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1 BRISTOL BAY ALASKA FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3

4 VOLUME I

5

6 Dillingham, Alaska

7 February 28, 2002

8 1:00 o'clock p.m.

9

10 COUNCIL MEMBERS PRESENT:

11

12 Dan O'Hara, Chairman

13 Robyn Samuelsen, Vice Chair

14 Andrew Balluta

15 Robert Heyano

16 Shirley Kelley

17

18 Regional Coordinator, Cliff Edenshaw

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1 PROCEEDINGS

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3 (Dillingham, Alaska - 2/28/2002)

4

5 (On record)

6

7 CHAIRMAN O'HARA: We'll call the meeting

8 to order, I got about 10 after 1:00 February 28th.

9 Cliff, do you want to do the roll call?

10

11 MR. EDENSHAW: Thank you, Mr. Chair.

12 Andrew Balluta. Mr. Chair and Council, Andrew is

13 weathered in Kakhonak and was in route back home and

14 since then I've been trying to call him and see what he

15 was going to do. Whether he was going to fly down, we

16 arranged for a charter to fly him from home down here to

17 Dillingham, so there's a chance he may show up. Robert

18 Heyano.

19

20 MR. HEYANO: Here.

21

22 MR. EDENSHAW: Peter Abraham.

23

24 MR. ABRAHAM: Yeah.

25

26 MR. EDENSHAW: Daniel O'Hara.

27

28 CHAIRMAN O'HARA: Here.

29

30 MR. EDENSHAW: Shirley Kelley.

31

32 MS. KELLEY: Here.

33

34 MR. EDENSHAW: Robyn Samuelson.

35

36 MR. SAMUELSEN: Here.

37

38 MR. EDENSHAW: Mr. Chair, there is a

39 quorum present.

40

41 CHAIRMAN O'HARA: Thank you, Cliff. We'd

42 like to welcome you here today to our meeting. The

43 agenda is pretty straight forward. We will go ahead and,

44 before we have you introduce yourselves today -- we'll

45 probably do a little work this evening if it's okay with

46 the Council and should be done fairly early tomorrow

47 afternoon with the Council meeting, if all goes well. We

48 would encourage you to get straight to the point. We're

49 not going to have you hurry, but we'll probably not allow

50 you to repeat yourself, so that will work. And one of

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1 the nice things about beginning a Council meeting is we'd
2 like to introduce ourselves here today. And we'll save
3 the Council to last, but Pat, would you start and give us
4 your name and who you represent.

5
6 MS. McCLENAHAN: Pat McClenahan. I'm the
7 regional anthropologist for this region, Fish and
8 Wildlife Service, Office of Subsistence Management.

9
10 MR. FISHER: Dave Fisher, Fish and
11 Wildlife Service, wildlife biologist, Office of
12 Subsistence Management.

13
14 MR. ADERMAN: Andy Aderman, wildlife
15 biologist, Togiak Refuge.

16
17 MR. WALSH: Pat Walsh, Fish and Wildlife
18 Service, Togiak Refuge.

19
20 MR. NICHOLSON: Hans Nicholson, BBNA.

21
22 CHAIRMAN O'HARA: Over here, Nat.

23
24 REPORTER: Nathan Hile, representing
25 Computer Matrix Court Reporters.

26
27 CHAIRMAN O'HARA: Okay.

28
29 MS. HAMILTON: D'Anne Hamilton, Native
30 Voice Communications. We're working a project for
31 Department of Fish and Game on the process and importance
32 of participation on the RACs.

33
34 MR. KLEIN: Steve Klein with the Office
35 of Subsistence Management. I have responsibility for the
36 Fisheries Resource Monitoring Program and the Partners
37 for Fisheries Monitoring Program.

38
39 CHAIRMAN O'HARA: Hugh.

40
41 MR. SCHROEDER: Hugh Schroeder, member
42 chief of Cuayang Tribal Council.

43
44 CHAIRMAN O'HARA: Okay, thank you.

45
46 MR. SANDS: Tim Sands, Alaska Department
47 of Fish and Game, Commercial Fisheries.

48
49 MS. LIGGETT: Deb Liggett, National Park
50 Service, Superintendent of Aniakchak, Katmai, Aleknagik

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1 and Lake Clark.

2

3 MR. NELSON: Dave Nelson with the
4 National Park Service. I'm a fisheries biologist
5 stationed out of Anchorage.

6

7 MS. McBURNEY: Mary McBurney, subsistence
8 program manager for Lake Clark, Katmai, Aleknagik and
9 Aniakchak.

10

11 MR. OSTRAND: Bill Ostrand, Fish and
12 Wildlife Service. I'm Staff to the Alaska Migratory Bird
13 Co-Management Council.

14

15 CHAIRMAN O'HARA: I'm sorry, could you
16 say that again, please?

17

18 MR. OSTRAND: I am part of the Staff to
19 the Alaska Migratory Bird Co-Management Council.

20

21 CHAIRMAN O'HARA: Your name?

22

23 MR. OSTRAND: Bill Ostrand.

24

25 CHAIRMAN O'HARA: Bill, okay, thanks.

26

27 MR. LEESIK: Mark Leesik. I'm a
28 fisheries biologist with Togiak Refuge.

29

30 CHAIRMAN O'HARA: How's the arm, Mark?

31

32 MR. LEESIK: It's getting there Dan.

33

34 CHAIRMAN O'HARA: Don't fall off the roof
35 anymore, okay.

36

37 (Laughter)

38

39 MR. ARCHIBEQUE: Aaron Archibeque. I'm
40 the Refuge Manager Togiak National Refuge.

41

42 MR. LUNDERSTAN: Carl Lunderstan. I'm
43 the Deputy Manager for the Togiak National Refuge.

44

45 MR. BUKLIS: Larry Buklis. I'm with the
46 Office of Subsistence Management in Anchorage. I'm a
47 fishery biologist assigned to Bristol Bay.

48

49 CHAIRMAN O'HARA: Good.

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1 MR. JACK: Carl Jack, Native liaison,
2 Office of Subsistence Management.

3

4 CHAIRMAN O'HARA: Hey, Carl, it's nice to
5 see you today.

6

7 MR. DAVIS: Richard Davis. I'm the
8 public affairs officer for the Office of Subsistence
9 Management. I'm helping, working with Dee here and
10 Alaska Native Voice Communications doing a documentary on
11 how the Regional Advisory Councils work throughout the
12 state.

13

14 CHAIRMAN O'HARA: Good, thank you. Where
15 do we go from there?

16

17 JOE K.: Joe K., Fish and Game Board.

18

19 CHAIRMAN O'HARA: Joseph, nice to see you
20 today.

21

22 MR. ANDERSON: Ralph Anderson, BBNA.

23

24 CHAIRMAN O'HARA: Ralph.

25

26 MR. KRIEG: Ted Krieg, Subsistence
27 Division, Fish and Game, Dillingham.

28

29 CHAIRMAN O'HARA: Ted.

30

31 MR. LONS: David Lons, Subsistence
32 Division, Fish and Game from Anchorage.

33

34 MR. DUNAWAY: Dan Dunaway, Department of
35 Fish of Game, Sportfish here in Dillingham.

36

37 CHAIRMAN O'HARA: Good. Anyone else that
38 we might have missed here this morning. Okay, starting
39 over here with Cliff.

40

41 MR. EDENSHAW: Thank you, Mr. Chair.
42 Cliff Edenshaw, the regional coordinator in Anchorage.

43

44 MS. KELLEY: Shirley Kelley from Egegik.

45

46 CHAIRMAN O'HARA: Dan O'Hara from Naknek.

47

48 MR. SAMUELSEN: Robyn Samuelsen,
49 Dillingham.

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1 MR. HEYANO: Robert Heyano, Dillingham.

2

3 MR. ABRAHAM: Pete Abraham, Togiak.

4

5 CHAIRMAN O'HARA: Okay. Well, welcome
6 and it's good to see all of you here today. We will at
7 this time, review and adopt the agenda would be in order,
8 if we could have a motion.

9

10 MR. SAMUELSEN: Move to approve the
11 agenda, Mr. Chair.

12

13 CHAIRMAN O'HARA: Second.

14

15 MS. KELLEY: Second.

16

17 CHAIRMAN O'HARA: Any further discussion
18 on the agenda?

19

20 MR. EDENSHAW: Yeah, Mr. Chair.

21

22 CHAIRMAN O'HARA: Yes.

23

24 MR. EDENSHAW: For some housekeeping
25 items here if you guys will turn to the second page under
26 King Salmon fisheries, I didn't see or hear Jim Larson so
27 we'll just go ahead and cross that off if there isn't
28 anyone from King Salmon or who's going to speak on behalf
29 of the fisheries program over there and I didn't hear any
30 word from Jim, if he was going to attend so we can just
31 cross that one off and if he happens to show we can go
32 ahead and -- I'm sure you guys will find some time for
33 him to speak to the programs that they're doing over
34 there on the Refuge.

35

36 Jeff Denton, from BLM, he called me and
37 he's out doing moose surveys so he will not be in
38 attendance.

39

40 If you look under 10, Item No. 10, Tab F,
41 agency reports, under the Customary Trade Task Force, we
42 just put Staff in there, Pat McClenahan will provide the
43 briefing to the Council on that issue.

44

45 And then if you bump on down to four,
46 Council membership balance, Steve Klein from our FIS
47 Staff in Anchorage, he'll provide the presentation to the
48 Council regarding that issue.

49

50 And that's it, Mr. Chair.

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1 CHAIRMAN O'HARA: Okay. Any other
2 comments, Council members on the agenda? Questions.

3

4 MR. SAMUELSEN: Mr. Chair, I have one.
5 We have a number of projects that are being funded and I
6 don't know if we're going to talk about the ongoing
7 research that's being developed right now under 10B, but
8 in the future I'd like to get an update of the status of
9 the projects that are being funded.

10

11 CHAIRMAN O'HARA: Okay.

12

13 MR. SAMUELSEN: I think so far I've only
14 gotten one report of all the projects that we've funded
15 and I'd like to see the results -- or so the Councils can
16 see the reports.

17

18 CHAIRMAN O'HARA: 10B?

19

20 MR. SAMUELSEN: Well, I'd just like to
21 add it as a future agenda item.

22

23 CHAIRMAN O'HARA: Okay.

24

25 MR. SAMUELSEN: That reports be made to
26 the Council on the progress on the monies that are being
27 spent and a final report, if it is available.

28

29 CHAIRMAN O'HARA: We'll make that....

30

31 MR. SAMUELSEN: I'd like a status report,
32 but if a status report if the project isn't completed and
33 if the project's completed then I'd like to see the
34 results of the projects that we voted to fund come back
35 for review.

36

37 CHAIRMAN O'HARA: All right. We'll have
38 a report on how that progress is going, that will be
39 10(B)(6). Any other agenda items that Council members
40 want to bring up?

41

42 MR. EDENSHAW: Mr. Chair.

43

44 MR. EDENSHAW: Yes, Mr. Chair, for Robyn,
45 on the handouts I gave you, Steve Klein from our FIS, in
46 our handouts we have a -- he's going to provide an update
47 on that very question that you asked.

48

49 MR. SAMUELSEN: Okay.

50

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1 MR. EDENSHAW: There's a handout
2 regarding 2000/2001 projects that have been appropriated
3 and funded for those two calendar years and Steve will
4 provide an update to the Council when we get to that
5 portion of the agenda.

6

7 MR. SAMUELSEN: Great.

8

9 MR. EDENSHAW: And also inside the -- the
10 plan inside the book, Steve Fried, who drafted the plan
11 also included a list of total number -- I believe the
12 number of projects -- proposals that were submitted and
13 also, those that were funded.

14

15 CHAIRMAN O'HARA: All right. Any other
16 comments, Council members? Call for the question.

17

18 MR. HEYANO: Question.

19

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

22

23 IN UNISON: Aye.

24

25 CHAIRMAN O'HARA: Opposed.

26

27 (No opposing votes)

28

29 CHAIRMAN O'HARA: Let the minutes show
30 the ayes have it. And we'll take the minutes of the
31 meeting of November 5 and 6, 2001 in Naknek, Tab B. Any
32 questions on that, corrections, deletions from those
33 minutes.

34

35 MR. SAMUELSEN: Move for adoption.

36

37 CHAIRMAN O'HARA: Second.

38

39 MR. HEYANO: Second.

40

41 CHAIRMAN O'HARA: Okay, Robyn moved,
42 Robert seconded. If no more discussion all those in
43 favor say aye.

44

45 IN UNISON: Aye.

46

47 CHAIRMAN O'HARA: Opposed.

48

49 (No opposing votes)

50

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1 CHAIRMAN O'HARA: Okay, the minutes have
2 been approved. Under the Chair's report, just a couple
3 of things I might mention here. At the Chair's meeting
4 in Anchorage you'll find this under Tab C, there was just
5 a lot of things that had come up before. The Chairs had
6 met in Anchorage and under Tab C, you can kind of take a
7 look through those different dark headings there and if
8 there's anything you have any questions on -- I'd think
9 one of the things that was rather important, maybe for
10 the Council members to keep in mind, is that, the Chairs
11 that met from the 10 regions were kind of concerned about
12 the lack of funds that's going to the State Advisory
13 Boards. A lot of us here have either been on the State
14 Advisory Board to the Fish Board or the Game Board or are
15 still on them and there's very little funding taking
16 place and we're kind of concerned about the lack of
17 funding. We feel it's pretty important that they
18 continue in existence to be able to advise to the Fish
19 Board and the Game Board. I don't know if you have any
20 comments on that or not but I think that's very
21 important.

22
23 The other thing that took a lot of time,
24 as you can tell, on Page 3, customary trade, this is
25 going to be a thorny issue. And I think Bristol Bay
26 probably is pretty well lined out in what they're going
27 to do in the way of customary trade. I think if we had
28 to sit down within the next few months and decide what we
29 want to do, I think Bristol Bay could handle that. It
30 kind of boils down to the general discussion, I think,
31 that maybe each region is going to have to come up with
32 whatever works for them. And certainly as the agenda
33 goes on and we get into this area, I'd appreciate any
34 comments from the Council members on what you would like
35 to talk about.

36
37 I got a call from the Bristol Bay Native
38 Corporation, BBNC, there's been the Federal subsistence
39 people have done a good job of advertising across the
40 entire state of Alaska for the number of Council members
41 that's being reappointed, coming up. And Tom Hawkins at
42 the Bristol Bay Native Corporation heard the announcement
43 in Anchorage and called and wanted to know if there was
44 interested people in the various positions coming up from
45 our Council. And I reassured him that there was plenty
46 of interest. And I know that the late Johnny Christian's
47 position will be coming up sometime this year and a
48 number of people have already shown interest in that. So
49 there's a great deal of interest in people making sure
50 that our Federal Subsistence Regional Advisory Council

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1 goes on and has a proper number of people to make sure
2 that the Council is advising the Federal Subsistence
3 Board.

4

5 And that's basically -- they, of course,
6 wanted increase per diem and different types of things
7 and that never does go anywhere. You almost have to be
8 a Federal employee to make any progress so let's go with
9 this, you get paid the big bucks to come here and that
10 will work.

11

12 Any questions you might have on the
13 Chair's report? You see there, you know, various letters
14 and communications under Tab C, and I'm sure you've
15 looked at that.

16

17 If there is no more comments on the Chair
18 report, we'll go down to open the floor to the public
19 comment period. And we do have one individual today,
20 Hugh Schroeder, would like to talk to us, and Hugh, we
21 thank you for taking time today and if you'd come up and
22 sit before that microphone we'd love to hear from you.

23

24 MR. SCHROEDER: My name is Hugh
25 Schroeder, I represent a Tribal Council which has a
26 membership of 2,200 people or a little over. And what
27 I'd like to petition the Board to do is allow an aerial
28 wolf hunt to control the wolf population. It seems that
29 whatever actions we're doing now to control the wolves is
30 not working by snowmobile or by land and shoot.

31

32 In the past -- in the past the only way
33 we could control aerial wolves -- wolf hunting, wolf
34 packs was by air. And it was very effective.

35

36 Also I'd like to ask the Board to limit
37 the number of non-member licenses for moose and caribou
38 hunts in the fall. I looked at some papers I had seen
39 recently, the non-residents have taken more moose and
40 caribou than the locals.

41

42 And that's about all I have to say.

43

44 CHAIRMAN O'HARA: Okay, Hugh. Council
45 members have any questions?

46

47 MR. SAMUELSEN: Those moose numbers that
48 you looked at, were they in 9(C), were they on Federal
49 land or State land?

50

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1 MR. SCHROEDER: I'm not sure. I seen the
2 paper from Adolf Role and we had taken 139 moose and the
3 non-residents had taken 349 or 249, something like that.

4
5 MR. SAMUELSEN: I would venture to say
6 probably like up in Nushagak, if Adolf's paperwork showed
7 Nushagak. That's primarily all State land. There's a
8 couple of little slivers, and this body has nothing to
9 say what happens on State lands, only on Federal lands.
10 Your concerns, I think, if that's the area that he's
11 talking about it would be best to address through the
12 Advisory Committee, Fish and Game Advisory Committee.

13
14 MR. SCHROEDER: I was just relating to
15 the Board, maybe they can talk to the State. I'm not
16 sure how the procedures works.

17
18 MR. SAMUELSEN: If I may, Mr. Chairman.

19
20 CHAIRMAN O'HARA: Sure.

21
22 MR. SAMUELSEN: I believe this Council
23 has stepped up to the plate on the increase in the wolf
24 population. There's been numerous people testifying
25 before this Council as well as written testimony about
26 wolves coming into a village and eating dogs and et
27 cetera. We're currently, on the Alaska Peninsula, that
28 caribou population is in a Tier II situation and this
29 Council is very concerned about the predator/prey
30 relationship, i.e., wolves, bears and its affect on the
31 caribou population. We've been looking at that issue.
32 But, you know, regardless what the Council seems to do
33 it's a pretty hot political potato with the grown ups
34 within U.S. Fish and Wildlife Service as well our State
35 government. We make recommendations on wolves but they
36 don't seem to go anywhere.

37
38 MR. SCHROEDER: I just thought I'd bring
39 this before the Board, you know, I -- I was watching TV a
40 couple months ago where the McGrath situation, where they
41 weren't allowed to hunt for moose and I don't want that
42 to happen here. And I thought the tribal council may
43 have some force, you know, consisting of 2,200 members to
44 do something.

45
46 MR. SAMUELSEN: Thank you.

47
48 CHAIRMAN O'HARA: Council members, any
49 other questions? Yes, Robert.

50

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1 MR. HEYANO: I got a question, thank you,
2 Mr. Chair. It even goes further than predator control,
3 it's been documented, particularly in this area that, you
4 know, same day airborne, aerial hunting of wolves is
5 customary and traditional practice, and I think that's
6 where the failure of the system is, is it's the failure
7 of the Federal Subsistence Board to acknowledge that
8 practice. And I think that's the issue we need to work
9 on.

10
11 MR. SCHROEDER: Because that system now
12 is not working, where you land and shoot. By the time you
13 get out and blast them they're gone unless they just ate
14 and they're full.

15
16 CHAIRMAN O'HARA: Council members, any
17 more questions. Hugh, I really appreciate you coming
18 before us today. You made mention here that the non-
19 resident hunter, mainly for moose, versus the local
20 hunter, I think is a pretty important issue to this
21 Council. I don't see Lake Clark or Katmai's law
22 enforcement people here yet but they may be here later
23 today. I think they're coming over from King Salmon.
24 And one of the concerns that we have that we've -- that
25 some of us, as individuals, Hugh, in the Bay area have
26 tried to get is to try to make sure that the moose is a
27 guided hunt on Federal and State lands. One of the
28 biggest problems we have is the drop off hunters on State
29 lands and Federal lands. They're dropping off non-
30 resident hunters with very little experience in dealing
31 with an animal the size of a moose. And the biggest
32 number of your citations that take place, mainly by the
33 State people, on both Federal and State land will be
34 these non-resident hunters who will kill a moose four or
35 five miles from camp and think they can pack it in.
36 They'll pack the horns in and leave the animal not
37 gutted, a bear will get on it. There's no way getting
38 meat in five miles. Most of these people are out of
39 condition, they're just inexperienced people and it does
40 not work.

41
42 It's a crying shame to lose that kind of
43 meat. One of the things we think about on this Council
44 and I appreciate you coming before us today is to somehow
45 make these drop off hunters -- what are they called,
46 they're outfitters, stay with these hunters and make sure
47 they get that meat in or else they got to get some
48 penalty. Now, we can only do that on Federal land
49 because all we deal with on this Council is Federal
50 lands. And here in Dillingham, until you get over here

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1 to the, I guess, to Nushagak Peninsula and on way up the
2 Mulchatna, you're a long away from Federal lands over
3 here.

4

5 But this is a concern that we're going to
6 deal with on a long range basis. And I'm sure today when
7 the National Park Service law enforcement gets here, Deb
8 Liggett's crew, we would like to ask them if they have
9 any ideas along that line. But right now we cannot get
10 the Legislature in the State of Alaska to pass a law
11 saying that the drop off hunters, the air taxis and the
12 guys who are dropping off hunters be responsible to make
13 sure that these people bring their meat out that's going
14 to be in good condition. I'm not talking about being
15 sour and covered with mold and slime and everything else
16 and dirt and grit, I'm talking about good meat that a
17 subsistence user would use.

18

19 So this is a long range plan that we're
20 going to have to work on but we haven't had much success.
21 Thank you very much.

22

23 MR. SCHROEDER: Thanks for your time.

24

25 CHAIRMAN O'HARA: Yeah. Any other
26 individuals who would like to do public comment today?
27 If we don't have people who are interested right now, as
28 the meeting goes on, this Council has certainly -- will
29 work in people who have busy schedules who might want to
30 make a comment as we go along.

31

32 We'll go on down to No. 8, call for
33 fishery proposals. Cliff.

34

35 MR. EDENSHAW: Thank you, Mr. Chair.
36 Under Tab D, for those of you out there, this is mainly
37 for informational purposes. Currently we're doing -- the
38 Council will make recommendations on wildlife proposals
39 and in May the Federal Subsistence Board will make their
40 final recommendations on these wildlife proposals that
41 are in our booklet. The fisheries proposal, the proposal
42 period closes March 29th. And upon closure of that, our
43 fisheries biologist back in our office will conduct the
44 analysis and the Board will address those. The Council
45 will meet in the winter -- or the fall actually and make
46 recommendations on those fisheries proposals that we
47 receive within our unit here. And the Board will meet in
48 December to make those final recommendations on those.

49

50 So for those of you out there who wish to

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1 make -- or submit proposals to change Federal subsistence
2 fishing regulations you may do so between now and March
3 29th.

4

5 If you look under Tab D, the proposal
6 period opened January 7th. So we encourage any
7 individuals from the public or State and Federal agencies
8 who wish to submit fisheries proposals do so by then.

9

10 CHAIRMAN O'HARA: March 1, uh?

11

12 MR. EDENSHAW: March 29th.

13

14 CHAIRMAN O'HARA: 29th. It says here --
15 okay, there it is. Council members, any questions on the
16 call for fisheries proposals? Yes, Robyn.

17

18 MR. SAMUELSEN: Thank you, Mr. Chairman.
19 I'd like some clarification from Staff, I guess. Reading
20 in this book, in the Bristol Bay area, customary and
21 traditional use determinations, all water sheds within
22 Bristol Bay has been deemed salmon and other freshwater
23 fish as well as herring spawn, kelp and then it goes the
24 remainder of Bristol Bay area, all fish. When you get
25 down to special provisions, you may take salmon and char
26 only with a subsistence fishing permit, that eliminates
27 blackfish, that eliminates whitefish. Whitefish is
28 traditionally taken by a net. But also rainbow trout.
29 And it's unclear reading the regulations, the Federal
30 regulation where the residents of Bristol Bay have a C&T
31 on rainbow trout or is it only a -- the way I read it,
32 the subsistence user in Bristol Bay can set a net and
33 take incidental catch of rainbow trout, that's fine, but
34 he can't target it.

35

36 The regulation is pretty confusing to me.
37 So which one of you guys out there will tell me whether
38 we have a C&T finding on rainbow trout or not in Federal
39 waters?

40

41 CHAIRMAN O'HARA: Who handles that out
42 there, what department?

43

44 MR. SAMUELSEN: Mr. Fisher, or who?

45

46 CHAIRMAN O'HARA: Okay.

47

48 MR. FISHER: Mr. Buklis.

49

50 CHAIRMAN O'HARA: All right.

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1 MR. BUKLIS: Mr. Chairman, Larry Buklis,
2 fishery biologist. I can begin to respond to your
3 question. I don't work the C&T part, that would be Pat
4 McClenahan, the anthropologist.

5
6 CHAIRMAN O'HARA: Okay.

7
8 MR. BUKLIS: However, the C&T analysis
9 goes, she could brief you on. In terms of the
10 regulations that follow that you did talk about, the
11 special provisions, the way that's written, a permit is
12 required to take salmon and char. But other fish species
13 could be taken without a permit. So that doesn't speak
14 to which fish can or can't be taken.

15
16 That first clause, you can take fish at
17 any time without a permit unless a permit is required and
18 then the clause that follows that says, a permit is
19 required for salmon and char.

20
21 Now, in terms of the C&T, that would be
22 Pat's area to advise you on. Now, if a specific C&T
23 finding hasn't been made for residents of the area, that
24 doesn't mean the species is disallowed, it means all
25 rural residents of Alaska could take that species. It
26 would only be prohibited if the regulation said you may
27 not take that species. So C&T is a narrowing of the pool
28 of all rural Alaskans to a local group. It's not a
29 disallow.

30
31 MR. SAMUELSEN: Okay.

32
33 CHAIRMAN O'HARA: Go ahead, Robyn.

34
35 MR. SAMUELSEN: Well, it's kind of
36 confusing. It says, salmon and other freshwater fish.
37 Other freshwater fish to me is a rainbow trout.

38
39 MR. BUKLIS: Okay.

40
41 MR. SAMUELSEN: But you dig into it
42 further and it seems that it kicks rainbow out. Rainbow
43 could be only taken incidentally.

44
45 MS. KELLEY: Why?

46
47 MR. SAMUELSEN: I need to some.....

48
49 MS. KELLEY: We need to know why?

50

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1 MR. SAMUELSEN: Is this mirroring the
2 State regulation or what? Because I thought under State
3 regulation, Bristol Bay had a C&T finding on rainbow.
4 Maybe Robert could help me.

5
6 CHAIRMAN O'HARA: Robert.

7
8 MR. HEYANO: Well, I think, Mr. Chairman,
9 under Tab F on Page 38, it goes down here to the one,
10 two, three, four, I'm going to say the fifth paragraph,
11 second sentence on there, it says, while there is some
12 interest in studies on rainbow trout in Bristol Bay,
13 there are no established Federal subsistence fisheries
14 for this species in this area. Although, customary and
15 traditional use of this specie has been recognized,
16 establishment of a Federal subsistence fishery of a
17 rainbow trout within Bristol Bay would require submission
18 of more or regulatory proposals to the Federal
19 Subsistence Board.

20
21 I think that kind of -- we have customary
22 and traditional use, it has been determined, but there's
23 no seasons for rainbow. So I think if we want to go
24 where Robyn wants to go then we need to submit a proposal
25 or two to the Federal Subsistence Board that will
26 identify a season.

27
28 CHAIRMAN O'HARA: Okay, Robyn, does
29 that....

30
31 MR. HEYANO: Or a fishery.

32
33 CHAIRMAN O'HARA:answer your
34 question? Well, that's a pretty informative answer I
35 would say, there, by a Council member. Pat, did you have
36 -- McClenahan, did she.....

37
38 MR. SAMUELSEN: I think she went
39 upstairs.

40
41 CHAIRMAN O'HARA: Okay. It's my
42 understanding that Bristol Bay has finished their C&Ts on
43 everything in the region. So apparently we're not happy
44 with everything on that issue. Robyn -- Robert.

45
46 MR. HEYANO: Well, I still think it's two
47 separate issues, Mr. Chairman. You can have a positive
48 C&T finding.

49
50 CHAIRMAN O'HARA: Which we do have.

00017

1 MR. HEYANO: But if there's no -- but if
2 there isn't a Federal subsistence fishery for that
3 species, that's the -- the first thing you need to have
4 is C&T, positive C&T and then you need to have a season.

5
6 CHAIRMAN O'HARA: Uh-huh.

7
8 MR. HEYANO: So we're lacking the latter
9 part of it in Bristol Bay.

10
11 CHAIRMAN O'HARA: Would this Council be
12 interested in putting in a proposal at this time on that?
13 Pete.

14
15 MR. ABRAHAM: Yeah. In my area over
16 there, you don't see many rainbows over there. You don't
17 target those, you know, when you're seining or beaching
18 up in the Togiak River, you're lucky if you get one or
19 two, depending on what time of the year. In the falltime
20 there's hardly any -- you have to go -- you have to fly
21 into the lakes to get rainbow over there. So I don't
22 think you can find C&T in the Togiak area for rainbow.

23
24 CHAIRMAN O'HARA: Cliff.

25
26 MR. EDENSHAW: Mr. Chair, Robert is
27 correct in what he was communicating to the rest of the
28 Council, is that, if you look at our wildlife
29 regulations, we have a C&T for caribou and moose and so
30 if you look on Page 27 of our subsistence fisheries
31 regulation it's very broad, it just says salmon and other
32 freshwater fish. So if the Council or members of the
33 public or State or Federal agencies want to get specific,
34 they would submit a proposal, possibly a dual proposal,
35 one for customary and traditional use to recognize
36 rainbow trout and then under subpart D, the methods and
37 means in terms of having a season, use of rod and reel,
38 net, which would stipulate, just as it does on this broad
39 one, incidental catch with the use of a net. But
40 Robert's correct in stating that a proposal would have to
41 be submitted by the Council or the public, State or
42 Federal agencies or anyone interested to specifically,
43 you know, and that could be like rainbow trout,
44 whitefish. They could sit here and say okay, for rainbow
45 trout for residents of such and such, you know, for
46 residents of Unit 17(A), (B) and (C), 9(C) and (E), or
47 those units that this Council oversees on those Federal
48 waters.

49
50 MR. SAMUELSEN: So is a Federal

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1 subsistence user, are they legal when they go harvest
2 blackfish in a blackfish trap because they haven't got a
3 fishing permit and it's not identified? Because it says
4 you may take salmon and char only with a subsistence
5 fishing permit.

6

7 CHAIRMAN O'HARA: Yes.

8

9 MR. BUKLIS: Mr. Chairman, I'll try to be
10 a little clearer. And these are the ready reference,
11 copies of the regulations. I have the Federal Register
12 with me so as your meeting proceeds, I can check the more
13 full legal version of the regulation, these are somewhat
14 abbreviated.

15

16 But what I'm trying to explain and I just
17 skimmed over these ready reference copies, and this reads
18 to me that you can take fish at any time without a
19 subsistence fishing permit unless a permit is required.
20 You go down further, for salmon and char, a permit is
21 required. That reads to me like these other fish species
22 you were mentioning a permit is not required. It doesn't
23 mean you can't take them, it means you don't have to have
24 a permit to take them.

25

26 MR. SAMUELSEN: Okay.

27

28 MR. BUKLIS: C&T is a separate matter.
29 And it's a way of defining the Federal eligible users.
30 If the pool hasn't been defined for this area, Pat's the
31 expert on this, I'm not. But my understanding is it
32 would be all rural residents as Federally-qualified
33 users. And a C&T is a smaller pool. But I don't think
34 you have to have a C&T to make the fish harvest legal if
35 it's allowed in the harvest regulations. It's just a way
36 of defining the pool of users. If that pool hasn't been
37 so defined, then it's all rural Alaskans.

38

39 MR. EDENSHAW: So Larry.....

40

41 MR. BUKLIS: We're mixing C&T and harvest
42 regulation in the discussion. The harvest regulations
43 and this is the short version, reads to me like a permit
44 is needed for salmon and char but not for the others.

45

46 MR. SAMUELSEN: I see.

47

48 CHAIRMAN O'HARA: Yes, sir.

49

50 MR. BUKLIS: And, Mr. Chairman, Robert

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1 referenced kind of a draft handout. This wouldn't have
2 the status of regulations, this was the little guide
3 sheet for preparing the study plan. I would refer to the
4 regulations as more authoritative. This little guide
5 sheet referred to talked about rainbow trout in context
6 with study designs. But I would rather go to the Federal
7 Registration on regulations. This is just a draft and it
8 could be wrong as it spoke about rainbow.

9

10 MR. SAMUELSEN: Mr. Chair.

11

12 CHAIRMAN O'HARA: Yeah.

13

14 MR. SAMUELSEN: So we'll talk about this
15 when we get down to the proposals and you can do the
16 research for us.

17

18 MR. BUKLIS: Okay, I'll look in the
19 Register. Yes.

20

21 CHAIRMAN O'HARA: Okay. Robert.

22

23 MR. HEYANO: Well, I think, Mr. Chairman,
24 if we're on the agenda, we're looking for proposals for
25 the next coming fisheries cycle.

26

27 CHAIRMAN O'HARA: Uh-huh.

28

29 MR. HEYANO: We need clarification. The
30 way I understand it, that there is no Federal subsistence
31 fishery for rainbow trout in Bristol Bay. Now, if I'm
32 wrong and we don't need to submit a proposal if that's
33 what we want to do, then I think we could drop it and
34 move on. But if there isn't, then we need to discuss
35 whether or not we want to submit a proposal to allow a
36 Federal subsistence fishery for rainbow trout.

