misunderstood something or there's additional information so
13 that there is material that warrants the Board reconsidering a
14 particular issue.

15
16 MS. EAKON: Were you asking for a flow chart on special
17 actions? Pete, you were asking for one, right?

18
19 MR. ABRAHAM: Um-hum (Affirmative)

20
21 MS. EAKON: Can you do a flow chart?

22
23 MR. KNAUER: When I go back I will do a flow chart for
24 special actions and I'll make sure each of the Regional
25 Councils get copies of that.

26
27 MR. ABRAHAM: Thank you.

28
29 MR. SAMUELSEN: Any other questions? Thanks, again.
30 Sam.

31
32 MR. STEPANOFF: Closure for 16 and 9(A) (ph), we're
33 going to starve. No, I was just kidding.

34
35 MR. SAMUELSEN: Okay. Togiak moose and caribou season.
36 I'd like to pass the Chair to Sam. I've got a motion to make.
37 I'd like to move that we allow a limited moose and caribou
38 hunt in Unit 17 -- I believe it's 17(A), correct? Yeah, 17(A).
39 And I guess a caveat of the motion would be that based on the
40 population estimate survey that the U.S. Fish & Wildlife
41 Service is going to do this winter that

42
43 MR. ADERMAN: Yes, Mr. Chairman, this Andy Aderman,
44 Togiak Fish & Wildlife Refuge. Did you say caribou or did you
45 intend to mean moose?

46
47 MR. SAMUELSEN: No, I said limited moose and caribou
48 hunt.

49
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. ADERMAN: Okay. I wanted to make sure. There is a
2 limited opportunity right now for caribou in 17(A), that being
3 the Nushagak Peninsula hunt this winter and then I believe part
4 of the Kilbuck caribou.

5
6 MR. SAMUELSEN: Isn't the Peninsula herd in 17(C)
7 though?

8
9 MR. ADERMAN: Maybe I'm wrong.

10
11 MR. SAMUELSEN: Get my little handy dandy book here.

12
13 MR. ADERMAN: It's in both, the line cuts it right down
14 the middle. A little bit more to the western side, but I
15 believe that there will be some opportunity in 17(A), on the
16 Peninsula there beginning this winter. I think you're
17 referring more into the Upper Togiak Drainage?

18
19 MR. SAMUELSEN: Yes.

20
21 MR. ADERMAN: Okay.

22
23 MR. SAMUELSEN: I got a question for Helga. If this
24 motion gets a second it go before the Federal Subsistence
25 Board, when?

26
27 MS. EAKON: Wouldn't this be better off as a proposal?

28
29 MR. KNAUER: That's what it will be.

30
31 MS. EAKON: It will be a Council proposal.

32
33 MR. SAMUELSEN: And it'll go before the Federal
34 Subsistence Board, when?

35
36 MS. EAKON: Same time as the other proposals.

37
38 MR. KNAUER: In April.

39
40 MS. EAKON: In April.

41
42 MR. SAMUELSEN: In April, okay.

43
44 MS. EAKON: So essentially you want a Council proposal.

45
46 MR. SAMUELSEN: Yeah, Council generated proposal.
47 Because we don't know if there's going to be a -- as I
48 explained earlier, we're in kind of a quandary here, we haven't
49 done the stock estimates out in the Togiak area and they

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

Won't be done until February. However, if we wait till February it'll be too late to put the proposal in. I'm not saying that I support the proposal at this point or not support the proposal. I just want to -- based on the comments of Andy and Peter Abraham speaking on behalf of the Traditional Council that they'd like a limited hunt if it's at all possible. We'd have to put the proposal in now.

8

9 MR. LaPORTE: You mentioned on the caribou there is a limited -- is there a number limit on that at this point?

11

12 MR. ADERMAN: For the Nushagak Peninsula caribou I believe that it's 100 permits that are going to be issued and that's -- they go a number of villages and we have this upcoming meeting next week to determine how those are distributed, but we want 100 caribou taken. And also I believe there's some opportunity for the Kilbuck hunt in 17(A) according to the regulations.

19

20 MR. BRELSFORD: Mr. Chairman, I can help you on the Kilbuck matter. There are three villages in the BBNA region that are eligible, both Twin Hills, Togiak and Goodnews, actually Platinum as well. However, within the eligible communities for the Kilbuck herd, last year there were eight permits per village, a total of 140 issued for that herd. This period will be significantly larger, I believe it will be something on the order of 14 or 16 permits per village, so those would go to Togiak, Twin Hills and the other communities to the north.

