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1 BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL

2

3 Dillingham City Assembly Chambers

4 Dillingham, Alaska

5 September 29, 2003

6 1:00 p.m.

7

8 COUNCIL MEMBERS PRESENT:

9

10 Daniel J. O'Hara, Chairman

11 Shirley Kelly, Secretary

12 H. Robin Samuelson, Vice Chairman

13 Boris Kosbruk, Sr.

14 Andrew Balluta

15 Peter Abraham

16 Robert Heyano

17

18 Cliff Edenshaw, Coordinator

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1 P R O C E E D I N G S

2

3 CHAIRMAN SAMUELSEN: Secretary Shirley, do a
4 roll call?

5

6 MS. KELLY: Boris Kosbruk.

7

8 MR. KOSBRUK: Here.

9

10 MS. KELLY: Pete Abraham.

11

12 MR. ABRAHAM: Yeah.

13

14 MS. KELLY: Robert Heyano.

15

16 MR. HEYANO: Here.

17

18 MS. KELLY: Robin Samuelson.

19

20 CHAIRMAN SAMUELSEN: Here.

21

22 MS. KELLY: Andrew Balluta.

23

24 MR. BALLUTA: (No response)

25

26 MS. KELLY: Dan O'Hara.

27

28 MR. O'HARA: (No response)

29

30 MS. KELLY: We have quorum, sir.

31

32 MR. HEYANO: And Shirley.

33

34 MS. KELLY: Yes.

35

36 CHAIRMAN SAMUELSEN: Okay. We have a quorum.

37 Dan is en route. The last we heard of Andrew, he went to

38 Anchorage and is still tom catting. We haven't heard

39 back since he hit Anchorage. I'm sure he'll be here in

40 due time.

41

42 REPORTER: You're on the record, Mr. Chair.

43

44 CHAIRMAN SAMUELSEN: Yeah, I know I am. And

45 he's enjoying himself, too. Okay.

46

47 For planning purposes, we'll probably be out of

48 here at 5:00 o'clock today. I guess city council's going

49 to convene a meeting in here tonight, so we will work up

50 until 5:00 o'clock.

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1 We've introduced ourselves. Maybe the staff
2 could introduce themselves and the guests, and we'll
3 start right over here with just about retired Boyd.

4

5 MR. BOYD: I'm Tom Boyd, I'm the director of
6 the Office of Subsistence Management.

7

8 MR. TRANKIT: Bill Trankit with the Fish and
9 Game Boards.

10

11 MR. KESSLER: Hi, I'm Steve Kessler. I'm with
12 the Forest Service. What am I doing here? I'm part of
13 the Staff Committee working for Regional Forester, Denny
14 Bachort, who's part of the Federal Subsistence Board.

15

16 CHAIRMAN SAMUELSEN: Welcome. You're an.....

17

18 MR. KESSLER: Thank you.

19

20 CHAIRMAN SAMUELSEN:unfamiliar face.

21

22 MR. SANDS: I'm Tim Sands with Commercial
23 Fisheries, Fish and Game.

24

25 CHAIRMAN SAMUELSEN: Okay.

26

27 MS. CLARK: Maureen Clark, public affairs
28 specialist with the Office of Subsistence Management.

29

30 CHAIRMAN SAMUELSEN: Welcome, Maureen.

31

32 MR. FISHER: Dave Fischer, Fish and Wildlife
33 Service, Anchorage.

34

35 CHAIRMAN SAMUELSEN: Old has-been Dave,
36 welcome.

37

38 MS. McCLENAHAN: Pat McClenahan, staff
39 anthropologist, Fish and Wildlife Service, Anchorage.

40

41 MR. OWENS: Dan Owens, citizen.

42

43 MR. WALSH: Pat Walsh, Togiak National Wildlife
44 Refuge.

45

46 MS. MCBURNEY: Mary McBurney, Lake Clark/Katmai
47 and Aniakchak National Parks.

48

49 CHAIRMAN SAMUELSEN: All right.

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1 MR. BROWN: Liz Brown with the Marine Advisory
2 Program at the University of Alaska, Fairbanks.

3

4 MR. EDWARDS: Mike Edwards, King Salmon Fish
5 and Wildlife field office.

6

7 MR. LIND: Orville Lind, a ranger with Fish and
8 Wildlife Service out of King Salmon.

9

10 MR. LUNDERSTADT: Carl Lunderstadt, Togiak
11 National Wildlife Refuge.

12

13 MR. ADERMAN: Andy Aderman, Togiak National
14 Wildlife Refuge.

15

16 MR. ARCHIBEQUE: Aaron Archibeque, I'm the
17 refuge manager for another week.

18

19 CHAIRMAN SAMUELSEN: Welcome, quitter.

20

21 MR. SQUIBB: Ron Squibb, U.S. Fish and Wildlife
22 Service, King Salmon, Alaska Peninsula Refuge.

23

24 CHAIRMAN SAMUELSEN: Okay.

25

26 MR. KOEPEL: Mark Koepsel, Alaska Peninsula
27 Refuge in King Salmon.

28

29 MR. NELSON: Dave Nelson with the National Park
30 Service out of Anchorage.

31

32 MR. BUKLIS: Larry Buklis, fishery biologist
33 with the Office of Subsistence Management.

34

35 MR. CHEN: Good afternoon, my name Glenn Chen.
36 I'm with the Bureau of Indian Affairs. I work on the
37 Interagency Staff Committee.

38

39 MR. CHYTHLOOK: I'm John Chythlook, I'm a
40 fisheries biologist with BBNA.

41

42 MS. CHYTHLOOK: Molly Chythlook, Subsistence,
43 ADF&G.

44

45 MR. FREED: Steve Freed, Office of Subsistence
46 Management, Anchorage.

47

48 CHAIRMAN SAMUELSEN: I was going to say hello
49 to you the other day in that Japanese restaurant but.....

50

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1 MR. FREED: Yeah, I saw you there.

2

3 CHAIRMAN SAMUELSEN:you were tackling
4 that sushi so bad, I didn't want to go say hello to you,
5 Steve.

6

7 MR. LaPLANT: Dan LaPlant, wildlife biologist
8 with the Office of Subsistence Management.

9

10 CHAIRMAN SAMUELSEN: Okay.

11

12 MS. HIGGINS: I'm Charlotte Higgins. I work
13 for ADF&G Commercial Fisheries.

14

15 MR. DYE: Jason Dye, Sport Fish Division, Fish
16 and Game.

17

18 MR. SCHWANKE: Craig Schwanke, Sport Fish
19 Division of Fish and Game.

20

21 MR. FOWLER: Joe Fowler, Katmai National Park,
22 King Salmon.

23

24 CHAIRMAN SAMUELSEN: Welcome.

25

26 MS. BROCK: Becky Brock, National Park Service,
27 Concessions Manager for Katmai/Lake Clark, Aniakchak and
28 Alagnak.

29

30 CHAIRMAN SAMUELSEN: Okay. There was a couple
31 more. Ted?

32

33 MR. KRIEG: Ted Krieg, Subsistence Division,
34 Fish and Game.

35

36 CHAIRMAN SAMUELSEN: Is there anybody else that
37 we missed?

38

39 MR. CAMPBELL: Rod Campbell, Alaska Department
40 of Fish and Game, Commercial Fisheries.

41

42 CHAIRMAN SAMUELSEN: Okay. Did we complete it?
43 Okay. Welcome. The fourth thing on our agenda is review
44 and adoption of the agenda that you have before you,
45 Council members. The -- let's see here. Item number 14,
46 which should be on the top of the second page, we'll get
47 an update. That's number 14 under herring roe on kelp.
48 Is that the title?

49

50 MR. BOYD: That will work.

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1 CHAIRMAN SAMUELSEN: Okay. Tom Boyd. The --
2 is that it?

3

4 MR. EDENSHAW: Mr. Chair, on -- if you look on
5 number -- under number 11, Tab F, the Alaska -- or Bureau
6 of Land Management, Jeff Denton is available for any
7 questions about -- for that portion. There won't be any
8 briefings, unless, as I said, if the Council has any
9 questions they would like to have, he's available for
10 those.

11

12 If you look under the first portion of agency
13 reports under also number 11, on number 1, the draft
14 predator policy, Dan LaPlant will provide the
15 presentation for that. Under Number 2, Glenn Chen will
16 provide the briefing of the Staff Committee role.

17

18 And, number 3, the regulatory cycle briefing is
19 just that, it's a brief for the Council's review, and any
20 of the Staff Committee members or Tom Boyd is here to
21 answer any questions the Council may have regarding that
22 one.

23

24 And I hadn't heard -- Mike Edwards is here
25 under the King Salmon FRO, the Fisheries Resource Office,
26 and he's available if there's any questions the Council
27 may have regarding that, so it's only for questions, but
28 they -- there was a briefing that they provided to us and
29 that should be in the book as well. So those are mainly
30 -- those two individuals with BLM and the king salmon are
31 here just for -- available for questions, and no
32 presentation.