37

38 MS. KELLEY: Right.

39

40 MR. HEYANO: I understand we do have
41 customary and traditional use, that has already been
42 determined.

43

44 CHAIRMAN O'HARA: Okay. You know what we
45 could do and I think we ought to, maybe, take a little
46 time on discussion on where these creatures are at in
47 relation to what we do in the Federal Subsistence
48 Program. Cliff can certainly be working on that proposal
49 prior to the end of this meeting. He has nothing to do
50 but sit there and listen to this Council all afternoon,

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1 so you can sharpen your pencil and give us something.
2 And when you get your paycheck you can walk right to the
3 counter with a big smile on your face and say you've done
4 your job.

5
6 The other part is, you know, take like
7 what Peter said, that very, very little amounts of
8 rainbow trout are used in the area subsistence of Togiak,
9 that's fine. And yet, you go up to Lake Clark and I
10 don't think you even have any rainbow trout in the bigger
11 parts of Lake Clark itself. But you take, like, the area
12 where Egegik and Levelok targets a lot of rainbow trout
13 in the headwaters of the upper from Katmai on up the
14 Branch, you've got Aleknagik, you've got a -- you might
15 want a C&T on that part of it. When the guys go to
16 Brooks, into the Katmai National Park, you know, and
17 they're staring with all those bears and there's with a
18 rod and a reel, they're not catching salmon, I guarantee
19 you, they're catching trout. That's what they're
20 targeting. And then you've got the Egegik, the King
21 Salmon River, this is an idea subsistence sportfish C&T.

22
23 I think it would really be -- I think
24 Robyn and Robert here brought up a good point that we
25 need to wrestle with, you know, whether we're going to be
26 able to fit into a season or bag limit or whatever it's
27 going to take to do the subsistence issue on rainbow,
28 which we could do before this meeting is over.

29
30 Yes, Pete.

31
32 MR. ABRAHAM: There was a study last fall
33 by Ken Harmon, a group out of Kenai I think, along with
34 the whitefish in Kuskokwim area on rainbow up there.
35 Maybe we can get a report on it from them because I think
36 they were studying the other areas, too, along with the
37 Kuskokwim area.

38
39 CHAIRMAN O'HARA: Who was that?

40
41 MR. ABRAHAM: Ken Harbor and his group
42 out of Kenai.

43
44 CHAIRMAN O'HARA: Do you know if they're
45 State or Federal?

46
47 MR. ABRAHAM: Uh?

48
49 CHAIRMAN O'HARA: Do you know if they're
50 State or Federal people or is it just some different

00021

1 organization that's doing it?

2

3 MR. ABRAHAM: They're Feds.

4

5 CHAIRMAN O'HARA: Feds?

6

7 MR. ABRAHAM: Yeah.

8

9 CHAIRMAN O'HARA: Okay, good. Any other
10 comments on this issue, the agenda item? Before we go
11 on, I think we have a couple of new people, Tom, you are
12 here this afternoon, maybe introduce yourself and whoever
13 you brought with you.

14

15 MR. O'HARA: I'm Tom O'Hara with the
16 National Park Service, Katmai and Aniakchak and Joe
17 Miller came with us.

18

19 CHAIRMAN O'HARA: Joe, what do you do?

20

21 MR. MILLER: I'm a fish biologist at
22 Katmai.

23

24 CHAIRMAN O'HARA: King Salmon?

25

26 MR. MILLER: Yes.

27

28 CHAIRMAN O'HARA: Okay, you with the Park
29 Service?

30

31 MR. MILLER: Yes.

32

33 CHAIRMAN O'HARA: Nice to see you, Joe.
34 Thanks, Tom. Has anyone else come in recently that we
35 need to introduce here?

36

37 MR. WOOLINGTON: Jim Woolington, Unit
38 17(A) biologist, Fish and Game.

39

40 CHAIRMAN O'HARA: Oh, good, thank you for
41 introducing yourself today and being here. Sellers
42 didn't make it Tom?

43

44 MR. O'HARA: No, I thought he was going
45 with Fish and Wildlife this morning.

46

47 CHAIRMAN O'HARA: Fish and Wildlife came
48 from King Salmon today?

49

50 MR. O'HARA: I spoke with him a little

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1 bit ago and he was, you know, supposed to come over and
2 they were just sort of waiting on a plane or something.

3

4 CHAIRMAN O'HARA: Good. Well, we always
5 have some questions on caribou, both districts, so we
6 appreciate you being here taking time, I know you're busy
7 people.

8

9 Okay, anything else under call for
10 fisheries proposals. Subsistence regulations, customary
11 and traditional use determinations, Federal waters. Any
12 concerns about that Council members? This Council is
13 happy with what we've kind of put forth as what our
14 wishes would be? Okay.

15

16 Cliff, we're down to No. 9, wildlife
17 proposals.

18

19 MR. EDENSHAW: Thank you, Mr. Chair.
20 These are wildlife proposals that were submitted earlier
21 this year and if you look under Tab.....

22

23 CHAIRMAN O'HARA: E.

24

25 MR. EDENSHAW:E. It starts under
26 Tab E and Dave Fisher is going to start us off here with
27 a statewide proposal, which is WP02-01. Dave's going to
28 provide his analysis and if you look under the agenda
29 there, Mr. Chair and Council members, we'll go ahead and
30 start off with an introduction of the proposal and Dave
31 will provide the analysis. And we'll go ahead and, if
32 Jim Woolington or others here wish to provide any
33 additional comments regarding the proposal we'll go ahead
34 and follow that format there. And in the analysis there
35 are also some written public comments that we received
36 from the public. If there are any I'll go ahead and read
37 those into the record and then you guys can go ahead and
38 open the floor to anyone in the public who wishes to
39 provide comments on these wildlife proposals. And
40 lastly, the Council will make their recommendations on
41 these.

42

43 And with that, I'll go ahead and turn
44 this over to Dave.

45

46 MR. FISHER: Mr. Chairman and members of
47 the Council, this proposal is a statewide proposal. It
48 would affect all Federal public lands statewide and it
49 was submitted by Mr. Craig Fleener from Fort Yukon. And
50 what the proposal is asking is that black bear and brown

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1 bears be classified as furbearers. Apparently the
2 proponent wants to sell hides or parts of black and brown
3 bears taken on Federal lands in the state of Alaska.

4

5 The sale of bear hides has been illegal
6 since 1925, brown bear hides. And brown bears have never
7 been classified as a furbearer. Black bears were
8 originally classified as a furbearer until 1938 when it
9 was reclassified as a game species. There is an
10 exception to this, handicraft articles made from the fur
11 of black bears can be used for barter or sale.

12

13 Both black bear and brown bear
14 populations are generally healthy across the entire
15 state. There are few exceptions in some small areas
16 where there is some concern, primarily with brown bear
17 population. But for the most part populations are pretty
18 healthy as we know in the parts of the Bristol Bay area.
19 Brown bears are real healthy in some areas, as we've
20 discussed at other meetings.

21

22 Bears, both brown and black have the
23 lowest population growth rates for North American land
24 mammals. Population declines tend to be long and often
25 times difficult to reverse. Native Alaskans have
26 harvested bears and competed with them for subsistence
27 resources for, at least, 14,000 years and both species of
28 bears have been very important in Alaska Native cultures.
29 The harvest and handling of bears is subject to
30 extraordinary number of cultural requirements depending
31 on part of the state. For example, in the Koyukuk
32 Athabascan culture it is inappropriate to consider
33 selling bear hides or bear parts. However, in the Lower
34 48 there is a market for bear hides, claws, teeth and
35 gallbladders. That's important in a lot of your Asiatic
36 countries. At one time they have had a real problem in
37 the Southeast part of the United States with the illegal
38 harvest of black bears for gallbladders.

39

40 At this years Fur Rondy, the average sale
41 price of a salted dried brown bear hide was about \$700
42 and \$133 for a black bear hide. So there is some
43 interest out there for bear parts. What this proposal
44 would do would seek a major change in the management of
45 both the species of bears in Federal public lands in
46 Alaska. And this would also have an impact on research
47 projects and other related programs, regulations and so
48 on.

49

50 The primary Staff conclusion on this was

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1 to oppose this proposal due to the cultural and
2 biological and often times jurisdictional concerns with
3 this proposal. There's some feeling that if this was to
4 be legalized, the sale of hides and parts taken from
5 bears from Federal public lands could provide some
6 incentives for illegal hunting.

7

8 That's all I have, Mr. Chairman, thank
9 you.

10

11 CHAIRMAN O'HARA: Any questions, Council
12 members? Did you say that they were selling brown bear
13 hides and black bear hides at the Fur Rondy?

14

15 MR. FISHER: Yes.

16

17 CHAIRMAN O'HARA: And that would be under
18 the State program then?

19

20 MR. FISHER: Yes.

21

22 CHAIRMAN O'HARA: So the state of Alaska
23 has a program where you can sell the hides?

24

25 MR. FISHER: Those are hides that have
26 been.....

27

28 MR. SAMUELSEN: Confiscated.

29

30 CHAIRMAN O'HARA: Oh, auctioned, yeah.
31 Yeah, the Federal government can do it but we can't,
32 right? I mean the state of Alaska government can do it
33 but we can't?

34

35 MR. FISHER: No. Jim may want to add
36 onto this but my belief is that those hides have been
37 seized through.....

38

39 CHAIRMAN O'HARA: Yeah, illegal, uh_huh.

40

41 MR. FISHER: And they will sell those fur
42 for money for Fish and Game.

43

44 CHAIRMAN O'HARA: Okay, yes, I
45 understand. Thank you. Any questions, Council members.
46 Robert. Pete.

47

48 MR. ABRAHAM: If it's under the State, it
49 won't be allowed in the Refuge areas then, uh? I mean
50 for brown bear hunting?

00025

1 MR. FISHER: Pardon?

2

3 MR. ABRAHAM: If it's under the State
4 regs it won't be allowed in the Fed -- Federal lands?

5

6 MR. FISHER: It won't affect the hunting,
7 the only thing -- what the proposal wants to do, he wants
8 to be able to sell bear parts is what he's proposing and
9 currently that is illegal with the exception of fur taken
10 from black bears.

11

12 MR. ABRAHAM: Yeah, that's -- I
13 wouldn't.....

14

15 MR. FISHER: It wouldn't really affect
16 the season at all. You would still be able to harvest
17 bears like you can right now.

18

19 MR. ABRAHAM: I guess the point I'm
20 trying to get through is if it's legalized to sell the
21 brown bear hide, you have many brown bear hunters in the
22 Refuge areas or where -- or in the State -- the State
23 lands?

24

25 MR. FISHER: Oh, I see where you're
26 coming from. If it was legal then -- yeah, you probably
27 would get an interest in -- you'd probably get more
28 hunting pressure and more people would be interested in
29 taking bears if they knew they could sell the parts.

30

31 MR. ABRAHAM: Right. That's what I'm
32 afraid of, you know, I wouldn't want to see it be
33 legalized.

34

35 MR. FISHER: Because there is a demand
36 out there and that's probably why it's illegal right now
37 because there is a demand and if it was legal then it
38 would create significant problems statewide.

39

40 MR. ABRAHAM: Several years back we had a
41 problem in the Togiak area over there when Oriental
42 people coming around and looking for gallbladders. There
43 was a lot of shootings behind Togiak over there.
44 Eventually I think they got scared away. I think I -- I
45 was so mad at that one lady coming into Togiak and buying
46 them things, I called somebody here in Dillingham or I
47 think I called somebody in Anchorage to intercept her.
48 That's the last time I seen them people coming over
49 there.

50

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1 CHAIRMAN O'HARA: Robert.

2

3 MR. HEYANO: Thank you. Dave, there's
4 actually two parts to this proposal. One is to have
5 brown and black bear be classified as a furbearer and
6 then the other part is to be allowed to sell parts of
7 bear, correct?

8

9 MR. FISHER: The other part of the
10 proposal was, and I missed it, the other part of the
11 proposal was to align the Federal regulations with the
12 State regulations concerning the sale of the handicraft
13 items using the black bear fur. That's correct, I
14 apologize for missing that.

15

16 MR. HEYANO: Yes, so then by having brown
17 bear and black bear be classified as furbearers that
18 allows a subsistence user to sell the hide as he would a
19 fox or a bear or the wolverine, correct?

20

21 MR. FISHER: Yes.

22

23 CHAIRMAN O'HARA: Uh-huh.

24

25 MR. HEYANO: And then according to yours
26 -- I don't know if it's yours but the harvest history on
27 both black bear and brown bear, there is a history of
28 subsistence users selling black and brown bear hides.

29

30 MR. FISHER: Well, there was up to prior
31 to 1925 for brown bear hides.

32

33 CHAIRMAN O'HARA: What page is that on?

34

35 MR. HEYANO: Page 8 and Page 10.

36

37 CHAIRMAN O'HARA: On that proposal?

38

39 MR. HEYANO: Yes.

40

41 CHAIRMAN O'HARA: Any other comments,
42 Robert?

43

44 MR. HEYANO: Not for now, thank you.

45

46 CHAIRMAN O'HARA: Dave, did you have any
47 other comment?

48

49 MR. FISHER: No.

50

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1 CHAIRMAN O'HARA: Okay.

2

3 MR. FISHER: Actually, let me just maybe
4 clarify a little bit. There is really two parts to the
5 proposal. We're asking that the part -- that the Federal
6 regulations be amended with the State for the sale of the
7 black bear fur, to be able to use that and the other part
8 of the proposal, we're recommending that you oppose that.

9

10 CHAIRMAN O'HARA: Oppose what?

11

12 MR. FISHER: The.....

13

14 CHAIRMAN O'HARA: The second part being
15 what?

16

17 MR. FISHER: The second part of the
18 proposal, we want the Federal regulations to align with
19 State regulations for the sale of black bear fur.

20

21 CHAIRMAN O'HARA: Okay.

22

23 MR. FISHER: And to classify the brown
24 bears and black bears as furbearers, we oppose that.

25

26 CHAIRMAN O'HARA: So you want to be able
27 to align the Federal program with the State program, that
28 they can sell the hides?

29

30 MR. FISHER: No.

31

32 CHAIRMAN O'HARA: Okay.

33

34 MR. FISHER: The fur from black bears,
35 you can use that for handicraft items under the State
36 regulations.

37

38 CHAIRMAN O'HARA: Uh-huh.

39

40 MR. FISHER: It would just be to align
41 Federal regulations with State regulations for that.

42

43 CHAIRMAN O'HARA: Okay. All right. And
44 then the other one, you don't want them to be classified
45 as furbearer?

46

47 MR. FISHER: That's correct.

48

49 CHAIRMAN O'HARA: That doesn't
50 necessarily mean we're going to do that but that's the

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1 next request on your part.

2

3 MR. FISHER: Yeah.

4

5 CHAIRMAN O'HARA: Any other comments from
6 the Council members from Dave? Cliff, who is the next
7 individual addresses this proposal?

8

9 CHAIRMAN O'HARA: Mr. Chair, Jim
10 Woolington would care to or else I can read what we've
11 collected from the Department's comments regarding the
12 proposals.

13

14 MR. WOOLINGTON: Mr. Chairman, the State
15 Department comments.....

16

17 CHAIRMAN O'HARA: Okay, just before you
18 do that, though, Dave, before you leave the chair, there
19 was one opposition and one in favor. Who was the second
20 written comment in opposition to this proposal? Is it in
21 our book here?

22

23 MR. FISHER: Yeah.

24

25 CHAIRMAN O'HARA: Who is it?

26

27 MR. EDENSHAW: That will be read into the
28 record.

29

30 CHAIRMAN O'HARA: That was a written
31 comment then, all right. Thank you.

32

33 MR. EDENSHAW: Mr. Chair, this is Alaska
34 Department of Fish and Game's public comment and their
35 stance on the proposal. The Department opposes the
36 proposal. They go onto state the Department does not
37 support including brown bear and black bear within the
38 definition of furbearer. Nor do we support expanding the
39 sale of bear parts beyond that currently allowed in the
40 State regulation. Careful management is required of
41 bears in allowing the sale of certain bear parts could
42 promote unsustainable harvest in some areas of the state.
43 At it's March 2000 meeting, the Board of Game assigned a
44 committee to discuss the sale of bear parts in response
45 to a petition seeking to amend State regulations to allow
46 the sale of bear claws in fur from brown bears.
47 Committee members opposed to the sale of bear parts cited
48 a variety of concerns including the incentive for illegal
49 hunting and conservation concerns due to the low
50 reproductive rate of brown bears.

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1 Additionally, Alaska Native traditions
2 surrounding the care, treatment and handling of harvested
3 bears remains strong in many parts of Alaska. For
4 individuals adhering to these beliefs, the sale of items
5 that includes bear parts is inappropriate. The Committee
6 did not support the sale of bear parts and the Board of
7 Game subsequently did not implement the changes requested
8 in the petition. The Department recommends that the
9 Staff analysis for this proposal fully evaluate the
10 subpart D, Section 25 regulations on utilization of
11 wildlife that would be affected by adopting this
12 proposal.

13

14 And those were the Department's comments.

15

16 CHAIRMAN O'HARA: Who was this committee
17 made up of, Alaska Department of Fish and Game can answer
18 that? Don't know? Probably the Western Alaska Brown
19 Bear Management or something? Don't know, uh.

20

21 MR. FISHER: I'm not even aware
22 which.....

23

24 CHAIRMAN O'HARA: Probably a committee
25 assigned by the Board or something possibly. Any other
26 comments on this?

27

28 MR. EDENSHAW: As seen on Page 20 of this
29 analysis, there were two written comments submitted. One
30 which is opposed which was submitted by the Department of
31 Public Safety. They oppose the proposal because we
32 believe that allowing the sale of bear parts will
33 increase legal take and waste of bears. Will exacerbate
34 the Black Market issues. Will go against North American
35 trend that is more restrictive concerning sale and is not
36 consistent with customary and traditional practices.

37

38 The Department of Public Safety is
39 opposed to the Proposal No. 1, which would reclassify
40 brown bear and black bears as furbearers and allow the
41 sale of bear parts.

42

43 The second proposal submitted by Glenn
44 Alsworth -- or I mean the second comment, excuse me,
45 submitted by Glenn Alsworth, Sr., from Port Alsworth
46 supports the proposal. I am in favor of adopting the new
47 wording changing the regulation. My belief is that any
48 time that a subsistence user can derive more benefit from
49 a legally taken subsistence resource the better.

50

00030

1 The Park Service handed me a written two
2 page -- on the recent meeting from the Lake Clark
3 Resource Subsistence Commission and I handed that to you.
4 On the first page on Proposal 1, the SRC supports the
5 proposal. The SRC recommends supporting Proposal 1
6 because it will allow bears taken from subsistence to be
7 more fully utilized and provide a potential source for
8 subsistence users.

9

10 And Mr. Chair and Council members, Tom
11 O'Hara from the Aniakchak is going to go ahead and submit
12 the written comments from the Aniakchak SRC.

13

14 MR. O'HARA: Good afternoon. My name's
15 Tom O'Hara. I'm the Subsistence Resource Commission
16 coordinator for Aniakchak. And I'm speaking on behalf of
17 the Aniakchak SRC. I apologize for not getting this to
18 Cliff earlier, we were kind of late getting here today.

19

20 The letter states, Aniakchak Subsistence
21 Resource Commission held its regular meeting in Chignik
22 Lake on February 20th, 2002. The Commission took action
23 on the following proposal, WP02-01. The Aniakchak
24 Subsistence Resource Commission unanimously opposes this
25 regulation as written. It's the feeling of the Board
26 that this proposal could have a negative influence on
27 subsistence and lead to the overharvesting of bears in
28 the Aniakchak area.

29

30 And so I will leave this with Cliff for
31 you guys and that's what they had to say.

32

33 MR. EDENSHAW: That concludes the written
34 public comments Mr. Chair.

35

36 CHAIRMAN O'HARA: Any public comments --
37 or what else do we have besides that? Is that all the
38 agency reports now?

39

40 MR. EDENSHAW: Correct. Summary of
41 written public comments and then open the floor to public
42 comments.

43

44 CHAIRMAN O'HARA: Is there anything from
45 the public today. I don't see any blue cards up here
46 that anyone wants to make any comments on this so I
47 assume that we don't have any public comments.

48

49 Okay, why don't we take a little break
50 here, we've been going about an hour and we'll come back

00031

1 and act on the proposal. So we'll just take a 10 or 15
2 minute break.

3

4 (Off record)

5

6 (On record)

7

8 CHAIRMAN O'HARA: Call the meeting back
9 to order, please. Okay, we finished with agency report,
10 public hearing and now we're down to the Council, right,
11 Cliff?

12

13 MR. EDENSHAW: Yes, Mr. Chair.

14

15 CHAIRMAN O'HARA: All right, we'll call
16 the meeting back to order. What's the wish of the
17 Council on proposal that we have before us? Robert.

18

19 MR. HEYANO: Thank you, Mr. Chairman.
20 There appears to be some conflicting information on the
21 harvest history. I see why there has been in the past
22 the selling of brown and black bear hides. I see the
23 comments from public safety, I believe it is, it's not
24 consistent with customary and traditional practices. Is
25 there anybody here that can give us any additional
26 information as to the customary and traditional practices
27 of selling or not selling brown and black bear hides?

28

29 CHAIRMAN O'HARA: Cliff, who do we have
30 that has that resource for us?

31

32 MS. McCLENAHAN: Mr. Chairman.

33

34 CHAIRMAN O'HARA: Give us your name,
35 please for Nat.

36

37 MS. McCLENAHAN: I'm Pat McClenahan,
38 Staff anthropologist. This is a statewide analysis which
39 is kind of difficult to speak to because I'm familiar
40 with customary and traditional practices for all of the
41 state for the sale of black and brown bear hides. I
42 believe that in our region, however, there has been in
43 the past sale and also barter of garments that were made
44 of bear. If other people know otherwise they can correct
45 me.

46

47 That's about all the information I have
48 and I have nothing published here with me.

49

50 CHAIRMAN O'HARA: So you're saying that

00032

1 there's probably an outside chance it has been a
2 furbearing animal and there has been sale made of brown
3 bear and black bear, is that what you're saying, for our
4 region?

5
6 MS. McCLENAHAN: I would guess that among
7 all of the other animals that that probably is the case.
8 And that brown and black bear hides were given and
9 traded. Brown bear hides on the Yukon-Kuskokwim Delta
10 were used as covers, traditionally, for the doorway.
11 Frequently they were given as a gift. That's about all I
12 know about.

13
14 CHAIRMAN O'HARA: That's okay. Pretty
15 soft-spoken report there but that's okay. That's all
16 right, Pat.

17
18 MS. McCLENAHAN: I'm sorry, I didn't
19 expect.....

20
21 CHAIRMAN O'HARA: That's just off the
22 floor and that's what we're looking for. Robert, do you
23 have any more comments?

24
25 MR. HEYANO: Well, I guess I do, Mr.
26 Chairman. In my mind, anyway, if there has been
27 customary and traditional practices of brown and black
28 bear hide that has been treated as a furbearing animal, I
29 guess that's what I need to know and I think there is. I
30 think that we can -- once we make that determination we
31 can structure the taking of brown and black bear under a
32 furbearing animal so that still protect the resource. I
33 guess I'm not quite ready to buy into the argument that
34 if you allowed Federally-qualified subsistence users to
35 take brown and black bear and treat them as a furbearing
36 animal, that we're going to decimate the species. I
37 think we could limit, similar to what we do to moose and
38 caribou and how many they can take and when they could
39 take them to protect the species and also still provide
40 the opportunity for the industry to take a trophy bear.

41
42 There doesn't appear to be enough
43 information for me to vote one way or another on this
44 proposal.

45
46 CHAIRMAN O'HARA: Any other comments
47 Council members? Peter.

48
49 MR. ABRAHAM: There's been, you know,
50 there's been customary trade on brown bears in the Togiak

00033

1 area for a long time. But as for being furbearer, I
2 don't think it has been mentioned on the State regs or
3 anywhere I have seen. The State reg says hunt every four
4 years or something like that. And if it becomes a
5 furbearer, you know, they'll be taken advantage of on --
6 a lot of people will take advantage of that furbearer
7 thing and go after them.

8

9 Dave Fisher once asked me how many brown
10 bears in Togiak Hills up there, I don't know, but today I
11 can tell him, there's too many over there. Still, you
12 know, I like to see them protected.

13

14 CHAIRMAN O'HARA: Robyn.

15

16 MR. SAMUELSEN: Yeah, I concur with what
17 Mr Heyano said. Many times customary and traditional
18 practices are eliminated through regulation.

19

20 CHAIRMAN O'HARA: Yeah, true.

21

22 MR. SAMUELSON: This looks like the
23 classic case. I guess I'd ask Staff, is there any
24 additional information that you could provide the Council
25 in its next meeting on this issue?

26

27 MS. McCLENAHAN: Mr. Chairman.

28

29 CHAIRMAN O'HARA: Yes.

30

31 MS. McCLENAHAN: We could do some
32 additional research in this area if those are your
33 wishes, I will do that. I'll have a report for you.

34

35 CHAIRMAN O'HARA: Okay. Any other
36 comments, Council members? Robert.

37

38 MR. HEYANO: Mr. Chairman, I would just
39 be the information as it applies to Bristol Bay. And I
40 think I would be looking at this more or less as maybe
41 resubmitting a proposal as a Bristol Bay proposal, not
42 necessarily as a statewide proposal.

43

44 CHAIRMAN O'HARA: Okay. If we don't have
45 any further comment by the Council, let's have a motion
46 to -- when I go before the Federal Board or whoever does,
47 we'd like to have a fairly clear definition on what we
48 want to do about this proposal so I'll ask for a motion
49 perhaps along this line if this is what the interest of
50 the Council would be, to gather more information and

00034

1 perhaps get a report, only on the Bristol Bay area, for
2 next our meeting which will be back in the falltime.

3

4 What's the wish of the Council? Let's
5 have a motion.

6

7 MR. HEYANO: That would be my motion, Mr.
8 Chairman.

9

10 MR. ABRAHAM: I second the motion.

11

12 CHAIRMAN O'HARA: All right. The
13 motion's been made that we would like to have further
14 information on the proposal and that information would
15 only pertain to the Bristol Bay RAC area that we deal and
16 it's seconded. Would you like to speak to your motion,
17 Robert?

18

19 MR. HEYANO: Well, I think, Mr. Chairman,
20 to incorporate my previous comments, Mr. Samuelsen's
21 comments. I think there is a chance that the sale of
22 black and brown bear hides as a furbearer has been
23 practiced in this area. And I think that if, in fact, it
24 is customary and traditional, I think we can draft
25 regulations to protect the species and allow for that
26 opportunity and also allow for the guide industry, their
27 participation on the harvest of this species.

28

29 CHAIRMAN O'HARA: Any more comments on
30 the proposal -- I mean on the motion before the Council?

31

32 All those in favor say aye.

33

34 IN UNISON: Aye.

35

36 CHAIRMAN O'HARA: Opposed.

37

38 (No opposing votes)

39

40 CHAIRMAN O'HARA: Okay. That's what
41 we'll take to the Federal Subsistence Board. Cliff.

42

43 MR. EDENSHAW: Mr. Chair. Dave, are you
44 going to do this one also.

45

46 MR. SAMUELSEN: Wasn't there another part
47 to it, to align the State regulations, Dave?

48

49 MR. FISHER: Yes, there is another part
50 to that. But that's only for the black bear part, to

00035

1 allow for a black bear to be used for crafts and so on,
2 that would align Federal regulations with current State
3 regulations.

4

5 CHAIRMAN O'HARA: Is that pretty much a
6 housekeeping item .

7

8 MR. FISHER: You could probably say that
9 it would deal with eliminating some confusion that
10 currently exists.

11

12 CHAIRMAN O'HARA: And this is something
13 that your Staff supports?

14

15 MR. FISHER: Uh-huh. (Affirmative)

16

17 CHAIRMAN O'HARA: Okay. That doesn't
18 take away from the subsistence user as far as you know?

19

20 MR. FISHER: Unh-unh. (Negative)

21

22 CHAIRMAN O'HARA: What's the wishes of
23 the Board -- Council, I'm sorry. Yeah, Robyn.

24

25 MR. SAMUELSEN: Mr. Chairman, I would
26 move that the Federal regulations should align with the
27 State regulations concerning handicrafts made with black
28 bear as authorized by the Board of Game in 1998.

29

30 CHAIRMAN O'HARA: Second.

31

32 MS. KELLEY: Second.

33

34 CHAIRMAN O'HARA: Do you want to speak to
35 your motion Robert?

36

37 MR. SAMUELSEN: No, I also view this, Mr.
38 Chairman, as a housekeeping proposal. We, as a RAC have
39 tried to maintain consistency between Federal and State
40 regulations and not confuse the subsistence users our
41 there. Page 14 of the analysis says here that the Alaska
42 Board of Game adopted this regulation in 1998 so the
43 Staff seems it's appropriate to align these regulations
44 in order to protect the resource to facilitate
45 consistency and reduce confusion.

46

47 CHAIRMAN O'HARA: Any further discussion
48 Council members?

49

50 MR. HEYANO: Question.

00036

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

3
4 IN UNISON: Aye.

5
6 CHAIRMAN O'HARA: Opposed.

7
8 (No opposing votes)

9
10 CHAIRMAN O'HARA: Ayes have it. Okay,
11 Cliff.

12
13 MR. EDENSHAW: Dave.

14
15 MR. FISHER: Yes, Mr. Chairman, we're
16 still on bears on this next proposal, it's Proposal No.
17 24 and it was submitted by the Togiak National Wildlife
18 Refuge and what this proposal would do is it would align
19 the Federal description of the western area Brown Bear
20 Management -- Western Alaska Brown Bear Management area
21 with the current State description. The current State
22 description includes Unit 9(B), Unit 17, Unit 18, Unit
23 19(A) and (B), those portions downstream of and including
24 the Aniak River drainage.

25
26 So what this would do is it would add
27 17(C), the remainder of 17(B), Unit 9(B), except those
28 National Park Service lands to the Western Alaska Brown
29 Bear Management area. In Unit 9(B), actually it would
30 add just those BLM lands, those Federal -- BLM Federal
31 lands in 9(B) to the area.

32
33 The National Park Service lands are
34 managed separately in 9(B). The brown bear population is
35 stable in all of these units. The Board of Game
36 authorized the Western Alaska Brown Bear Management area
37 in 1992. They modified it in 1997 to include 9(B) and
38 all of Unit 17. The Federal Subsistence Board
39 established their version of the Western Alaska Brown
40 Bear Management area in 1992. And as you'll recall back
41 in 1997, your Council made some changes to the harvest
42 season and modified the ceiling regulations for Park
43 Service lands in Unit 9(B).

44
45 So what the proposal would do then would
46 align the Federal lands for the Western Alaska Brown Bear
47 Management area with current State description of the
48 same area. Sealing regulations would be the same for all
49 Western Brown Bear Management area. All those areas
50 would have to adhere to the current sealing regulations.

00037

1 There is a little bit of confusion that
2 exists with the sealing regulations for the Western
3 Alaska Brown Bear Management area, those are more
4 restrictive than what's currently allowed for those Park
5 Service lands in 9(B). And I'll try to explain that,
6 it's a little bit confusing.

7
8 If you take an animal in the Western
9 Alaska Brown Bear Management area and you take it outside
10 the area then you have to have it sealed and you have to
11 go through the sealing regulations. If you don't take it
12 out then you don't have to bother with that. An animal
13 taken in Unit 9(B) inside the National Park Service
14 lands, if that animal goes outside that area, it has to
15 be sealed. However, the claws and the skin of the skull
16 are not removed but that only applies to those animals
17 that are taken on Park Service land in 9(B). So the
18 animal that's killed in that area is not -- is sent
19 outside is not devalued -- the trophy value is not
20 devalued by the removal of the claws and the skin or the
21 skull.

22
23 The Staff recommendation would be to
24 approve -- support this proposal.

25
26 CHAIRMAN O'HARA: Any questions Council
27 members? Robyn.

28
29 MR. SAMUELSEN: Page 27.

30
31 CHAIRMAN O'HARA: On the proposal?

32
33 MR. SAMUELSEN: Yep. Unit 17, that last
34 sentence, you see where I'm at there, increasing U-N-G-U-
35 L-A-T-E populations in the unit, what does U-N-G-U-L-A-T-
36 E mean?

37
38 MR. FISHER: Ungulate, caribou.

39
40 CHAIRMAN O'HARA: Okay.

41
42 MR. SAMUELSEN: Remember this is a
43 subsistence board.

44
45 CHAIRMAN O'HARA: We went through a
46 meeting with ungulate for about two days before somebody
47 asked the question, what does that mean anyway?
48 Something we could eat.

49
50 MR. FISHER: Well, I put that in there

00038

1 just to kind of see who read the proposal.

2

3

4 (Laughter)

5

6 MR. FISHER: Good going there, Robyn.

7

8 CHAIRMAN O'HARA: It was over my head.

9 Throw that guy a dog fish.

10

11 MR. FISHER: I thought maybe Robert would

12 -- well, Robert, Robyn, two Rs.

13

14 (Laughter)

15

16 CHAIRMAN O'HARA: Yeah, twins separated

17 at birth.

18

19 MR. SAMUELSEN: If, you're talking about

20 liquor it's the finest.