30

31 MR. LaPORTE: Do we have data on how many of those permits were filled? I mean, were all those animals taken?

33

34 MR. BRELSFORD: The Nushagak will be new, so there's not track record. On the Kilbuck, that hunt has been in effect this is the third season and actually the south side villages, the Bristol Bay villages had a lot of trouble getting access to that herd during the openings because of trail conditions, snow cover. My recollection is that just a few of the permits actually resulted in harvests this year, most of them were successful a year ago. And it will depend, again, on weather conditions and trail.

43

44 MR. ABRAHAM: On them eight permits, I won one of them permits, but after I did some figuring on the use of a snowmachine, the fuel and grub and wear and tear and everything, I decided to go down to the store and buy my meat instead of going up there because it would have cost me more to go up and get one caribou. And not only that but it was a

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

gamble, you know, maybe I wouldn't catch nothing. So I went down the store and bought me some meat instead.

3

4 MR. BRELSFORD: It's a concern that's been expressed in these limited hunts, a subsistence hunt, while we're trying to bring a herd back. And one bit of flexibility that is built into the Kilbuck herd was a designated hunter deal on the permit so that one person who got it could actually agree to have somebody else go for them. And a couple of hunters could actually gather together several permits and go with the intent of hunting for other people. I believe in Twin Hills some of the permits went to some older people and younger people were going to hunt for them.

14

15 MR. ABRAHAM: Well, actually how it ended up was -- what we were doing was I gave my permit to somebody so he could have two, I think, and I think in the end three snowmachines ended up going anyway. But I don't know what success they had from there.

20

21 MR. ADERMAN: There's only one from Togiak.

22

23 MR. BRELSFORD: It was pretty small, the harvest, from Togiak.

25

26 MR. ABRAHAM: Yeah.

27

28 MR. LaPORTE: I've got another question. On the proposal, on the moose portion of it, should we come up with a number; is that something that has to go in with this proposal based on unknown biological

32

33 MR. SAMUELSEN: I think at this time what we're doing is we're raising a flag on the proposal. We don't have the specifics because staff hasn't gone out and done the survey. Staff might report back that, based upon the survey information, there's not enough moose out there to even conduct a limited hunt.

39

40 MR. ABRAHAM: No, there was a study last year on moose and caribou. In fact, I participated on a second count. The increase on the moose is tremendous in the Togiak Valley and Ugulayagat (ph) drains. Before that we had only six moose left, but for some reason the migration of the moose went over here and we got 60 -- this number I cannot remember, I think it was 68 or 69 or 78 or 79, I think. But the -- I think 68 or 69.

48

49 On the caribou they were scattered, the total count in

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

the region was something, like, about 1,500. I may be wrong, but as it is right now, there some resident caribou over there now on the upper portion of the lake (ph) and up north west side of Togiak Lake. And near Goodnews area there, there's some residents in both areas right there.

6

7 As for moose the sports people over have seen here and there a lot and, in fact, some will come to the village, but actual count right now as of last year I don't know. Because, you know, I'm RIT (ph) over there so I keep track -- I tried to keep track of the kills, you know, unnamed numbers. Like, for instance, last year we had 27 caribou kills and nine moose, but this time I don't know, there are some kills, but the number is lower than last year.

15

16 MR. SAMUELSEN: Okay, getting back to Tim's question. I don't dispute what you said. I just wanted to raise this flag that says because of this time crunch that we're in right now and, you know, I think we got to look at the bull/cow ratios, staff has got to do a complete analysis.

21

22 MR. BRELSFORD: Mr. Chairman, if I could offer a comment. I think the two caribou herds in the area, Nushagak and Kilbuck are actually under cooperative management plans that are monitoring the herd status and allocating a subsistence harvest in cooperation with the villages.

27

28 MR. SAMUELSEN: Okay, so we could delete

29

30 MR. BRELSFORD: I think we're pretty active on that and real new business you're proposing is in regard to moose.

32

33 MR. SAMUELSEN: We can delete the caribou one.

34

35 MR. ABRAHAM: Huh?

36

37 MR. SAMUELSEN: We can delete the caribou one.

38

39 MR. ABRAHAM: On Kilbuck side, that's on Quinhagak and Kothluk and Mulchatna area they're allowed one, yeah.

41

42 MR. BRELSFORD: There are 18 villages total involved in that planning effort to go up along the lower portion of the Kuskokwim River and down as far as (indiscernible - interrupted)

46

47 MR. SAMUELSEN: And the caribou up at the Togiak Lake area are consider part of the Nushagak Peninsula caribou herd?

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. BRELSFORD: Not Nushagak, they would

2

3 MR. SAMUELSEN: Kilbuck?

4

5 MR. BRELSFORD: Generally Kilbuck, but there's
6 recognition that Mulchatna herd is moving in that direction,
7 there may be some interaction between those two herds this
8 month.