33

34 CHAIRMAN SAMUELSEN: Okay. Thank you.

35

36 MS. KELLY: Mr. Chair.

37

38 MR. BOYD: Mr. Chair.

39

40 CHAIRMAN SAMUELSEN: Yes, Tom.

41

42 MR. BOYD: If I might just also bring to your
43 attention that the -- in mid-summer the Governor wrote a
44 letter to the Secretary requesting a non-voting member on
45 the Federal Subsistence Board and the Board just met
46 actually on Friday, as they were requested by the Office
47 of the Secretary, to make a recommendation on the
48 Governor's letter, and I can bring you up to date on that
49 as well.

50

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1 CHAIRMAN SAMUELSEN: Okay. Where would you
2 like to do that?

3

4 MR. BOYD: Anywhere you want. Agency reports
5 looks like a good place.

6

7 CHAIRMAN SAMUELSEN: Okay. We'll put it under
8 agency reports. Shirley, did you have something?

9

10 MS. KELLY: No, just getting your attention.

11

12 CHAIRMAN SAMUELSEN: Okay.

13

14 MR. EDENSHAW: Also, Mr. Chair, if the Council
15 members, here on our -- on your table, there's a loose-
16 leaf calendar, and the book that -- the calendar that's
17 located inside your Council booklet is, this single copy
18 is a corrected version. There were double dates located
19 back here, so let me get to the point of that tomorrow
20 for the Council to schedule their winter '04 meeting,
21 please refer the loose-leaf calendar we have in here.

22

23 CHAIRMAN SAMUELSEN: Okay. Thank you.
24 Anything else?

25

26 MR. HEYANO: I would like to have a discussion
27 on 17 -- special action for 17(A) moose.

28

29 CHAIRMAN SAMUELSEN: Would that be under agency
30 reports, number 11, number 1, moose in Unit 17(A).

31

32 MR. HEYANO: We could.

33

34 CHAIRMAN SAMUELSEN: Okay. We'll just put that
35 right underneath. Any others? Robert.

36

37 MR. HEYANO: Well, and then I would like to
38 have a discussion, and it probably could come under
39 agency reports, is that, you know, with all the
40 discussion of the potential development activities and
41 road building activities in Bristol Bay, I'd just like to
42 discuss that a little bit with some of the area's
43 agencies to see if they're doing anything to gear up to
44 monitor the impacts of that activity.

45

46 CHAIRMAN SAMUELSEN: Why don't we list that as
47 impacts on Bristol Bay lands, Federal lands, and
48 resources.

49

50 MR. HEYANO: Where are you putting it?

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1 CHAIRMAN SAMUELSEN: Under agency reports, all
2 the way on the bottom.....

3
4 MR. HEYANO: Okay.

5
6 CHAIRMAN SAMUELSEN:under Bristol Bay
7 Native Association, and then there would be a letter from
8 the Governor, impact on Bristol Bay Federal lands and
9 resources per se, mining?

10
11 MR. HEYANO: Just put development I guess.

12
13 CHAIRMAN SAMUELSEN: Okay. Development. Okay.
14 No objection? Let's see. Boris?

15
16 MR. KOSBRUK: Are you revising the agenda?

17
18 CHAIRMAN SAMUELSEN: Revising the agenda, yes.

19
20 MR. KOSBRUK: I'd like to some place in there
21 put in and have a discussion on the wolf problem we have
22 down there.

23
24 CHAIRMAN SAMUELSEN: A wolf problem. Okay.
25 Let's do that under 12, any other new business. Or would
26 you like it under eight as a wildlife proposal? Boris,
27 can we put it under eight also? I don't know if Boris
28 has a proposal or not, that's why.....

29
30 MR. KOSBRUK: No, I don't. That's -- there's
31 just a problem mostly.

32
33 CHAIRMAN SAMUELSEN: Just discussion? Okay.
34 Okay. Then we'll put it under number 12 then if there's
35 no objection.

36
37 MR. HEYANO: Yeah, that might be good, because
38 then we will hear the draft predator management policy
39 first.

40
41 MS. KELLY: Right.

42
43 CHAIRMAN SAMUELSEN: Okay.

44
45 MR. HEYANO: If there's no further changes, Mr.
46 Chairman, I would move to adopt the agenda.

47
48 MS. KELLY: Second.

49
50 CHAIRMAN SAMUELSEN: Moved by Robert Heyano,

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1 seconded by Shirley, to adopt the agenda. All those in
2 favor of adopting the agenda, signify by saying aye.

3

4 IN UNISON: Aye.

5

6 CHAIRMAN SAMUELSEN: Opposed, same sign.

7

8 (No opposing votes)

9

10 CHAIRMAN SAMUELSEN: So carried. Okay. Moving
11 on, minutes of February 27th, 28th, 2003, meeting held in
12 Dillingham. Tab A.

13

14 MR. EDENSHAW: Mr. Chair.

15

16 CHAIRMAN SAMUELSEN: Yes.

17

18 MR. EDENSHAW: While the Council members are
19 going over the minutes, I just wanted to brief those
20 members of the public. In this colored book here, all
21 the handouts that we have on the table, with the
22 exception of what the Park Service or the other agencies
23 have brought here, is in the booklet. So for those of
24 you who are interested in following along as the Council
25 moves, we have extra copies here on the table of this
26 book here, and then the other information is -- you know,
27 as you look on there, are just handouts provided by other
28 Federal and State agencies here.

29

30 CHAIRMAN SAMUELSEN: Okay. Thank you, Cliff.
31 Corrections?

32

33 Mr. EDWARDS: Mr. Chair?

34

35 CHAIRMAN SAMUELSEN: Yes.

36

37 MR. EDWARDS: Mike Edwards, King Salmon
38 Fisheries office. On page 18 of the minutes, in the
39 second to last paragraph there, it just says we estimated
40 76,000 coho. That needs to be changed to sockeye. So
41 just to get that on the record instead. The estimate
42 there was for sockeye salmon.

43

44 CHAIRMAN SAMUELSEN: Changed your mind already,
45 okay.

46

47 MR. EDWARDS: Thank you, Mr. Chair.

48

49 CHAIRMAN SAMUELSEN: Thank you.

50

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1 MR. HEYANO: Mr. Chair.

2

3 CHAIRMAN SAMUELSEN: Yes, Robert.

4

5 MR. HEYANO: The only -- I just see a typo on
6 the bottom of page 22, the last or second to the last
7 sentence. I think it should be will instead of ill.

8

9 MR. EDENSHAW: Can you repeat that, Robert,
10 please?

11

12 MR. HEYANO: Just a typo on the bottom of page
13 22nd, the second to the last sentence, it's will instead
14 of ill, but other than that, it looked fine to me.

15

16 MR. EDENSHAW: Okay.

17

18 CHAIRMAN SAMUELSEN: It looked fine to me, is
19 interpretation you're ready to make a motion?

20

21 MR. HEYANO: Okay. Mr. Chairman, I move that
22 we adopt the February 27th and 28th, '03, minutes with
23 the noted corrections.

24

25 CHAIRMAN SAMUELSEN: Okay. Is there a second?

26

27 MR. KOSBRUK: Second.

28

29 CHAIRMAN SAMUELSEN: Seconded by -- moved by
30 Robert Heyano, seconded by Boris Kosbruk. Any further
31 discussion needed on this agenda item?

32

33 (No discussion)

34

35 MR. HEYANO: Question.

36

37 CHAIRMAN SAMUELSEN: The question's been called
38 for. All those in favor signify by saying aye.

39

40 IN UNISON: Aye.

41

42 CHAIRMAN SAMUELSEN: Opposed, same sign.

43

44 (No opposing votes)

45

46 CHAIRMAN SAMUELSEN: So carried. Six, Chair's
47 report, 805c letter, 2002 Annual Report, Board response,
48 Council members report. Cliff.

49

50 MR. EDENSHAW: Thank you, Mr. Chair. If you

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1 look under Tab B, on page 25 is -- the first item is the
2 letter, is the 805 letter, and this is a result of the
3 Board meeting in May 20th through the 22nd on the
4 wildlife proposals that the Council made recommendations
5 on at the last meeting.

6
7 And if you go through from page 25 through 28,
8 29, on page one we had the Statewide Proposal 1 and 2,
9 the Council made recommendations, and the Board adopted
10 both of those as the Council's recommendation. On
11 Proposal 22, that was a Nushagak caribou proposal, that
12 one also was adopted. Proposal 23, which was to
13 eliminate the antlerless moose in 9(C), that was also
14 adopted by the Board.

15
16 If you move on to page 28, Proposal 24, which
17 the Council will discuss this afternoon, or before close
18 of business, is the 17(A). This proposal was deferred,
19 and we'll address some of that under number 8.

20
21 And then the other proposals were self-
22 explanatory, and if the Council has any questions
23 regarding the 805 letter, please feel free to bring those
24 forward.

25
26 CHAIRMAN SAMUELSEN: Okay. Any questions on
27 the 805 letter?

28
29 (No questions)

30
31 CHAIRMAN SAMUELSEN: Seeing none, go ahead,
32 continue, Cliff.