21

22 (Laughter)

23

24 CHAIRMAN O'HARA: We'll go right beyond

25 that. Any other questions for Dave? Okay, thank you,

26 Dave, if there's nothing more. Cliff.

27

28 MR. EDENSHAW: Thank you, Mr. Chair.

29 ADF&G supports the proposal. This proposal will align

30 the State and Federal description of the Western Alaska

31 Brown Bear management area. There was one written public

32 comment submitted by Glen Alsworth and he also supports

33 the proposal. I am in favor of adopting the new wording

34 for the proposed regulation. It is imperative, however,

35 that the existing program of the Lake Clark National Park

36 and Preserve brown bear hunting be preserved as is

37 unless you receive information to the contrary from the

38 Lake Clark SRC. The proposed regulation seems to address

39 this issue very clearly and I appreciate that.

40

41 And moving over to what he said in his

42 written public comment, the Lake Clark SRC on Proposal

43 24, they had no recommendation on the proposal. The SRC

44 discussed Proposal 24 and expressed concern regarding its

45 intent and the need for dramatically expanding the

46 Western Alaska Brown Bear management area. However,

47 since the proposal specifically excludes that part of

48 9(B) in Lake Clark National Park and Preserve, the SRC

49 decided to make no recommendation.

50

00039

1 And that concludes written public
2 comment, Mr. Chair.

3
4 CHAIRMAN O'HARA: That's all the agencies
5 that were reported?

6
7 MR. EDENSHAW: Yes.

8
9 CHAIRMAN O'HARA: Any public comment that
10 might take place here today. Hearing none, what's the
11 wish of the Council. Robyn.

12
13 MR. SAMUELSEN: Move to adopt Proposal
14 No. 24, Mr. Chairman.

15
16 CHAIRMAN O'HARA: Is there a second?

17
18 MS. KELLEY: Second.

19
20 CHAIRMAN O'HARA: Okay. If you want to
21 talk to your motion.

22
23 MR. SAMUELSEN: Thank you, Mr. Chairman.
24 In Federal Staff as well as the State of Alaska Staff has
25 supported this proposal. It is, again, to align the
26 Federal subsistence regulations with the State of Alaska
27 regulations consistent with what this Council has
28 stressed for in the past. As far as the effects on the
29 Lake Clark National Park and Preserve resident zone
30 communities, there's no effect on those -- on that --
31 those residents. And, in fact, this regulation provides
32 more opportunity by expanding the season length, the
33 harvest limit for qualified hunters where it is one brown
34 bear every year versus one brown bear every four years
35 when they're unqualified bear hunters. And that's about
36 it, I guess, Mr. Chairman.

37
38 CHAIRMAN O'HARA: Any other Council
39 comments.

40
41 MR. HEYANO: Question.

42
43 CHAIRMAN O'HARA: All those in favor say
44 aye.

45
46 IN UNISON: Aye.

47
48 CHAIRMAN O'HARA: Opposed.

49
50 (No opposing votes)

00040

1 CHAIRMAN O'HARA: Ayes have it. Cliff.

2

3 MR. EDENSHAW: Dave's going to move on to
4 the next proposal.

5

6 CHAIRMAN O'HARA: Okay. Dave.

7

8 MR. FISHER: Mr. Chairman, the next
9 proposal is Proposal No. 25. Again, the proposal was
10 submitted by Togiak National Wildlife Refuge. And what
11 this proposal would do is align Federal subsistence
12 caribou hunting regulations with current State caribou
13 hunting regulations for Unit 17(A) west of Right Hand
14 Point.

15

16 This proposal was supported by the
17 Nushagak Peninsula Caribou Planning Committee. They
18 agreed with this proposal. The animals that we're
19 dealing with here are Mulchatna animals. And as you
20 know, we're all pretty familiar with what this herd has
21 done over a period of years. 1965 the population was
22 estimated to be around 5,000 and it peaked around 200,000
23 in the mid-1990s. I believe the current estimate is
24 somewhere around 170 to 180,000. It has a very extensive
25 range, range over 50,000 square miles to McGrath,
26 Quinhagak, Togiak, Lake Iliamna.

27

28 And what this proposal would do, the
29 effect of this proposal, it would provide additional
30 hunting opportunities when the Mulchatna Caribou Herd is
31 in that area west of Right Hand Point. It would also
32 provide a separate hunt area which would provide
33 management protection for the Nushagak Peninsula Caribou
34 Herd. And it would allow the Refuge manager to reduce
35 the season length and harvest limit if the Nushagak
36 Peninsula Caribou Herd did move into this area west of
37 Right Hand Point and it would align Federal hunting area
38 there with current State regulations.

39

40 That's all I have Mr. Chairman.

41

42 CHAIRMAN O'HARA: Questions Council
43 members. Robert. Robyn.

44

45 MR. HEYANO: No.

46

47 CHAIRMAN O'HARA: Okay.

48

49 MR. SAMUELSEN: Yeah. Why was west of
50 Right Hand Point used as a reference, why didn't it go

00041

1 further east?

2

3 MR. FISHER: Andy.

4

5 MR. ADERMAN: Andy Aderman, Togiak
6 National Wildlife Refuge. The proposal is to align with
7 the existing State regulation and their boundary
8 description talks of west of Right Hand Point.

9

10 MR. SAMUELSEN: Okay. And then the other
11 question I had, Mr. Chairman and this may not even be
12 related, I may be thinking off base here. There's been a
13 little caribou herd up by Twin Hills that we've been
14 trying to get settled in that area. With this expansion,
15 would this have any affect on that little herd?

16

17 MR. ADERMAN: The herd that you speak of,
18 that little herd is Nushagak Peninsula animals that had
19 moved over into that area. We've not had any radio
20 collared animals in that area west of Right Hand Point
21 for the last two years. That's not to say that there may
22 be a few animals that occasionally cross over. But I
23 think our greatest count was in 1997 and we counted 126
24 animals. And that was the intention, to let that little
25 group grow but that hasn't happened.

26

27 So if there's Nushagak animals in that
28 area it'd be fair game.

29

30 MR. SAMUELSEN: Okay, thank you.

31

32 CHAIRMAN O'HARA: Any other questions
33 Council members? Andy, looking at the map there on 34,
34 that gives you a break down of the district and it shows
35 Right Hand Point off there past -- what's the name of
36 that Bay, this Bay right here, Robert?

37

38 MR. HEYANO: Which one? Klutuk.

39

40 CHAIRMAN O'HARA: Klutuk, okay. Are you
41 just using the drainage to Klutuk Bay there for that
42 heard -- are you using a drainage or what kind of
43 geographical thing are you separating that herd from?

44

45 MR. ADERMAN: I guess if anything
46 drains.....

47

48 CHAIRMAN O'HARA: Into Klutuk?

49

50 MR. ADERMAN:into Klutuk Bay, it

00042

1 would be under the current management scenario which is
2 to, you know, open it if a large number of caribou come
3 in there. Otherwise it will be closed.

4

5 CHAIRMAN O'HARA: Uh-huh.

6

7 MR. ADERMAN: This proposal, anything
8 west of Right Hand Point, it would establish a season.

9

10 CHAIRMAN O'HARA: A season that would be
11 protecting your Nushagak -- all right, good. You guess
12 or are you certain?

13

14 MR. ADERMAN: Well, yeah, it provides a
15 closed area, if you will. And part of the proposal
16 speaks to allowing the Refuge manager, similar to the
17 State, an EO or, if by chance, Nushagak animals do get
18 west of Right Hand Point to evaluate that and take
19 action.

20

21 CHAIRMAN O'HARA: One of the things that
22 happens over in our area -- and I see Sellers and his
23 group just arrived here, Andy, is that when, you know,
24 like that valley that goes up in Klutuk there is pretty
25 much a defined area. You go beyond that and you're into
26 a different drainage, and that's why asked that question.
27 A natural drainage is, even for enforcement, I know
28 Sellers has talked about this, too, is easier to be able
29 to do the management program. That's why I asked the
30 question.

31

32 Yes, Jim.

33

34 MR. WOOLINGTON: Jim Woolington, Fish and
35 Game. Mr. Chair, members of the Council, maybe I can
36 clarify some of this a little bit. The State proposal --
37 or the State regulation that this proposal is aligned
38 with was actually a recent regulatory change by the Board
39 of Game that came from a proposal through the Togiak Fish
40 and Game Advisory Committee. The area previously we were
41 able to open by emergency order, most of Unit 17(A),
42 except that area south the Pongopuk Creek and east of the
43 togiak River. As the Mulchatna caribou started using
44 more and more of Unit -- of 17(A), we quite often had
45 large numbers of caribou down in that area to the east of
46 Twin Hills, I mean just right off the airport at Twin
47 Hills and through that area. So the Department and the
48 Togiak Advisory Committee felt that it was finally time
49 to establish a regular opening date for caribou hunting
50 in 17(A) rather than waiting until we could get enough

00043

1 information to open it by emergency order and include an
2 area to the east of Twin Hills to where the folks,
3 especially from Twin Hills could easily access caribou
4 when there were caribou in there in any sort of numbers.

5
6 It's a long ways over to the Nushagak
7 Peninsula where most of the Nushagak Peninsula caribou
8 remain. The boundary west of Right Hand Point, east of
9 Right Hand Point was chosen by the Togiak Advisory
10 Committee because they felt that was -- it moves along
11 the top of the divide there from Right Hand Point kind of
12 north, northeast. And anything that is over onto the
13 eastside of that drains over into the Klutuk, anything on
14 the west side of it drains into that area towards Togiak
15 Bay. And the felt that they could recognize that as a
16 boundary and that worked for them. It also gave quite a
17 large area to the west to Klutuk Bay as a buffer zone
18 between Mulchatna caribou, if they're in that area, and
19 any of the Nushagak caribou that might decide to wander
20 over towards Klutuk and that area for whatever reason.
21 They're usually -- it's seldom that we see much in the
22 way of caribou there, off of the west side of Klutuk Bay.
23 We all felt that it provided quite a bit of a safety
24 buffer zone in that area and also, as Andy noted, the
25 Refuge manager, according to -- if this proposal passes,
26 the Refuge manager can close that area and I already have
27 the authority, under State regs to emergency order an
28 area like that closed if the Nushagak caribou should
29 happen to wander over there.

30
31 CHAIRMAN O'HARA: Okay, good, thank you.
32 Appreciate that. Peter.

33
34 MR. ABRAHAM: Yeah, as to Robyn's
35 question on the small herd behind Twin Hills, well, that
36 area is very popular for ptarmigan hunting. And as soon
37 as there's traffic -- you know, they hang around in the
38 falltime, in that area, you know, because that's the
39 feeding area. As soon as there's traffic there, the herd
40 moves towards Pongo area up there. Right now they're
41 between Togiak Lake and Togiak. It happens every year.
42 As soon as there's traffic there, ptarmigan hunter
43 traffic or young guys over there don't even hunt them,
44 they use them as bait for wolf. They stay up on top of
45 the knolls and hills and binoculars and everything, even
46 comes -- the wolf comes out and they go after it so
47 nobody hardly hunts them at all.

48
49 CHAIRMAN O'HARA: That's a good idea.
50 Thank you, Pete. Okay, thank you Jim, appreciate that.

00044

1 Any other comments or questions, Council members? Where
2 are we at on the report here? Dave is finished and we're
3 going to the State, uh?

4

5 MR. EDENSHAW: Yes.

6

7 CHAIRMAN O'HARA: Okay.

8

9 MR. EDENSHAW: Department comments.

10

11 CHAIRMAN O'HARA: Is that your report on
12 the State as well, from the State Fish and Game
13 Department?

14

15 MR. WOOLINGTON: As far as, yeah, we just
16 stand by the written comments, they're written in
17 support.

18

19 CHAIRMAN O'HARA: Yeah, we were just kind
20 of wondering what -- your ADF&G comments, are you
21 satisfied with what you've done here?

22

23 MR. WOOLINGTON: Yes.

24

25 CHAIRMAN O'HARA: Okay. Then we are down
26 to the public?

27

28 MR. EDENSHAW: Yes, Mr. Chair. Just for
29 the record, under ADF&G comments, they support the
30 proposal, which would reduce confusion in the Federal
31 subsistence regulations to the benefit of Federally-
32 qualified subsistence hunters of caribou in Unit 17(A).

33

34 There weren't any written public comments
35 for Proposal 25.

36

37 CHAIRMAN O'HARA: And apparently I don't
38 have a blue card so we don't have any public comments.
39 In case you were wondering about it, if you do need to
40 make a public comment, get a blue card and turn it in.
41 What's the wishes of the Council? Yes, Robyn.

42

43 MR. SAMUELSEN: Thank you, Mr. Chairman.
44 Move to adopt Proposal No. 25.

45

46 MS. KELLEY: Second.

47

48 CHAIRMAN O'HARA: Okay, moved by Robyn,
49 seconded by Shirley. Do you want to speak to your
50 motion?

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1 MR. SAMUELSEN: Yes, Mr. Chairman. The
2 Nushagak Peninsula Caribou Planning Committee met on
3 December 4th, 2001, they all supported this proposal, the
4 Department of Fish and Game has supported this proposal,
5 as well as the Staff, Federal Staff. Again, it's
6 providing opportunity and less confusion. So whenever
7 you do that I think it's a good regulation.

8

9 CHAIRMAN O'HARA: All right, good. Any
10 other comments Council members. Robert.

11

12 MR. HEYANO: Two things, Mr. Chairman. I
13 think west of Right Hand Point is a poorly defined
14 boundary. People of Twin Hills and Togiak may know
15 exactly where it is but we're talking about all State
16 residents here. I think it would have been betterly
17 [sic] written if it was west of Right Hand Point
18 excluding the Klutuk Drainage. According to this map
19 you're actually including part of the Klutuk Drainage.

20

21 And the other thing, Mr. Chairman, I want
22 to note for the record and it's probably not something we
23 need to address at this time, it does not allow a
24 preference for Federally-qualified subsistence users. If
25 you look at the map and 17(A) is predominately Federal
26 land and we're including all Alaska residents in this
27 hunt. From my knowledge there is very little non-
28 Federally-qualified hunters in this area but I think
29 that's probably something we need to keep track of
30 because we are providing a priority for Federally-
31 qualified subsistence users.

32

33 CHAIRMAN O'HARA: The Dillingham would be
34 qualified Federal subsistence uses -- okay, non-resident,
35 would be the people we're talking about?

36

37 MR. HEYANO: (Nods affirmatively)

38

39 CHAIRMAN O'HARA: Thank you. Dave.

40

41 MR. SAMUELSEN: We could make an
42 amendment.

43

44 CHAIRMAN O'HARA: You could make an
45 amendment, yeah.

46

47 MR. FISHER: I have a question for
48 Robert.

49

50 CHAIRMAN O'HARA: Yeah, go ahead.

00046

1 MR. FISHER: Robert, you're recommending
2 then to sort of clarify the regulation that west of Right
3 Hand Point and excluding the Klutuk Drainage, that be
4 added to the regulation to make it a little more
5 meaningful?

6

7 CHAIRMAN O'HARA: Go ahead.

8

9 MR. HEYANO: Well, I guess I need
10 clarification then. Since the State went ahead and
11 adopted this regulation, would it be more confusing or
12 less confusing since it's Federal land if we had that?
13 Because to me it's a lot clearer whether you're on the
14 ground or in the air if you go by drainages.

15

16 CHAIRMAN O'HARA: That's the question I
17 had, was the drainage thing. Okay, Pete, go ahead.

18

19 MR. ABRAHAM: From the Right Hand Point,
20 where the line is at, everything that drains is draining
21 toward Togiak.

22

23 CHAIRMAN O'HARA: Uh-huh.

24

25 MR. ABRAHAM: On the right-hand side of
26 it there is only two creeks -- two streams that drain
27 towards Klutuk. So you can't -- I mean you can't go
28 wrong. And then it's forded by the mountains right
29 there, Dollar Mountain, whatever, in fact, hardly any
30 caribou goes that direction anyway because it's not a
31 good habitat for caribou.

32

33 CHAIRMAN O'HARA: Go ahead Robert.

34

35 MR. HEYANO: Well, I think, Mr. Chairman,
36 according to this map, unless it's in error, north being
37 straight up, there is a portion -- it's the Klutuk
38 Drainage in itself, I guess, that would be west of Right
39 Hand Point. My experience is drainages don't really
40 follow compass courses.

41

42 CHAIRMAN O'HARA: Go ahead, Robyn.

43

44 MR. SAMUELSEN: If Robert made his
45 verbiage as part of a friendly amendment to my main
46 motion, would that clarify the situation, either the
47 State or.....

48

49 CHAIRMAN O'HARA: Do you understand what
50 the amendment would be, Jim?

00047

1 MR. WOOLINGTON: Excuse me?

2

3 CHAIRMAN O'HARA: Do you understand what
4 the amendment would be if we followed Robert's guidance?

5

6 MR. WOOLINGTON: Not quite. I guess I
7 need to look at the map that Robert's looking at.

8

9 MR. SAMUELSEN: It would be west of Right
10 Hand Point excluding any.....

11

12 MR. WOOLINGTON: Well, I think maybe the
13 problem is just because we don't have a good map showing
14 the drainages and everything. Like I said this boundary
15 was selected by the Togiak Fish and Game Advisory
16 Committee. They felt that would be the easiest for
17 everybody to recognize.

18

19 MR. SAMUELSEN: But they're familiar with
20 the area.

21

22 MR. WOOLINGTON: I mean it's a matter of
23 -- excuse me?

24

25 MR. SAMUELSEN: They're familiar with the
26 area. I think Robert's concern here.....

27

28 MR. WOOLINGTON: But also if.....

29

30 MR. SAMUELSEN:is.....

31

32 MR. WOOLINGTON: Yeah, I mean it either
33 drains to the east or it drains to the west. And if it
34 drains to the east then it drains into the Klutuk and
35 obviously everything -- Klutuk is east of Right Hand
36 Point.

37

38 CHAIRMAN O'HARA: Yeah, that's right.

39

40 MR. ABRAHAM: It's very -- excuse me.

41

42 CHAIRMAN O'HARA: Go ahead.

43

44 MR. ABRAHAM: It's very easy and
45 identifiable.

46

47 CHAIRMAN O'HARA: Like it is?

48

49 MR. ABRAHAM: Yeah.

50

00048

1 CHAIRMAN O'HARA: Did you make an
2 amendment to the proposal, Robert?

3
4 MR. HEYANO: Well, I think, Mr. Chairman,
5 it's -- if I took Right Hand Point and flew due north,
6 anything off the left side of my airplane would be open
7 anything off the right side of the airplane would be
8 closed, whether it drains into Klutuk or drains on that
9 side, it would still be opened or closed based on that
10 magnetic heading, it has nothing to do with drainages,
11 the existing language.

12
13 CHAIRMAN O'HARA: Jim, did you want to
14 address that or not?

15
16 MR. WOOLINGTON: Mr. Chair, yeah. Our
17 regulation does not say anything about a line straight
18 north of Right Hand Point.

19
20 CHAIRMAN O'HARA: Okay, when you take
21 Right Hand Point and you look up the valley, that's the
22 Klutuk Valley or whatever you call it, it goes all the
23 way up there and it drains down. There's a high ridge of
24 mountains going -- separating that Klutuk Valley from
25 Twin Hills.

26
27 MR. ABRAHAM: Yeah.

28
29 CHAIRMAN O'HARA: Is that right, Robert?

30
31 MR. HEYANO: Uh-huh. That's right.

32
33 CHAIRMAN O'HARA: Now, is that the area
34 that's open?

35
36 MR. WOOLINGTON: The area to the west of
37 that ridge is the area that's open.

38
39 CHAIRMAN O'HARA: Yeah, okay. That's
40 pretty easy to understand. Because that's the ridge of
41 mountains that goes right up there.

42
43 MR. ABRAHAM: We'll go over there and put
44 a florescent light on it.

45
46 CHAIRMAN O'HARA: Yeah.

47
48 MR. ABRAHAM: A florescent mark on it.

49
50 MR. WOOLINGTON: Mr. Chair.

00049

1 CHAIRMAN O'HARA: Yeah.

2

3 MR. WOOLINGTON: Yeah, I think on a map
4 with better definition you could see that anything --
5 basically anything that drains down into the Ungalikluk
6 is to the west on a topo map, and it's a little -- it's a
7 little easier to see. But you can't put maps of that
8 definition in regulation brochures and things like that.

9

10 MR. SAMUELSEN: Now, he's really
11 confusing it.

12

13 MR. WOOLINGTON: It's not a boundary that
14 the Togiak AC -- or it is the boundary the Togiak AC
15 chose because they felt that would be the easiest place
16 out there anywhere to determine whether you're in or out
17 and also provide a large enough buffer zone for the
18 Nushagak.

19

20 CHAIRMAN O'HARA: Robyn.

21

22 MR. SAMUELSEN: Okay, west of Right Hand
23 Point, anything west of Right Hand Point will be open, so
24 that would include Ungalikluk Bay, that would include
25 Nunavachak Bay?

26

27 MR. WOOLINGTON: Yes.

28

29 MR. FISHER: Uh-huh.

30

31 MR. SAMUELSEN: Yeah.

32

33 CHAIRMAN O'HARA: Robert.

34

35 MR. HEYANO: And that's determined, Mr.
36 Chairman, on a compass heading, due north. Because
37 anything on the west of it would be open, anything on the
38 east would be closed. That's all the regulation says,
39 west, east is closed, it doesn't matter where it drains.

40

41 CHAIRMAN O'HARA: Well, if you can make a
42 court case out of it, Jim, it's fine with me.

43

44 MR. HEYANO: Well, I think Mr. Chairman
45 we need to be careful here in developing regulations.
46 And that's how -- when I read the definition, it's
47 anything west of Right Hand Point is open. It has
48 nothing to do with drainage. There's people here saying
49 that de facto, anything that drains into Klutuk is going
50 to be east of it but that's not what the regulation

00050

1 states. It could drain into Klutuk and still be open if
2 it's on the west side of that line.

3

4 CHAIRMAN O'HARA: Dave.

5

6 MR. FISHER: I have a comment here. The
7 proposed regulation, all drainages west of Right Hand
8 Point, those drainages could go off -- if you're in your
9 airplane and you're flying north, due north, a lot of
10 those drainages that go to the west could be varying over
11 from the northwest flowing to the northwest.

12

13 CHAIRMAN O'HARA: That is a problem, all
14 right.

15

16 MR. FISHER: So I think it's pretty
17 clear.

18

19 MR. ABRAHAM: It's very clear.

20

21 CHAIRMAN O'HARA: Severe clear, uh?

22

23 MR. ABRAHAM: You bet.

24

25 CHAIRMAN O'HARA: So did you want to
26 offer an amendment there, Robert, or are you.....

27

28 MR. HEYANO: No, I don't know if it would
29 add to the confusion or lessen the confusion.

30

31 CHAIRMAN O'HARA: Well, I'm not overly
32 familiar with the area so I'm -- I mean I've flown it and
33 I can see the ridge and I know the drainage in Klutuk,
34 but other than that I'm not -- you know, when you talk
35 about flying north, that makes it a whole different ball
36 game.

37

38 MR. FISHER: I could see if it just said
39 all areas west of Right Hand Point, I could see where
40 there'd be confusion but I think the word drainage in
41 there, I think that kind of brings us a little closer to
42 home.

43

44 CHAIRMAN O'HARA: Peter.

45

46 MR. ABRAHAM: Mr. Chairman, it's not
47 confusing because, in fact, last week I was in that area
48 on a snowmachine. Like we said, it's forded by the
49 ridges, the mountains and anything on the east side of
50 those ridges are draining toward Medivic area and you

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1 cannot go around. No matter how you look at it, you
2 can't go around. In fact, you cannot go around in a
3 snowmachine too much in that area.

4

5 CHAIRMAN O'HARA: According to the
6 discussion there has not been a friendly amendment to the
7 motion so the motion on the floor stands as it is. Any
8 further discussion. Call for the question.

9

10 MR. HEYANO: Question.

11

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

14

15 IN UNISON: Aye.

16

17 CHAIRMAN O'HARA: Opposed.

18

19 (No opposing votes)

20

21 CHAIRMAN O'HARA: Ayes have it. Do you
22 guys want to take a short break?

23

24 MR. SAMUELSEN: Mr. Andrew.

25

26 CHAIRMAN O'HARA: Hey, Andy, how are you?
27 Hey, we have some people that just came in here, Ofi,
28 Chairman of the BBNC Board, it's nice to have you with us
29 today. Ron Squibb, what's your title and what do you do?

30

31 MR. SQUIBB: I'm a biologist for the
32 Alaska Peninsula Refuge.

33

34 CHAIRMAN O'HARA: Okay. Orville Lind.

35

36 MR. LIND: Refuge Manager for the Alaska
37 Peninsula Refuge.

38

39 CHAIRMAN O'HARA: Okay, and Sellers,
40 Dick.

41

42 MR. SELLERS: Fish and Game out of King
43 Salmon.

44

45 CHAIRMAN O'HARA: It's good to have you
46 with us. Who else has come in since we just convened
47 here without recognizing you? Everyone's been introduced
48 here now. So do you want to take the next proposal or
49 take a quick break?

50

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1 MR. SAMUELSEN: Take the next one.

2

3 CHAIRMAN O'HARA: Okay, we'll take the
4 next proposal.

5

6 MR. SAMUELSEN: No. 26.

7

8 CHAIRMAN O'HARA: We're on Proposal No.
9 26 under Tab E. Dave.

10

11 MR. FISHER: Yes, Mr. Chairman. Proposal
12 26 was submitted by the Togiak National Wildlife Refuge.
13 And what this proposal would do, this would extend the
14 one bull State registration permit to hunt moose on
15 Federal public lands in 17(B) and 17(C) by 15 days. The
16 current regulation calls for the season to end on August
17 31st. This would extend that season to September 15th
18 for Unit 17(B), 17(C), 17(B) and (C) remainder.

19

20 Currently, the Federal regulation is more
21 restrictive than the State regulation and this would
22 align both the State and the Federal regulation, would
23 align those regulations.

24

25 The State registration permit is less
26 restrictive than a harvest ticket in these areas. The
27 State registration permit calls for one bull and a
28 harvest ticket calls for one bull with a spike-fork or
29 50-inch antlers with three or more brow tines on either
30 antler. The moose population in these two units is
31 currently stable.

32

33 What the proposal would do -- or the
34 effect of the proposal would be to simplify the
35 regulations for Federal public lands in 17(B) and (C),
36 align the State [sic] registration permit requirements
37 with current State regs and would provide qualified rural
38 residents an additional 15 days of hunting moose with
39 less restrictive regulations, i.e., State registration
40 permit versus a harvest ticket.

41

42 The Staff recommendation was to support
43 the proposal. That's all I had Mr. Chairman.

44

45 CHAIRMAN O'HARA: All right. State of
46 Alaska.

47

48 MR. EDENSHAW: Mr. Chair, the Department
49 supports the proposal. Adoption of this proposal should
50 help to reduce confusion between the State and Federal

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1 subsistence regulations.

2

3 There was one written public comment.

4

5 CHAIRMAN O'HARA: Before you go onto
6 that, Jim, do you have anything to add to that as far as
7 the proposal, the State of Alaska?

8

9 MR. WOOLINGTON: Mr. Chair, no, we don't
10 have anything else to add.

11

12 CHAIRMAN O'HARA: All right. Written
13 public comment.

14

15 MR. EDENSHAW: Yeah, Mr. Chair, there was
16 one written public comment. The Lake Clark SRC supports
17 the proposal. The SRC recommends supporting Proposal 26
18 because it will synchronize the Federal and State moose
19 seasons in 17(B) and provide additional subsistence
20 opportunity under Federal subsistence regulations.

21

22 CHAIRMAN O'HARA: And Dave, I understood
23 you to say that that does protect qualified subsistence
24 users on these Federal lands?

25

26 MR. FISHER: Yes.

27

28 CHAIRMAN O'HARA: Okay. Any public
29 comment, don't see a card. Wish of the Council.

30

31 MR. HEYANO: Move to adopt Proposal 26.

32

33 CHAIRMAN O'HARA: Second.

34

35 MS. KELLEY: Second.

36

37 CHAIRMAN O'HARA: Shirley seconded it.
38 Do you want to address your motion?

39

40 MR. HEYANO: Well, I think it's
41 housekeeping predominately, Mr. Chairman. It's
42 predominately State land, very little Federal lands in
43 this area. And it would just eliminate some confusion
44 and be beneficial to the hunting public and still protect
45 the subsistence users.

46

47 CHAIRMAN O'HARA: Yeah, I see where the
48 population is fairly stable so any other comments Council
49 members?

50

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1 MR. SAMUELSEN: Question.

2

3 CHAIRMAN O'HARA: Question's been called
4 for. All those in favor say aye.

5

6 IN UNISON: Aye.

7

8 CHAIRMAN O'HARA: Opposed.

9

10 (No opposing votes)

11

12 CHAIRMAN O'HARA: Ayes have it. We'll
13 take a break, 10 minute break.

14

15 (Off record)

16

17 (On record)

18

19 CHAIRMAN O'HARA: Cliff, are we on
20 Proposal 27?

21

22 MR. EDENSHAW: Yes, sir.

23

24 CHAIRMAN O'HARA: Dave.

25

26 MR. FISHER: Thank you, Mr. Chairman.
27 Proposal 27 was submitted by the Togiak National Wildlife
28 Refuge. And this is more or less a housekeeping
29 proposal, Mr. Chairman.

30

31 What this proposal would do would align
32 Federal subsistence beaver trapping regulations with
33 current State of Alaska beaver trapping regulations for
34 Unit 17. It would allow Federal qualified subsistence
35 trappers to use firearms to take up to two beaver per day
36 for food from April 15th through May 31st. However,
37 these regulations would not apply to National Park
38 Service lands in Unit 17(B).

39

40 As we all know, beavers are very abundant
41 through Unit 17 and they are an important furbearer in
42 Unit 17. And the effect of this proposal would be to
43 simplify trapping regulations for all trappers in Unit 17
44 for Federal lands, State lands, Federal waters and State
45 waters and it would provide additional subsistence
46 opportunities that would more or less accommodate
47 traditional subsistence practices for that time of the
48 year for the harvest of beavers.

49

50 The Staff recommendation was to support.

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1 That's all I have, Mr. Chairman.

2

3 CHAIRMAN O'HARA: All right. State of
4 Alaska. Jim.

5

6 MR. WOOLINGTON: Mr. Chairman, we don't
7 have any further comments on this. The Department does
8 support adoption of the proposal.

9

10 CHAIRMAN O'HARA: No heartburn, okay.
11 Public comments.

12

13 MR. EDENSHAW: Yes, Mr. Chair. There was
14 one written -- actually two written public comments. The
15 first one is anonymous. I am in favor of the new
16 proposed regulation. In fact, I am very much in favor of
17 making very clear of the fact that a firearm is a
18 traditional customary method and means of taking
19 furbearers. And in my opinion, ought to be allowed under
20 trapping regulations statewide regardless of who the
21 particular land manager might be.

22

23 And the Lake Clark SRC supports Proposal
24 27 with an amendment that -- the SRC recognizes that Park
25 Service regulations do not provide for using a firearm to
26 trap beaver and suggest amending this proposal to
27 establish a beaver hunting season between April 15th and
28 May 31st with a daily bag limit of two beaver. This will
29 allow local rural residents with hunting licenses to take
30 beaver with a firearm in that portion of Unit 17(B) that
31 lies within Lake Clark National Park and Preserve.

32

33 And that concludes written comments, Mr.
34 Chair.

35

36 CHAIRMAN O'HARA: Okay. Before we get
37 over to -- was this a separate letter that came in that
38 was not in our packet?

39

40 MR. EDENSHAW: That's correct, Mr. Chair.
41 Mary McBurney provided these to me and you should also
42 have copies.

43

44 CHAIRMAN O'HARA: Okay.

45

46 MR. EDENSHAW: It was from their recently
47 held meeting.

48

49 CHAIRMAN O'HARA: It was a handout?

50

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1 MR. EDENSHAW: Yes, sir.

2

3 CHAIRMAN O'HARA: There it is, okay.
4 That is from the recent meeting last week?

5

6 MR. EDENSHAW: Port Alsworth, okay.

7

8 CHAIRMAN O'HARA: Okay, great. That's
9 good enough for not having it in the booklet. Thank you
10 very much. We're at the point of public comment, if
11 there's any from the audience, and apparently there is
12 none.

13

14 I was wondering Sellers -- I mean Fisher
15 -- excuse me Sellers. What's the problem with the Park
16 Service not being able to allow for firearms to take a
17 beaver in the Park?

18

19 MR. FISHER: Well, maybe.....

20

21 CHAIRMAN O'HARA: Here comes the
22 authority, look out, move over.

23

24 MS. LIGGETT: Could I help you out of
25 this tough spot, Mr. Fisher.

26

27 MR. FISHER: I could probably do it.

28

29 CHAIRMAN O'HARA: We might as well put
30 somebody on record. Talk to us.

31

32 MS. LIGGETT: Deb Liggett, National Park
33 Service. I'm starting to hope that you'll catch me in a
34 trap and dispatch me.

35

36 CHAIRMAN O'HARA: To where?

37

38 MS. LIGGETT: To put me out of my pain.

39

40 CHAIRMAN O'HARA: Oh, I thought
41 Yellowstone or -- oh, okay.

42

43 MS. LIGGETT: No. No, no, no.

44

45 CHAIRMAN O'HARA: Okay.

46

47 MS. LIGGETT: National Park Service, as I
48 think the Council knows, National Park Service
49 regulations Service wide regulations prohibit the use of
50 a firearm in trapping and it's a Service wide regulation.