9

10 MR. SAMUELSEN: I think that's what Pete recognizes is
11 that he wants a shot at Nushagak caribou herd that's moving
12 into the area, I take it.

13

14 MR. ABRAHAM: Well,

15

16 MR. BRELSFORD: The Mulchatna's.

17

18 MR. SAMUELSEN: Or the Mulchatna.

19

20 MR. ABRAHAM: Mulchatna, I think, yeah, because a
21 portion of that herd up around head of Togiak Lake they
22 migrated to -- from valley -- what you call it, Kemuk?

23

24 MR. SAMUELSEN: Kemuk Mount-

25

26 MR. ABRAHAM: I think the Kemuk Valley, but in mean
27 time I think the Mulchatna migrated because there's some
28 crossing around Alagnak Lake, below there. But another part of
29 that portion of the herd in there are the migration from
30 Nushagak Peninsula herd are migrating around or mingling around
31 Twin Hills area. Last year -- last winter I counted in that
32 area, I think, 29. And those are the residents right now, too.

33

34 MR. SAMUELSEN: Uh-hum. That would be the Nushagak
35 herd.

36

37 MR. BRELSFORD: I think on this matter of influx from
38 the Mulchatna herd into the Kilbuck and increase in the herd
39 and, therefore, an increase in the allocation. I believe that
40 that's actually in front of this Kilbuck Cooperative Management
41 working group. That their allocations will be adjusted next
42 year accordingly.

43

44 MR. SAMUELSEN: Yeah.

45

46 MR. BRELSFORD: So I think it's moose that remains kind
47 of an unfinished business here.

48

49 MR. SAMUELSEN: Okay. If my second will concur I'll

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

delete caribou then and just have it for moose.

2

3 MR. ABRAHAM: Um-hum. I think it's in our minutes from
4 last year, I asked Dan O'Hara for a proposal from City of
5 Togiak to have a study in Togiak Valley for at least two years.
6 So this way you can get more funding for the studies in that
7 area.

8

9 MR. ADERMAN: I'd just like to mention, Mr. Chairman,
10 that you may offer the subsistence staff and the Refuge some
11 guidance on, if we can have a season, when or what time frame,
12 you know, that you would like it. If there is to be a hunt, do
13 you want it, you know, like what time of the year.

14

15 MR. SAMUELSEN: Yeah, I got handed one of these to fill
16 out, but I wasn't prepared to fill one out. You guys know what
17 I'm trying to do here, because of this time -- you know,
18 November 11th. I don't have none of the details, do you have
19 any details, Peter?

20

21 MR. ABRAHAM: No.

22

23 MR. BRELSFORD: I think it would be possible for the
24 staff, in cooperation with the Refuge and Togiak, or Pete, in
25 his capacity on the Council, to come up with frame work
26 proposal that would put this on the agenda for February and the
27 Board's decision in April. We'll take into account new census
28 information that will come to us this winter and move this on
29 for a decision later on, even if we don't have to -- we can't
30 work out all the details right now.

31

32 MR. SAMUELSEN: That's sounds great.

33

34 MR. ABRAHAM: Yeah. When I go back to Togiak, I'm
35 going to meet with Traditional Council, you know, some of this
36 over here is going to surface and I'm going to show them how to
37 make a proposal and then, you know, all this good stuff over
38 here.

39

40 MR. BRELSFORD: I think that's good.

41

42 MR. SAMUELSEN: Okay. Is that agreeable with
43 everybody? Okay, great. We'll just pass it on to them then.
44 Do we have an annual report to go through under (3)?

45

46 MS. EAKON: You had said that you wanted information on
47 how special actions are done before you wanted closure on the
48 annual report.

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. SAMUELSEN: No, we got it. We went through it,
2 didn't we?

3
4 MS. EAKON: Yeah. Well, I need direction. Do you want
5 me to do an annual report on your behalf to help you with
6 annual report?

7
8 MR. LaPORTE: Yes.

9
10 MR. SAMUELSEN: I don't want to do it, yes. I'm glad
11 you volunteered, thank you, Helga.

12
13 MS. EAKON: Well, generally our deadlines are mid
14 November, but we're moving to our regional office so --

15
16 MR. SAMUELSEN: That's all right, they haven't approved
17 out '93.

18
19 MS. EAKON: so when I get to it I'll make it real
20 simple, probably just highlight your recommendations.