33
34 MR. EDENSHAW: And then if the Council members
35 would move on to page 31, which is the annual report,
36 this is in res -- this is a response that is put together
37 and reviewed and signed off by the Chair of the Federal
38 Subsistence Board, Mitch Demientieff, and these are
39 issues that were brought up in the Council's 2002 Annual
40 Report, and this is a response in regards to those issues
41 the Council raised and asked to be submitted in their
42 report.

43
44 And if you go on page 31, wolf census, I sort
45 of put issue 1, the synopsis of what the Council
46 requested in their issues, and prior to submitting this
47 to the Board, the Council had an opportunity to review
48 those issues in the draft report that I faxed, and over
49 the time this past winter. And then under the bottom
50 portion, the response is in regards to that issue. And

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1 as Boris mentioned, we can discuss issue 1 here later on
2 as the meeting progresses.

3

4 Issue 2, as I mentioned before, I was talking
5 to Robin before the meeting started, Tom Boyd's here to
6 answer any questions regarding C&T for same-day-airborne
7 hunting. And then if you move on to the next page,
8 there's the issue and response.

9

10 And on page 33, number -- issue number 3,
11 commercial outfitters, hunting, fishing guides, and
12 transporters. And we've heard some reports in the past
13 from Ron Squibb and Orville Lind, the Togiak Refuge with
14 Andy and other. Becky Brock from the Park Service, and
15 she's going to provide the Council with a briefing on
16 this very issue with outfitters and guides that the Park
17 Service has over on the Aniakchak, and perhaps up in Lake
18 Clark.

19

20 Issue 4, rainbow trout, if the Council would go
21 on the agenda, on page two, proposal 17 was initially a
22 rainbow trout proposal, and that had been withdrawn. And
23 as Steve Fried from our FIS staff in Anchorage will -- is
24 on that when we do our fisheries proposals. He'll
25 provide the Council with FIS projects and any other
26 information, because there are some rainbow trout
27 proposals that are -- that may or may not be advanced for
28 consideration, and he'll get into that. So that will be
29 addressed and, you know, if the Council's not happy here
30 with the response here under issue 4, but Steve is
31 available to answer any questions regarding that, and I'm
32 sure the Refuge as well.

33

34 CHAIRMAN SAMUELSEN: Okay.

35

36 MR. EDENSHAW: And that's all I have unless the
37 Council has any questions they'd like to ask.

38

39 CHAIRMAN SAMUELSEN: Council? Robert.

40

41 MR. HEYANO: Under issue 2, I thought that in
42 the past we had some work done on C&T on the use of
43 aircraft, and it came back positive, you know, and I know
44 we had the -- an opinion from the Solicitor's Office
45 saying that the same-day-airborne doesn't violate the
46 Federal Airborne Hunting Act. So if I read this report
47 correctly, they're going to do another study, or do
48 another finding to see if it is, in fact, customary and
49 traditional?

50

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1 CHAIRMAN SAMUELSEN: Mr. Boyd.

2

3 MR. BOYD: Dan.

4

5 CHAIRMAN SAMUELSEN: Again state your name for
6 the.....

7

8 MR. BOYD: Tom Boyd, Assistant Regional
9 Director for Subsistence, Fish and Wildlife Service.

10

11 MR. LaPLANT: And my name is Dan LaPlant with
12 the Office of Subsistence Management also, wildlife
13 biologist.

14

15 Mr. Heyano, your comment on customary and
16 traditional determinations for same-day-airborne harvest
17 of wolves, we've looked at that in OSM, and determined
18 that there is evidence in the past, and we haven't
19 carried on a formal study, but we determined that there
20 is probably adequate evidence that that was as customary
21 and traditional practice in the Bristol Bay region in the
22 past.

23

24 But the more relevant issue at this time is the
25 same-day-airborne -- excuse me, is the -- what's the name
26 of the regulation? Same-Day-Airborne Hunting Act of
27 1974. That act prohibits the harassment of wildlife, and
28 land and shoot practices that had been conducted in the
29 past cannot be conducted in the opinion of the Fish and
30 Wildlife Service currently, because of the same-day-
31 airborne restrictions. In other words, the Solicitor has
32 determined that same-day-airborne hunting, land and shoot
33 hunting, is an activity that does cause harassment in
34 most cases. And it's maybe possible to harvest same-day-
35 airborne without harassment, but very unlikely. And in
36 the analysis of the predator control policy that's in
37 your document here that I can talk about later, it gives
38 the Solicitor's opinion as to the difficulties in
39 enforcing, or the difficulties in applying same-day-
40 airborne hunting and not violating the Airborne Hunting
41 Act.

42

43 So I guess to sum it up is OSM has decided that
44 collection of information to document that it was a
45 customary and traditional practice really isn't going to
46 get us anywhere, because that's really not the issue.
47 The issue is whether it could be done without violating
48 the Airborne Hunting Act. And our position at this time
49 is that, no, same-day-airborne hunting cannot be done
50 without violating the Airborne Hunting Act.

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1 MR. HEYANO: Well, if I recall our letter to
2 the -- that didn't say wolf hunting, it just said the --
3 if I recall, we were concerned about the Federal
4 Subsistence Board's failure to recognize customary and
5 traditional practice of use of aircraft same-day hunting
6 in Bristol Bay. It had nothing to do specifically with
7 wolves. It was just that practice in general as I recall
8 the topic that was raised at the last meeting.

9
10 MR. LaPLANT: Well, the context of the same-
11 day-airborne hunting that has been brought up to the
12 Board through discussions with the Bristol Bay Council
13 has been in reference to wolves to my recollection. I
14 don't know of any other issues that have been discussed.

15
16 The only place same-day-airborne hunting is
17 permitted under the Federal subsistence regulations is I
18 believe deer hunting in Unit 8. Other than that, all
19 same-day-airborne hunting is prohibited under the Federal
20 subsistence regulations, whether wolves or -- again, the
21 only exception is deer in Unit 8, I believe.

22
23 CHAIRMAN SAMUELSEN: Robert.

24
25 MR. HEYANO: Well, I think the gist of issue
26 number 2 on behalf of the Council's part was the failure
27 for the Federal Subsistence Board not recognizing a
28 customary and traditional method and means, which is
29 same-day-airborne hunting in Bristol Bay. Nothing to do
30 with wolves. It was just not recognizing that practice,
31 whether it's for moose or caribou or whatever it is.
32 That's how I recall the concern that was raised in issue
33 2 at our last Council meeting. And previous to that, we
34 had an opinion from the Solicitor's Office saying that
35 same-day-airborne hunting doesn't violate the Federal
36 Airborne Hunting Act. He didn't pertain it -- he didn't
37 say specifically to the species of wolves, but he just
38 made that statement. So, you know, in Unit 9 and in Unit
39 17 here, the State allows that practice currently for
40 caribou, and they have to go by the same -- they're still
41 obligated by the Federal Airborne Hunting Act also. So
42 that's what I remember what issue 2 was trying to get at.
43 Not just specifically the practice to -- for wolves, but
44 not recognizing a customary and traditional method and
45 means in Bristol Bay here.

46
47 MR. LaPLANT: Mr. Chairman, Mr. Heyano, the
48 only context that same-day-airborne hunting has been
49 discussed, you know, in the two to three years that I've
50 been involved in the issues, have been relative to

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1 wolves. I don't recall the Council or any proposals
2 coming to the Board in recent years asking for same-day-
3 airborne hunting for species other than wolves, so I'm
4 not following you I guess.

5

6 MR. HEYANO: Well, I guess, you know, what we
7 probably need to do is go back and review that letter,
8 and look at the minutes I guess, and maybe my memory's
9 failing me, but.....

10

11 MR. LaPLANT: Yeah, the State does allow same-
12 day-airborne hunting of caribou in Unit 9, correct. I
13 don't recall a Federal proposal asking the Board to
14 approve a similar regulation under the Federal
15 Subsistence Program, so that may have happened several
16 years, you know -- but I don't re -- I'm not aware of any
17 issue like that.

18

19 MR. HEYANO: No, because I think our thinking
20 was that we have to get it recognized by the Federal
21 Subsistence Board as a customary and traditional practice
22 before you could -- before we could go and ask for it.
23 So that's the first hurdle we're trying to overcome, is
24 getting the Federal Subsistence Board to recognize it as
25 a customary and traditional practice.

26

27 MR. LaPLANT: Well, I -- the process that --
28 well, go ahead, Mr. Boyd.

29

30 MR. BOYD: Yeah. Just to engage with you a
31 bit. I'm not sure that that's the case. I think it's
32 been recognized that the use of aircraft is a recognized
33 means of transportation to access areas to be able to
34 hunt. Generally when you talk in the context of using
35 aircraft and hunting the same day, that's -- the reason
36 that that prohibition is in place is generally because of
37 the Airborne Hunting Act. And it's possible, I think
38 you're right, Mr. Heyano, I think it's possible that you
39 could hunt same-day in some cases without violating the
40 Airborne Hunting Act, but there is an overriding concerns
41 amongst particularly Federal law enforcement officers, if
42 you open the door for doing that, then you're going to
43 have a high probability that you'll have violations of
44 the Airborne Hunting Act, and that is the policy reason
45 that it's generally been closed. So that's -- I mean,
46 that's really the issue, not necessarily whether it's
47 customary and traditional to do it. It's to prevent the
48 harassment of wildlife by aircraft. So, I mean, that's
49 gen -- that's the position that has been taken generally.
50 We're going to expand on this in our discussion later on

00016

1 the Board's predator control policy that's on your
2 agenda.