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1 Even if the National Park Service in Alaska was so
2 inclined to change that regulation.

3

4 The Department is very slow to move on
5 regulatory changes and that has been true in both
6 Democratic and Republican administrations. I think the
7 discussion at the Lake Clark Subsistence Resource Council
8 last week talked specifically about -- and Mary can help
9 me if I'm in error, not a trapping season on beaver but a
10 hunting season on beaver.

11

12 CHAIRMAN O'HARA: A subsistence type
13 thing, uh-huh.

14

15 MS. LIGGETT: And that you might, at the
16 next go around, see a proposal from the Lake Clark SRC in
17 that regard.

18

19 CHAIRMAN O'HARA: Well, that's a very
20 good answer. I thank you for that. And I kind of....

21

22 MS. LIGGETT: You might have heard some
23 discussion about this, Mr. Chair, at the Board -- at the
24 Chair's meeting in October.

25

26 CHAIRMAN O'HARA: Yeah.

27

28 MS. LIGGETT: How we could get out of
29 this circular argument that we're in and find a solution.

30

31 CHAIRMAN O'HARA: Uh-huh. I think the
32 take of animals and I could be wrong, unless the State of
33 Alaska has information that I just don't remember, but
34 there's been very very little interest in actually taking
35 a beaver at that late of date, other than for eating.
36 It's not a hide issue. It's more really truly a
37 subsistence issue. And it is something that existed on
38 all Alaska lands during the territory when they stopped
39 the taking of beaver because they almost exterminated the
40 entire population. So it is something that -- it's not
41 new, it's just a long time ago.

42

43 MS. LIGGETT: As I recall and Mr. Balluta
44 might be able to expound on this, the discussion as it
45 pertained to the Lake Clark National Park Subsistence
46 Resource Commission, there was some concern expressed
47 about the 40 bag limit. And so you'll notice
48 specifically in the letter that Cliff read, they talk
49 about two per day. There is concern up the Kvichak and
50 places like that about the number of beaver and the

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1 impact that it may having on salmon spawning.

2

3 CHAIRMAN O'HARA: Uh-huh. Well, yes,
4 that's true and then that's a debatable issue, too. But
5 can you -- if the number started getting too high, could
6 you, in the Park, maybe do an emergency order to prevent
7 two a day? You know, you got a long period of time there
8 with a lot of people taking two a day, it could have
9 quite an affect upon the population. Could you address
10 that?

11

12 MS. LIGGETT: I think -- yes, yes, it
13 would be within the superintendent's authority to do some
14 kind of an emergency closure.

15

16 CHAIRMAN O'HARA: Yeah.

17

18 MS. LIGGETT: It's our preference not to
19 manage that way but without my attorney sitting here,
20 yes, it would be within my authority. But one of the
21 strengths, I think, of the Subsistence Resource Council
22 and the Regional Advisory Council process is that it
23 works very quickly. That it's very responsive when the
24 Council or a member of the public comes forward with a
25 proposal, it comes to the Regional Advisory Council and
26 can go to the Federal Board within a year, which is much
27 faster than any other regulatory process that I've ever
28 been involved in. And I think that that's one of the
29 strengths of the system is that it's much more responsive
30 timewise to any other thing. When the National Park
31 Service goes to Federal rulemaking, it's typically a
32 multi-year process as exhibited perhaps most recently
33 with the addition, I believe, of new resident zone
34 communities to Wrangell-St. Elias National Park. That's
35 been a multi-year process.

36

37 CHAIRMAN O'HARA: What we need to keep in
38 mind is that the National Park is a big established
39 ongoing, ongoing, ongoing, but Title VIII is the law of
40 Congress that we deal, that within -- and maybe even
41 supersedes, I would assume, without a lawyer sitting
42 here, what the National Park people would have done in
43 their regulations. And I think this is one of the --
44 ones where we pack a gun into the Park and kill a beaver
45 and eat it is -- thank you for the information, we
46 appreciate it a lot, Deb.

47

48 MS. LIGGETT: Thank you, Dave. Mr.
49 Chairman.

50

00059

1 CHAIRMAN O'HARA: Okay, we're down to
2 what the Council would like to do on this proposal.
3 Pete.

4
5 MR. ABRAHAM: Under the proposed
6 regulation over here on the beaver limit, with this
7 number over here I have been talking to quite a few
8 people about the number of 40 from November 10 to March
9 31st.

10
11 CHAIRMAN O'HARA: Uh-huh.

12
13 MR. ABRAHAM: With the decline in the
14 price of furbearer fur, it's not even enough to cover the
15 cost of your expense for your gas, the wear and tear on
16 your snowmachine and everything. If we make it look more
17 attractive, the higher the number, I think we can have --
18 we're getting too many beavers damming lots of streams,
19 trapping a lot of fish everywhere. If we make the number
20 attractive like maybe 80 between November and March, I
21 think we might get beaver hunters in 17.

22
23 CHAIRMAN O'HARA: That's an interesting
24 comment. That's a lot of beavers.

25
26 MR. ABRAHAM: Of course.

27
28 CHAIRMAN O'HARA: Yeah, it's a lot of
29 beavers.

30
31 MR. ABRAHAM: You might think even with
32 80 -- with 80.

33
34 CHAIRMAN O'HARA: Yeah, Robyn.

35
36 MR. SAMUELSEN: Question of Staff. When
37 did we institute the 40 limit -- when did the Board of
38 Game institute the 40 limit?

39
40 CHAIRMAN O'HARA: A long time ago. Long
41 before anyone was hired in this room, I guarantee you
42 that.

43
44 MR. WOOLINGTON: Mr. Chair, Jim
45 Woolington, Fish and Game. I couldn't tell you. I guess
46 we could research it.

47
48 CHAIRMAN O'HARA: Yeah, way back.

49
50 MR. WOOLINGTON: But it's been for many,

00060

1 many years.

2

3 MR. FISHER: I could maybe shed a little
4 light on that, Mr. Chair. Proposal 96-39, which would
5 have been No. 39 in 1996. That increased the trapping
6 limit from 20 beaver to 40 beaver per season.

7

8 CHAIRMAN O'HARA: The State of Alaska has
9 had it for a long time.

10

11 MR. FISHER: Well, that proposal was
12 tabled until the next cycle. I think we were waiting on
13 the Board of Game to do something so we matched up
14 together. Yeah, it became 40 in 1997.

15

16 CHAIRMAN O'HARA: I don't agree with Pete
17 on this issue. I think 40 is fine and the Mrs. can go
18 out and get 40 and one of the children can go out and get
19 40 and they can have 120 beavers if they want them.
20 Other comments from the Council members? What's the wish
21 of the Council on this proposal? Yep, Robyn.

22

23 MR. SAMUELSEN: Mr. Chairman, I move to
24 adopt Proposal No. 27.

25

26 CHAIRMAN O'HARA: Second.

27

28 MR. BALLUTA: Second.

29

30 CHAIRMAN O'HARA: Okay, Andy seconded.
31 Do you want to speak to your motion?

32

33 MR. SAMUELSEN: Just on Page 57, the
34 effect of the proposal would simplify regulations for
35 trappers and provide additional subsistence
36 opportunities, accommodate traditional subsistence
37 harvest practices regarding the use of firearms and a
38 harvest season extending it until May 31st. There's no
39 biological concerns on beaver populations. They seem to
40 be steady if not improving.

41

42 CHAIRMAN O'HARA: Any other Council
43 comments. Question.

44

45 MR. HEYANO: Question.

46

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

49

50 IN UNISON: Aye.

00061

1 CHAIRMAN O'HARA: Opposed.

2

3 (No opposing votes)

4

5 CHAIRMAN O'HARA: Ayes have it. That's
6 the end of the proposals, right?

7

8 MR. SAMUELSEN: 28A, Mr. Chairman.

9

10 CHAIRMAN O'HARA: 28A.

11

12 MR. SAMUELSEN: We got a handout on it.

13

14 CHAIRMAN O'HARA: Okay. Who is handling
15 28A?

16

17 MR. SAMUELSEN: Pat.

18

19 CHAIRMAN O'HARA: Okay, Pat, you're on.

20

21 MS. McCLENAHAN: Mr. Chairman, Pat
22 McClenahan, Staff anthropologist. In spite of the large
23 tome of paper that I handed you, this will be fairly
24 brief.

25

26 CHAIRMAN O'HARA: Okay.

27

28 MS. McCLENAHAN: The reason for the
29 heftiness of the analysis is that we were addressing
30 every village in Unit 18 and Unit 18 is rather large plus
31 a few in Units 22 and 19 and 17 as well.

32

33 This is a crossover proposal from Unit
34 18. The Unit 17 communities of Togiak and Twin Hills
35 have a positive customary and traditional use
36 determination for Unit 18 caribou south of the Yukon
37 River. Proposal WP02-28A and B were submitted by the
38 Native Village of Quinhagak. Part B, which is what I'll
39 take up first requests a regulatory declassification of
40 the Kilbuk Caribou Herd in Unit 18. This is sort of a
41 housekeeping measure.

42

43 It requests a change in regulations to
44 get rid of language that's specific to the Kilbuk Caribou
45 Herd because it now appears that the Kilbuk herd has
46 joined with the Mulchatna herd and the animals are
47 indistinguishable. It makes herd based management
48 impossible.

49

50 28B also requests an August 1st to March

00062

1 31st season for caribou in Unit 18 south of the Yukon
2 River with a harvest limit of five caribou per season.

3

4 The effect of the proposal would be to
5 increase harvest opportunity for Federally-qualified
6 users and it would align State and Federal regulations.
7 Federally-qualified subsistence users would have the
8 opportunity to harvest any caribou during the proposed
9 season and harvest bull caribou before the rut.

10

11 The preliminary Staff conclusion for
12 WP02-28B is to support the proposal with modification.
13 That modification would be to add this wording, all
14 edible meat from caribou harvested prior to October 1st,
15 south of the Yukon River must remain on the bones of the
16 front quarters and hind quarters until the meat is
17 removed from the field or it is processed for human
18 consumption.

19

20 Mr. Chairman, that concludes my remarks.

21

22 CHAIRMAN O'HARA: All right. Any
23 questions Council members? Okay, thank you, Pat.

24

25 MR. SAMUELSEN: A question of Pat, Mr.
26 Chair.

27

28 CHAIRMAN O'HARA: Sure, go ahead.

29

30 MR. SAMUELSEN: Where's that language?

31

32 MS. McCLENAHAN: There are two handouts.

33

34 MR. SAMUELSEN: Uh-huh.

35

36 MS. McCLENAHAN: The smaller handout, the
37 language can be found on the next to the last page, where
38 it says preliminary conclusion.

39

40 CHAIRMAN O'HARA: Oh, 28.....

41

42 MS. McCLENAHAN: This is 28B.

43

44 CHAIRMAN O'HARA:B, okay. What
45 page?

46

47 MR. SAMUELSEN: I see it, Page 87.

48

49 CHAIRMAN O'HARA: 87.

50

00063

1 MS. McCLENAHAN: It's marked 87.

2

3 CHAIRMAN O'HARA: Okay. We were looking
4 at the wrong proposal.

5

6 MS. McCLENAHAN: I'm sorry if I misled
7 you.

8

9 CHAIRMAN O'HARA: All right. Any other
10 questions, Council members? Okay, thank you, Pat.

11

12 MS. McCLENAHAN: Would you like to go all
13 the way through B before we address A?

14

15 CHAIRMAN O'HARA: Sure.

16

17 MS. McCLENAHAN: Okay.

18

19 CHAIRMAN O'HARA: Go ahead. She's done
20 with her report, State of Alaska next?

21

22 MR. HEYANO: Mr. Chairman.

23

24 CHAIRMAN O'HARA: Yes.

25

26 MR. HEYANO: We're working off of both of
27 these?

28

29 MS. McCLENAHAN: Right now we're working
30 off the B part.

31

32 CHAIRMAN O'HARA: The little one.

33

34 MS. McCLENAHAN: The little one.

35

36 CHAIRMAN O'HARA: Okay, this is the
37 Federal report.

38

39 MR. HEYANO: The B part. I have two Bs.

40

41 MS. KELLEY: There's one that says 28 and
42 then there's one that says 28B.

43

44 MR. HEYANO: Okay.

45

46 MR. SAMUELSEN: 28B on Page 87.

47

48 MS. McCLENAHAN: Which is the next to the
49 last page.

50

00064

1 MR. HEYANO: Question.

2

3 CHAIRMAN O'HARA: Robert, go ahead.

4

5 MR. HEYANO: Then there's part of the
6 proposal, Pat, for non-residents -- or that's existing
7 State regulation already, the non-residents from
8 September 1 to October 1?

9

10 MS. McCLENAHAN: This is the existing --
11 the front page is the existing regulation and it's Page
12 79 on here but it's the front page, has the existing
13 Federal regulation and then it has the proposed Federal
14 regulation. And then the existing State regulation can
15 be found on Page 80.

16

17 The existing State regulation reads, Unit
18 18 south of the Yukon River, residents, up to five
19 caribou. Harvest season may be announced no open season.
20 Non-residents no open season. This would establish a
21 season as well as taking away the herd based wording in
22 the regulation.

23

24 CHAIRMAN O'HARA: Robert, are you happy
25 with that?

26

27 MR. HEYANO: No, I'm confused, Mr.
28 Chairman.

29

30 CHAIRMAN O'HARA: Well, help us out Pat
31 if he's confused.

32

33 MS. McCLENAHAN: Okay. We're
34 establishing a season.....

35

36 CHAIRMAN O'HARA: Okay, what page is that
37 on?

38

39 MS. McCLENAHAN:and a bag limit.
40 It's on Page.....

41

42 CHAIRMAN O'HARA: 28B, what page?

43

44 MR. HEYANO: I got -- I understand the
45 part that we're deleting the Kilbuk Caribou Herd portion,
46 so it would just be caribou south of the Yukon River.

47

48 MS. McCLENAHAN: Yes.

49

50 MR. HEYANO: Then for Federally-qualified

00065

1 subsistence hunters.....

2

3 MS. McCLENAHAN: We're providing a
4 season, August 1st through March 31st.

5

6 MR. HEYANO: Okay.

7

8 MS. McCLENAHAN: And then we're proposing
9 a bag limit of five -- did I say five caribou?

10

11 CHAIRMAN O'HARA: Five caribou.

12

13 MS. McCLENAHAN: Yes, five caribou.

14

15 CHAIRMAN O'HARA: For the existing State
16 regulations?

17

18 MS. McCLENAHAN: For Federal regulations.

19

20 CHAIRMAN O'HARA: And State regulations?

21

22 MS. McCLENAHAN: I can't speak to State
23 regulations.

24

25 CHAIRMAN O'HARA: Okay.

26

27 MR. HEYANO: Well, I guess my question
28 then, Mr. Chairman, that only -- that proposed regulation
29 applies for qualified Federal subsistence users only?

30

31 MS. McCLENAHAN: Yes. Yes. And as far
32 as I understand it, this is supposed to align State and
33 Federal regulations, though.

34

35 CHAIRMAN O'HARA: Okay, that's fine.

36

37 MS. McCLENAHAN: But I don't have a State
38 expert from that area.

39

40 CHAIRMAN O'HARA: Well, there's probably
41 one out there somewhere. Oh, no, that's a different
42 region than ours, isn't it?

43

44 MS. McCLENAHAN: It's a different region,
45 that's the problem.

46

47 CHAIRMAN O'HARA: All right. Robert, are
48 you happy now?

49

50 MR. HEYANO: I understand it. I

00066

1 understand it, Mr. Chairman.

2

3 CHAIRMAN O'HARA: Okay.

4

5 MR. HEYANO: Then there's a State -- oh,
6 you can't speak to the State.

7

8 CHAIRMAN O'HARA: Okay, Robyn, did you
9 have a question?

10

11 MR. SAMUELSEN: A question on the special
12 provision language that you want on Page 87.

13

14 MS. McCLENAHAN: Yes.

15

16 MR. SAMUELSEN: Would favor a reduction
17 in spoilage. What kind of spoilage are we having in that
18 area?

19

20 MS. McCLENAHAN: Can I get Dave Fisher to
21 help me out?

22

23 MR. SAMUELSEN: Sure.

24

25 CHAIRMAN O'HARA: Sure, come on up here
26 Dave.

27

28 MS. McCLENAHAN: Formerly from Unit 18.

29

30 MR. SAMUELSEN: We don't care, we'll
31 include Dave.

32

33 (Laughter)

34

35 MS. McCLENAHAN: Can you talk about
36 spoilage issues in Unit 18, south of the Yukon River.
37 They want this in and Robyn was asking.....

38

39 CHAIRMAN O'HARA: Where is the spoilage
40 issue on 87?

41

42 MS. KELLEY: Right below the chart.

43

44 MR. SAMUELSEN: Right here.

45

46 CHAIRMAN O'HARA: Okay.

47

48 MR. FISHER: What was our question Robert
49 [sic]?

50

00067

1 MR. SAMUELSEN: What kind of
2 documentation do you have that there is spoilage and what
3 kind of spoilage are we talking about? Why do we need
4 this special provision in there, are Federally-qualified
5 subsistence users going out and shooting caribou and just
6 leaving them in the field or what are you trying to get
7 at there?

8

9 MR. FISHER: Well, I don't know. It's
10 not -- I'd have to check with Mike Reardon at the Refuge
11 Headquarters and I can do that here on one of our breaks
12 and get back to you. I'd be happy to do that. I don't
13 know where this particular concern came from.

14

15 CHAIRMAN O'HARA: Pat.

16

17 MS. McCLENAHAN: Mr. Chairman -- I'm
18 sorry, Dave, maybe if I can help a little bit. When I
19 was working on the proposal for that area -- or that
20 region, I should say, several of the Refuge managers
21 indicated that people went upriver to hunt and they'd
22 take caribou and also moose and by the time they got back
23 down river to take the animals -- the meat out, that it
24 had spoiled and that it -- I know that it's recommended
25 as a method to keep the meat from spoiling. There's not
26 so much intrusion into the meat if it's left on the bone.
27 That's what was explained to me one time by a couple of
28 Refuge managers.

29

30 MR. FISHER: I know there was concern
31 with moose earlier in the season. I think the late
32 August season, there was some concern about, I think at
33 one time they wanted to move the moose season up five
34 days earlier in August and there was some concern with
35 spoilage then with moose but I'm not familiar with
36 caribou. But I will be going to research it for you and
37 get back to you on it.

38

39 MR. SAMUELSEN: Well, I was just
40 wondering, you know, if we need that special provision in
41 there. These are Federally-qualified subsistence users.

42

43 MR. FISHER: Right.

44

45 MR. SAMUELSEN: One would assume that
46 they know how to take care of their meat.

47

48 MR. FISHERS: They've been hunting
49 caribou for years.

50

00068

1 MR. SAMUELSEN: And if somebody goes up
2 the river 200 miles and it starts raining and they have a
3 little kicker problem, regardless their meat's going to
4 spoil getting back versus floating down the river for
5 five days having a caribou laying in the bottom of a
6 raft. So I want to know how rampant it is and whether we
7 need -- if there's only a couple of isolated cases or if
8 it's happening all the time out there.

9
10 MS. McCLENAHAN: We can find out that
11 information for you and, of course you have the
12 prerogative to support the proposal as it's written.

13
14 MR. SAMUELSEN: You have what, excuse me?

15
16 MS. McCLENAHAN: The prerogative to
17 support.....

18
19 MR. SAMUELSEN: Oh, yeah.

20
21 MS. McCLENAHAN:as it's written.

22
23 CHAIRMAN O'HARA: Cliff.

24
25 MR. EDENSHAW: Yes, Mr. Chair, the YK
26 Council is going to meet next week in Tuntutuliak and
27 Pete Abraham representing the Council as well as an RIT
28 is going to attend that meeting. So what the Council may
29 do is also send their concerns because this is an
30 overlapping proposal from the YK region into our region,
31 and ask Pete to carry the concerns of the Council. And
32 what the Council may do on their recommendation is to sit
33 there and say, well, they could -- they could -- the
34 Council could recommend that they omit this portion
35 unless there is -- when the YK meets next week in Tunt,
36 is for them to put out those fires of concern to document
37 where is that and if that is happening, increased
38 spoilage.

39
40 CHAIRMAN O'HARA: Is that okay, Council
41 members. We could adopt the proposal in its written form
42 without the spoilage thing. Robert.

43
44 MR. HEYANO: Does the existing State
45 regulation have that requirement?

46
47 MS. McCLENAHAN: I don't see it here.

48
49 CHAIRMAN O'HARA: What's the wish of the
50 Council? Robert.

00069

1 MR. HEYANO: Well, I think this is how I
2 see it, Mr. Chairman, is that somebody needs to correct
3 me if I'm wrong, is that, Alaska residents can hunt in
4 this Unit 18, same place that the Federally-qualified
5 subsistence hunters can hunt, right? And I think it's
6 common knowledge, common practice, that most people in
7 the villages leave more than just the meat on the
8 hindquarters and the front quarters, they leave it on
9 everything they bring out.....

10

11 CHAIRMAN O'HARA: Yeah.

12

13 MR. HEYANO:for a float down river.
14 So I think in order to be consistent with State
15 regulations we should leave it in there. Because we're
16 not asking them to do anything different.

17

18 CHAIRMAN O'HARA: Are you talking about
19 the spoilage issue or what?

20

21 MR. HEYANO: Well, not necessarily just
22 the issue of requiring the meat to be left on the bone,
23 it's something that subsistence hunters do anyway.

24

25 CHAIRMAN O'HARA: Yeah.

26

27 MR. HEYANO: So we're not asking them to
28 do something different or burdening them with regulation.
29 You know, they pack the ribs out and brisket and rump and
30 everything and the meat's still on the bone. I think in
31 order to be consistent with State regulations, it would
32 be helpful just to leave it in.

33

34 CHAIRMAN O'HARA: Okay, any other
35 comments Council members? Let's continue on. Are there
36 any other reports on this proposal?

37

38 MR. EDENSHAW: If Pat feels free -- I
39 don't have any -- I don't have the proposal.....

40

41 CHAIRMAN O'HARA: There were no written
42 comments?

43

44 MR. EDENSHAW: There wasn't any on these
45 ones here, 28 or 28B unless she wants to provide those.

46

47 MS. McCLENAHAN: I'm sorry, I have no
48 comments either.

49

50 CHAIRMAN O'HARA: And there are no State

00070

1 comments as far as we have on this proposal?

2

3 MR. EDENSHAW: Those would be covered
4 with the YK Council.

5

6 CHAIRMAN O'HARA: Okay. Robyn.

7

8 MR. SAMUELSEN: Thank you, Mr. Chairman.

9 I have no problem with extending an opportunity, it's
10 just that this spoilage issue, you know, I don't want to
11 be pointing fingers at subsistence users that there's a
12 spoilage problem with their meat if I don't know the
13 numbers. But if there's subsistence users in that area
14 and non-subsistence users and they're hunting caribou in
15 the fall, you know, in a raft or versus guys in a skiff
16 from the villages, two different modes of transportation
17 and we've dealt with this issue on the Mulchatna and
18 moose and I think on caribou also, keeping the meat on
19 the bone, which has been real beneficial to surrounding
20 villages and wildlife that is shot is going to be coming
21 back. But I was just concerned about the outright --
22 this is a Federal Advisory Council and we're saying that
23 the subsistence guys are spoiling meat without any
24 documentation. But there's both classifications of
25 hunters in that area, right?

26

27 MS. McCLENAHAN: Right. That's correct.

28

29 MR. SAMUELSEN: And I agree with Robert,
30 subsistence users usually like to bring the bones home
31 and have bokooks (ph) and what not.

32

33 CHAIRMAN O'HARA: Sure.

34

35 MS. McCLENAHAN: Mr. Chairman.

36

37 MR. SAMUELSEN: But I just want to make
38 it clear that we're not pointing the finger at the
39 subsistence users for waste.

40

41 CHAIRMAN O'HARA: Sure. Go ahead, Pat.

42

43 MS. McCLENAHAN: Dave Fisher is trying to
44 track down a State regulation. We haven't yet found a
45 State regulation that says that. It's not in the
46 published book and we're trying to find out if it was
47 passed this year perhaps.

48

49 CHAIRMAN O'HARA: Go ahead, Robert.

50

00071

1 MR. HEYANO: Well, I think in reading
2 this, Mr. Chairman, I think what it says is that.....

3
4 CHAIRMAN O'HARA: What page are you on?
5

6 MR. HEYANO: I'm on Page 87 of 28B.

7
8 CHAIRMAN O'HARA: Okay.
9

10 MR. HEYANO: You know, this first
11 paragraph after the top box there.

12
13 CHAIRMAN O'HARA: Uh-huh.
14

15 MR. HEYANO: It says Staff recommends a
16 modification be added to the proposed change that would
17 require all edible meat from caribou harvest prior to
18 October 1 in that portion of 18, south of the Yukon
19 remain on the -- this modification will comply with local
20 harvest and transport methods, okay, and would favor
21 reduction in spoilage. I mean those are -- I don't think
22 they're -- I mean those are all true and accurate
23 statements, if you leave it on the bone you're going to
24 reduce spoilage and it complies with local harvest and
25 transport methods.

26
27 CHAIRMAN O'HARA: Uh-huh.
28

29 MR. HEYANO: So maybe they're not
30 implying that there is spoilage.

31
32 CHAIRMAN O'HARA: Well, yes, Pat.
33

34 MS. McCLENAHAN: Mr. Chairman, we do have
35 the Alaska hunting regulations for 2000/2001 and on Page
36 15 under meat there is a regulation. You must salvage
37 and remove from the field all meat and so forth. Let's
38 see, in Units where meat must be left on the bone,
39 quarters may be cut in pieces. You must salvage -- it
40 goes on anyway. This is the page that we were looking
41 for. So it is in the State regulation.

42
43 CHAIRMAN O'HARA: So you think that the
44 State regulation, the Federal proposal here is.....

45
46 MS. McCLENAHAN: I think they're just
47 trying to mirror the State.

48
49 CHAIRMAN O'HARA: Okay, fine. Does the
50 Council have a problem with that part of the proposal?

00072

1 But maybe you'd kind of let the district that this
2 pertains to, to go with their own spoilage area or are
3 you happy with meat on the bone and not spoiling? What's
4 the wish of the Council. Let's have a proposal or else
5 table it.

6

7 MR. HEYANO: Well, I guess, Mr. Chairman,
8 to get the ball rolling I would move for adoption of
9 Proposal 28B.

10

11 CHAIRMAN O'HARA: Second.

12

13 MR. SAMUELSEN: Second.

14

15 CHAIRMAN O'HARA: Okay, Robert, would you
16 like to speak to your motion?

17

18 MR. HEYANO: Well, Mr. Chairman, I think
19 it's valid to delete the existing regulations that
20 reference the Kilbuk Caribou Herd. We've heard a report
21 that it probably doesn't exist anymore, they're all
22 Mulchatna animals. And I think aligning the seasons and
23 the regulations with existing State would be beneficial
24 to the hunting public. And I believe it doesn't impose
25 any additional burden on the Federally-qualified
26 subsistence hunters.

27

28 CHAIRMAN O'HARA: Any other Council
29 members want to have a comment. Call for the question.

30

31 MS. KELLEY: Question.

32

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

35

36 IN UNISON: Aye.

37

38 CHAIRMAN O'HARA: Opposed.

39

40 (No opposing votes)

41

42 CHAIRMAN O'HARA: Ayes have it. Cliff,
43 do we have anything else?

44

45 MR. EDENSHAW: No, Mr. Chair.

46

47 CHAIRMAN O'HARA: No more proposals.

48

49 MR. EDENSHAW: No.

50

00073

1 MR. SAMUELSEN: Pat.

2

3 CHAIRMAN O'HARA: Pat, excuse me, go
4 ahead.

5

6 MS. McCLENAHAN: Mr. Chairman, we have
7 Proposal WP02-28A.

8

9 CHAIRMAN O'HARA: A handout?

10

11 MS. McCLENAHAN: Which is the big
12 handout.

13

14 CHAIRMAN O'HARA: Okay.

15

16 MS. McCLENAHAN: This proposal asks to
17 revise the customary and traditional use determination
18 for caribou in Unit 18, which was also herd based. It
19 would do away with using an individual caribou herd, the
20 Kilbuk Caribou Herd as a basis for the customary and
21 traditional use determination and it would use, instead,
22 the resource use area descriptions.

23

24 The proposed Federal regulation can be
25 found on the next to the last page just about, sorry
26 about this being so long but -- it can be found on Page
27 67 of this large.....

28

29 CHAIRMAN O'HARA: The big packet?

30

31 MS. McCLENAHAN: Uh-huh.

32

33 CHAIRMAN O'HARA: Okay.

34

35 MS. McCLENAHAN: This proposal will have
36 no effect on the communities of Twin Hills and Togiak.
37 And it proposes to add the community of Manokotak, which
38 is in Unit 18 and also Lower Kalskag, which is located on
39 the Unit 18 and 19 boundary.

40

41 CHAIRMAN O'HARA: Manokotak is 18?

42

43 MS. McCLENAHAN: Uh-huh.

44

45 MR. HEYANO: For C&T?

46

47 MS. KELLEY: 17(A).

48

49 CHAIRMAN O'HARA: All right, yeah.

50

00074

1 MS. McCLENAHAN: I'm sorry, 17.

2

3 CHAIRMAN O'HARA: 17.

4

5 MS. McCLENAHAN: 17, excuse me.

6

7 MS. KELLEY: A.

8

9 CHAIRMAN O'HARA: It's in 17(A).

10 Manokotak's got to be in 17(A).

11

12 MS. McCLENAHAN: And so our preliminary
13 conclusion is to support the proposal with the
14 modification to add the Unit 17 community of Manokotak
15 and Lower Kalskag to the recommendation.

16

17 CHAIRMAN O'HARA: Okay. Anything else?

18

19 MS. McCLENAHAN: That's all.

20

21 CHAIRMAN O'HARA: Cliff, was there
22 anything else in the way of a State of Alaska report or
23 written comment?

24

25 MR. EDENSHAW: No, Mr. Chair.

26

27 CHAIRMAN O'HARA: We don't have anybody
28 here, I assume from that district on this proposal?
29 Council members, do you have any other questions of Pat?

30

31 (Council shakes head negatively)

32

33 CHAIRMAN O'HARA: What's the wishes on
34 this proposal, 28, Unit 18? Yes, Robert.

35

36 MR. HEYANO: I have a question of Pat.
37 Since the Mulchatna caribou is relatively a new species
38 in that area, how did you determine customary and
39 traditional by community?

40

41 MS. McCLENAHAN: The history of this is
42 pretty interesting. We adopted -- originally adopted the
43 C&T finding of the State and then we added, I believe,
44 Kwethluk -- not Kwethluk -- Quinhagak -- not Akiak or
45 Akiachuk, but the one that's next to it, we added one of
46 the Kuskokwim communities.

47

48 MR. ABRAHAM: Kwethluk?

49

50 MS. McCLENAHAN: No, it wasn't Kwethluk.

00075

1 MR. ABRAHAM: Oscarville?

2

3 MS. McCLENAHAN: No. What's next to
4 Akiak and Akiachak.

5

6 MR. ABRAHAM: There is Akiak, Akiachak,
7 Kwethluk.

8

9 MS. McCLENAHAN: Go the other way?

10

11 MR. ABRAHAM: Tuluksak?

12

13 MS. McCLENAHAN: No, I'm sorry, I don't
14 remember now. But anyway, only one community was
15 included. And then the next step was to divide.....

16

17 MR. ABRAHAM: Oscarville?

18

19 MS. McCLENAHAN:between north of
20 the Yukon River and south of the Yukon River. And
21 slowly, they added more and more communities and it got
22 really confusing. And Laura Jurgensen was the one who
23 prepared this analysis and she went back to old maps that
24 we have. In particular we used Ron Thuma's maps that I
25 may have mentioned here before to you, he was an
26 anthropologist in our Office of Subsistence Management a
27 number of years ago. And in the '80s he visited these
28 communities as they were developing those CCP for the
29 Refuge and the community members got together and drew
30 maps. And so some of this is based on community member
31 maps.

32

33 And so, yes, it's true, it is -- they are
34 relatively new and the data are not very good. We have
35 just put down what we could find.

36

37 CHAIRMAN O'HARA: Robert.

38

39 MR. HEYANO: I guess more specifically
40 then, Mr. Chairman, I have no doubt that some of these
41 communities or residents of these communities at one
42 point in time hunted caribou in this particular area.

43

44 MS. McCLENAHAN: Yes.

45

46 MR. HEYANO: But probably not Mulchatna
47 Caribou Herd.

48

49 MS. McCLENAHAN: Probably not -- or maybe
50 not. We don't know.

00076

1 MR. HEYANO: And some of these
2 communities probably don't even have the history of doing
3 it. Just because they're physically located in the area
4 today.

5
6 MS. McCLENAHAN: That's right.

7
8 MR. HEYANO: I'm curious on how the
9 customary and traditional use determination was made and
10 then I see you're including Togiak, Twin Hills and
11 Manokotak.

12
13 MS. McCLENAHAN: Uh-huh.

14
15 CHAIRMAN O'HARA: Twin Hills, excuse me,
16 go ahead Pat.

17
18 MS. McCLENAHAN: No, you, please.

19
20 CHAIRMAN O'HARA: Twin Hills, Manokotak
21 and Togiak, of course, are part of the Kilbuk herd.
22 We've discussed that in long, long terms. They moved
23 over in that area and then they kind of got gobbled up
24 with the Mulchatna herd.