21
22 MR. SAMUELSEN: Okay.

23
24 MS. EAKON: Is that okay? Okay.

25
26 MR. SAMUELSEN: Everybody nodding their head, fine.
27 Anything under New Business?

28
29 MR. STEPANOFF: Yeah, I probably have one. I got one
30 of the villages down there that's, you know, talking about
31 shell fish. They want me to bring that up.

32
33 MR. SAMUELSEN: Oh, yeah.

34
35 MR. STEPANOFF: Like we have, you know, boats down
36 here that's coming in and they don't have limits on how many
37 boats they can have. And everybody is all upset about, you
38 know, clean our bays out and they should be put out, like,
39 maybe so many miles out. They're just coming into our bays and
40 just wiping the places out for subsistence.

41
42 MR. SAMUELSEN: Okay, your problem has to deal with the
43 Board of Fisheries and not this Board and BBNA is willing to
44 work with you guys on that on how to adopt that proposal, but
45 it's already in the mill. I talked with Tony Gregorio and Roy
46 Bronberg on that.

47
48 MR. STEPANOFF: Good.

49
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. SAMUELSEN: Okay. Number 9, any other matters to
be bought up?

3

4 MS. EAKON: I want to mention that our office is moving
from C Street over to the regional office and Gina walked in
just in time, she can give you our new toll free number, our
new office number and our new fax number.

8

9 MS. MARTINEZ: The new telephone number over at our
regional office will be working the 26th of October, it's
786-3888 and our fax machine number -- I don't even know if
Helga has the most current one because it changed this past
Monday, it is 786-3489.

14

15 MR. NELSON: Do you have a toll free fax number?

16

17 MS. MARTINEZ: No.

18

19 MR. ABRAHAM: Gina.

20

21 MS. MARTINEZ: Yes.

22

23 MR. ABRAHAM: Maybe just go ahead and send us the
numbers in the mail. If we write it down over here on our
thing over here we'll losing here. And we'll be wondering
(indiscernible -- interrupted)

27

28 MS. MARTINEZ: Okay, we can do that for you, Pete.

29

30 MR. NELSON: Do you have a new 800 number?

31

32 MS. MARTINEZ: No, the 800 number that we've always had
will stay the same.

34

35 MR. NELSON: Okay.

36

37 MR. SAMUELSEN: Okay. Does that cover Number 9?

38

39 MS. EAKON: Go ahead and announce that, this concerns
our

41

42 MS. MARTINEZ: For those Council members who are going
back or flying back to Dillingham, we will be flying with
Liamna Taxi and that is confirmed. We are leaving at 2:30
and we need to leave sharply at 2:30 because somebody has to
make a connection in Dillingham at 4:00.

47

48 MR. SAMUELSEN: No problem there. That took care of
Number 9?

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MS. EAKON: Um-hum. (Affirmative)
3
4 MR. SAMUELSEN: Time and place of next meeting. It's
5 going to be in February.
6
7 MS. EAKON: If you look under Tab 10 there's a calendar
8 there. You'll note that Southcentral, since I'm their
9 coordinator, I'm going to be tied up that last week in
10 February, otherwise go ahead and pick out a date there.
11
12 MR. SAMUELSEN: My recommendation is we leave it up to
13 Dan to select the time, we just pick the place, that way we can
14 coordinate, I don't have my calendar, Helga.
15
16 MS. EAKON: Okay.
17
18 MR. ABRAHAM: I don't have my calendar either.
19
20 MS. EAKON: Okay. What location?
21
22 MR. CHRISTENSEN: I make a motion that we have the next
23 meeting in Naknek.
24
25 MR. SAMUELSEN: Is there a second?
26
27 MR. ABRAHAM: Second.
28
29 MR. SAMUELSEN: All those in favor signify by saying
30 aye.
31
32 IN UNISON: Aye.
33
34 MR. SAMUELSEN: Opposed same sign.
35
36 (No opposing responses)
37
38 MR. SAMUELSEN: So carried. Number 11, Public Comment.
39 Hearing none. Number 12, Council/Staff/Agency Comment.
40 Hearing none.
41
42 MR. ABRAHAM: We want to go home.
43
44 MR. SAMUELSEN: Number 13, need a motion to adjourn.
45
46 MR. ABRAHAM: I make a motion to adjourn the meeting.
47
48 MR. LaPORTE: Second.
49
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

MR. ABRAHAM: I think you for coming.

MR. SAMUELSEN: All those in favor signify by

(Off record)

(END OF PROCEEDINGS)

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