3

4 MR. HEYANO: But I think you're mixing apples
5 and oranges here, and trying to roll it into a predator
6 control program, and for the species of wolves.

7

8 MR. BOYD: Well, I.....

9

10 MR. HEYANO: I don't know, you know. We could
11 dig up the records.....

12

13 MR. BOYD: Sure.

14

15 MR. HEYANO:and I know we had a
16 Solicitor's opinion saying it doesn't. By allowing it,
17 you're not violating the Federal Same-Day-Airborne -- the
18 Federal Airborne Hunting Act then. You know, if I took
19 your reason a little further and maybe we wouldn't have a
20 hunting reason because people violate the bag limits or
21 shoot cow moose instead of bull moose. You know, if it's
22 an enforcement issue, then that's where it needs to lie.
23 We don't prohibit the use of snowmachines because they
24 have the potential of harassing animals or any other
25 motorized vehicle. You know, that's -- I can't follow
26 the logic I guess.

27

28 MR. EDENSHAW: Mr. Chair.

29

30 CHAIRMAN SAMUELSEN: Cliff.

31

32 MR. EDENSHAW: Just to clarify Robert's concern
33 there, when the Council met I think it was two meetings
34 -- not this last meeting, but the previous meeting in
35 '02, they asked that I -- when the same-day-airborne
36 issue of wolves was -- when the Council addressed a
37 proposal. Well, the Board rejected that proposal, and
38 the justification in the transcripts that was included in
39 the Council's annual report was that there wasn't
40 sufficient customary and traditional data supporting the
41 use of aircraft to hunt wolves. And so the
42 misunderstanding that Robert -- that I'm beginning to
43 understand today is that I was under the assertion that
44 under the issue that it was only pertaining to wolves.
45 So if the Council or Robert specifically wants the
46 Solicitor's Office to address the use of aircraft for
47 same-day-airborne hunting of moose or caribou, that would
48 have to come in the form of a proposal, but I apologize,
49 it was my misunderstanding, because when I spoke to Dan
50 O'Hara, the Chair, in terms of drafting the annual

00017

1 report, the issue for aircraft, same-day-airborne hunting
2 of wolves was based on the Federal Subsistence Board's
3 justification that there was insufficient C&T data to
4 support passing the proposal, as well as would Mr. Boyd
5 and Mr. LaPlant have explained to the Council in terms of
6 the Same-Day-Airborne Hunting Act.

7

8 CHAIRMAN SAMUELSEN: Okay.

9

10 MR. HEYANO: Thank you.

11

12 CHAIRMAN SAMUELSEN: Go ahead.

13

14 MR. LaPLANT: Yeah, Mr. Chair, I've got a
15 paragraph here I'd like you to read -- like to read into
16 the record. It's out of the analysis document for.....

17

18 CHAIRMAN SAMUELSEN: What page are you on?

19

20 MR. LaPLANT:predator control. It's on
21 page 180. It's regarding the Solicitor's perspective on
22 predator control, predator management. I'm not aware,
23 Mr. Heyano, of any Solicitor's opinion other than the
24 information we have in this paragraph. But it says,
25 during the Board meeting of May 5th of 1998, Mr. Goltz,
26 the Assistant Regional Solicitor Alaska Region, pointed
27 out that the Fish and Wildlife Service has taken the
28 position that it is possible to hunt an animal with an
29 airplane without harassing that animal, but it is very
30 difficult. And generally the Service has adopted [sic]
31 the use of aircraft to actually hunt the animal. Or,
32 excuse me, they have opposed the use of aircraft to
33 actually hunt the animal. They have allowed the use of
34 aircraft to access the area for the purpose of hunting.
35 And at least one court has said that harassment should be
36 defined very narrowly, and that any time that an airplane
37 directs the movement of an animal, the animal has been
38 harassed. So if you've got an animal moving in a
39 straight line, and an airplane veers that animal off
40 line, that's harassment. The court in particular said,
41 you don't have to stress the animal.

42

43 Now, Mr. Chairman, that's the only reference
44 I'm aware of the Solicitor responding or Solicitor's
45 Office responding to this issue. Thank you.

46

47 CHAIRMAN SAMUELSEN: Okay. Well, our options,
48 I think, on this issue is to do a board-generated
49 proposal when the call for proposals come to flesh it
50 out. It does say up above there, in this memo, the

00018

1 Office of the Solicitor concluded that the Federal
2 Subsistence Board could provide for same-day-airborne
3 hunting, subsistence taking of caribou on the Nushagak
4 Peninsula. So he is going to allow it. I guess the
5 proof is in the pudding whether the animal's going to be
6 harassed or not.

7

8 MR. LaPLANT: Correct.

9

10 MR. HEYANO: And I think that's where it came
11 from, you know. We wanted to know from the Solicitor's
12 Office if it did, if we wanted to allow it for the
13 Nushagak Peninsula, and that's where he said -- that's
14 where he made the ruling that it doesn't necessarily
15 violate the Federal Airborne Hunting Act.

16

17 CHAIRMAN SAMUELSEN: Okay. Anything else under
18 the 2002 Annual Report or response?

19

20 MR. EDENSHAW: I didn't have any unless the
21 Council has any additional questions, Mr. Chair.

22

23 CHAIRMAN SAMUELSEN: Okay. Anything else,
24 Robert? Council members report.

25

26 MR. EDENSHAW: Mr. Chair, that's just for the
27 Council's -- you know an opportunity for he or she to
28 provide any comments or questions they have regarding
29 what's going on today.

30

31 CHAIRMAN SAMUELSEN: Well, I think we'll
32 address it. There's been additions in the agenda
33 that.....

34

35 MR. EDENSHAW: Okay.

36

37 CHAIRMAN SAMUELSEN: Unless Council members
38 have something else they'd like to add. Seeing heads
39 shake no, we'll be moving on.

40

41 Open the floor for public comment on the
42 Federal Subsistence Program. Public comments are welcome
43 for each agenda item. There's cards back on the table by
44 Pat, blue cards. You need to fill out a blue card. As
45 long as you don't talk for an hour or a half hour, or
46 ain't a big list of people, I'll let you say your piece.
47 Anybody filled out any cards back there, Pat, at this
48 time?

49

50 MS. McCLENAHAN: No.

00019

1 CHAIRMAN SAMUELSEN: Usually it happens in
2 phase two on comments. Does anybody want to address the
3 Council at this time? Or fill out a card? Seeing nobody
4 jumping up and down, we'll move on to number 8. Request
5 for wildlife proposals. Cliff?

6
7 MR. EDENSHAW: Thank you, Mr. Chair. As it
8 states on the sentence there, proposals will be accepted
9 from August 15th through August [sic] 24th.

10
11 And from the Council, we had at our last
12 wildlife meeting, we had a Proposal 24 which was moose, a
13 proposed winter moose hunt in Unit 17(A). The Council
14 recommended that the proposal be deferred, and when the
15 Federal Board met in May, they went ahead and adopted and
16 Council's recommendation. So at this time, when the
17 proposal period closes October 24th, we go through our
18 process in our office. And what I would like from the
19 Council is if they still wish to, and that can be -- we
20 have until tomorrow, is whether they would like that
21 proposal brought up to be put through the regulatory
22 cycle, because part of our process entails that we submit
23 through the Federal Register to provide public notice to
24 the public regarding wildlife proposals that will be
25 addressed at the Council meeting in the winter, as well
26 as the Federal Board meeting in May of '04. So at this
27 time or after the Council has addressed under agency
28 reports under the Togiak Refuge, 17(A), the winter moose
29 hunt, if they would like that proposal brought forth, a
30 motion would be adequate for that.

31
32 And also at this time, if there are any other
33 proposals of the Council, or this is also an opportunity
34 for the Refuge, or Department of Fish and Game, or
35 members of the public, if they would like to see changes
36 in Federal subsistence hunting and trapping regulations
37 in -- for the '04 year at this time.

38
39 And inside your book also, if you look under
40 Tab C here, we have a printout of the proposal, and what
41 it entails for individuals to submit a proposal regard --
42 for hunting and trapping.

43
44 CHAIRMAN SAMUELSEN: Okay. How does the
45 process work here? I know that a committee meeting of
46 the stakeholders was going to take place over in Togiak,
47 put on by the Togiak Wildlife Refuge, but a lack of a
48 quorum, my understanding that that meeting was deferred
49 to a later date when everybody could agree. So if we're
50 going to -- what you're asking the Council, do we want

00020

1 the 17(A) proposal included in the proposal?