25
26 MS. McCLENAHAN: The caribou.....

27
28 CHAIRMAN O'HARA: That's a fast moving
29 customary and traditional trade thing, Robert. That's a
30 good example of how Title VIII really does work, they
31 just mesh together and all of a sudden you have new
32 customary and traditional use findings.

33
34 MR. HEYANO: Well, I guess, Mr. Chairman,
35 I -- you know, if you want to favorable vote out of me, I
36 need to understand the methodology a little better.....

37
38 CHAIRMAN O'HARA: Well.....

39
40 MR. HEYANO:on how this all came
41 about.

42
43 MS. McCLENAHAN: The caribou, for the
44 most part, have been absent from the Yukon-Kuskokwim
45 Delta for 137 years since reindeer herding inception and
46 all of the hunting of the caribou. And they finally
47 withdrew eastward and have been gone for a long,
48 longtime. The way that we know caribou were hunted is
49 that we have things like caribou bones in archeological
50 sites of villages in the region. Things like bowls with

00077

1 decoration of caribou in the middle, soup bowls, things
2 like that. And so it's secondary data. It's not, you
3 know, direct data, we have to infer. And because the
4 subsistence lifestyle is an opportunistic one, if caribou
5 were in the area, the people would be hunting them.

6

7 CHAIRMAN O'HARA: Robert, did you have
8 other comments you want to make, you still have the
9 floor.

10

11 MR. HEYANO: If they had C&T finding for
12 caribou, then why are we going through this process?
13 Because if I follow you correctly it doesn't matter if
14 it's Kilbuk caribou, Mulchatna caribou or caribou from
15 the Porcupine herd, as long as they're within some
16 geographic area they have C&T finding.

17

18 MS. McCLENAHAN: That's the whole point.
19 We want to remove the finding from herd, a particular
20 herd, to make it a geographically based finding. We
21 don't want it attached to the Kilbuk Caribou Herd because
22 -- or the Mulchatna herd because how are you going to
23 tell the animals apart now.

24

25 MR. HEYANO: So then are we adding
26 communities from the Kilbuk herd to the Mulchatna herd?

27

28 MS. McCLENAHAN: No, we're just adding
29 communities to the Unit 18, the general Unit 18 finding.
30 Because as we went through this process, we found that
31 those people hunted in Unit 18 and so we're providing
32 them with -- they hunted caribou in Unit 18 and we're
33 providing them now with an opportunity to continue
34 hunting caribou in Unit 18.

35

36 CHAIRMAN O'HARA: I guess the way I see
37 it is the common sense type of approach. They have never
38 been there before and they used them -- somewhere along
39 here, you know, they said 14,000 years ago something
40 happened, I'm glad they didn't say three million because
41 it doesn't -- it goes way beyond me, and then all of a
42 sudden the caribou started walking through these areas
43 and the people are going to use them. And of course, in
44 a year they may not walk through the area again, they may
45 not be of use. So I can see where you're trying to just
46 remove the Kilbuk stigma out of this migration where you
47 have use of animals.

48

49 Pete.

50

00078

1 MR. ABRAHAM: To enhance her story. The
2 caribou was the main source of big game animal in this
3 entire region over here. It even dated back to bow and
4 arrow war. Even I think (In Native) story up there, even
5 the Russian Journal that I read that came through here
6 are talking about caribou all the way up to Kuskokwim
7 area and these are in the 1800s. So there was no
8 reindeers then until they were introduced in, what, 1923
9 in that area there. I mean the caribou is the main --
10 like I said, there was no moose in this area. In fact
11 there was no trees in this area according to the Russian
12 Journal. So anywhere you go in Kuskokwim, anywhere you
13 go in Bristol Bay, the caribou was the big game animal
14 here. Even dating back to the bow and arrow war.
15

16 CHAIRMAN O'HARA: Okay. Okay, Council
17 members do you understand now what they want on Proposal
18 28 and what is the wish of the Council? Do you want to
19 take the Kilbuk herd out of there and make it just a
20 common use type of thing or what do you want to do?
21

22 MR. ABRAHAM: Kilbuk and Mulchatna, they
23 have same dialect now.
24

25 CHAIRMAN O'HARA: They have the same
26 dialect, okay.
27

28 MR. ABRAHAM: You bet your boots.
29

30 CHAIRMAN O'HARA: Munch, munch, okay.
31

32 MR. HEYANO: I would move for....
33

34 CHAIRMAN O'HARA: Go ahead Robert -- no,
35 Robyn, go ahead.
36

37 MR. SAMUELSEN: So what happens when the
38 caribou disappear over there and they become Mulchatna,
39 who has the C&T finding on the Mulchatna Caribou Herd?
40

41 CHAIRMAN O'HARA: Good question.
42

43 MS. McCLENAHAN: Well, they will no
44 longer be -- they won't be -- for example, if the
45 Mulchatna herd removes itself to Unit 19, which they
46 probably wouldn't but they're not -- before if -- if it
47 was Mulchatna based then they could hunt the Mulchatna
48 herd wherever it was, but now you have lines and this is
49 Unit 18 based. They can hunt in Unit 18. They can hunt
50 caribou in Unit 18.

00079

1 MR. SAMUELSEN: So you wouldn't get a C&T
2 in either one?

3
4 MS. McCLENAHAN: No, it's not giving them
5 C&T in Unit 19 or Unit 17, it's only for Unit 18 and it
6 is geographically based.

7
8 CHAIRMAN O'HARA: That's a good question.
9

10 MS. McCLENAHAN: If there's a caribou
11 there they can hunt it during these times.

12
13 CHAIRMAN O'HARA: Okay. Any other
14 questions Council members? Robert, you had a.....
15

16 MR. HEYANO: Well, Mr. Chairman, I would
17 move for the adoption of Proposal 28A, is it?

18
19 CHAIRMAN O'HARA: Uh-huh.
20

21 MS. McCLENAHAN: This one's A, yes.

22
23 CHAIRMAN O'HARA: Is there a second?

24
25 MS. KELLEY: Second.
26

27 CHAIRMAN O'HARA: Okay, Robert, do you
28 want to talk to your motion?

29
30 MR. HEYANO: Well, Mr. Chairman, it's
31 probably in my opinion a common sense proposal. We're
32 identifying customary and traditional use of animals in a
33 specific geographic area rather than a herd.

34
35 CHAIRMAN O'HARA: Very good. Any other
36 comments Council members. Question.

37
38 MR. BALLUTA: Question.
39

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

42
43 IN UNISON: Aye.
44

45 CHAIRMAN O'HARA: Opposed.

46
47 (No opposing votes)
48

49 CHAIRMAN O'HARA: You know, we need a
50 same day's airborne proposal here to liven things up a

00080

1 little. We're all voting alike out here. Do you want to
2 take a little break before we go onto the next one?

3

4 MR. SAMUELSEN: Do another one.

5

6 MS. KELLEY: Yeah.

7

8 MR. HEYANO: There is no more.

9

10 CHAIRMAN O'HARA: That's it, okay.

11

12 MR. HEYANO: That's it, we should take a
13 little break.

14

15 MR. SAMUELSEN: Oh, Robert wants a little
16 break.

17

18 CHAIRMAN O'HARA: Okay, let's take a 10
19 or 15 minute break here and then we'll come back to
20 reports.

21

22 (Off record)

23

24 (On record)

25

26 CHAIRMAN O'HARA: The meeting's back in
27 session and Larry, you're on.

28

29 MR. BUKLIS: Mr. Chairman, Larry Buklis,
30 Office of Subsistence Management, fishery biologist.
31 Earlier in the meeting you took up a discussion about
32 fishery proposals for the next cycle and the idea of
33 rainbow trout and freshwater fish in general and we had a
34 good discussion but I hadn't had a chance to check the
35 Federal Register and consult with other Staff about the
36 regulations. So I've done that and wanted to get back to
37 you with a short briefing.

38

39 On the C&T, or customary and traditional
40 use, consistent with the earlier discussion, everything
41 we looked at indicates that C&T has been determined for
42 salmon and freshwater fish and so that would include
43 trout, rainbow trout. So it's not a C&T issue, to the
44 extent that we can determine.

45

46 In the terms of harvest regulations,
47 consistent with our earlier discussion, permits are
48 required for taking salmon or char. Other fish species
49 can be taken any time without permits being required and
50 by any of the gear as generally allowed in the general

00081

1 provisions, except in the general provisions, not unique
2 to Bristol Bay, in the general provisions there is a
3 clause about rainbow and steelhead trout and I'll just
4 read it. It's, except as provided elsewhere in this
5 section. So unless a specific area allows for this, you
6 may not take rainbow, steelhead trout. So when you read
7 within the Bristol Bay part and it doesn't say anything
8 about rainbow, it looks like you can take them. But you
9 have to go back to the general provisions that cover the
10 whole state in the Federal regulations which says, you
11 cannot take rainbow and steelhead unless it's
12 specifically allowed for in the area.

13
14 So because the Bristol Bay regs don't say
15 positive -- you know, don't you can, you can't. The
16 other freshwater fish, I think I heard blackfish
17 mentioned, maybe whitefish, those are covered in the
18 other fish category which you can take any time with any
19 of the general provisions for gear. So that's very
20 liberal. Any proposals you would make could only narrow
21 that. And if you want to narrow the regulations for
22 other fish you can. But it's very liberal now. So you
23 don't need to make proposals to allow for other fish
24 take.

25
26 So in Bristol Bay, salmon and char have a
27 permit system, other fish is very liberal except rainbow
28 trout.

29
30 CHAIRMAN O'HARA: And steelhead.

31
32 MR. BUKLIS: And rainbow steelhead,
33 right. And those runs you cannot take because of the
34 general provision. So let me mention, this is consistent
35 with State regulations in this area. Some areas or most
36 areas in the state, in our Federal regulations, have a
37 provision that allows for the retention of rainbow
38 steelhead when taken incidentally while going for other
39 fish in net fisheries or through the ice. And I notice
40 the Bristol Bay area it doesn't have that incidental take
41 retention provision. And it's worded in other areas like
42 this. Again, this is not in Bristol Bay right now. If
43 you take rainbow trout incidentally in other subsistence
44 net fisheries or through the ice, you may retain them for
45 subsistence purposes. So many or most, I didn't check
46 every area, many areas have that provision that you can
47 take them if you -- you can keep them if taken
48 incidentally. And the State regulations allow for that
49 kind of incidental take retention but our Federal
50 regulations don't for Bristol Bay.

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1 If you desire to establish a rainbow
2 trout harvest opportunity, then you would need to get
3 past this general provision that prohibits it for your
4 area. And you asked Cliff to work on this, I could
5 certainly work with Cliff and do this with you instead of
6 Cliff, but I would really need your -- the will of the
7 Council on this. And, again, this isn't due until March
8 29th, the deadline date. So we don't have to solve it
9 today, but at some point we would need more clarity on
10 wherein the spectrum of regulation you'd want to be on
11 rainbow trout.

12
13 And to summarize, the current status, you
14 cannot retain them and you certainly can't have a
15 directed effort. Kind of the next level up from being a
16 little more liberal would be to allow incidental catch
17 retention or you can move up to what you have for salmon
18 and char here, which is a permit system or you could move
19 up to what you have here for other fish, which is no
20 permits required, year-round allowance, no particular
21 regulations on gear type; so that's a very liberal
22 system. I have no idea where, in that spectrum, you want
23 to be.

24
25 Mr. Chairman, that concludes my briefing.

26
27 CHAIRMAN O'HARA: Okay. Council members,
28 any questions? Robyn.

29
30 MR. SAMUELSEN: Okay, on Page 23 of this
31 book.

32
33 MR. BUKLIS: Yes.

34
35 MR. SAMUELSEN: The Kuskokwim, let's go
36 to the Kuskokwim, customary and traditional use
37 determination, rainbow trout, steelhead trout, residents
38 of communities of Akiachak, Aniak, Eek, Goodnews, et
39 cetera, and then you get down here at the bottom of Page
40 23 it says, residents of those communities only may take
41 rainbow trout by gillnets, dipnets, rod and reel,
42 handline gear, spear, jigging through the ice. Gillnets,
43 dipnets, fyke nets may not be used for targeting rainbow
44 and steelhead trout from March 15th to June 15th. If
45 rainbow trout are taken in other subsistence net
46 fisheries through the ice they may be retained for
47 subsistence purposes. There's no harvest limit with
48 handline, spear, rod and reel or jigging.

49
50 Is that something we need to do to

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1 clarify our C&T finding because you said, under the
2 general provisions, you may not take rainbow trout and
3 steelhead and if the regulations don't say you can, you
4 said so you can't.

5
6 MR. BUKLIS: Yes, Mr. Chairman. The only
7 correction I make, Robyn, to what you just said is, do we
8 need to do something like that to clarify our C&T? A
9 narrow answer to your question is no, you don't need to
10 do that to clarify your C&T. You've got C&T. You don't
11 have the provision for the taking. So what you read
12 would be regulatory language that would allow you to go
13 out and harvest the fish. You don't need what you just
14 read to establish C&T.

15
16 MR. SAMUELSEN: Okay.

17
18 MR. BUKLIS: You've got C&T for all fish.
19 It's stated as salmon and other freshwater fish, so
20 rainbow are in that group. So you've got C&T. You don't
21 have the regulations that allow take. So what you write
22 is a set of regulations that do allow take. So that is
23 an example.

24
25 MR. SAMUELSEN: If I can?

26
27 CHAIRMAN O'HARA: Yeah, go ahead.

28
29 MR. SAMUELSEN: So what you're
30 recommending, Larry, is allowing you to come back and
31 provide this Council with regulatory options allowing the
32 take?

33
34 MR. BUKLIS: The purpose of my briefing
35 was to provide clarity on where the regulations are at
36 now and, I hope I've done that. And I'm offering to work
37 with you to help you get your proposal in by the
38 deadline, but what I can't do is express your will for
39 you. And there's quite a range of possibilities for
40 rainbow management here and I don't know where in the
41 spectrum of conservative to liberal you want to be. So I
42 don't know if you want to have a subcommittee or an
43 individual assigned to think this through and work with
44 me, but I can't assert my speculation for your interests.
45 The analysis would probably come to me to do so there
46 needs to be some independent components to this with your
47 proposal and my involvement.

48
49 CHAIRMAN O'HARA: Any other comment?
50 Well, we probably have between now and the end of the

00084

1 meeting, which we'll probably break at 5:00 for dinner or
2 close to it, come back at 6:00 and work for a couple
3 hours. We're probably going to be done pretty close to
4 noon tomorrow, so whatever is going to take place is
5 going to take place in a hurry. And so if this Council
6 wants to make a recommendation on this rainbow thing,
7 maybe between now and 8:00 o'clock this evening, if we
8 could have some comment with Cliff, maybe he can give you
9 some direction before the end of the meeting of what we
10 want to do. However, I guess the question I have,
11 Council members is if we make a recommendation -- well,
12 we can get the proposal in before the 29th of March?
13

14 MR. BUKLIS: Yes, Mr. Chair, the actual
15 form doesn't need to be in for about another month.

16
17 CHAIRMAN O'HARA: Uh-huh.

18
19 MR. BUKLIS: The key, right now, with
20 your current interest and the group assembled is, to get
21 a sense of what direction you want to go to in concept.

22
23 CHAIRMAN O'HARA: Okay.

24
25 MR. BUKLIS: And then I can work with
26 people to flesh out language.

27
28 CHAIRMAN O'HARA: That will be okay,
29 Cliff?

30
31 MR. EDENSHAW: Yes.

32
33 CHAIRMAN O'HARA: What do you think
34 Council members?

35
36 MR. SAMUELSEN: Well, maybe I'm just the
37 one that's confused but it seems pretty confusing to me.

38
39 MS. KELLEY: It is confusing to me, too.

40
41 MR. SAMUELSEN: It isn't consistent in
42 the State regulations because there's a -- to me there's
43 a difference between Bristol Bay and the Kuskokwim regs
44 on what they're saying.

45
46 MR. BUKLIS: Absolutely. That's clear.

47
48 MR. SAMUELSEN: And we both have a C&T
49 finding.

50

00085

1 MR. BUKLIS: Yes.

2

3 MR. SAMUELSEN: The question is the take
4 issue?

5

6 MR. BUKLIS: I cannot explain why the
7 very broad C&T for Bristol Bay doesn't exclude rainbow
8 trout. All I can tell you is it appears that the C&T
9 speaks broadly to all fish. It categorizes them as
10 salmon and freshwater fish, but that's quite broad. But
11 as you read through the harvest rules, there isn't an
12 allowance for taking rainbow. And so if you want to
13 allow subsistence fishers to target rainbow trout,
14 they've got a C&T but there aren't the harvest rules to
15 let them do it. So what I was trying to say is, is you
16 can be quite conservative in your rules and have permit
17 systems and limits and gear or you can be as liberal as
18 you are with other fishes, which is any time of year,
19 most any gear, no permit needed. And I can't speculate
20 as to where you want to be on rainbow trout.

21

22 CHAIRMAN O'HARA: Did you want to talk
23 some more?

24

25 MR. SAMUELSEN: No, Robert.

26

27 MR. HEYANO: Believe it or not, Mr.
28 Chairman, I'm not confused.

29

30 (Laughter)

31

32 MS. KELLEY: Well, I'm confused.

33

34 MR. HEYANO: This is exactly, on another
35 issue here, is that, we have C&T finding of same day
36 airborne hunting but we have no regulation that allows
37 it.

38

39 CHAIRMAN O'HARA: Uh-huh.

40

41 MR. HEYANO: Same thing with the rainbow,
42 we have C&T finding for rainbow but we don't have a
43 regulation that allows us to go out and practice that, to
44 harvest it. And that's what we need to do, we need to
45 decide if we want to catch them with 150 fathoms of
46 gillnet or just a single hook and a line.

47

48 CHAIRMAN O'HARA: Stick of dynamite, uh?

49

50 MR. HEYANO: Whatever.

00086

1 CHAIRMAN O'HARA: Whatever it takes.

2

3 MS. KELLEY: We want to catch them with
4 hook and line.

5

6 CHAIRMAN O'HARA: Okay, well, we have
7 some marching orders now then and we thank you for that
8 clarification. It's never stopped anyone from taking a
9 rainbow by the way.

10

11 (Laughter)

12

13 CHAIRMAN O'HARA: I don't know why it's
14 such a big issue.

15

16 MR. SAMUELSEN: Well, I think it could
17 be, Mr. Chairman, if we.....

18

19 CHAIRMAN O'HARA: Yeah, if the rules
20 contain that, yeah.

21

22 MR. SAMUELSEN:if a guy sets a
23 gillnet out and he gets some over-aggressive officer that
24 stops by while he's pulling the net, what happens if he's
25 got 25 rainbow and two other fish, what's -- you know,
26 what's he targeting.

27

28 CHAIRMAN O'HARA: And on the other hand,
29 I think that, you know, the rainbow is a trophy type
30 sportfish and we need to take that into consideration,
31 too. It's valuable to the state of Alaska and to the
32 residents of the Kvichak. They have not fishing -- you
33 can't take a rainbow between -- you can't eat a rainbow,
34 it's hook and release only on the Kvichak between June
35 8th and October 1. That really galls me but, you know,
36 the people in those areas said, fine, we won't do that
37 because this is a deal that brings in money to our
38 villages and this is what we want, so we're stuck with
39 that as well. So I don't think it's a real easy issue
40 but I really do think that we need to have a provision
41 where on Federal waters and lands, so if we want to be
42 able to harvest these for subsistence use we ought to be
43 able to do it. So we need to give some marching orders
44 to go in that direction.

45

46 Are you satisfied with this up to this
47 point?

48

49 MR. SAMUELSEN: (Nods affirmatively)

50

00087

1 CHAIRMAN O'HARA: Okay, and is it okay if
2 we go onto the next agenda item?

3

4 (Council nods affirmatively)

5

6 CHAIRMAN O'HARA: And Cliff we're going
7 to be on customary trade?

8

9 MR. EDENSHAW: Agency reports.

10

11 CHAIRMAN O'HARA: Who's Staff. Pat, here
12 we are again, all right.

13

14 MS. McCLENAHAN: You thought you got rid
15 of me.

16

17 CHAIRMAN O'HARA: Talk to us.

18

19 MS. McCLENAHAN: Mr. Chairman, Pat
20 McClenahan, Staff anthropologist. I will be providing
21 you with customary trade briefing which you can find on
22 Tab F, Pages 1 through 13. First, I'm going to review
23 the current status of the Board's actions to refine
24 Federal regulations for customary trade and then Carl
25 Jack will provide a report on tribal consultation for
26 customary trade. Next, I'll ask the Council to take
27 action on the proposed section C-11, 12 and 13 that you
28 would find at Tab F on Page 5. And finally, I'll take
29 any other comments that you have.

30

31 The Board began the process of refining
32 the Federal regulations for customary trade in December
33 2001. The Board supported part of the recommendations of
34 the Customary Trade Task Force and Regional Advisory
35 Councils to issue a proposed rule allowing unlimited
36 customary trade between rural residents and prohibiting
37 customary trade or barter with fishery businesses. At
38 the same time, the Board chose to keep things as they are
39 for the transactions between rural residents and others
40 and allowed for more discussion by the Councils, tribal
41 governments and the public before proposing additional
42 changes. Comments need to be submitted to the Board by
43 the end of the public comment period, March 29th, 2002.

44

45 In late 2000, the Board established a
46 Customary Trade Task Force made up of Regional Advisory
47 Council representatives, fishery biologists, law
48 enforcement personnel, anthropologists and others. The
49 reason for the Task Force was to address the issues that
50 existed with existing regulations. That they are not

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1 specific enough for regulation and for enforcement.
2 Additionally, customary trade practices vary from region
3 to region. This may require accommodating regional
4 differences in regulation. We sought Regional Advisory
5 Council assistance in clarifying this part of the
6 regulations.

7
8 After Regional Council other input was
9 gathered. Based on their input, the Task Force presented
10 six options for the Board to consider. Among the Council
11 comments were seven region specific recommendations. The
12 six options considered by the Board are found on Tab F,
13 Pages 2, 3 and 4. The Board decided to implement option
14 five to publish the proposed rule for public comment with
15 the draft regulatory changes as recommended by the
16 Customary Trade Task Force except maintain the status quo
17 for transactions between rural residents and others.
18 Option 5 provides, general support and consensus for
19 unlimited transactions between rural residents. It
20 provides the prohibition of transactions with fisheries
21 businesses, and it allows further analysis and discussion
22 to occur before proposing any further restrictions on the
23 transactions between a rural resident and others in a
24 proposed rule.

25
26 The Board decided to imitate a formal
27 rulemaking process. The Board doesn't believe that this
28 rule will create additional fish harvest or that it will
29 stimulate commercial market sale. Nothing in the
30 proposed rule would set aside or interfere with the
31 existing State or Federal food health safety regulations
32 and laws that govern the processing, handling or sale of
33 fish. Tribal consultation between the Board and 229
34 Federally recognized tribes is ongoing with an open
35 consultation period from February 1st through March 29th,
36 2002 and Carl would like to speak to that now.

37
38 MR. JACK: Mr. Chairman, members of the
39 Board. The Federal Subsistence Board has initiated or is
40 starting tribal consultation on the proposed rule with
41 the 229 Federally recognized tribes similar to the
42 consultation that was conducted on the preliminary draft
43 regulations from the Customary Trade Task Force. The
44 consultation is conducted in accordance with the
45 Department of Interior, Alaska Policy on Government to
46 Government relations with Alaska Native Tribes. And this
47 is being done in close cooperation with the Alaska Inter-
48 Tribal Council. And this is because the proposed rule
49 may have a substantial direct effect on Federally
50 recognized tribes and we are encouraging the tribes to

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1 submit comments on the proposed rule as outlined above.

2

3 The Office of Subsistence Management has
4 anticipated to get the approval from Washington, D.C. to
5 publish the proposed rule in the Federal Register before
6 February. But for some reason it almost got lost in a
7 black hole back there. We finally got approval from D.C.
8 within the last few days to publish the proposed rule in
9 the Federal Register and I believe it has been done as of
10 yesterday.

11

12 Pat mentioned a comment period to be open
13 from February 1 through March 29, the Administrative
14 Procedures Act requires, I believe, up to 60 days and
15 since the proposed rule is now being published in the
16 Federal Register, we may be looking at the comment period
17 to be extended to almost the end of April. So I just
18 want you to be aware of that and while the public
19 meetings by the Regional Advisory Councils are being
20 conducted now and the comments are being taken, I
21 believe, according to the Public Policy Procedures, per
22 the Administrative Procedures Act, the comment period
23 will probably be open to the middle of April. Right now,
24 according to the schedule the Federal Subsistence Board
25 is scheduled to take action on about May 15 and, again,
26 that may be deferred.

27

28 Thank you.

29

30 CHAIRMAN O'HARA: Any questions of Carl,
31 Council members?

32

33 (Council shakes head negatively)

34

35 CHAIRMAN O'HARA: Thank you, Carl. But
36 there may be other comment as we go along.

37

38 MS. McCLENAHAN: Could you please turn to
39 Page 5, Tab F and there you'll find the proposed rule.
40 Subpart D, subsistence taking of fish and wildlife. So
41 Part D of 36 CFR, Part 242 and 50 CFR, Part 100 at 27(C)
42 is revised to read as follows: 27. Subsistence taking
43 of fish C-11. Transactions between rural residents, the
44 exchange between rural residents and customary trade of
45 subsistence harvest of fish, their parts or their eggs
46 legally taken under the regulation in this part
47 unprocessed or processed using customary and traditional
48 methods is permitted.

49

50 Mr. Chairman, would the Council like to

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1 take action on this particular paragraph?

2

3 CHAIRMAN O'HARA: How about if you give
4 us all three and then we'll come back and deal with them
5 one at a time.

6

7 MS. McCLENAHAN: All right. 12.
8 Transactions between a rural resident and others.
9 Customary trade for fish, their parts or their eggs
10 legally taken under the regulations in this part from a
11 rural resident to commercial entities other than
12 fisheries businesses or from a rural resident to
13 individuals other than rural residents is permitted as
14 long as the customary trade does not constitute a
15 significant commercial enterprise.

16

17 And 13. No purchase by fisheries
18 businesses if you are required to be licensed as a
19 fisheries business under Alaska Statute A.S. 43.75.011.
20 You may not purchase or receive for commercial purposes
21 or barter or solicit to barter for subsistence taken
22 fish, their parts or their eggs.

23

24 CHAIRMAN O'HARA: Okay. You have three
25 parts here to customary trade, what's the wishes of the
26 Council? Do you want to act on each one of these
27 individually or accept or reject all three of them? This
28 is an action item. Yes, Robert.

29

30 MR. HEYANO: If I go back to the appendix
31 Mr. Chairman and see on Page 11, our previous actions was
32 that for household members for salmon taken in the
33 Bristol Bay exchange area, we wanted a limit of \$1,000
34 and then for household members to others, who are not in
35 the Bristol Bay area we wanted \$400; is that correct?

36

37 MS. McCLENAHAN: That's correct, right
38 here on Page 11.

39

40 CHAIRMAN O'HARA: Does that suffice, what
41 you want one, two and three, Robert?

42

43 MR. HEYANO: Thank you, Mr. Chairman. I
44 don't -- in reading the various options.....

45

46 CHAIRMAN O'HARA: Uh-huh.

47

48 MR. HEYANO:I don't see anything
49 that leads me to change my mind since the last meeting.
50 I am fully convinced we need some type of system that's

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1 going to be able to allow the people who are responsible
2 for enforcing these limits some paper trail so they can
3 do that. And I guess if we're not going to have that
4 form of regulation then to me there's no use putting
5 limits on them.

6

7 CHAIRMAN O'HARA: Okay. So your
8 recommendation, Robert, is that we stick with 1,000 and
9 400 just like we proposed earlier?

10

11 MR. HEYANO: Yes, Mr. Chairman.

12

13 CHAIRMAN O'HARA: Any other questions,
14 Council members? All right, apparently that's what we're
15 going to stick by. Robyn.

16

17 MR. SAMUELSEN: Thank you, Mr. Chairman.
18 I asked Cliff to get ahold of some other RAC comments and
19 I've got the North Slope comments, I've got the Seward
20 Peninsula comments and Eastern Interior comments. And
21 Eastern Interior's comments on No. 11 on Page 5 is that
22 they wanted -- their changes were to delete, their eggs,
23 the egg exception does not apply to whole fish. I guess
24 in the Eastern Interior, under the Board of Fish's
25 regulations they're allowed -- certain river systems sell
26 eggs.

27

28 Under 12, they have amended 12 to delete,
29 or their eggs, and then the next sentence, legally taken
30 under the regulations in this part from a rural resident
31 to individuals other than rural residents is permitted as
32 long it is used for personal or family consumption of the
33 individual who purchases the fish. It says no consensus
34 on the dollar value and does not exceed 200 per year in
35 sales. So I guess we're kind of -- and they were worried
36 about commercial enterprise under the guise of
37 subsistence being more valuable than a commercial fishery
38 in a river system, they're talking about the Yukon River.

39

40 CHAIRMAN O'HARA: Any other comments
41 Council members? Pete.

42

43 MR. ABRAHAM: In Kotzebue, Norton Sound,
44 Yukon and Kuskokwim area, especially the Yukon and
45 Kuskokwim area, there you have a problem possibility.
46 The Kotzebue and Norton Sound has hardly any problem of
47 exceeding 1,000, the Yukon area has a problem of
48 exceeding 1,000 easily. Because you see a lot of it
49 during the AFN. I think \$1,000, on the areas over here
50 is not so bad -- it's not because -- it's not affecting

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1 the Bristol Bay area because I don't think anybody in
2 Bristol Bay will exceed \$1,000 on the salmon species no
3 matter where you go because it's abundance over here
4 unless you are bartering between urban area. If
5 somebody's prepared to, you know, barter -- exceed -- you
6 know, exceed a thousand dollars, otherwise I don't see no
7 problem anywhere.

8

9 CHAIRMAN O'HARA: Yes. Do you have a
10 comment, Robyn?

11

12 MR. SAMUELSEN: Yeah. I fully believe
13 that people would be innovative enough to look for ways
14 to sell salmon up to 1,000 or exceeding 1,000. If I had
15 five members in my household that would allow me to
16 possibly sell \$5,000 worth of -- well it says here, the
17 total cash value per household member. Yeah, if I had
18 five members it would allow me, Pete, to sell up to
19 \$5,000. I've had individuals in Dillingham ask me,
20 because this hit the paper, would they be able to then go
21 catch king salmon under the disguise of subsistence and
22 sell a thousand dollars worth.

23

24 CHAIRMAN O'HARA: I may be wrong, but I
25 think this has to be in Federal waters that you do this,
26 not State waters.

27

28 MR. SAMUELSEN: Well, that's what I
29 explained, Mr. Chairman.

30

31 CHAIRMAN O'HARA: Yeah.

32

33 MR. SAMUELSEN: However, in Federal
34 waters, in some areas of the state, like Yukon River
35 where there's a lot of Federal waters, then people have
36 depressed runs and they're trying to rebuild them.

37

38 CHAIRMAN O'HARA: And the Branch.

39

40 MR. SAMUELSEN: I think what we're trying
41 to do is recognize the past traditional practices of
42 trade and barter, we're not trying to create "a new
43 commercial fishery in the disguise of subsistence." I
44 don't know how we balance that. I don't know if the
45 1,000 and the 400 is, you know, per household or should
46 be total per household, but I'm just using an example.
47 If there are five members in my family, does that qualify
48 me for \$5,000 in sales if I lived on the Yukon River.
49 And, you know, where else do we have commercial fishing
50 districts within Bristol Bay that are adjacent -- can I

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1 go up in the Togiak River and catch a thousand dollars
2 worth of kings and sell them, if this regulation passes?
3 Can somebody answer that? Can me and my family of five
4 go up and catch \$5,000 worth of kings in the Togiak River
5 and sell them? I see heads going up and down. Even when
6 there's a conservation problem, you know, under the
7 disguise of subsistence -- I think we got to be careful
8 here because the dollar amount doesn't look like much but
9 if you extrapolated it out to the number of subsistence
10 people around the number of families, you know, we all
11 hear the talk of \$1,800 Permanent Fund and so and so's
12 family got \$12,000 worth from the Permanent Fund, that's
13 a substantial amount of money. I think we need to be --
14 the Federal Subsistence Board and we need to be very
15 careful and fair on this that we're not creating another
16 cottage industry that's going to come back and be
17 detriment to subsistence users throughout the whole
18 state.

19

20 MR. ABRAHAM: Mr. Chairman.

21

22 MR. SAMUELSEN: Demographics are
23 changing.

24

25 CHAIRMAN O'HARA: Peter.

26

27 MR. ABRAHAM: If the wording on thousand
28 dollars is right, then you can't go beyond that.
29 Thousand dollars per household not per, you know, just
30 one family.

31

32 CHAIRMAN O'HARA: Council, it says
33 household member, though.

34

35 MR. ABRAHAM: But if you say a household
36 member, then, you know, if you have five, you know, you
37 can go for 5,000 right there. But if you say household,
38 the wording is what you need right here.

39

40 CHAIRMAN O'HARA: I guess are we back to
41 discussing whether we made the right decision of 1,000
42 and 400; is that what you're talking about Robyn?

43

44 MR. SAMUELSEN: I think so, Mr. Chairman.

45

46 CHAIRMAN O'HARA: Shirley, go ahead.

47

48 MS. KELLEY: I guess I must be confused
49 because when I read through Page 5, I don't see a dollar
50 value in there. Am I confused? Because you guys are

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1 talking about dollar values but when I read through this
2 there's no reference to a dollar value.

3

4 CHAIRMAN O'HARA: Robyn.

5

6 MR. SAMUELSEN: I think under -- Shirley,
7 under 12, does not constitute a significant commercial
8 enterprise, I think the key word there is significant.
9 That tells me that it's up to the keys of the beholder,
10 i.e., does the judge think that \$9,000 worth of herring
11 roe sales in Southeast Alaska was significant, he said
12 no. And I think it needs to be clearly defined. I want
13 to recognize the traditional past practices of
14 subsistence users, not penalize them, but I don't want to
15 start a cottage industry. I think that because of
16 demographics, the changing demographics in Alaska, that
17 it's going to come back and bite subsistence users, bona
18 fide subsistence users in the long run.

19

20 CHAIRMAN O'HARA: Shirley.

21

22 MS. KELLEY: I understand that. But if
23 reading through this and we're supposed to vote on it, if
24 there's not a dollar value to it and if we're voting on
25 something that's unenforceable and you don't have any
26 really control over, I don't see any point in yea'ing or
27 nay'ing a regulation that's unenforceable.

28

29 CHAIRMAN O'HARA: Any other comments,
30 Council members? Robert.

31

32 MR. HEYANO: Well, I guess it's my
33 understanding, this is the proposed ruling. We could
34 take a yes or no vote on it or we can add to it or delete
35 to it, correct, for consideration?

36

37 MS. McCLENAHAN: You can do any of those
38 things.

39

40 MR. HEYANO: And that's the part of the
41 discussion that we're at now, I think, at least from my
42 point of view is that this existing regulation isn't
43 something I could support.

44

45 MR. JACK: Mr. Chairman.

46

47 CHAIRMAN O'HARA: Carl.

48

49 MR. JACK: In their December meeting, you
50 will note those options -- those are the options that the

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1 Board looked at. And in order to put this proposed rule
2 in the formal stage of rulemaking, they started off with
3 status quo, so what you see on 12 is the existing
4 regulation. And whereas the intent of the Customary
5 Trade Task Force was to refine it so that it would set
6 allowable amounts so that it can be enforceable. That
7 was the purpose of refining the trade. And the reason
8 they chose that option was so that through the Council
9 meetings it will in gender or result in further
10 discussion of those options and further analysis that
11 will be developed as a result of the discussions that
12 will be submitted to the Board for consideration.
13

14 CHAIRMAN O'HARA: Shirley, did you have
15 more comment? Okay.
16

17 MS. KELLEY: Well, one thing Carl said
18 that, somebody was going to recommend limits and we're
19 going to be able to comment on it or we're going to
20 recommend the limits?
21

22 MR. JACK: Mr. Chairman.
23

24 CHAIRMAN O'HARA: Go ahead, Carl.
25

26 MR. JACK: It's up to the Regional
27 Councils, I guess, to come up with their own
28 recommendations. I mean that's the purpose of starting
29 this whole process.
30

31 CHAIRMAN O'HARA: And we have a
32 recommendation, we gave you a thousand and four.
33

34 MS. KELLEY: Yeah.
35

36 CHAIRMAN O'HARA: That's what Bristol Bay
37 said. Peter was the representative to your committee.
38 And we got to decide now whether you like a thousand and
39 four or not. And that's what we did in the October
40 meeting over in Naknek, I believe, is what we did. And
41 so if you can't live with five times four -- or \$5,000
42 per household then change it to \$400 per household or a
43 thousand dollars among each other and \$400 out of the
44 region and let's make up our mind what we want to do. I
45 don't want to see it taken up to the point where it
46 begins affecting the commercial operations. Bristol Bay
47 is a big commercial operation versus what might happen in
48 the Yukon and Kuskokwim. And I think we're going to end
49 up making recommendations on what we want in our region
50 and let the State of Alaska -- or the other nine regions

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1 do what they want to do.

2

3 Yes.

4

5 MR. HEYANO: Is that an option?

6

7 CHAIRMAN O'HARA: Well, I think it's an
8 option. OF course, it's an option.

9

10 MS. McCLENAHAN: Mr. Chairman.....

11

12 MR. HEYANO: For the Federal Subsistence
13 Board to consider?

14

15 MS. McCLENAHAN:absolutely it is an
16 option.

17

18 CHAIRMAN O'HARA: I don't think we're
19 tied to the Yukon.

20

21 MS. McCLENAHAN: And you can say, for the
22 Bristol Bay region.

23

24 CHAIRMAN O'HARA: Yeah, that's right.
25 And we already have something here that we have acted on.
26 Now, if we want to change it, we can do that at this
27 meeting.

28

29 MR. EDENSHAW: Mr. Chairman.

30

31 CHAIRMAN O'HARA: Go ahead, Cliff.

32

33 MR. EDENSHAW: Yeah, Mr. Chair, what Pat
34 and Carl were discussing, the main thing that we want to
35 focus on is that the Board chose Option 5 and before the
36 Council, 11, 12 and 13 is what the Council should make
37 recommendations on or reject or whatever action that they
38 choose to do but also if you look back at Option 4,
39 Option 4, what Robert was referring to in here, they talk
40 about the customary trade appendix, but Option 4 gives
41 the Regional Councils -- all 10 Regional Council
42 recommendations that they did at the last -- at our fall
43 meeting in Naknek and that's when the Council -- this
44 Council made their monetary recommendations on customary
45 trade. So you know, getting back to what Pat and Carl
46 were discussing on Page 5 under Subpart D here, 11, 12
47 and 13, specifically we were giving marching orders
48 saying that the Councils should make recommendations on C
49 11, 12 and 13. You know, if they choose to cut and paste
50 and sit there and say we still want our monetary figures

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1 that we provided at the last then perhaps that could be
2 pasted in there under whatever, C 11, 12 or 13 that that
3 pertains to.

4

5 CHAIRMAN O'HARA: Carl kept making a
6 reference to what the Federal people will do in relation
7 to tribes and Councils and so on and you can go on
8 forever and the Federal government is just really great
9 at going on forever and having a hard time making a
10 decision. So if we made a decision on what we like for
11 household and dollar amount and say one, two and three
12 forget it or if you're going to pay \$400 for eggs or \$400
13 for a head, pay \$400 for a head or an egg, and I think
14 Bristol Bay ought to be pretty precise saying this is
15 what we want and this is what we're going to do.

16

17 Robyn.

18

19 MR. SAMUELSEN: Thank you, Mr. Chairman.
20 If I was a resident of Egegik and you flew over
21 there.....

22

23 CHAIRMAN O'HARA: Uh-huh.

24

25 MR. SAMUELSEN:and you said Robyn,
26 could I buy some strips from you, my strips are done.

27

28 CHAIRMAN O'HARA: Yeah.

29

30 MR. SAMUELSEN: Yours had all spoiled,
31 sure. I think that's, you know, isolated sales, that's
32 what we're -- that's what we're trying to grapple and
33 recognize here. And this thing has morphed into
34 something different than I'm comfortable doing. Because
35 as former Board of Fish member and traveling around the
36 state and seeing the different parts of the state of
37 Alaska, there's folks out there that under the disguise
38 of subsistence -- well, the old saying, one bad apple in
39 the box ruins it all, and I don't mind them kind of sales
40 happening. I don't want it to become a cottage industry.
41 And that's what I see people are trying to make out of
42 this thing.

43

44 I would offer on No. 12, a revision, that
45 would say, transactions between a rural residents and
46 others customary trade for fish, their parts, legally
47 taken under the regulations in this part from a rural
48 resident to individuals other than rural residents is
49 permitted as long and, here's a new word, it is used for
50 personal or family consumption of the individual who

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1 purchases the fish. That will protect my right when you
2 fly over Dan and you want to buy a sack of strips from
3 me, you recognize it's for your personal family
4 consumption. And I think that's what we -- you know,
5 without a dollar amount. Surely completely recognizing
6 that there might be somebody in Port Heiden that's
7 trading clams, you know, selling a bucket of clams.....

8

9 CHAIRMAN O'HARA: Strips or something,
10 yeah.

11

12 MR. SAMUELSEN: I just feel that a
13 thousand dollar minimum, people are going to take it to
14 the thousand and have their kids and everybody else, dog
15 included, in the sales.

16

17 CHAIRMAN O'HARA: Robert.

18

19 MR. HEYANO: Well, you're referencing 11,
20 aren't you, transactions between rural residents, not 12?

21

22 MR. SAMUELSEN: No, I'm.....

23

24 MR. HEYANO: 12 is.....

25

26 MR. SAMUELSEN: No, I'm recognizing 12
27 and.....

28

29 MS. KELLEY: That's others.

30

31 MR. SAMUELSEN: I'm recognizing 12.

32

33 MR. HEYANO: I thought 12 was between
34 rural residents and others that aren't rural residents.

35

36 MR. SAMUELSEN: Yeah, that's what I said.

37

38 CHAIRMAN O'HARA: In other words, a guy
39 coming from Anchorage to Egegik to buy your strips, yeah.

40

41 MR. HEYANO: Right.

42

43 CHAIRMAN O'HARA: Okay, those are others.
44 Okay. And those people within that region, what we
45 recommended earlier is \$400, among ourselves.

46

47 MS. KELLEY: Now, you're taking off.....

48

49 CHAIRMAN O'HARA: Now, we're taking out
50 the dollar amount.

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1 MR. SAMUELSEN: Taking out the dollar
2 amount.....

3
4 CHAIRMAN O'HARA: All right.
5

6 MR. SAMUELSEN:and making it legal
7 for anybody -- rural resident to individuals other than
8 rural residents is permitted. If a fellow comes from
9 Anchorage and wants to buy a sack of strips from me in
10 Egegik, he can do it as long as it is used for personal
11 and family consumption of the individual who purchases
12 the fish.

13
14 CHAIRMAN O'HARA: Robert.
15

16 MR. HEYANO: Well, why did you delete or
17 their eggs?

18
19 MS. KELLEY: Yeah.
20

21 MR. SAMUELSEN: I didn't delete, or their
22 eggs?

23
24 MS. KELLEY: Yeah, you did.
25

26 MR. HEYANO: You did.

27
28 MS. KELLEY: You did.
29

30 MR. HEYANO: You didn't mention it.

31
32 MR. SAMUELSEN: Oh, well, I didn't mean
33 to delete or their eggs. I'm trying to work off of three
34 documents in front of me here -- well, four. I don't
35 mind eggs.

36
37 CHAIRMAN O'HARA: A woman can do that,
38 but a man can't, because a man just does not have that
39 much -- we won't discuss that anymore, we'll go to lunch
40 -- or dinner.

41
42 (Laughter)
43

44 CHAIRMAN O'HARA: How about we come back
45 at 6:00 o'clock and we'll work a couple hours.

46
47 (Off record)
48

49 (On record)

50

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1 CHAIRMAN O'HARA: Proposed rules. Call
2 the meeting back to order. Okay, Pat, I guess Robyn has
3 the floor and he has made some changes to 12.

4
5 MS. McCLENAHAN: Okay.

6
7 CHAIRMAN O'HARA: So do you want to
8 address that further, Robyn.

9
10 MR. SAMUELSEN: Well, maybe the total
11 cash should be \$500 per household.

12
13 MS. McCLENAHAN: We're just doing No. 12,
14 right?

15
16 MR. SAMUELSEN: Yeah.

17
18 MS. McCLENAHAN: Okay.

19
20 MR. SAMUELSEN: The total cash value per
21 household of salmon taken in Bristol Bay area exchange
22 and customary trade or barter for rural residents cannot
23 exceed \$500. The total cash per household -- delete
24 member -- of salmon taken in Bristol Bay area exchange
25 and customary trade or barter to others may not exceed
26 400. We'll try that as starters.

27
28 MS. McCLENAHAN: Are you working off of
29 Page.....

30
31 MR. SAMUELSEN: 11 27(i)(5).

32
33 MS. McCLENAHAN: Five, okay.

34
35 MR. SAMUELSEN: Deleted member in both
36 sectors. Changed 1,000 to 500.

37
38 MS. McCLENAHAN: 500, not 400?

39
40 MR. SAMUELSEN: No, 1,000 is 500.

41
42 MS. McCLENAHAN: Okay, 500.

43
44 MS. KELLEY: And we took out member,
45 right?

46
47 MR. SAMUELSEN: Yeah.

48
49 MS. McCLENAHAN: You took out member.

50

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1 CHAIRMAN O'HARA: And No. 11 is 400.

2

3 MS. McCLENAHAN: Okay, No. 11 is 400?

4

5 CHAIRMAN O'HARA: Take out member, is
6 that what you said?

7

8 MR. SAMUELSEN: Take out member, yeah,
9 household member.

10

11 CHAIRMAN O'HARA: 400.

12

13 MR. SAMUELSEN: So it will be the
14 aggregate, the whole household is \$500 instead of 1,000.

15

16 CHAIRMAN O'HARA: How about the one below
17 that?

18

19 MR. SAMUELSEN: The one below it would be
20 take out member and leave it at 400.

21

22 CHAIRMAN O'HARA: Okay. Is that a
23 motion?

24

25 MS. McCLENAHAN: So we're working on
26 27(i)(5) xx and xxi, right?

27

28 CHAIRMAN O'HARA: Yep.

29

30 MR. SAMUELSEN: Yep.

31

32 MS. KELLEY: Uh-huh.

33

34 CHAIRMAN O'HARA: Is that a motion?

35

36 MR. SAMUELSEN: Yes.

37

38 CHAIRMAN O'HARA: Second.

39

40 MR. BALLUTA: Second.

41

42 CHAIRMAN O'HARA: Okay. Anymore
43 discussion on that, do you want to address the motion,
44 Robyn?

45

46 MR. SAMUELSEN: Well, I think, Mr.
47 Chairman, we need to -- I think we need to recognize the
48 past customary and traditional practices, Page 11 under
49 Tab F, 27(i), strike that and that says \$500 and strike
50 this. I think that's conservative, Mr. Chairman. And

00102

1 this issue, I think, will be coming back before us later
2 on.

3

4 CHAIRMAN O'HARA: Oh, yeah.

5

6 MR. SAMUELSEN: As the practice is
7 documented. I was very uncomfortable with \$1,000 per
8 member and I'm very uncomfortable with the \$400 per
9 household member.

10

11 CHAIRMAN O'HARA: Any other discussion
12 Council members? Question. Oh, excuse me, Robert, go
13 ahead?

14

15 MR. HEYANO: So we're substituting the
16 language on Page 11 for the language -- or part of the
17 language on Page 5, 11 and 12, that's what we're doing,
18 Mr. Chairman, we're including it?

19

20 CHAIRMAN O'HARA: Well, we started off
21 with 11 -- or 5 and 12, and revise it -- and I guess that
22 goes along with 11, both 27(i) 20 and 21. Is that right,
23 Robyn? Go ahead.

24

25 MR. EDENSHAW: No, Mr. Chair. From what
26 Robyn was discussing on 11 -- 27, under the Bristol Bay,
27 that's a regional -- that's Option 4. That's an option.

28

29 MS. McCLENAHAN: Excuse me, no it's all
30 right.

31

32 MR. EDENSHAW: Okay.

33

34 MS. McCLENAHAN: It's okay if they put it
35 in here.

36

37 MR. EDENSHAW: No, but what I'm conveying
38 to them is that they should stipulate that they were
39 given direction to make recommendations on Page 5, 11, 12
40 and 13.

41

42 MS. McCLENAHAN: Yeah.

43

44 MR. EDENSHAW: So if they're going to
45 include this language that's under Option 4, which is
46 regional differences and monetary values that were
47 collected from last years meetings then that should be --
48 if that's your wishes to paste that back on Page 5, then
49 that should be stated so.

50

00103

1 MS. McCLENAHAN: I can word that.

2

3 MR. SAMUELSEN: That's my intent.

4

5 MR. EDENSHAW: Okay.

6

7 MS. McCLENAHAN: Okay.

8

9 CHAIRMAN O'HARA: Yes, Robert.

10

11 MR. HEYANO: Okay, that clarifies it, Mr.

12 Chairman. Then where do we address the part of the

13 permitting?

14

15 CHAIRMAN O'HARA: The what, Robert?

16

17 MR. HEYANO: The permitting process.

18

19 CHAIRMAN O'HARA: Okay.

20

21 MS. KELLEY: The record-keeping process.

22

23 MR. HEYANO: Right. Does that come

24 later, Pat?

25

26 MS. McCLENAHAN: Mr. Chairman, Robert,

27 yes. It may be coming later. I'm taking all comments

28 today and so you can do whatever you want to. What you

29 might want to do is do these three up and then submit

30 your comments that you're concerned about permitting,

31 reporting, all of those things or, you know, what you

32 want to see in the regs.

33

34 CHAIRMAN O'HARA: So you got the skeleton

35 and you want some meat on them later?

36

37 MS. McCLENAHAN: We can take some meat

38 now, I would think.

39

40 CHAIRMAN O'HARA: Well, that would be the

41 permitting. We wanted to add more to it.

42

43 MS. McCLENAHAN: And you can do it either

44 within this context or you can do it separately, if you

45 want. Whatever you feel is appropriate.

46

47 MR. HEYANO: Should we vote on the motion

48 and then discuss the recording requirements later?

49

50 CHAIRMAN O'HARA: Sure, that would be

00104

1 fine. Yeah.

2

3 MR. HEYANO: Or next?

4

5 CHAIRMAN O'HARA: Uh-huh. Any more
6 discussion Council members. Pete.

7

8 MR. ABRAHAM: On Page 5 on 11 and 12, if
9 we eliminate -- it says the wording, their parts or their
10 eggs, that's on 11 and then on 12, again, their part or
11 their eggs.

12

13 CHAIRMAN O'HARA: So what do you want?

14

15 MS. KELLEY: Yeah, what?

16

17 MR. ABRAHAM: The eggs, when they're
18 fresh, they can -- you know, they can easily be -- easily
19 end up in a Japanese dish. So if you eliminate eggs,
20 what the old people used to do is they used to cure the
21 eggs for the winter use but that's hardly any -- any of
22 that used now days. But eggs are easily processed in
23 salt and, you know, for the use -- or they trade with the
24 Japanese.

25

26 CHAIRMAN O'HARA: Yeah, I don't think any
27 of this customary trade thing is supposed to be sold to
28 any commercial user, period. So they're not allowed to
29 sell the eggs to anybody or to a restaurant or.....

30

31 MR. ABRAHAM: Yeah, that's what I mean.
32 If we cross out the eggs, you know, that means you don't
33 use or trade eggs whatsoever.

34

35 CHAIRMAN O'HARA: Do you want to have
36 some comment Robert or Robyn?

37

38 MR. SAMUELSEN: A point of clarification,
39 Mr. Chairman. Maybe we could deal with 27(i)(5) my
40 motion and then we could jump over to 5 and incorporate
41 what Pete wants, what Robert wants as a permitting
42 requirement.

43

44 CHAIRMAN O'HARA: Okay, let's go to 27(i)
45 and then we'll go back to it. Call for the question.

46

47 MR. HEYANO: Question.

48

49 MS. KELLEY: Question.

50

00105

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

3
4 IN UNISON: Aye.

5
6 CHAIRMAN O'HARA: Opposed.

7
8 (No opposing votes)

9
10 CHAIRMAN O'HARA: Okay. Let's go back to
11 Page 5 now and 11, 12 and 13.

12
13 MR. SAMUELSEN: Okay.

14
15 CHAIRMAN O'HARA: What kind of meat do
16 you want to put on the skeleton? Robert, what kind of
17 reporting system did you want?

18
19 MR. HEYANO: I would want a reporting
20 system very similar to the State system when you give
21 away meat to another individual.

22
23 CHAIRMAN O'HARA: That's a non-resident,
24 yeah.

25
26 MR. HEYANO: What I really would like to
27 hear is a comment paper from enforcement of what they
28 need to make the \$400 and the \$500 or whatever the limits
29 are enforceable. That's my concern.

30
31 CHAIRMAN O'HARA: Do you want to wait
32 until enforcement gets here?

33
34 MR. SAMUELSEN: Are they going to get
35 here?

36
37 CHAIRMAN O'HARA: They're here. They're
38 just out to dinner. All right, could we hold that to a
39 little later then?

40
41 MR. HEYANO: Sure.

42
43 CHAIRMAN O'HARA: And then Pete, what did
44 you want to do on eggs?

45
46 MR. ABRAHAM: Just eliminate the wording,
47 their eggs, on both 11 and 12.

48
49 CHAIRMAN O'HARA: Why -- okay, Pat, why
50 did that end up on that paragraph anyway, what was the

00106

1 purpose, do you know? I mean is that just something the
2 Staff put in here or what?

3

4 MS. McCLENAHAN: I'm sorry. I don't know
5 the history of this particular language.

6

7 CHAIRMAN O'HARA: That's okay.

8

9 MS. McCLENAHAN: It might have something
10 to do with the customary practice of -- wasn't it,
11 fermenting eggs, I mean that's a customary practice. So
12 maybe they were accommodating that. I don't know if
13 people still do it in other areas.

14

15 MR. ABRAHAM: Out of 1,000, maybe if one
16 does it, you know, that would be something.

17

18 MS. McCLENAHAN: Was it your intention to
19 cross out their parts also or just the eggs?

20

21 MR. ABRAHAM: Yeah, parts -- because when
22 you are trading with fish, you're practically trading the
23 meat of the fish, not the bones or whatever, or fins or
24 whatever, you're trading the meat.

25

26 MS. McCLENAHAN: Uh-huh.

27

28 MR. ABRAHAM: Their parts, there's no
29 parts.

30

31 MS. McCLENAHAN: Uh-huh.

32

33 CHAIRMAN O'HARA: Robert. No. Robyn,
34 did you have a comment?

35

36 MR. SAMUELSEN: Yeah, I think No. 11,
37 Pete, transactions between rural residents. So if I'm in
38 Togiak and I walk up to you and I'm over there
39 sportfishing and bait is allowed in Togiak and you and
40 your wife are cleaning your fish, under No. 11, the way
41 it's written you could give me eggs to go and put on my
42 hook to catch sport caught fish. If we delete eggs
43 there, you can't give them to me or you would be in
44 violation if you gave me those eggs.

45

46 MR. ABRAHAM: No. Because.....

47

48 MR. SAMUELSEN: Am I reading that right,
49 Pat?

50

00107

1 MS. McCLENAHAN: I don't know.

2

3 MR. ABRAHAM: No.

4

5 MS. McCLENAHAN: I think that Cliff has
6 something to say, did you have something to say about
7 that, Cliff?

8

9 MR. EDENSHAW: No.

10

11 MS. McCLENAHAN: I'm sorry.

12

13 MR. EDENSHAW: No, the way I read it,
14 Robyn, is that that would be allowed.

15

16 MR. SAMUELSEN: The way it's written?

17

18 MR. EDENSHAW: No, if you delete their
19 eggs.

20

21 MS. McCLENAHAN: But if you kept their
22 eggs, if you kept their eggs, he could ask him for....

23

24 CHAIRMAN O'HARA: For the eggs.

25

26 MS. McCLENAHAN:for the eggs and
27 sportfish with them. But if it's deleted he can't.

28

29 CHAIRMAN O'HARA: Well, you're just
30 dealing with the \$400 amount toward this product and
31 leave it at that. Because it's not going to go to a
32 restaurant or a shop in Anchorage or to a processor or to
33 a plant. That's not going to be done, period, with any
34 of these fish. Can't be done.

35

36 Pete.

37

38 MR. ABRAHAM: See, in the falltime during
39 the silver season I fix my own eggs, like Japanese does
40 because I like it. The rest of the time, half the time,
41 I see -- during through the -- all through the season, I
42 see seagulls feeding on eggs out in the slough.

43

44 CHAIRMAN O'HARA: Well, Pete, what
45 difference does it make if I buy \$400 worth of eggs from
46 you or \$400 of strips? To me it's the dollar amount for
47 what you have there.....

48

49 MS. KELLEY: Yes, the ceiling is the

50 part.

00108

1 CHAIRMAN O'HARA:not the parts.

2

3 MR. ABRAHAM: See, I think the reason
4 behind it is if it's right there -- if it's in writing,
5 I'd want to keep the eggs in case a sportsman wanted to
6 come around and trade with me, like Robyn was coming
7 around.

8

9 CHAIRMAN O'HARA: Well, what's wrong with
10 that if you do that? Isn't that okay? You don't want
11 that?

12

13 MR. ABRAHAM: No, I don't want that
14 because you'd end up a resident selling it to the
15 sportsman for, you know.....

16

17 CHAIRMAN O'HARA: Okay.

18

19 MS. KELLEY: But.....

20

21 MR. ABRAHAM:for the outsiders.

22

23 CHAIRMAN O'HARA: Okay. Shirley, did you
24 have a comment?

25

26 MS. KELLEY: But I thought it was just
27 between us and other rural people?

28

29 CHAIRMAN O'HARA: Yeah.

30

31 MS. KELLEY: In 11 it is.

32

33 MR. ABRAHAM: But if I go to Dan O'Hara's
34 house and say, hey, Dan, I want some eggs along with my
35 -- fine, because you know I'm there but if I'm from
36 England, I mean somebody got over there and here -- they
37 said, hey, Pete sold eggs to the guy from England for
38 such amount of pounds. Then you know, the next guy over
39 there would start doing it.

40

41 CHAIRMAN O'HARA: Robert.

42

43 MR. HEYANO: Well, I think, Mr. Chairman,
44 I concur with you, is that, you know, I think probably
45 eggs were sold in the past, how much I don't know. I
46 think what's more important to me is the dollar amount
47 restriction placed on it. Like you, to me, what's the
48 difference if somebody sold \$400 worth of salmon strips
49 or \$400 worth of eggs.

50

00109

1 CHAIRMAN O'HARA: Yeah. Catch a lot of
2 rainbow trout. Robyn.

3
4 MR. SAMUELSEN: Pete, No. 11, that's
5 between rural residents. No. 12 is between rural
6 residents and others. I think that you want to allow the
7 exchange between rural residents, that's you and somebody
8 else in Togiak.

9
10 MR. ABRAHAM: Uh-huh.

11
12 MR. SAMUELSEN: What 12 says, is between
13 you and the guy from England.

14
15 MR. ABRAHAM: Yeah. But see between me
16 and Carl Jack, he's an urban, you know, I would trade
17 with him, too, because he's a Native.

18
19 CHAIRMAN O'HARA: Well, you can.

20
21 MR. HEYANO: Well, then you'd need 12.

22
23 MR. SAMUELSEN: Then you'd have to put it
24 back in 12.

25
26 MS. KELLEY: Yeah, you need it in 12
27 then.

28
29 CHAIRMAN O'HARA: You know, sell Carl
30 Jack \$500 worth of eggs.

31
32 (Laughter)

33
34 MR. ABRAHAM: You're stuck all the time
35 when it comes to urban, you all will somehow say it's
36 discrimination.

37
38 (Laughter)

39
40 CHAIRMAN O'HARA: Robyn, go ahead.

41
42 MR. SAMUELSEN: Yeah, well, I think No.
43 12 is what happened in the Yukon at one time. You know,
44 there was roe stripping going on in that area and there
45 was a massive amount -- I mean eggs were selling for -- I
46 believe, Larry, \$8 a pound on the Yukon and the fish were
47 not worth nothing. People were stripping. And there was
48 some phenomenal egg sales, like 400 to 500,000 pounds of
49 eggs sold in that area and I think contributed to the
50 overall crash of the Yukon River. So I could see in 12

00110

1 deleting their eggs but not in 11. That would help Pete.

2

3 CHAIRMAN O'HARA: Well, while we're
4 chewing on that, who is the enforcement for the Park
5 Service?

6

7 (Laughter)

8

9 CHAIRMAN O'HARA: I didn't say anything
10 funny. Come on up here and sit down at the table and
11 then the Refuge people, who is your enforcement?

12

13 MR. ARCHIBEQUE: We don't have any of our
14 enforcement Staff with us right now.

15

16 CHAIRMAN O'HARA: You guys don't do any
17 enforcement, uh?

18

19 MR. ARCHIBEQUE: We do, we just don't
20 have them with us.

21

22 CHAIRMAN O'HARA: Oh, you don't allow
23 them to come out in public.

24

25 (Laughter)

26

27 MR. ARCHIBEQUE: Dave's on his way to
28 Bethel.

29

30 CHAIRMAN O'HARA: Okay.

31

32 MR. ARCHIBEQUE: He's working.

33

34 CHAIRMAN O'HARA: Yeah, we're just giving
35 you guys a bad time.

36

37 MR. ABRAHAM: Our enforcement is out in
38 Denver, Denver -- Colorado, somewhere.

39

40 CHAIRMAN O'HARA: So much for eggs.

41

42 (Laughter)

43

44 CHAIRMAN O'HARA: Well, Tom, we were kind
45 of wondering, one of the things -- we'll get back to this
46 eggs thing again, so you kind of think about it a little
47 bit. We wanted to do -- if we did -- while you guys were
48 gone we made a motion to, in the Bristol Bay area, to do
49 per household only, \$500 per those outside of the region
50 and correct me, Council, if I'm wrong, but within the

00111

1 region per household \$400, but we want a recording system
2 of some kind to -- say Lake Clark, where you guys have
3 enforcement, and they want to sell \$400 worth of
4 subsistence fish in Six-Mile Lake or Port Alsworth, how
5 do -- we want to know -- State of Alaska says you could
6 give -- a guy can kill a caribou if he doesn't like the
7 meat -- he gives -- and I've done this before, taken the
8 meat and he's given them a note saying, I'm responsible
9 for this amount of caribou.

10

11 MR. O'HARA: Transfer of property.

12

13 CHAIRMAN O'HARA: Yeah. So we're
14 wondering if that's what the recording thing would be
15 like to put -- to follow-up on what subsistence food or
16 fish would be sold for.

17

18 MR. O'HARA: You want me to try to
19 decide?

20

21 CHAIRMAN O'HARA: Well, we want to know?

22

23 MS. KELLEY: Yeah.

24

25 CHAIRMAN O'HARA: We want Deb Liggett to
26 tell you, like you're going to track that food to make
27 sure that somebody is going to be responsible for selling
28 \$400 or \$500 worth of that subsistence out of Federal
29 waters and we're going to track that by a recording
30 system -- a reporting system, and that's what we want to
31 know, how do we go about this or can we do it, or are you
32 guys interested in doing it or what?

33

34 MR. O'HARA: Honestly, it would be very
35 difficult to do that.

36

37 CHAIRMAN O'HARA: It's not difficult to
38 do it for the State of Alaska. It's done every time meat
39 is given to somebody else, a letter goes along with it.

40

41 MR. O'HARA: How many guys does the State
42 of Alaska actually check? I mean unless they're standing
43 in the airport when the hunters have to go through.

44

45 CHAIRMAN O'HARA: Well, I think as many
46 guys get checked who don't have the note.

47

48 MR. O'HARA: Right.

49

50 CHAIRMAN O'HARA: Now, we're not asking

00112

1 you to keep a file on \$400 for every family, but we want
2 a recording system of how this thing goes. Is that
3 totally unreasonable, I guess that's the question that
4 we're asking?

5
6 MS. LIGGETT: I might defer to -- Deb
7 Liggett, National Park Service. I might defer to
8 Andrew's perspective here. It seemed to me in the
9 discussion earlier and I don't know where the Council has
10 come back to, was, that if there was a dollar limit set,
11 that there would become the process of exchange of goods.
12 So if Robyn gives me a sack of strips do I give him a
13 free trip to Anchorage?

14
15 CHAIRMAN O'HARA: Well, we have a dollar
16 amount here, \$400 and \$500.

17
18 MS. LIGGETT: Yeah, you're.....

19
20 CHAIRMAN O'HARA: So we're dealing with
21 dollars here not barter and trade between another.

22
23 MS. LIGGETT: And I don't know and Pat
24 might be able to answer that. I mean a good regulation
25 is reasonable and enforceable. And you're, I think,
26 asking about the enforceable piece, and I don't know,
27 Pat, if there had been any discussion on that? Do you
28 want to join us up here and share with the Council?

29
30 CHAIRMAN O'HARA: There's only two places
31 of Federal land, maybe three, and it's Lake Clark.....

32
33 MS. LIGGETT: Lake Clark.

34
35 CHAIRMAN O'HARA:and over here at
36 Togiak and Chigniks. Those are Federal lands.

37
38 MS. KELLEY: There's more than that.

39
40 CHAIRMAN O'HARA: Well, Becharof Lake,
41 maybe?

42
43 MS. KELLEY: Ugashik.

44
45 CHAIRMAN O'HARA: Ugashik, yeah. Can
46 there be a reporting system in King Salmon then or not?

47
48 MR. O'HARA: Well, if it's going to be
49 anything similar to the transfer of meat.....

50

00113

1 CHAIRMAN O'HARA: That's exactly what
2 we're looking at here.

3
4 MR. O'HARA: Then it's -- you know, you
5 do it, you hold onto the paperwork yourself and you don't
6 have to give that to anybody. You just put it in your
7 pocket and if someone checks you then, okay, well, I saw
8 you sell Cliff a bunch of eggs.

9
10 CHAIRMAN O'HARA: Uh-huh.

11
12 MR. O'HARA: Okay.

13
14 CHAIRMAN O'HARA: Uh-huh.

15
16 MR. O'HARA: You are going to have some
17 kind of -- someone's going to have to come up with some
18 kind of paperwork that says, okay.....

19
20 CHAIRMAN O'HARA: Now, you're getting
21 close to home, you see, someone needs.....