2

3 MR. EDENSHAW: No, Mr. Chair, the proposal was
4 deferred.

5

6 CHAIRMAN SAMUELSEN: Okay.

7

8 MR. EDENSHAW: And it's merely for just
9 recordkeeping for our office, for myself, but, you know,
10 when I get back to Anchorage, and even before I came
11 here, there was a message sent out asking us if -- which
12 proposals, deferred proposals from this last regulatory
13 cycle should be put back in the Register so that it can
14 be addressed at the winter meeting. And just as for
15 protocol, it's much more advantageous for me to have that
16 on the record if the Council wishes. When we meet in
17 Naknek in February of '04, the Council -- we've already
18 received a handful of proposals for wildlife. If the
19 Council chooses to address the winter moose then for
20 17(A) at that time, and that will be for the regulatory
21 '04, because at this time the State Department of Fish
22 and Game has a winter moose hunt for 17(A). This
23 proposal was also to mirror what the current ADF&G winter
24 moose hunt is. And so at this time, if the Council after
25 the discussion, if they would like to have that proposal
26 addressed, it would be brought up at the winter meeting,
27 and then the Board would address that at their May, and
28 if the Board -- hypothetically if they approve that
29 proposal, it would become effective in I think it's June
30 of '04. So that's the process, you know, the Council
31 will address it in February, the Federal Subsistence
32 Board will do that in May if the Council chooses to bring
33 that up with a recommendation at that time.

34

35 CHAIRMAN SAMUELSEN: Okay. Thank you, Cliff.
36 What's the wishes of the Council? I think we deferred
37 the 17(A) because of this committee meeting, right? Part
38 of our request was deferred action until all the
39 stakeholders could get together?

40

41 MR. EDENSHAW: Correct, Mr. Chair, that was the
42 Council's recommendation.

43

44 CHAIRMAN SAMUELSEN: Well, maybe I could call
45 on Andy back there. Aderman. Oh, there he is. Welcome,
46 Andy. You heard the discussion we just had. When are
47 you planning your next meeting? Will it be before our
48 February meeting, or would it be after our February
49 meeting?

50

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1 MR. ADERMAN: Thank you, Mr. Chairman. Andy
2 Aderman, Togiak Refuge.

3
4 Hopefully before. I don't think we could have
5 it before the October 24th deadline. If there's another
6 proposal to be crafted and submitted, there's a lot of
7 meetings between now and October 24th, and I'm not saying
8 it won't happen, but it's unlikely at this point. But I
9 think we could have it definitely before your next
10 meeting in February.

11
12 CHAIRMAN SAMUELSEN: Okay. Are there any
13 questions for Andy? What's the wishes of the Council
14 here on this agenda item? Robert?

15
16 MR. HEYANO: So the agenda item before us then
17 is requests for wildlife proposals?

18
19 CHAIRMAN SAMUELSEN: Yes.

20
21 MR. HEYANO: And this is the only opportunity
22 we would have to -- as a Council to submit proposals
23 before the deadline, correct?

24
25 MR. EDENSHAW: Before the October 24th
26 deadline.

27
28 CHAIRMAN SAMUELSEN: I guess my concern here is
29 that a lot of animosity's been created over, quote,
30 special action requests by other people on this moose
31 issue. And I would like to see a proposal come forth
32 that -- a proposal that could be modified or whatever at
33 the appropriate time, but that we go through a full
34 public review process on any proposal that comes forth,
35 and -- what the hell are you smiling at me for? Not like
36 we've done in the past, especially on this issue. I
37 think that a number of us have sat on this Council long
38 enough that we're getting tired of dealing with the
39 issue, right, Pete? And it's time to cut the mustard,
40 and -- but I want a real open public process, not a bunch
41 of special requests where this Council doesn't know
42 what's happening. Robert, you had your hand up.

43
44 MR. HEYANO: Well, if we ask for the special
45 action, we'll know what's happening.

46
47 CHAIRMAN SAMUELSEN: I think one will come
48 whether we ask for it or not. That's my conclusion.

49
50 MR. HEYANO: Well, in dealing with the agenda

00022

1 item before us, Mr. Chairman, I have a couple of issues
2 for Council consideration, and the first one is 17(A)
3 moose. I would like to -- I would like this Council to
4 support a proposal that would close Federal lands to
5 nonfederal subsistence users for 17(A) moose, both the
6 fall and the winter hunt.

7

8 CHAIRMAN SAMUELSEN: Okay. Hold on. Okay.

9

10 MR. HEYANO: Then the second one for Council's
11 consideration, Mr. Chairman, is that at the last State
12 Board cycle of the Nushagak Advisory Committee, the State
13 had concerns about the Mulchatna Caribou Herd, and the
14 number of bulls per 100 cows. The management plan states
15 that they would like to maintain a 35-bull to 100 cow
16 ratio, and currently it was at 26 bulls per 100 cows.
17 And the result of that, the State Game Board, and the
18 Nushagak Advisory Committee supported it, they reduced
19 the resident take of bull caribou to one. And I looked
20 at this in the Federal regulations, it's still at five
21 for 17. But I also looked in Unit 18, and it's still at
22 five.

23

24 CHAIRMAN SAMUELSEN: Unit 18 being?

25

26 MR. HEYANO: The Kuskokwim drainage.....

27

28 CHAIRMAN SAMUELSEN: Okay.

29

30 MR. HEYANO:on the other side of Togiak.
31 West of us. You know, and those animals are Mulchatna
32 animals. And I don't know why. I looked in the State
33 proposal book, and I didn't recall seeing a proposal to
34 limit the bull caribou over there to one bull for
35 residents either, but I think if you have a resource
36 concern, it needs to apply wherever those caribou
37 migrate. So I would like for Council's consideration is
38 limiting in 17 on Federal lands to one bull caribou, and
39 in Unit 18.

40

41 MR. ABRAHAM: Mr. Chairman. Robert, is that a
42 proposal or is that for 17(A) or 17 and 18?

43

44 MR. HEYANO: All of 17 wherever federal land
45 is in 17, and Unit 18, too.

46

47 MR. ABRAHAM: Got lots of caribou there.

48

49 MR. HEYANO: I know there's a lot of caribou,
50 but the management plan wants 35 bull caribou per 100

00023

1 cows, and it's down to about 26.

2

3 MR. ABRAHAM: Where did you get that
4 information?

5

6 MR. HEYANO: From the State of Alaska.

7

8 MR. ABRAHAM: Does the State of Alaska have
9 some report here?

10

11 CHAIRMAN SAMUELSEN: Yeah, maybe, Pete, what we
12 could do is -- I thought Robert's two issues were moose,
13 moose. Now we've got moose, caribou. So let's deal with
14 the moose issue and then we'll.....

15

16 MR. ABRAHAM: Yeah.

17

18 CHAIRMAN SAMUELSEN:move to the caribou
19 issue. Okay. Robert's mot -- well, Cliff.

20

21 MR. EDENSHAW: Mr. Chair, perhaps Robert could
22 clarify on his proposal for Unit 17, perhaps that may be
23 narrowed to those communities in Unit 17 that have C&T
24 for caribou in 18. It would be easier to go that way I
25 think. Or perhaps Pat can help me on this, if she
26 understands what Robert's trying to do with his proposal.

27

28 MS. McCLENAHAN: He wants to proposal for the
29 Mulchatna herd.....

30

31 CHAIRMAN SAMUELSEN: Come on up to the table,
32 Pat, for the mike. Otherwise we'll get.....

33

34 MR. EDENSHAW: But I just think -- Mr. Chair,
35 but I just think that it should be -- well, Pat can help
36 me, but I'm trying to help clarify Robert's proposal in
37 terms of the current C&T users for Unit 17(A) has
38 communities in 18.

39

40 MR. ABRAHAM: (In Yup'ik) You're supposed to
41 speak Eskimo. You look Eskimo.

42

43 CHAIRMAN SAMUELSEN: What page is that on,
44 Pete?

45

46 MR. ABRAHAM: 102.

47

48 CHAIRMAN SAMUELSEN: 102, Pat.

49

50 MR. ABRAHAM: 17.

00024

1 MS. McCLENAHAN: Thank you.

2

3 MR. EDENSHAW: And, Pat, he's just -- he's
4 requesting a proposal to reduce the take of caribou in
5 Unit 17 from two bulls to one, and that regulation shows
6 up in 17(A), and he also stipulated Unit 18.

7

8 MR. ABRAHAM: I see what you're getting at,
9 yeah.

10

11 MS. McCLENAHAN: Mr. Chairman, Pat McClenahan,
12 Staff anthropologist. First of all, for the C&T for Unit
13 17, rural residents of Units 9(B) and 17, and residents
14 of Lime Village and Stoney River. For Unit 17(A), that
15 portion west of Izaviknek River, Upper Togiak Lake,
16 Togiak Lake, and the main course of the Togiak River,
17 residents of Goodnews Bay, Platinum, Quinhagak, Eek,
18 Tuntatuliak, and Napakiak. Unit 17(A), that portion
19 north of the Togiak Lake, that includes Izaviknek River
20 drainage, residents of Akiak, Akiachak, and Tuluksak.
21 Unit 17(A) and (B), those portions north and west of a
22 line beginning from the Unit 18 boundary at the northwest
23 end of Nenevok Lake to the northern point of upper Togiak
24 Lake, and northeast to the northern point of Nuyakuk
25 Lake, northeast to the point where Unit 17 boundary
26 intersects the Shotgun Hills, residents of Kwethluk.
27 Unit 17(B), that portion of Togiak National Wildlife
28 Refuge within Unit 17(B), residents of Bethel, Goodnews
29 Bay, Platinum, Quinhagak, Eek, Akiak, Akiachak, Tuluksak,
30 Tuntatuliak and Napakiak. And then, you know, that's
31 just the C&T. Okay.