22
23 MS. KELLEY: Yeah.

24
25 CHAIRMAN O'HARA:to put down some
26 kind of a form to fill out and this Council's not going
27 to do it but, either the Feds are going to do it because
28 it's a Federal program. It's either going to be the
29 Refuge or the U.S. Fish and Wildlife or Park.

30
31 MS. LIGGETT: I can't imagine that either
32 agency would want to start keeping records on individual
33 subsistence users.

34
35 CHAIRMAN O'HARA: You guys keep records
36 on everybody and everything that goes into any Federal
37 lands, period. You guys have more information than the
38 FBI has anything.

39
40 (Laughter)

41
42 CHAIRMAN O'HARA: When do you guys want
43 to stop doing.....

44
45 MS. LIGGETT: I don't thin that's true.
46 I mean we've tried hard to administer the subsistence
47 program so that, you know, there's a minimum of permits
48 and those kinds of things.

49
50 CHAIRMAN O'HARA: Well, we wanted to have

00114

1 the discussion, it may not go anywhere but if we don't
2 get it from you we're not going to get it from anyone.
3 So we're not trying to put you on the spot here or be
4 hard on you, we're just.....

5
6 MS. LIGGETT: No, I know, and I'm just
7 trying to grapple with what would be the least onerous
8 way to do that and still, like you said, be able to check
9 if there was a question about an individual.

10
11 CHAIRMAN O'HARA: If the thing gets out
12 of hand, this is going to be the issue.

13
14 MR. O'HARA: And if we have to start
15 investigating something and we start asking for documents
16 that show proof that, you know, well, how much did you
17 sell, the individuals are the ones that are going to have
18 to keep the records.

19
20 CHAIRMAN O'HARA: Well, look at Naknek
21 when these guys are doing subsistence fish down there,
22 you know, all the subsistence fish up and down the beach
23 and they're taking the subsistence fish right over to the
24 canneries and selling them under the name of a permit out
25 of a 10 fathom subsistence net, that's highly illegal.
26 You talk about impacting your permit. Peter.

27
28 MR. ABRAHAM: What if we go about a
29 permit system where if I'm going to sell \$400 worth of
30 salmon strips I'll go to a tribal office and inquire
31 selling permit, like you do in caribou on Federal land?
32 Half the copies is kept at the tribal office, the other
33 for your own, the third goes to the buyer. So all three
34 of them have the record. But the main record stays in
35 the tribal office. I mean, I think that would be, to me,
36 be the easiest way to report.

37
38 CHAIRMAN O'HARA: It will be on a
39 voluntary basis, then you'd voluntary go to your council?
40 Robert.

41
42 MR. HEYANO: My concern, Mr. Chairman, if
43 we are going to put limits on it then somebody needs to
44 develop a mechanism to enforce those limits. And if
45 they're saying it's unenforceable then we might as well
46 not put the limits on it. There's always going to be
47 those folks that are going to abuse the system.

48
49 CHAIRMAN O'HARA: Yeah.
50

00115

1 MR. HEYANO: If there's no way to track
2 them then we might as well, in my opinion, not put the
3 limits on, which I don't think is where we want to go in
4 this program.

5
6 The other thing I want to see is, I want
7 to be able to track what part of the subsistence of
8 salmon is actually going for personal consumption and
9 what part is going for sale and I'd like to be able to
10 start building a data base on that because, you know, a
11 family takes in 5,000 pounds and keeps 500 and sells
12 4,500 pounds, I think we have a tremendous shift in
13 practice. And although we're dealing with only salmon,
14 if I read the regulations correctly it applies to
15 wildlife also. So, you know, I think that sometime in
16 the future here we're going to be dealing with trade and
17 barter of wildlife.

18
19 CHAIRMAN O'HARA: People do it all the
20 time. They trade caribou for halibut now.

21
22 MR. HEYANO: Well, we're talking money
23 here.

24
25 CHAIRMAN O'HARA: Right.

26
27 MR. HEYANO: So, you know, and then those
28 things, what do you do with the horns, what do you do
29 with the hide?

30
31 CHAIRMAN O'HARA: Well, it's a whole new
32 ball game when you put down a dollar amount.

33
34 MR. HEYANO: So we're opening up a can of
35 worms.

36
37 CHAIRMAN O'HARA: Yeah.

38
39 MS. KELLEY: Uh-huh.

40
41 CHAIRMAN O'HARA: I don't think anyone,
42 probably in the State of Alaska or the Federal people
43 minded us taking caribou down and getting halibut from
44 Chigniks in exchange for caribou, I mean it was just kind
45 of a procedure type thing that we do. But now we're
46 going to sell \$500 worth of caribou to somebody, that's a
47 whole different ball game.

48
49 MS. LIGGETT: To my knowledge, I mean as
50 I understand it, the push for this rule has come from the

00116

1 individual Councils and subsistence and this is an
2 attempt to try and be responsive to that. I don't know,
3 though, if any of this scoping, if law enforcement folks,
4 from either Fish and Wildlife or the Park Service or the
5 State even have come to the table to engage on what the
6 repercussions of this might be for an agency to try to do
7 it in the easiest way possible but also responsive to the
8 concerns that you've raised. I mean Tom and I will take
9 these back to our agency and try to begin a discussion.

10

11 CHAIRMAN O'HARA: And along the.....

12

13 MS. LIGGETT: Because it had not even hit
14 my radar screen until today.

15

16 CHAIRMAN O'HARA: Well, we brought it up
17 in the October meeting.

18

19 MS. LIGGETT: When was that?

20

21 CHAIRMAN O'HARA: It's in our minutes.
22 But not to the extent of calling you up to the front and
23 asking you to sit down and address it. But now we've
24 given a new dollar amount and it's strictly household and
25 it's not \$6,000 that we're going to be dealing with.
26 This is something for Pat and Carl to take back to their
27 people when -- and when Pete goes back again to the
28 committee to deal with this customary trade thing, then
29 enforcement's going to have to come into the picture and
30 say, you know, how are we going to handle this if it gets
31 out of control? I see the fish biologist sitting here
32 today and I put down 83 reds and 15 kings and 25 silvers,
33 they never checked my freezer to see what I got in there.
34 They have no idea. Maybe I've taken 300 reds or
35 whatever.

36

37 MR O'HARA: Mr. Chair, I think it's
38 similar to like the Tier II. I mean you're only allowed
39 one caribou. But if you want to go out and get two and
40 you can figure out a way to hide from enforcement you'll
41 go out and do it. But when you get caught, then
42 enforcement has to look and see what the law says and
43 then start investigating to do something. But, I think,
44 you know, I really like your rural to rural. I like that
45 one, that looks much easier to deal with. But now you
46 send fish to your daughter who doesn't have your last
47 name anymore in Florida, you know, do I start
48 investigating you because you're shipping it to someone
49 who doesn't live in a rural community anymore.

50

00117

1 MS. LIGGETT: But I think that that's
2 sharing not barter.

3

4 MR. O'HARA: Right.

5

6 CHAIRMAN O'HARA: Yeah. But if she gives
7 me \$500 then we're looking at why am I sending her fish
8 to Florida and that's okay, that's what we want to know
9 about.

10

11 MR. O'HARA: Right.

12

13 CHAIRMAN O'HARA: When it was brought up
14 at the Chair's meeting, I think Pete was there, too, they
15 didn't deal much with this permitting system at all.
16 They didn't want to deal with this issue. Bristol Bay is
17 the only one that really wanted to look at.....

18

19 MS. LIGGETT: And if I hear Mr. Heyano
20 correctly, it's really as much a tracking issue.

21

22 CHAIRMAN O'HARA: Okay, what's the
23 difference between tracking and.....

24

25 MS. LIGGETT: Which would -- well,
26 which.....

27

28 CHAIRMAN O'HARA: What's the difference?

29

30 MS. LIGGETT: But I mean I think that
31 that would be the intent was, that there would be a way
32 to track it. That way, if enforcement was necessary
33 there'd be a mechanism. But what I heard Robert say was
34 some kind of tracking or inventory or accounting that
35 would actually yield data over a period of years.

36

37 CHAIRMAN O'HARA: Uh-huh. Yeah, Cliff.

38

39 MR. EDENSHAW: Mr. Chair, you know,
40 listening to what Robert said, you know, going back here
41 on Page 5 with the 11, 12 and 13, from some of my -- at
42 the time I sat in -- and when I did sit in with the
43 Customary Trade Task Force when they addressed these
44 three, the direction they got from one of the Board
45 members was that there had to be some kind of a monetary
46 value set between rural residents, rural to rural and
47 rural and others, and then no purchase by -- you know,
48 addressing the commercial. And that's the message they
49 got from law enforcement, you know, some of the
50 individuals who attended these Task Force meetings, U.S.

00118

1 Forest Service law enforcement, Fish and Wildlife
2 Protection, some of the heads of those law enforcement
3 agencies were at these meetings and they addressed
4 permits or how would law enforcement, you know, if
5 they're undercover and they're on some navigable waters
6 there under Federal jurisdiction and someone's hauling in
7 a bunch of sockeye and they, you know, track this
8 individual and they see that they're selling commercial
9 fish then, you know, they understood that difficulty of
10 enforcing, you know, once -- once, let's say,
11 hypothetically, that, you know, the Board passes and they
12 approve a monetary value such as Bristol Bay, maybe it's
13 region by region, how was law enforcement going to come
14 out into this region, a large area and enforce that?
15 Well, some of the comments that they heard from
16 individuals who served on the Task Force is that it would
17 probably have to -- they would defer to the Council to
18 come up with procedures on how they can sit there and
19 distribute permits into the communities and it would have
20 to be almost on the honor system, just as individuals on
21 the Yukon when they're doing fishwheels. You know,
22 they're given their permits, they have to meet certain
23 reporting requirements but they'll just report how many
24 fish, you know, taken each day. And law enforcement
25 recognized that and said, well, it's almost going to have
26 to be on an honor system unless some of those individuals
27 that law enforcement may go out, if they have reports
28 that some people are taking advantage of the system and
29 going overboard.

30

31 But those were some of the comments I
32 heard sitting in at the Task Force when they were
33 addressing this. So the permitting part, you know, they
34 said that once they received final word on these parts
35 here, 11, 12 and 13, they would defer to the Councils
36 regarding permitting.

37

38 CHAIRMAN O'HARA: Okay. We may not be
39 able to do much on this tonight and we don't necessarily
40 have to put to put all the meat on the skeleton tonight.
41 But, thank you, I think that's about all we have. So do
42 you want to pursue this farther or do you want to just
43 wait for the committee at the Federal level to continue
44 on with the program? Yes, Robert.

45

46 MR. HEYANO: Well, I guess, Cliff's
47 comment is that they recognize the importance of some
48 type of a tracking system and if they get that far we'll
49 have an opportunity to provide input into it.

50

00119

1 CHAIRMAN O'HARA: Robyn.

2

3 MR. SAMUELSEN: Well, I think the
4 monetary value should go away. Without a tracking system
5 in place there's going to be abuses.

6

7 CHAIRMAN O'HARA: Yeah.

8

9 MR. SAMUELSEN: I mean, you know, I'll go
10 out and set up a stand and sell \$500 today, \$500
11 tomorrow, \$500 the next day, 500 the next day, there's no
12 way to keep track of me so I think we should -- you know,
13 in our statement, we should say that the Federal
14 Subsistence Board should hold off until they implement a
15 program to do the tracking because there will be abuses
16 and it will be -- you know, to the truly subsistence
17 users that may sell an occasional bag of strips or never
18 sells, there's going to be rotten apples out there that's
19 going to spoil subsistence for them people.

20

21 CHAIRMAN O'HARA: Okay, that's almost
22 close to a motion. Carl, you're sneaking up to a
23 microphone, do you have a reason for being there? Did
24 you want to talk to us?

25

26 MR. JACK: I was thinking about providing
27 you a perspective from the initial adoption of the rule.
28 Title VIII, as everyone knows, recognizes customary trade
29 as part of subsistence. And when the Federal government
30 assumed management of fish, other than expanding in
31 management of subsistence fisheries in navigable waters,
32 the regulations that they worked with stem from the
33 regulations that were applied to non-navigable waters,
34 which the language goes something like this -- no person
35 may buy or sell fish, their parts or their eggs which
36 have been taken for subsistence uses unless prior to the
37 sale the perspective buyer or seller obtains a
38 determination from the Federal Subsistence Board that the
39 sale constitutes customary trade. So that was the
40 language.

41

42 And the further work on it to the
43 existing rule that they have right now, which departs
44 from that in some ways but they tried to track the State
45 law that refers to this. The existing rule right now is
46 the limited exchange for cash of subsistence harvested
47 fish, their parts or their eggs legally taken under the
48 Federal Subsistence Management regulations to support
49 personal and family needs is permitted as customary trade
50 so long as it does not constitute significant commercial

00120

1 enterprise. And further, the Board may recognize
2 regional differences and define customary trade
3 differently for separate regions of the state.

4

5 Because the significant commercial
6 enterprise is not defined in such a way to allow levels
7 that can be enforced, the Service and primarily the law
8 enforcement section experience what they perceive to be a
9 sale of processed king salmon in Yukon in large
10 quantities to outside commercial firms. So that, in
11 part, generated the effort to refine the existing
12 regulations so there would be allowable levels and where
13 those allowable levels can be enforced.

14

15 I just wanted to provide that
16 perspective.

17

18 CHAIRMAN O'HARA: Good, thank you. Any
19 questions Council members? Okay, thank you, Carl.

20

21 Well, have we flogged this horse enough
22 or what do you want to do?

23

24 MR. SAMUELSEN: I don't know, I think we
25 opened Pandora's Box even with my amended language.

26

27 MS. KELLEY: Yeah.

28

29 CHAIRMAN O'HARA: Well, no, I think
30 dealing with four or \$500, it goes on in the state right
31 now. It goes on in the state of Alaska. They don't
32 enforce it but people are selling strips and things. If
33 we go the dollar amount and we go this route then the
34 group that was up here just a minute ago is going to have
35 to do a tracking system and law enforcement and it's
36 going to have to happen.

37

38 You know, it may be a cumbersome type
39 thing but, you know, this is valuable stuff we're talking
40 about and we've gotten used to Tier II, hey, you know, a
41 law enforcement guy brought in a caribou the other day
42 that somebody shot who needed it as bad as anyone but he
43 killed a cow in the Tier II area and that goes to the
44 elders some place because he had broke the law. We're
45 used to reporting. We're used to following the rules.
46 It's not going to be anything different. It's just going
47 to be more work for law enforcement people. But if we're
48 going to do this then it's going to have to be a
49 reporting tracking system to make sure it's enforced,
50 period.

00121

1 And I don't think we're out of reason on
2 that dollar amount, I don't. I just as soon let it sit
3 here and give this to Pat and Carl and to Deb Liggett's
4 and the Tom O'Hara's of this world and let them go back
5 to their U.S. Fish and Wildlife and maybe you guys can
6 kick that around a little bit and come up with some ideas
7 that your enforcement people might have in mind. Some
8 ideas for us. Because we're kind of floundering for
9 something right now and that's why we brought it up
10 tonight.

11
12 Yep, Pat.

13
14 MS. McCLENAHAN: Mr. Chair, so I
15 understand, you took action on 11 and 12, that you voted
16 unanimously to accept this. Did you take action on the
17 question about whether you're going to exclude their
18 parts or their eggs from 12, did you vote on that? You
19 did?

20
21 CHAIRMAN O'HARA: Let's see we voted
22 on.....

23
24 MR. SAMUELSEN: We didn't.

25
26 CHAIRMAN O'HARA:\$500 and \$400.

27
28 MS. McCLENAHAN: Yes.

29
30 MR. SAMUELSEN: We need to act on 13, Mr.
31 Chairman, don't we?

32
33 MS. McCLENAHAN: And you haven't.....

34
35 MS. KELLEY: We haven't done 13.

36
37 CHAIRMAN O'HARA: Okay. All right.
38 Yeah, go ahead, Robyn.

39
40 MR. SAMUELSEN: Is it my understanding
41 that the Regional Advisory Council wouldn't support
42 either one of these if there's not a reporting -- that a
43 reporting system needs to be put in place before these
44 are enacted?

45
46 MS. McCLENAHAN: No. It's not necessary,
47 it's not essential. And that's something that can come
48 later. And, in fact, your recommendations, I've been
49 taking notes while you were talking and I can submit
50 these as comments and recommendations -- questions, if

00122

1 you will, to the Task Force.

2

3 CHAIRMAN O'HARA: What's wrong with
4 supporting No. 13 and they can't do these things,
5 commercial trade; is there a problem with us supporting
6 that?

7

8 MR. SAMUELSEN: No.

9

10 MS. KELLEY: We just never got that far.

11

12 CHAIRMAN O'HARA: Okay. Well, we can get
13 that far right now. What's the wishes of the Council?

14

15 MR. SAMUELSEN: Move to adopt 13 as
16 written.

17

18 CHAIRMAN O'HARA: Second.

19

20 MS. KELLEY: Second.

21

22 CHAIRMAN O'HARA: Talk to your motion if
23 you like.

24

25 MR. SAMUELSEN: It's pretty self-
26 explanatory, Mr. Chairman.

27

28 CHAIRMAN O'HARA: Any questions Council
29 members on this or any comments? Question.

30

31 MR. HEYANO: Question.

32

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

35

36 IN UNISON: Aye.

37

38 CHAIRMAN O'HARA: Opposed.

39

40 (No opposing votes)

41

42 CHAIRMAN O'HARA: Shall we let the
43 tracking permitting system go a little longer here?
44 Robert, go ahead.

45

46 MR. HEYANO: Yep, I think I would like to
47 see from law enforcement, whoever is going to assume the
48 responsibility of enforcing these regulations, I'd like
49 to see some feedback on some options on what they suggest
50 if they're required to enforce a dollar amount. What

00123

1 would they need?

2

3 CHAIRMAN O'HARA: It'd be good for Peter
4 to take back to your committee -- you're still on that
5 committee that's going to be meeting with customary trade
6 and we do thank you for that. Yes, Robert.

7

8 MR. HEYANO: Can't we make that a request
9 outside of the committee, Mr. Chairman?

10

11 CHAIRMAN O'HARA: Sure.

12

13 MR. HEYANO: To law enforcement.

14

15 CHAIRMAN O'HARA: Yeah, we can. Pete.

16

17 MR. ABRAHAM: Well, it's got to do with
18 the law, you know, we can't make the law. You know, we
19 should sort of align with the State law that will
20 accommodate Federal at the same time. Maybe have it come
21 from law enforcement or somewhere thereabouts.

22

23 CHAIRMAN O'HARA: Okay, we're saying the
24 same thing there.

25

26 MR. ABRAHAM: Okay.

27

28 CHAIRMAN O'HARA: Pat, can you take that?
29 Robert's saying, not necessarily go back and have the
30 Customary Trade Task Force deal with this issue but that
31 Customary Trade committee is going to be talking to the
32 Staff or the Board or someone so we want this
33 incorporated to bring out this enforcement issue on
34 permitting or tracking.

35

36 MS. McCLENAHAN: Yes, okay.

37

38 CHAIRMAN O'HARA: Is that a good enough
39 direction from the board?

40

41 MR. ABRAHAM: Yeah.

42

43 CHAIRMAN O'HARA: All right.

44

45 MR. SAMUELSEN: So let me understand this
46 now.

47

48 CHAIRMAN O'HARA: Sure.

49

50 MR. SAMUELSEN: 11 and 12 would move

00124

1 forward and a parallel track would be a tracking system
2 on how to report this.

3

4 CHAIRMAN O'HARA: Uh-huh.

5

6 MR. SAMUELSEN: And without a tracking
7 system these two are not supported.

8

9 MS. McCLENAHAN: Okay. Okay.

10

11 CHAIRMAN O'HARA: That's right.

12

13 MR. SAMUELSEN: Uh?

14

15 CHAIRMAN O'HARA: That's right.

16

17 MR. SAMUELSEN: And we will revise our
18 dollar amount or whether we even want a dollar amount.

19

20 CHAIRMAN O'HARA: Good.

21

22 MR. SAMUELSEN: Because as you said,
23 there's -- or as Robert said, there's no use in having a
24 dollar amount if there's no tracking mechanism in place.

25

26 MS. McCLENAHAN: Okay.

27

28 CHAIRMAN O'HARA: You know, the best
29 system is a dictator if he's a good one. Went all night
30 long to come back to say that very same thing and here we
31 are again. That's all right.

32

33 MR. HEYANO: And my understanding, Mr.
34 Chairman, of the system is that we could only -- we could
35 be the only Regional Council that requests a recording
36 and tracking system, right?

37

38 MR. SAMUELSEN: Good enough.

39

40 MS. McCLENAHAN: It's possible.

41

42 CHAIRMAN O'HARA: Then we could say we're
43 having fun, yeah.

44

45 MR. HEYANO: You know, this is not
46 impossible, Mr. Chairman.

47

48 CHAIRMAN O'HARA: No, no.

49

50 MR. HEYANO: You look at what you have to

00125

1 do to sell a piece of ivory, you know, you got to jump,
2 stand on your head, do all kinds of things and they could
3 track that piece right back to the original guy who found
4 it.

5
6 CHAIRMAN O'HARA: Oh, yeah, that little
7 black light tells you exactly what you're wearing that
8 day. And I appreciate Deb Liggett's comment that we
9 don't want to jump on subsistence users, those law
10 enforcement guys are out in the woods flying around in
11 airplanes and in walking around, hiding in bushes,
12 they're everywhere. So they do a good job, we appreciate
13 that.

14
15 Go ahead.

16
17 MR. EDENSHAW: Mr. Chair, I wanted to ask
18 Robyn a question, the Council took action on 11, 12 and
19 13 and then on Page 11, 27(5), how does that fit into --
20 does it fit into 11, 12 and 13?

21
22 MR. SAMUELSEN: You plug the \$500 in
23 there and you plug the \$400 in there.

24
25 CHAIRMAN O'HARA: And come back with a
26 tracking reporting system.

27
28 MS. McCLENAHAN: Cliff, I've got it
29 written down.

30
31 MR. EDENSHAW: You got it. Well, I just
32 wanted it for clarification.

33
34 CHAIRMAN O'HARA: Are we done with
35 customary trade? Yes.

36
37 MS. McCLENAHAN: One more little thing.

38
39 CHAIRMAN O'HARA: Okay.

40
41 MS. McCLENAHAN: What are we going to do
42 with 12, their parts or their eggs?

43
44 MS. KELLEY: Oh, that's right.

45
46 MS. McCLENAHAN: Are you voting on that?

47
48 CHAIRMAN O'HARA: What did we decide on
49 that, did we decide anything on that or not?

50

00126

1 MS. KELLEY: Well, we wanted to keep
2 their parts and their eggs in 11 but Pete wants to take
3 them out of 12.

4
5 CHAIRMAN O'HARA: Okay, Pete, go ahead.
6

7 MR. ABRAHAM: On 11, disregard --
8 disregard their eggs, just leave it the way it is. But
9 when you go down to 12 cross off their eggs -- or their
10 parts or their eggs.

11
12 CHAIRMAN O'HARA: Now, didn't we act on
13 11 and 12 already?

14
15 MS. McCLENAHAN: You acted on 11 and 12
16 in regard to amounts, dollar amounts, but you didn't act
17 on Pete's -- their parts and their eggs.

18
19 CHAIRMAN O'HARA: Okay. Council members,
20 what do you want to do?

21
22 MR. SAMUELSEN: What do you want to do,
23 Pete?

24
25 MR. ABRAHAM: I move to accept -- I move
26 to accept 11 the way it is right now, 12 disregard -- or
27 rather cross out their parts or their eggs.

28
29 CHAIRMAN O'HARA: Is there a second?

30
31 MR. SAMUELSEN: Second.

32
33 CHAIRMAN O'HARA: Second. All right,
34 Pete did you want to address your motion?

35
36 MR. ABRAHAM: Uh?

37
38 CHAIRMAN O'HARA: Are you.....

39
40 MR. ABRAHAM: That's been moved, yeah.

41
42 CHAIRMAN O'HARA: Did you want to talk to
43 it at all or are you happy with that?

44
45 MR. ABRAHAM: No, that's the way it is
46 right there.

47
48 CHAIRMAN O'HARA: All right. Any other
49 Council members.....

50

00127

1 (Laughter)

2

3 MR. ABRAHAM: If I talk, you know, it
4 would last another half hour.

5

6 (Laughter)

7

8 CHAIRMAN O'HARA: All right.

9

10 MR. ABRAHAM: We've talked about it
11 enough already.

12

13 (Laughter)

14

15 CHAIRMAN O'HARA: Okay. Talk to us
16 Robert.

17

18 MR. HEYANO: Mr. Chairman, I will support
19 the motion. I think if we have the dollar amount, that's
20 sufficient for me. I, you know, if this is customary
21 and traditional practices, whether they want to sell the
22 strips or sell the eggs as long as there's a limit, a
23 dollar limit there, it really doesn't make much
24 difference to me. And in some instances, I see where it
25 could be -- you know, if there's somebody who wants to
26 buy the eggs and the individual family wants to keep the
27 flesh or the strips, it's beneficial in that purpose.

28

29 CHAIRMAN O'HARA: Okay.

30

31 MR. HEYANO: You know, it's almost a by-
32 product and that type of thing and they're generating
33 some money to offset their expenses. To not allow it, I
34 think, is counter to what we're trying to do here.

35

36 CHAIRMAN O'HARA: Any other discussion
37 Council members? Call for the -- well, wait a minute,
38 let's have a roll call vote then, Mr. Clifford.

39

40 MR. EDENSHAW: Mr. Chair.

41

42 CHAIRMAN O'HARA: My vote?

43

44 MR. EDENSHAW: Yes.

45

46 CHAIRMAN O'HARA: No.

47

48 MR. EDENSHAW: No. Shirley Kelley.

49

50 MS. KELLEY: No.

00128

1 MR. EDENSHAW: Robyn Samuelson.

2

3 MR. SAMUELSEN: Yes.

4

5 CHAIRMAN O'HARA: Robert Heyano.

6

7 MR. HEYANO: No.

8

9 MR. EDENSHAW: Andrew Balluta.

10

11 MR. BALLUTA: No.

12

13 MR. EDENSHAW: Peter Abraham.

14

15 MR. ABRAHAM: Yes.

16

17 MR. EDENSHAW: Mr. Chair, the nay's have
18 it, 4-2.

19

20 CHAIRMAN O'HARA: You had me worried
21 there for awhile, I thought we had a rubber stamp going
22 there for awhile but I guess we don't.

23

24 MR. EDENSHAW: Motion fails.

25

26 CHAIRMAN O'HARA: Okay. Now, are we done
27 with this?

28

29 MS. McCLENAHAN: Thank you, Mr. Chair,
30 we're done with this. You're not, however, through with
31 me.

32

33 CHAIRMAN O'HARA: All right. Talk to us.

34

35 MS. McCLENAHAN: My next briefing will be
36 brief.

37

38 CHAIRMAN O'HARA: All right.

39

40 MS. McCLENAHAN: This is statewide rural
41 determination methodology contract. The method used to
42 determine if a community -- oh, I'm sorry, we're at Tab
43 F, Page 18 and 19.

44

45 The method used to determine if a
46 community is rural or non-rural was developed in 1991.
47 The methods were used as a basis for the initial rural
48 and non-rural determinations that were made at that time.
49 Since then there have been a number of concerns raised
50 about these methods. The latest was in the

00129

1 reconsideration to the Kenai Peninsula finding in 2001,
2 as you'll recall. All rural and non-rural determinations
3 are reviewed by the Board every 10 years. To prepare for
4 the next 10 year evaluation and to evaluate the concerns
5 that have been expressed, the Board directed the Office
6 of Subsistence Management to contract an independent
7 group to evaluate the methods.

8

9 In September 2001, the Office of
10 Subsistence Management awarded a competitively bid
11 contract to the University of Alaska-Anchorage, Institute
12 of Social and Economic Research with a completion date of
13 June 2002. The contract is going forward. A
14 comprehensive review of existing literature is complete.
15 And two focus group meetings have been held. A public
16 review will take place during the scheduled fall 2002
17 Regional Advisory Council meetings. A Board decision on
18 the rural determination methodology is expected in late
19 2002. Finally, the methodology, the 2000 census data and
20 other criteria are expected to be applied for a final
21 statewide rural/non-rural determination in 2003.

22

23 That completes my remarks.

24

25 CHAIRMAN O'HARA: Any questions, Council
26 members on rural versus urban? Yes, Robert.

27

28 MR. HEYANO: Pat, who determined where
29 these focus groups would be holding their meetings?

30

31 MS. McCLENAHAN: As I recall, the -- ISER,
32 you know, the Institute for Economic Research that got
33 the contract was guiding that whole effort, it was
34 outside the Office of Subsistence Management. But it was
35 within the guidelines that they had agreed upon in the
36 contract.

37

38 CHAIRMAN O'HARA: Robert.

39

40 MR. HEYANO: Well, Mr. Chairman, they
41 held one meeting in Kotzebue, one in Deering and the
42 remaining meetings will be held in Ketchikan, Saxman,
43 Kenai, Soldotna, Fairbanks and Copper Center. And from
44 that they're going to write three reports, I guess
45 detailing two methodologies for formulas for determining
46 rural and non-rural communities. IT seems a little short
47 of obtaining a rural perspective, to me.

48

49 CHAIRMAN O'HARA: What's your
50 recommendation? Do you want to throw Bristol Bay in that

00130

1 pot and have them come here?

2

3 MS. KELLEY: Well, look at the
4 communities they're going to.

5

6 CHAIRMAN O'HARA: Yes. Robyn.

7

8 MR. SAMUELSEN: The problem I'm having
9 with that list of communities, some are already deemed
10 urban communities by Federal legislation like Kenai or
11 Ketchikan. Ketchikan is not a rural community and it's
12 putting Fairbanks, it's put in Federal statute that
13 they're urban communities.

14

15 MS. McCLENAHAN: Yes, they're urban
16 communities and they're already listed.

17

18 MR. SAMUELSEN: I mean them ones are
19 specifically listed in Federal statute.

20

21 MS. McCLENAHAN: Exactly.

22

23 CHAIRMAN O'HARA: What's the purpose of
24 going there if they're not going to be part of the
25 Federal program?

26

27 MS. McCLENAHAN: I'm not sure. I haven't
28 been involved in this at all.

29

30 CHAIRMAN O'HARA: Okay.

31

32 MS. McCLENAHAN: Once the contract was
33 let, ISER has led this effort.

34

35 CHAIRMAN O'HARA: Who?

36

37 MS. McCLENAHAN: The Institute for
38 Economic Research at the University of Alaska-Anchorage.

39

40 CHAIRMAN O'HARA: Okay. Shirley.

41

42 MS. KELLEY: Well, I'm wondering why do
43 we need to comment on this if the Feds aren't even the
44 ones who are leading -- I mean they started the program
45 but they have somebody else doing it and then these other
46 people pick non-rural areas to determine a rural/non-
47 rural determination, what's the point of bringing it to
48 us if this is what's happening?

49

50 MS. McCLENAHAN: At this point I'm just

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1 bringing this to you for informational purposes. I am
2 taking your comments, however, I'll take them back with
3 me. And in the future, when the methodology that they
4 produce is applied, then you will have an opportunity to
5 comment on that application and whether or not you think
6 that it's appropriate.

7

8 CHAIRMAN O'HARA: Pat, a year and a half
9 ago we were all in Anchorage and we divided up the
10 Council on the various types of committees, you were on
11 one, you were on one, you and I were put on this urban
12 one. We've never been contacted to come to a meeting.
13 When will Robyn and I be involved in this?

14

15 MS. McCLENAHAN: That's a good question
16 and I'm not sure but I'll ask. I'll find out and get
17 back to you.

18

19 CHAIRMAN O'HARA: If they're progressing
20 along to public hearings and everything, we never have
21 even been involved in the process. I'm kind of wondering
22 what's going on.

23

24 MS. McCLENAHAN: I will ask.

25

26 CHAIRMAN O'HARA: Robert.

27

28 MR. HEYANO: Well, according to this, Mr.
29 Chairman, it looks like in the fall of 2002, you and a
30 guy by the name of Gerald Nicholia selected from the 10
31 Council Chairs are expected to deliberate in the
32 deliberation by the Board.

33

34 CHAIRMAN O'HARA: Well, our
35 recommendation was, you know, we divided up the Council
36 into committees that we're going to working on some
37 statewide issues, Robyn and I were going to be the ones
38 going there and you were going to be doing -- what were
39 you going to be doing, you had an assignment?

40

41 MR. HEYANO: I was going to be acting
42 Chairman in your absence.

43

44 (Laughter)

45

46 MR. HEYANO: Well, Mr. Chairman, I recall
47 that but I can't recall what specific duties.

48

49 MR. SAMUELSEN: He was going to be
50 upriver moose hunting.

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1 (Laughter)

2

3 CHAIRMAN O'HARA: Pat.

4

5 MS. McCLENAHAN: Mr. Chairman, I'll do
6 some research and find out more about that.

7

8 CHAIRMAN O'HARA: Okay.

9

10 MR. HEYANO: Mr. Chairman, it looks like
11 Regional Advisory Councils will get to provide input at
12 the final, right at the end at 2003.

13

14 CHAIRMAN O'HARA: Okay.

15

16 MR. HEYANO: You know, and I echo my
17 comments previously when the Feds were going to let this
18 out for contract, I strongly believe that should have
19 never been done. That's something that should have been
20 handled in-house.