32

33 And then you're -- the rest you're talking
34 about, harvest limit. If you want to propose for Unit
35 18, you'd probably best work with the Y-K Subsistence
36 Council. I think you should propose for 17.

37

38 And another thing to think about is that we
39 haven't recently been doing any kind of determinations on
40 caribou herds. We've been trying to do it by unit,
41 although we have in the past.

42

43 CHAIRMAN SAMUELSEN: Well, I think that
44 precedent's been set.

45

46 MS. McCLENAHAN: There are some things in the
47 book.

48

49 CHAIRMAN SAMUELSEN: Unit 18 has put in
50 proposals that effect Unit 17. And.....

00025

1 MS. McCLENAHAN: That's true. If they want C&T
2 in Unit 17.

3
4 CHAIRMAN SAMUELSEN: That's right And then
5 we've got a herd here that we're -- that's transboundary,
6 going over to their area, and we've got according to Mr.
7 Hanowa -- well, we're dealing with the moose issue.

8
9 MS. McCLENAHAN: Okay. In Unit 18.....

10
11 CHAIRMAN SAMUELSEN: Not the caribou issue.

12
13 MS. McCLENAHAN: We're dealing with moose.....

14
15 CHAIRMAN SAMUELSEN: First.

16
17 MS. McCLENAHAN:right now?

18
19 CHAIRMAN SAMUELSEN: Um-hum. (Affirmative)

20
21 MS. McCLENAHAN: Okay. Moose.

22
23 CHAIRMAN SAMUELSEN: And his request was that
24 he's like to see a Council-generated proposal in 17(A) to
25 close Federal lands to nonqualified subsistence users for
26 the fall and winter moose hunt, is that right?

27
28 MR. HEYANO: Yes.

29
30 MS. McCLENAHAN: In Unit 17(A), the rural
31 residents of Unit 17 and residents of Goodnews Bay and
32 Platinum have positive C&T for moose. Unit 17(A), that
33 portion north of the Togiak Lake, that includes Izaviknek
34 River drainages, rural residents of Akiak and Akiakchak
35 are included. 17(B), that portion within the Togiak
36 National Wildlife Refuge, rural residents of Akiak and
37 Akiachak are included. And 17(B) and (C), rural
38 residents of Unit 17 and residents of Nondalton,
39 Levelock, Goodnews Bay and Platinum are included. Unit
40 17(A) and (B), those portions north and west of a line
41 beginning from the Unit 18 boundary at the northwest end
42 of Nenevok Lake, to the southern point of Upper Togiak
43 Lake and northeast to the northern point of Nuyakuk Lake
44 northeast to the point where the unit 17 boundary
45 intersects the Shotgun Hills, residents of Kwethluk.

46
47 And we also need to look at the Unit 18 C&T.
48 If you look at the Unit 18 C&T, no communities in Unit --
49 in Region IV, or in our region, in Unit 17, have a
50 positive C&T in Unit 18. That's on page 108.

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1 CHAIRMAN SAMUELSEN: Okay.

2

3 MS. McCLENAHAN: For moose.

4

5 CHAIRMAN SAMUELSEN: Okay. I guess the correct
6 thing to do is Mr. Heyano stated the two issues that he'd
7 like to address. Maybe I need to get it into a motion on
8 the moose issue from Mr. Heyano, and get a second, and
9 the issue will be before us. So, Mr. Heyano, could you
10 restate your wishes on 17(A) moose for the record?

11

12 MR. HEYANO: Okay. Mr. Chairman, I would move
13 that this Council draft a proposal that would close -- in
14 Unit 17(A) that would close all Federal lands to
15 nonqualified federal subsistence users in the fall and
16 winter hunt for moose.

17

18 MS. KELLY: Second.

19

20 CHAIRMAN SAMUELSEN: Seconded by Shirley.
21 Okay. Now it's before us. Discussion.

22

23 MS. KELLY: Mr. Chair.

24

25 CHAIRMAN SAMUELSEN: Yes.

26

27 MS. KELLY: Could you ask Staff if they have a
28 map so we -- does Staff have a map?

29

30 MS. McCLENAHAN: Dave, a map.

31

32 (Whispered conversation)

33

34 CHAIRMAN SAMUELSEN: Thank you, Dave.

35

36 MR. FISCHER: I'll show you the outline of
37 17(A) boundary here. This is Unit 18 up here. 17(A),
38 17(C) and 17(B). And there's also a picture in the -- or
39 a map in your reg book, regulation book.

40

41 MR. EDENSHAW: Mr. Chair.

42

43 CHAIRMAN SAMUELSEN: Yes.

44

45 MR. EDENSHAW: Perhaps if Robert could also
46 provide some clarification as to what Dave pointed out on
47 the other portion, the other sub units of (A) and (B) for
48 consistency as to, you know, why it wouldn't -- his
49 proposal encompassed all of Unit 17 versus just 17(A),
50 because there are Federal lands in the other subunits, so

00027

1 we just want to make it consistent.

2

3 MR. HEYANO: Well, Mr. Chairman, you know,
4 moose at the numbers we have today in 17(A) is new, and
5 we have some population objectives that we haven't quite
6 achieved yet in Unit 17(A). And under the State
7 registration permit system, there's actually there's
8 difference among Federally-qualified subsistence users.
9 And it's not -- there's not equal access or opportunity
10 spread equally to all the Federal subsistence users under
11 the State registration permit. So I think that because
12 of the moose population is fairly new on the numbers
13 we're having today, I just don't think it's right to not
14 have all Federal subsistence users partici -- have the
15 opportunity to participate equally. And I think the
16 population just needs the added protection until the
17 numbers are increased to more than what we have today.
18 Whereas the populations in (C) and (D) I think are doing
19 fairly well.

20

21 CHAIRMAN SAMUELSEN: Good. Thank you. Further
22 discussion on the motion. Staff comments. Any staff
23 comments.

24

25 (No discussion)

26

27 CHAIRMAN SAMUELSEN: (In Yup'ik), Pete?

28

29 MR. ABRAHAM: (In Yup'ik)

30

31 CHAIRMAN SAMUELSEN: Okay. Let them translate
32 that.

33

34 MR. ABRAHAM: (In Yup'ik)

35

36 CHAIRMAN SAMUELSEN: Okay. Shirley, call for
37 the question.

38

39 MR. ABRAHAM: Question.

40

41 CHAIRMAN SAMUELSEN: All those in favor of the
42 motion, signify by saying aye.

43

44 IN UNISON: Aye.

45

46 CHAIRMAN SAMUELSEN: Opposed, same sign.

47

48 (No opposing votes)

49

50 CHAIRMAN SAMUELSEN: So carried. Okay. The

00028

1 other issue was the caribou issue. Robert, do you have a
2 motion?

3

4 MR. HEYANO: You want that in the form of a
5 motion?

6

7 CHAIRMAN SAMUELSEN: Yeah, I guess before you
8 make your motion, just so I've got it clear, we ought to
9 have a discussion on the transboundary between Units 17
10 and 18. And a number of us have sat on this council long
11 enough where we've seen proposal from the other side,
12 Unit 18, come in, and get a C&T finding on moose and
13 caribou. This issue that Mr. Heyano will be bringing up
14 is a caribou issue that our caribou have migrated up
15 around Aniak and all the way down, and is coming east
16 again towards Togiak, and that's all one herd, the
17 Nushagak/Mulchatna Caribou Herd.

18

19 This winter or this fall when caribou season
20 opened over here, there was a lot of confusion amongst
21 the local residents here about one bull and four cows,
22 and I had to call up Mr. Wellington and ask him to do a
23 public announcement of KDLG to educate the folks in the
24 villages throughout the region that was going to hunt
25 caribou that the law had changed. And it was pretty
26 confusing to everybody to see that in 18 the same caribou
27 herd, there was no change. You could still shoot five
28 animals, any sex, male/female. And then over here one
29 bull and four cows. And I think the consistency that
30 we've been trying to strive for between Federal/State
31 regulations needs to be followed, and State to State
32 regulations in dealing especially with one herd.

33

34 So with that, I'll ask Mr. Heyano to restate
35 his caribou motion for the record and see if there's a
36 second. Pat.

37

38 MS. McCLENAHAN: Before you do that, can I read
39 the C&T for Unit 18?

40

41 CHAIRMAN SAMUELSEN: Sure.

42

43 MS. McCLENAHAN: Unit 18, residents of Unit 18
44 and residents of St. Michael, Stebbins, Togiak, Twin
45 Hills, Upper Kalskag and Manokotak.

46

47 CHAIRMAN SAMUELSEN: Okay. Maybe at the next
48 meeting we could have them regulations, Cliff, the
49 standard operating tools, sitting around the table.
50 Okay.

00029

1 Robert, do you have a motion?

2

3 MR. HEYANO: I think I do.

4

5 CHAIRMAN SAMUELSEN: Okay.

6

7 MR. HEYANO: Mr. Chairman, I would move that
8 this Council support a proposal in Unit 17 on Federal
9 lands, the harvest limits would be one bull caribou and
10 four cows. This obviously excludes the Nushagak
11 Peninsula Hunt. And then the same thing in Unit 18, Mr.
12 Chairman, one bull caribou, four cows on Federal lands.

13

14 MS. KELLY: Second.

15

16 MR. ABRAHAM: And I second that also.

17

18 CHAIRMAN SAMUELSEN: Seconded by Shirley.
19 Further discussion. Andy.

20

21 MR. ADERMAN: Thank you, Mr. Chairman, Andy
22 Aderman, Togiak Refuge. Just maybe a point of
23 clarification, under State regs, it's one bull from the
24 opener, August 1st to November 30th, after which it goes
25 back to five animals.

26

27 CHAIRMAN SAMUELSEN: Any sex?

28

29 MR. ADERMAN: Any sex. That's for Unit 17. So
30 you can get one bull between August 1st and November
31 30th, and then after November 30th, you can get four more
32 animals, which could all be bulls.

33

34 CHAIRMAN SAMUELSEN: Okay. Robert.

35

36 MR. HEYANO: Well, I guess that, you know, my
37 previous comments, it was brought to our attention here
38 on the local advisory committee that the State had
39 concerns for the population and their management
40 objective was 35 bulls per 100 cows, and currently I
41 think it was at 26 bulls per 100 cows, so they felt
42 strong enough to submit a proposal to reduce that to one
43 bull, and at the same time the nonresidents, they can
44 only harvest one bull, and that previously they were able
45 to harvest two. So I think it's a resource concern we
46 should be aware of that -- try to minimize the harvest of
47 bulls, but still provide an opportunity and a bag limit
48 that will satisfy the subsistence needs.

49

50 CHAIRMAN SAMUELSEN: So regardless -- let me

00030

1 understand this. I think Andy said up until November
2 30th, yours is all the time, right? That's the
3 difference here. Okay.

4

5 MR. HEYANO: And if I recall correctly, Mr.
6 Chairman, that would then mirror state regs in Unit 17.

7

8 CHAIRMAN SAMUELSEN: Okay. Andy, would that
9 mirror state regs in 17? He just said a minute ago his
10 memory is slipping, that's why I'm bringing you back up.

11

12 MR. ADERMAN: I don't believe it would, Mr.
13 Chairman. This is the State of Alaska regulations.
14 Within the remainder of Unit 17(A), residents can take
15 five caribou, of which only one may be a bull during
16 August 1st to November 30th. Unit 17(B) and a portion of
17 Unit 17(C) east of Wood River, Wood River Lakes, the
18 identical regulation for residents.

19

20 CHAIRMAN SAMUELSEN: Okay. I don't normally
21 like to take a break in the middle of a motion, but we're
22 going to take a 10-minute break, and I'd suggest you and
23 Mr. Heyano get together there on the dates. Take a 10-
24 minute break.

25

26 (Off record)

27

28 (On record)

29

30 CHAIRMAN SAMUELSEN: Okay. Just got a note
31 from the city staff upstairs. We're not messengers or
32 message takers, so, wah-wah-wah Okay. Robert.

33

34 MR. HEYANO: Okay. Thank you, Mr. Chairman. I
35 would need to offer a friendly amendment to my motion.
36 Thanks, Andy, for enlightening me. I was wrong on the
37 State regulations. The State regulation says five
38 caribou, of which only one may be a bull, during August 1
39 to November 30. So I would like to offer that as a
40 friendly amendment to my motion in Unit 17(A). And I
41 think for clarification, we're not talking the Nushagak
42 Peninsula Herd, or the closed areas that -- for the
43 protection of the Nushagak Peninsula Herd.

44

45 CHAIRMAN SAMUELSEN: Is there any objection to
46 the friendly amendment, since he made the amendment, I
47 can't ask him.

48

49 MS. KELLY: Second.

50

00031

1 CHAIRMAN SAMUELSEN: Okay. There's no
2 objection, so it would be the amended language. Further
3 discussion.

4
5 MR. HEYANO: Mr. Chairman, and then I need to
6 do the same thing for Unit 18, south of the Yukon River,
7 one -- five caribou, only one may be a bull, from August
8 1st to November 30.

9
10 CHAIRMAN SAMUELSEN: Okay. Thank you. Any
11 objection to the friendly amendment?

12
13 (No objections)

14
15 CHAIRMAN SAMUELSEN: Seeing none, both
16 amendments are before us.

17
18 MR. HEYANO: The motions, right?

19
20 CHAIRMAN SAMUELSEN: Both motions, yeah,
21 they've been accepted as -- further discussion.

22
23 (No discussion)

24
25 MR. HEYANO: Question.

26
27 CHAIRMAN SAMUELSEN: The question's been
28 called. All those in favor of the amended language and
29 motion, signify by saying aye.

30
31 IN UNISON: Aye.

32
33 CHAIRMAN SAMUELSEN: Opposed, same sign.

34
35 (No opposing votes)

36
37 CHAIRMAN SAMUELSEN: So carried. Okay. So
38 that takes care of the caribou issue. Any other issues?
39 Cliff.

40
41 MR. EDENSHAW: Excuse me, Mr. Chair, just for
42 clarification, so Robert's motion was for Units 17 and 18
43 for a C& -- I mean, not a C&T, for a proposal in Unit 17
44 for caribou and Unit 18?

45
46 MR. HEYANO: 17(A).

47
48 MR. EDENSHAW: 17(A). Okay. For caribou.
49 Okay.

50

00032

1 CHAIRMAN SAMUELSEN: 17(A) and 18.

2

3 MR. EDENSHAW: And 18.

4

5 MR. KOSBRUK: If the public understood, it was
6 for Unit 17.

7

8 MR. HEYANO: In entirety. Yeah, I think --
9 yeah, that's right, because there is other Federal land.
10 I stand corrected. Twice in a row.

11

12 CHAIRMAN SAMUELSEN: So it's all of 17? Or
13 just 17(A)?

14

15 MR. HEYANO: All of 17, because there's other
16 portions of Federal land in 17 that would be not
17 included, for consistency.

18

19 CHAIRMAN SAMUELSEN: Okay. With that
20 understanding, anybody want to change their mind on how
21 they voted? This is Aaron's last meeting, he's having
22 fun watching you make mistakes, two in a row. Okay.
23 We'll move on.

24

25 Moving on. Cliff, do we have any others under
26 that agenda item?

27

28 MR. EDENSHAW: Not that I'm aware of, Mr.
29 Chair, in regards to number 8 for other wildlife
30 proposals?

31

32 CHAIRMAN SAMUELSEN: Yes.

33

34 MR. EDENSHAW: That's all I.....

35

36 CHAIRMAN SAMUELSEN: Any others, council?

37

38 MR. EDENSHAW: And we'll have an opportunity.
39 The Council can, before they adjourn tomorrow, will have
40 an opportunity to revisit this issue if they also wish
41 actually to submit other proposals.

42

43 CHAIRMAN SAMUELSEN: Okay.

44

45 MR. EDENSHAW: Or members of the public.

46

47 CHAIRMAN SAMUELSEN: Okay. We're done with
48 item number 8. Moving on to number 9, fisheries proposal
49 review and Regional Advisory Council recommendations.
50 Who's taking the lead. Mr. Boyd.

00033

1 MR. BOYD: Thank you, Mr. Chair, Tom Boyd, Fish
2 and Wildlife Service.

3
4 Given that Proposal No. 14 has been deferred
5 from further action by my office primarily, I thought the
6 Council should have an understanding of the reasons
7 behind that.

8
9 As I understand, Proposal 14 was a customary
10 and traditional use determination, or a proposal for
11 customary and traditional use determination for halibut,
12 herring, and herring roe.

13
14 MS. McCLENAHAN: Um-hum. (Affirmative)

15
16 MR. BOYD: For the marine waters within the
17 Bristol Bay area or Togiak area primarily.

18
19 MS. McCLENAHAN: Togiak National Wildlife
20 Refuge external boundaries.

21
22 MR. BOYD: And I thought it would be
23 appropriate for me to kind of provide you some background
24 and reasoning for putting that off. Mr. Chair, you've
25 been involved I think with the North Pacific Fishery
26 Management Council development of the subsistence halibut
27 fishing regs, and that those were coming to the fore over
28 the last year. It raised questions about the overlap
29 between the jurisdiction in this program, the ANILCA
30 program, and the halibut regulations that were just
31 passed. The Secretary of the Interior's office was
32 involved, and began to ask question about the overlap and
33 the implications of those regulations on our program.