21

22 CHAIRMAN O'HARA: It's after the fact
23 now.

24

25 MR. HEYANO: Right. I mean look at the
26 places where they're going to gather their information
27 from.

28

29 CHAIRMAN O'HARA: Uh-huh.

30

31 MR. EDENSHAW: Mr. Chair.

32

33 CHAIRMAN O'HARA: Yep.

34

35 MR. EDENSHAW: At the previous meetings,
36 already held in Kotzebue and Deering, when I called you
37 and asked for names to be part of these focus groups, my
38 read on that from having spoken with Laura Jurgensen
39 after this because we were concerned, there were Council
40 members, just not from this one, but from other ones here
41 in the state who attended those meetings in Deering and
42 Kotzebue, so with the remaining meetings, I'm not sure
43 what the calendar was for Kenai, Soldotna, Fairbanks and
44 Copper Center, that contractor was to -- hopefully the
45 other Council members here and in the other regions --
46 there were two from each -- two names from each Council
47 were sent to the contractor in Anchorage, so there's the
48 likelihood that the both of you will be -- that they'll
49 pay for your airfare to attend these focus groups where
50 they have a cross-section of individuals, whether they

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1 lived in Anchorage, for instance, you in Naknek and Robyn
2 in Dillingham. But that's how they've been handling the
3 individuals participating in those focus groups.

4

5 CHAIRMAN O'HARA: They'll pay for the
6 airfare and per diem and the hotel?

7

8 MR. EDENSHAW: Yes. And per diem and
9 lodging, yes.

10

11 CHAIRMAN O'HARA: Okay.

12

13 MS. McCLENAHAN: Thank you, Cliff.

14

15 CHAIRMAN O'HARA: Okay. I guess that's
16 the best we can do on it, it's kind of out of our control
17 anyway. So is there any further comment on that? Now,
18 was that part of the customary trade thing that you were
19 bringing? Where did that fit into the agenda on here?

20

21 MS. McCLENAHAN: This was the next item.

22

23 CHAIRMAN O'HARA: Okay. Steve Klein, No.
24 2, Federal/State Coordination. Thank you, Pat.

25

26 MS. McCLENAHAN: Thank you.

27

28 CHAIRMAN O'HARA: We appreciate that long
29 session there. Do you want to take a break Robyn?

30

31 MR. SAMUELSEN: No, let's go.

32

33 CHAIRMAN O'HARA: Okay, Steve. We're
34 under Tab F still?

35

36 MR. KLEIN: I'm under Tab F still.

37

38 CHAIRMAN O'HARA: Okay.

39

40 MR. KLEIN: I have two -- I think these
41 should be quick briefings. For the record, I'm Steve
42 Klein.

43

44 CHAIRMAN O'HARA: We've heard that
45 before, quick briefings.

46

47 MR. KLEIN: Well, these are apple pie
48 issues.

49

50 CHAIRMAN O'HARA: Okay. Give us page

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1 numbers.

2

3 MS. KELLEY: 15.

4

5 MR. KLEIN: Well, the first briefing is
6 on Federal/State coordination and it's on Page 14 under
7 Tab F.

8

9 CHAIRMAN O'HARA: Okay.

10

11 MR. KLEIN: And this is just for
12 informational purposes and it's just to update you on the
13 status of working relations between Federal and State
14 agencies relative to Federal subsistence management. And
15 really we don't need any action by the Council, this is
16 just to update you on where we're at. And of course,
17 this Council recognizes that it's very important for the
18 State and Federal governments to work together as we
19 implement subsistence management.

20

21 There's six points that I wanted to bring
22 up to you this evening. First, we do have an interim
23 Federal/State Memorandum of Agreement. This was agreed
24 to back in April of 2000 and the MOA signatories included
25 the Commissioner of ADF&G, the Chair of the Alaska Board
26 of Fisheries, the Chair of the Alaska Board of Game,
27 Regional Directors or State Directors for the Fish and
28 Wildlife Service, Forest Service, Park Service, BLM, BIA
29 and Chair of the Federal Subsistence Board. So we're
30 operating under this interim Memorandum of Agreement or
31 MOA, that's the first point.

32

33 The second point is the purpose of that
34 MOA is to establish guidelines for coordination between
35 the Federal and State agencies in the management of fish
36 and wildlife resources on public lands in Alaska.

37

38 Thirdly, the MOA working group has been
39 formed and this consists of representatives of the five
40 Federal agencies, as well as the Alaska Department of
41 Fish and Game Divisions of Sportfish, Commercial Fish and
42 Subsistence, as well as Board Support and Wildlife. And
43 that MOA working group, they're working on several
44 protocols to improve the way we coordinate on issues and
45 the way we work together so that we are working in unison
46 for common goals.

47

48 Fourthly, there are six protocols and
49 most of Page 14 goes over these six protocols that are
50 ongoing and I'll quickly go over the status of those six

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1 protocols. This is the fourth of six points, so we're
2 over the halfway point now.

3

4 (Laughter)

5

6 MR. KLEIN: The six protocols. One is
7 subsistence management information sharing. Of course to
8 manage fisheries we need to share information to manage
9 wildlife. For that protocol, a final draft has been
10 completed and that's getting ready for signatures. The
11 second protocol is Yukon River Drainage Subsistence
12 Salmon Fishery management. This is for management of
13 Yukon River fisheries. That has a final draft completed
14 and that's ready for signatures. Thirdly, regulatory
15 coordination. We have committees established and they're
16 scheduled to complete their task by late 2003 and Council
17 members should have received -- or actually in your books
18 there's a briefing paper on regulatory coordination.
19 That's the next page, Page 15. The fourth protocol is
20 Fisheries Regulatory Management Planning. There is a
21 working group in process and they're trying to draft a
22 charge to set Federal and State employees to drafting
23 that. And that's also the case for statewide in-season
24 subsistence fishery management and subsistence use
25 amounts.

26

27 So those are the six protocols that are
28 ongoing between the Federal and State governments.

29

30 The fifth point was that Council members
31 are an important part of the protocol development process
32 and we continue to involve Council members in those
33 protocols. And finally, OSM has provided additional
34 funds to the State of Alaska in 2002 for liaison and
35 Staff support to enhance coordination and cooperation
36 between State and Federal agencies.

37

38 Mr. Chair, that concludes my briefing and
39 I'll be happy to answer any questions.

40

41 CHAIRMAN O'HARA: All right. Any
42 questions Council members? Protocol. Robert, that's the
43 committee you're on. When we were in the meeting that
44 day, you were the one selected by the Council, our
45 Council appointed to do the protocol thing.

46

47 MR. HEYANO: Oh, yeah, I wonder when I'm
48 going to get to participate.

49

50 CHAIRMAN O'HARA: I don't know.

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1 (Laughter)

2

3 MR. HEYANO: Those drafts, could we have
4 them available to us to look at?

5

6 MR. KLEIN: Yes. For the first two, on
7 the subsistence -- information sharing and for the Yukon
8 River, I believe they're like in the final stages of
9 signing and I can get those to Cliff to distribute to the
10 Council members.

11

12 CHAIRMAN O'HARA: I hope so. It's part
13 of the system. Any other questions Council members, any
14 comments. Robyn.

15

16 MR. SAMUELSEN: I just want to know how
17 many years you guys have been working on those MOA's.
18 We've been hearing about it for a long time.

19

20 CHAIRMAN O'HARA: At least three years.

21

22 MR. KLEIN: Well, the last MOA between
23 ADF&G and Fish and Wildlife was signed in 1982 and we
24 really haven't gotten much further than that. But we're
25 sitting together at the table trying to work these issues
26 out and these are complex issues and probably our
27 grandchildren will still be grappling with these I
28 suspect.

29

30 (Laughter)

31

32 MR. KLEIN: That's a good honest answer.

33

34 CHAIRMAN O'HARA: This Council, we got
35 our own MOA and we deal with the State of Alaska right up
36 front and it's not a problem.

37

38 Okay, if there are no further questions,
39 thank you very much, Steve. Do you have anything else?

40

41 MR. KLEIN: I have one other briefing.
42 And that's on Council membership balance. All the
43 Council members should have received a letter from Mitch
44 on balance of Regional Advisory Councils.

45

46 CHAIRMAN O'HARA: Is this a handout,
47 Steve?

48

49 MR. KLEIN: No, that should have
50 personally sent to you.

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1 MR. SAMUELSEN: It was in our mailboxes.

2

3 CHAIRMAN O'HARA: Okay.

4

5 MR. KLEIN: There are copies on the back
6 table here. It was a letter from Mitch and then a letter
7 from the Assistant Secretary Griles.

8

9 CHAIRMAN O'HARA: Okay, go ahead, Steve.

10

11 MR. KLEIN: Okay. Again, this is for
12 informational purposes and it doesn't really require an
13 action by the Council but if you want us to take an
14 action, we'll do it.

15

16 CHAIRMAN O'HARA: You never know, we
17 might take an action.

18

19 MR. KLEIN: Pat is handing that out.
20 There was a letter from one of the deputy secretaries of
21 Interior and that was Steve Griles and it concerned
22 membership balance on Regional Advisory Councils.

23

24 In that letter they requested that we
25 review our procedures for recommending Council members to
26 ensure that we're complying with FACA, the Federal
27 Advisory Committee Act regarding membership balance and
28 representation for all affected user groups. In fact,
29 FACA says -- the Federal Advisory Committee Act, that
30 there should be some diversity in Councils such as
31 Regional Advisory Councils, for example you'd want
32 subsistence, sport, commercial, urban, rural, Native,
33 non-Native. You would want a mix. Maybe not all of
34 those, but you wouldn't want everybody thinking alike.
35 And you do have a copy of that letter. And they raise
36 some -- what I want to do is just assure you that you
37 don't need to be concerned, within the Office of
38 Subsistence Management and as you see in your letter from
39 Mitch, we really welcome this opportunity to review our
40 procedures and processes that we use to make
41 appointments.

42

43 In Mitch's letter, he reiterated that he
44 thinks we have a solid record. That we do, in fact, have
45 balance on our Regional Advisory Councils and that we're
46 complying with the spirit and intent of both ANILCA and
47 FACA.

48

49 But we do have to respond to letters that
50 come from Washington, from the Secretarial level, so we

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1 formed a committee to look at balance and basically
2 they're reviewing our processes and they'll come up with
3 any recommendations based upon the procedures we're
4 following and we'll keep Council members abreast of those
5 activities.

6

7 CHAIRMAN O'HARA: Well, you just tell Mr.
8 Bush we're doing just fine like we are. And you can see
9 the color of the new Administration coming through in a
10 letter like this. You know, they're going to want sport
11 guys, they want commercial on there. Pretty soon you
12 don't have a Federal Subsistence Council, you got.....

13

14 MR. SAMUELSEN: The Board of Game.

15

16 CHAIRMAN O'HARA:Bob Penny up there
17 directing the traffic for us and we're not going to take
18 kindly to that. So you go back and report to your people
19 that as far as I'm concerned we're doing just fine. We
20 got subsistence users on our Council.

21

22 MR. KLEIN: I think ANILCA is what really
23 drives this process and.....

24

25 CHAIRMAN O'HARA: Yeah.

26

27 MR. KLEIN:and we've got the.....

28

29 CHAIRMAN O'HARA: Every administration
30 changes the color of Title VIII if they can and they got
31 the power to do it and this comes through with that type
32 of coloring. And, you know, we are the grassroots type
33 subsistence users on the Federal Subsistence Council
34 right here and we know where everything is at and we do
35 thank you for your report.

36

37 MR. HEYANO: Mr. Chair.

38

39 CHAIRMAN O'HARA: Yep, help yourself.

40

41 (Laughter)

42

43 MR. HEYANO: Well, Mr. Chairman, it's
44 rumored that there has already been appointments to RACs
45 based on other qualifications other than subsistence use
46 in recent appointments. As you know, my seat is up and
47 along with Andrews, and the application that I was asked
48 to fill out provided no input as to what other interests
49 or expertise I have other than subsistence. So how is it
50 going to be determined that other users are represented

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1 when the application doesn't provide any place for the
2 people making the selection to review that information?

3

4 MR. KLEIN: Mr. Chair, that's a very good
5 comment and that might be one of the things that would be
6 fixed as a result of this review, is that, maybe we ought
7 to list other activities that people are involved in.
8 And I mean, nobody's just strictly a subsistence user,
9 you have other activities, other skills that you bring to
10 the table and I think -- I'm hoping that they're kind of
11 -- they just don't have the knowledge of what skills you
12 are bringing to the table. And this review, hopefully,
13 it might -- one of the changes they might make is
14 amendment of the application process where there is that
15 additional information. Right now the only two criteria
16 that you're a member of the region and that you have
17 knowledge of subsistence uses. And those two things,
18 they can't change.

19

20 CHAIRMAN O'HARA: Well, then we'd be in
21 good shape if they can't change that. Robyn, go ahead.

22

23 MR. SAMUELSEN: Yeah, well, let's see in
24 this Eastern Interior one here, there's Virgil Umphenour
25 who was just appointed, I believe, and I think there's a
26 Sue or somebody here and it looks like changes are
27 already happening within. But on the North Pacific
28 Fishery Management Council we have another regulatory
29 body that advises, we call it the advisory panel and
30 there's 23 members in that panel and those members are
31 required to fill out an application. And then they've
32 got little check boxes, are they subsistence, trawl,
33 longline fishermen, it lists salmon fishermen and it
34 lists all their experiences and they go down and check
35 the boxes, their activities. And I agree with Robert
36 that, you know, I hold a trapping license, I hold a
37 commercial fishing license, I got a sportfishing license
38 and for some reason we try to brand people, a pretty
39 closed class. And I think we start -- you know, I just
40 go back to the days when we were debating whether we
41 needed to close the Alaska Peninsula Caribou
42 sport hunting, draw a line in the sand, you might say.
43 And, you know, if there was a bunch of -- there was no
44 guided industry that was in favor of doing that action
45 and I think we start diluting down this Council, we're
46 just going to dilute down the whole Federal Subsistence
47 process and the intent of Title VIII.

48

49 CHAIRMAN O'HARA: Yeah. Did you have
50 anything else, Steve?

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1 MR. KLEIN: No, that's all I have.

2

3 CHAIRMAN O'HARA: Any other questions
4 Council members?

5

6 MR. SAMUELSEN: Nope.

7

8 CHAIRMAN O'HARA: Okay. We'll take about
9 a 10 minute break here and come back. And who is doing
10 the next one, the Council membership balance, Staff?

11

12 MR. EDENSHAW: Which one, Mr. Chair?

13

14 CHAIRMAN O'HARA: No. 4.

15

16 MR. EDENSHAW: Steve just addressed that.

17

18 CHAIRMAN O'HARA: Okay.

19

20 MS. KELLEY: No. 5.

21

22 CHAIRMAN O'HARA: Five, then.

23

24 MR. EDENSHAW: I will.

25

26 CHAIRMAN O'HARA: Okay, you'll handle
27 that?

28

29 MR. EDENSHAW: The last two.

30

31 CHAIRMAN O'HARA: Okay and we'll do that.

32

33 MR. SAMUELSEN: Yes, five and six.

34

35 CHAIRMAN O'HARA: Okay, 10 minutes.

36

37 (Off record)

38

39 (On record)

40

41 CHAIRMAN O'HARA: All right, call the
42 meeting back to order. Cliff, we're ready to do five and
43 six. Clifford.

44

45 MR. EDENSHAW: Yes, Mr. Chair.

46

47 CHAIRMAN O'HARA: Give us the tab.

48

49 MR. EDENSHAW: Same tab, Page 20

50

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1 CHAIRMAN O'HARA: Okay, we're stuck on
2 the F tab. Page 20?

3
4 MR. EDENSHAW: Yes, sir.

5
6 CHAIRMAN O'HARA: Go ahead.

7
8 MR. EDENSHAW: All right, Mr. Chair, if
9 we look back on our agenda, 2001 annual report issues. I
10 included this here, if you look on the top under the --
11 this was the Federal Subsistence Board's response to the
12 2000 annual report. So as a point of reference I
13 included this here to show you what action was taken when
14 the Council submitted their 2000 report and what the
15 response was and the action that the Board responded to
16 in regards to the two issues, the ORV issue and the
17 Aleknagik and the FIS program, the five year management
18 plan. And in response to the 2001, this is almost like a
19 fact finding, a gathering, what I want from the Council
20 are if you see from this 2000 annual report some issues
21 that you'd like to continue carrying over for the 2001
22 annual report then please let me know. And any new
23 information or issues you have and wish to have added for
24 the 2001 annual report, this is the time to let me know.
25 When we meet in the fall I will have the draft 2001
26 annual report for the Council's review and which will be
27 submitted to the Board.

28
29 So what I want from the Council is this
30 is just a review of the 2000 annual report, this is the
31 Federal Subsistence Board's response. And if you want me
32 to carry over some of these issues in here you can see
33 that some of these issues they took action on and others
34 were -- are still incomplete as well as new issues.

35
36 CHAIRMAN O'HARA: Okay. Council members,
37 do you see any in here that you want to have on a
38 continuing basis. ORV, I'm sure is going to have to
39 continue on. It's something that we're going to be
40 dealing with there.

41
42 MS. KELLEY: When are we going to get a
43 report on that?

44
45 CHAIRMAN O'HARA: Will there be a report
46 on that coming to us later on on the ORV thing, from the
47 Park Service?

48
49 MS. LIGGETT: I could do that first thing
50 in the morning.

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1 CHAIRMAN O'HARA: That will be good, all
2 right, thank you.

3
4 MR. EDENSHAW: And then, Mr. Chair, in
5 regards to issue No. 3 on the 2000 annual report, Steve
6 Klein is going to give an update in regard to FIS
7 monitoring projects so that will likely be carried over
8 to the 2001 annual report. Issue No. 4, as we spoke to
9 -- after the meeting's adjourned, the committee of
10 Robert, Robyn, Dan and Shirley, Steve Klien and myself
11 will have to get together a date so that we can meet and
12 address that issue.

13
14 CHAIRMAN O'HARA: The strategic plan.

15
16 MR. EDENSHAW: Yes.

17
18 CHAIRMAN O'HARA: Okay. The Branch,
19 Aleknagik, Alaganak, regarding the conflict there, that's
20 naturally an ongoing issue that we certainly want to keep
21 there. Those are the only two that I had that are
22 important to me.

23
24 MS. KELLEY: Mr. Chair.

25
26 CHAIRMAN O'HARA: Yes, ma'am, go ahead.

27
28 MS. KELLEY: When are we going to get a
29 report on what's happening on the Aleknagik River?

30
31 CHAIRMAN O'HARA: On what?

32
33 MS. KELLEY: On No. 2, issue two?

34
35 CHAIRMAN O'HARA: The Branch? We have
36 under the Alaganak Wildriver Bristol Bay Regional
37 Advisory Council remains very concern with the planning
38 efforts and user conflict regarding the Alaganak River.

39
40 MS. LIGGETT: I'd be happy to brief the
41 Council tomorrow morning.

42
43 CHAIRMAN O'HARA: That will be fine, too,
44 then, the ORV and the Branch.

45
46 MS. LIGGETT: And I'm on the morning
47 flight out, which means I can be here until about 9:00.

48
49 CHAIRMAN O'HARA: Yeah. Well, we'll have
50 you on at 8:00 o'clock in the morning and make sure you

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1 get your flight. Thank you, Deb, we appreciate that.

2

3 MR. HEYANO: Mr. Chairman.

4

5 CHAIRMAN O'HARA: Yeah.

6

7 MR. HEYANO: Is now the time we need to
8 select new issues?

9

10 MR. EDENSHAW: You can add additional --
11 yes. Yes, Robert.

12

13 CHAIRMAN O'HARA: We're ready.

14

15 MR. HEYANO: Ready. Thank you, Mr.
16 Chairman. The failure of the Federal Subsistence Board
17 to acknowledge customary and traditional in allowing for
18 a harvest opportunity for same day airborne hunting.

19

20 MR. SAMUELSEN: Damn, he's consistent.

21

22 (Laughter)

23

24 MS. KELLEY: You are.

25

26 CHAIRMAN O'HARA: Robert is consistent,
27 all right, ongoing.

28

29 MR. HEYANO: Well, I think Mr. Chairman,
30 this is the first time we're going to put it in the
31 report.

32

33 MS. KELLEY: Oh, okay.

34

35 CHAIRMAN O'HARA: Yeah. Yeah, it is a
36 very custom and traditional use, long before we ever
37 heard of a chainsaw. Was there anything else that the
38 Council wants to have an ongoing? Well, I guess you got
39 your marching orders, Cliff. Excuse me, go ahead, there
40 Robyn.

41

42 MR. SAMUELSEN: Maybe we can do it in the
43 strategic plan, Mr. Chairman. But, you know, with the
44 failure of the Kvichak sockeye system and the havoc
45 that's rained on subsistence and those folks up around
46 Ilimania Lake, a lot of them have had a hard time meeting
47 their subsistence needs because of the failure, I think
48 this year's projections in the Kvichak is well below the
49 stated escapement goal.

50

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1 CHAIRMAN O'HARA: Uh-huh.

2

3 MR. SAMUELSEN: I think it's the lowest
4 it's been in at least 25 years. And it seems that the
5 Federal dollars spent on research are within the confines
6 of the lake area and that I'm not advocating going out
7 into the middle of the Bering Sea but I think that we
8 should, you know, Federal dollars ought to be spent in
9 trying to find out -- help find out the causes in
10 nearshore saltwater components. I think the Kvichak Bay,
11 et cetera.

12

13 CHAIRMAN O'HARA: Uh-huh.

14

15 MR. SAMUELSEN: There's other agencies
16 that could go outside of State waters, but I think we
17 need to look at the whole migratory path, what's causing
18 the fish to not return to the Kvichak. And I think as a
19 responsible agency, I don't think we should take the lead
20 but we should, at least provide input and provide dollars
21 into different monitoring programs to help bring the
22 Kvichak back. And I don't know if we'd put that in our
23 strategic five year monitoring program or what. But
24 every time we've mentioned going outside of a
25 geographical designated area, whether it's a Park or
26 Preserve it seems like, oh, no, we don't do that. But I
27 think maybe we need to change our way of thinking a
28 little bit.

29

30 CHAIRMAN O'HARA: Yep. Excuse me, did
31 somebody else have a comment? Shirley, did you have a
32 comment?

33

34 MS. KELLEY: Well, I think that it should
35 be stand-alone besides the five year plan. Because that
36 system is sick and it's part of Bristol Bay and it's
37 making the rest of us suffer because of its sickness.

38

39 CHAIRMAN O'HARA: Okay. Well, Cliff, why
40 don't we tackle that and see where we can put this in.
41 Robert, go ahead.

42

43 MR. HEYANO: Well, Mr. Chairman, then
44 what I recall it's policy where they don't spend dollars
45 outside of the conservation unit. Can somebody clarify
46 that for me; that is correct?

47

48 MS. LIGGETT: I was adding it to my list
49 of things to talk about tomorrow morning.

50

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1 CHAIRMAN O'HARA: Okay, that will be
2 good. That will be fine.

3
4 MS. LIGGETT: But I had said this to Dan
5 in reference to another issue today. That as a general
6 rule, Federal agencies, without special authority or
7 appropriation can't spend appropriated dollars beyond the
8 boundaries of the units. Now, there are exceptions to
9 that and one of the things that I might recommend that
10 the Council consider would be asking the Federal
11 Subsistence Board's legal counsel for some guidance on
12 that as it relates to the Federal Subsistence Fisheries
13 money?

14
15 CHAIRMAN O'HARA: Oh, good, we should put
16 that in a form of a letter from me, the Chairman, to
17 Keith, what's his last name?

18
19 MS. LIGGETT: Goltz.

20
21 MR. EDENSHAW: Goltz.

22
23 CHAIRMAN O'HARA: Yeah. To find that
24 out, that would be a good place to start and help.

25
26 MS. LIGGETT: I see, in fact, even in the
27 booklet today a couple of places where there is
28 conflicting, based on projects that were proposed and
29 statements that are made in it.

30
31 CHAIRMAN O'HARA: Robyn.

32
33 MR. SAMUELSEN: Yeah, I just remembered,
34 I think it's Carolann Woody's study up at Lake Clark, if
35 the results, you know, whatever the results may be but if
36 there are causes that she may come up with that is
37 outside of Lake Clark, you know.....

38
39 MS. LIGGETT: We'd like to be able to
40 track them down.

41
42 MR. SAMUELSEN: We'd like to be able to
43 track them down otherwise why spend the money on the
44 study if you're not going to follow through on it.

45
46 CHAIRMAN O'HARA: Carolann Woody needs
47 more escapement into her system to really help her out in
48 her project. The numbers are just not there. Anything
49 else that you'd like to.....

50

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1 MR. SAMUELSEN: Mr. Chairman, Robert.

2

3 CHAIRMAN O'HARA: Robert, go ahead.

4

5 MR. HEYANO: Well, Mr. Chairman, in
6 addition to writing a letter, I think we ought to include
7 it in our annual report.

8

9 CHAIRMAN O'HARA: Okay. All right.

10

11 MR. HEYANO: I agree with Robyn. You
12 know, maybe not the lead agency but we need to find a
13 mechanism where they could partner.

14

15 CHAIRMAN O'HARA: We'll look into that.
16 If we put it in writing along with our annual report, we
17 want to start moving it right away. Anything else,
18 Council members, what you want for the coming year.
19 Okay, thank you, Cliff. You have the next one as well.

20

21 MR. EDENSHAW: Yes, Mr. Chair. If you
22 look on Page 24 under Tab F again. At the last meeting,
23 the Council met in Naknek, they voted unanimously to
24 accept -- to move this charter that I put in here --
25 that's in here and this is the same one as was in the
26 fall book when we met in Naknek. So I just wanted to
27 include it to show you that nothing's changed and this
28 will be forwarded to the Federal Subsistence Board when
29 the charters and -- when they address charters and annual
30 reports in this cycle. So this charter will be forwarded
31 for the Secretaries signatures this upcoming summer.

32

33 CHAIRMAN O'HARA: Any questions Council
34 members. Okay. Is that the extent of your report?

35

36 MR. EDENSHAW: Yes, sir.

37

38 CHAIRMAN O'HARA: We do have probably a
39 couple more partnershiping, Carl Jack and Steve Klein,
40 would you like to come up and give us a report if you
41 would, please. And then after that we're going to do No.
42 3, Fisheries Resource Monitoring and Steve Klein, you can
43 stay here and help us with that. So we'll do Partnership
44 for Fishery Monitoring, Carl Jack and Steve Klein.

45

46 MR. JACK: Mr. Chairman, members of the
47 Council. We passed out a very dry briefing paper. It's
48 very similar to the one that was forwarded in your fall
49 meeting. I'd like to stress that there are a couple of
50 overarching points that we would like to make. And that

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1 is we are still talking about funding up to 10 positions.
2 We're still working to have the cooperative agreements in
3 place and have the successful applicants do their hiring
4 in May. As you will note in the schedule that's outlined
5 in that briefing paper.

6
7 As we have reported before, due to the
8 competitive nature of this program, the Federal
9 Subsistence Board had formed a panel to review the
10 applications and according to the advice and counsel from
11 CGS contracting we had to abide by the strict
12 confidentiality requirements that's imposed on this. We
13 will report though that the work of the panel is almost
14 complete. This program is considered a very important
15 capacity building program in rural Alaska and it is for
16 that reason that the higher ups have a very strong
17 interest in making the public announcements to get the
18 program off the ground.

19
20 So Mr. Chairman, that is our updated
21 report.

22
23 CHAIRMAN O'HARA: Well, that is the
24 nicest driest report I ever heard in my life.

25
26 MR. JACK: Thank you.

27
28 CHAIRMAN O'HARA: We like that Bristol
29 Bay part of it right there. Carl Jack, we like you a
30 lot. Now, tomorrow we may not like you but right now we
31 do.

32
33 (Laughter)

34
35 CHAIRMAN O'HARA: What a mean Council,
36 uh?

37
38 (Laughter)

39
40 CHAIRMAN O'HARA: Steve, did you have any
41 comment on that or not?

42
43 MR. KLEIN: No.

44
45 CHAIRMAN O'HARA: Thank you, that's very
46 good.

47
48 MR. SAMUELSEN: So Carl, May 31st, 2002,
49 these positions will be filled?

50

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1 MR. JACK: We are looking toward about
2 that time.

3
4 MR. SAMUELSEN: Okay, than you.
5

6 CHAIRMAN O'HARA: Good. Thank you very
7 much, gentlemen, we appreciate it. Now, Steve, you're
8 going to stay and do one more with us here?

9
10 MR. KLEIN: I'll stay and try to take us
11 to that 8:00 o'clock hour and then we can all adjourn.

12
13 CHAIRMAN O'HARA: You said five minutes.
14

15 MR. KLEIN: Or five to 8:00.

16
17 CHAIRMAN O'HARA: Oh, okay.
18

19 (Laughter)
20

21 MR. KLEIN: But given Robert's interest
22 in the Kvichak area we might go a little more than three
23 minutes.

24
25 CHAIRMAN O'HARA: Okay.
26

27 MR. KLEIN: I just wanted to provide a
28 quick briefing on the 2003 proposals that we received.
29 As you recall back in November we sent out a request for
30 proposals and included the issues and information needs,
31 we'll discuss those tomorrow and ask for folks out there
32 to submit the project proposals. Pat is handing out the
33 results of that submission there.

34
35 What you received, I believe, is a
36 double-sided page. One side has what we received for
37 Bristol Bay/Alaska Peninsula/Kodiak, and the other side
38 is the Inter-Regional projects. I want to talk about,
39 first off, globally, for the whole 2003 call we received
40 56 proposals and they came in at about \$4 million. We
41 have about a million and a half for 2003 so we're going
42 to have to thin the list down. And the process we'll use
43 is that we'll -- what we have now is these 56 two-page
44 proposals. We'll have the scientific and technical
45 experts like Steve Fried look at them and our
46 anthropologists and they'll kind of sort through those
47 and then we'll request investigation plans for kind of
48 the cream of the crop, we'll review those investigation
49 plans and come back to you with recommendations this fall
50 on what we think should be funded. And then after we

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1 have your input then we go to the Board and they take
2 their action.

3

4 So that's kind of globally. For Bristol
5 Bay we received eight projects, three of which are in the
6 Kvichak and I guess I would add a little bit, you know,
7 if a study is on a Federal conservation unit that's
8 certainly a priority but I don't think we operate in
9 vacuums either. If it's not in a Federal conservation
10 unit it's not automatically off the table. If fish
11 aren't returning in one system the children aren't going
12 to starve you're going to go someplace else. So
13 everything is connected and you do have to look at what
14 they call this ecosystem approach. You need to look a
15 little more globally. So just because it's not strictly
16 on a Federal conservation unit, at least, in monitoring
17 programs, that doesn't exclude it from the process.

18

19 The eight projects we did receive, they
20 totalled 1.4 million. Seven of those were on the
21 biological side, stock, status and trends. One was
22 harvest monitoring and traditional ecological knowledge.
23 All eight of those address salmon. Seven of them are
24 from the Bristol Bay/Alaska Peninsula area and one is
25 from your sister area there on the Kodiak/Aleutians.

26

27 There's a listing of those, we'll sort
28 through those with our criteria. And the criteria are
29 how strategic are they and certainly if they're
30 addressing a depressed stock, that makes it very
31 strategic. We look at the technical merit of the
32 proposal. We'll look at the partnership and capacity
33 building of the proposal as well as the qualifications of
34 the investigators. So that's how we'll evaluate those.

35

36 Just going through this, all of those are
37 on the table, nothing's off the table, we'll just them by
38 those criteria and come back to you in the fall with some
39 recommendations. And I hear Robyn and some of you other
40 members that the Kvichak is a priority and we'll be
41 running it through that filter as well.

42

43 That concludes my summary of the 2003
44 process.

45

46 CHAIRMAN O'HARA: Okay. Council members
47 any questions? We have seen this before so we thank you
48 very much. It looks to me like a good program. Nothing
49 else, Council members. Well, thank you very much Steve.
50 And we'll go ahead and recess until tomorrow morning at

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1 8:00 o'clock. And if you're supposed to be hung at 8:00
2 o'clock tomorrow morning, you be hung at 8:00 o'clock
3 tomorrow morning otherwise you're going to be late for
4 your hanging. We can leave our stuff here and thank you
5 very much.

6

7 (PROCEEDINGS TO BE CONTINUED)

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1 CERTIFICATE

2

3 UNITED STATES OF AMERICA)

4)ss.

5 STATE OF ALASKA)

6

7 I, Joseph P. Kolasinski, Notary Public in and for the
8 state of Alaska and reporter for Computer Matrix, do hereby
9 certify:

10

11 THAT the foregoing pages numbered 02 through 150 contain a
12 full, true and correct Transcript of the VOLUME I, BRISTOL BAY
13 FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, taken
14 electronically by Nathaniel Hile on the 28th day of February
15 2002, beginning at the hour of 1:00 o'clock p.m. at the
16 Assembly Chambers, Dillingham, Alaska;

17

18 THAT the transcript is a true and correct transcript
19 requested to be transcribed and thereafter transcribed by under
20 my direction and reduced to print to the best of our knowledge
21 and ability;

22

23 THAT I am not an employee, attorney, or party interested
24 in any way in this action.

25

26 DATED at Anchorage, Alaska, this 10th day of March 2002.

27

28

29

30

31 _____
32 Joseph P. Kolasinski
33 Notary Public in and for Alaska
My Commission Expires: 04/17/04