34
35 And as we began to look at that and understand
36 the overlap in jurisdiction, it called into question the
37 regulations that this program had adopted back in 1999
38 when we asserted jurisdiction into fisheries management.
39 As you'll recall, the Katy John decision basically
40 required for us to assert jurisdiction into those waters
41 where we had what we call reserved water rights. And in
42 defining that jurisdiction, we defined it as those waters
43 within the exterior boundaries of Federal conservation
44 system units, refuges, parks, monuments, preserves, et
45 cetera. And in a number of areas around primarily
46 western Alaska, those exterior boundaries cut across the
47 mouths of some fairly large bays, and we took in marine
48 waters.

49
50 In reviewing that, whether or not -- the

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1 Secretary's asked us whether or not that was a correct
2 assertion, whether we should have claimed that
3 jurisdiction. And our attorneys have essentially
4 concluded that we're on very tenuous legal grounds to do
5 that, and that we should have only claimed jurisdiction
6 out to the mouths of those streams, basically either
7 fresh water or brackish water areas. So we are in the
8 process of preparing a rule making, a proposed rule that
9 would essentially change the limits of that jurisdiction
10 and remove Federal jurisdiction within those bays that
11 were cut off by those exterior boundary lines across the
12 mounts of those large bays. If that were to -- if those
13 rules become in effect, then that would eliminate the
14 need for this proposal. And so we are in the process of
15 doing that now. In a nutshell.

16

17 I'm going to risk saying that hopefully we'll
18 have a proposed rule out by the time you meet again in
19 the winter, but, again, I'm not sure of the timing of
20 that right now.

21

22 CHAIRMAN SAMUELSEN: Okay. It's my
23 understanding on the NOAA general counsel opinion
24 rendered to the Council, that the -- because of
25 international agreements that we have concerning halibut,
26 that the North Pacific Fishery Management Council and the
27 International Pacific Halibut Commission, the Council --
28 or rather the International Pacific Halibut Commission
29 sets the TAC, total allowable catch, that could be
30 extracted out of the fishery, all the biological
31 information. The Council has authority in its purview to
32 do the allocation, i.e., to the IFQ holders, sports
33 people and to subsistence users, and that because of the
34 international agreements that we have with other nations,
35 that the management of the halibut fishery extends to the
36 last wave hitting the beach.

37

38 However, there's also been another problem in
39 State regulations with the subsistence halibut
40 regulations concerning the by-catch of I think it is red
41 rock fish that the Council is going to be dealing with in
42 conjunction with the Alaska Department of Fish and Game.

43

44

45 So what you're suggest -- I guess we don't have
46 -- this is not an action item. This is just an
47 information item?

48

49 MR. BOYD: That's correct, Mr. Chair.

50

00035

1 CHAIRMAN SAMUELSEN: Okay. Roger.

2

3 MR. BOYD: Our question is not one of
4 allocation. Our question is one of jurisdiction.

5

6 CHAIRMAN SAMUELSEN: That's right.

7

8 MR. BOYD: And we're simply saying at this
9 point that we believe that we've made an error I think is
10 the clearest way I can say it, in drawing those lines as
11 far out as we have, and now we're going back to refine
12 that through a rule making process.

13

14 CHAIRMAN SAMUELSEN: Yeah. Because even in the
15 State regulations, if -- let's take like Nushagak Bay out
16 here, for example, it crosses quite a ways down below the
17 Bay, the State line.....

18

19 MR. BOYD: Right.

20

21 CHAIRMAN SAMUELSEN:encompasses the whole
22 Nushagak Bay. I'll use that as an example. Over here in
23 the Nushagak. You know, three miles. The North Pacific
24 Fishery Management Council has, concerning halibut, you
25 know, if a halibut washes -- swims up on Clark's Point,
26 the jurisdiction follows that halibut. It isn't State
27 jurisdiction, which is pretty interesting to me when we
28 were developing the halibut subsistence regulations.
29 Okay.

30

31 Any questions of Tom? I think that's the first
32 time since we've been formed they're admitting a mistake.
33 Pretty good, Tom.

34

35 MR. BOYD: Okay.

36

37 CHAIRMAN SAMUELSEN: Are you going to catch up
38 with Heyano today?

39

40 MR. BOYD: I think I'd have to try awfully
41 hard.

42

43 CHAIRMAN SAMUELSEN: Okay. Okay. Where do we
44 go from here, Cliff?

45

46 MR. EDENSHAW: Mr. Chair, under number 14, Pat
47 McClenahan's going to go ahead and lead off here with our
48 first fisheries proposal, and if you look on page one
49 here, Mr. Chairman, the agenda item, we'll go ahead and
50 proceed with the introduction of the proposal and

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1 analysis. If there's anyone here from ADF&G comments who
2 wish to provide additional comments to the proposal that
3 Pat's going to present to the Council, we'll go ahead and
4 go there, and then other State and Federal agency
5 comments, perhaps someone from the Togiak or the Alaska
6 Peninsula refuge has any comments regarding those, and
7 then if there are any members of the ADF&G advisory
8 committee who would like to provide any additional
9 committee comments. I'll go over the summary of written
10 public comments, and there's some forms over here for
11 those of you in the public who wish to provide public
12 comments regarding the two proposals the Council's going
13 to address this afternoon. And then lastly the Council's
14 deliberation and recommendation on these proposals.

15

16 CHAIRMAN SAMUELSEN: Okay.

17

18 MR. EDENSHAW: Patricia?

19

20 MS. McCLENAHAN: Thank you, Mr. Chairman.

21

22 CHAIRMAN SAMUELSEN: Let's get started. Pat.

23

24 MS. McCLENAHAN: You are at Tab D, page 41 and
25 following. This is Proposal FP04-15 that was submitted
26 by the Bristol Bay Subsistence Regional Advisory Council,
27 and it requests that the existing customary and
28 traditional use determination for salmon and fresh water
29 fish for the Egegik and Ugashik Districts be restricted
30 to the residents of the Egegik District and the Ugashik
31 District for each district respectively.

32

33 In 2003 Federal subsistence management
34 regulations recognized these two districts as distinct
35 from the remainder of Bristol Bay as you will recall.
36 Federal regulations previously had that as part of
37 remainder. And in that way they matched the districts
38 that exist in State regulations.

39

40 If adopted the proposed change in regulations
41 would provide Egegik and Ugashik customary and
42 traditional use determinations that are similar to those
43 of the other districts within the Bristol Bay fisheries
44 management area.

45

46 Presently all of the rural residents of the
47 Bristol Bay area have a positive customary and
48 traditional use determination for all fish in the Egegik
49 and Ugashik Districts. This C&T determination was
50 adopted from State regulations at the beginning of the

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1 Federal program.

2

3

4 Federally-administered fresh waters on the
5 Alaska Peninsula are located within a portion of Katmai
6 National Park and Preserve, and within the Alaska
7 Peninsula-Becharof National Wildlife Refuge. However,
8 none of the rivers in either drainage lie entirely within
9 those Federal units. It's important to recognize that
10 this proposal addresses only those upstream portions of
11 the named drainages that are under Federal jurisdiction.
12 And if you'll look at maps one and two, it will give you
13 a better picture of the situation.

13

14

15 Because this proposal, if adopted, would
16 provide a more restrictive C&T than now exists,
17 information about all of the affected communities in the
18 Bristol Bay fishery management area is provided.

18

19

20 With regard to factor 1 of the analysis, salmon
21 and fresh water fish are, and have been traditionally, of
22 greatest importance to the residents of the Bristol Bay
23 region, including the residents of Egegik and Ugashik
24 Districts. Table 2 provides information about the
25 comparative use of subsistence salmon and fresh water
26 fish resources, along with all other classes of resources
27 for the communities of Egegik, Ugashik, and Pilot Point.
28 Table 3 provides the percentage of the total subsistence
29 resources that fish make up for one study year for each
30 of the communities in the region.

30

31

32 With respect to factor 4, table 4 provides
33 descriptions of the general community subsistence use
34 areas for the Bristol Bay communities. This table is not
35 specific to fishing areas, however. For the most part,
36 Bristol Bay region rural residents are documented as
37 primarily subsistence fishing for salmon and fresh water
38 fish relatively near their respective communities, and
39 use the drainages and lakes nearest their villages.

39

40

41 Rural residents using locations more distant
42 from their villages on the Alaska Peninsula include those
43 who are commercial fishing in the area, those who fly to
44 distant location for resources such as subsistence
45 caribou, where they may at the same time take other
46 subsistence resources, and those who travel to visit
47 relatives elsewhere in Bristol Bay where they take a
48 variety of subsistence resources together.

48

49

50 The subsistence resource use areas reported in
table 4 again are general use areas that were mostly

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1 reported in the 1980s. It's important to note that
2 resource use areas can and do change over time.

3

4 In addition to the proposal communities using
5 their own river drainages, the communities of Togiak,
6 Twin Hills, Manokotak, Naknek, King Salmon, and South
7 Naknek in the Bristol Bay fisheries management area, and
8 Port Heiden in the Alaska Peninsula fisheries management
9 area, reported using Ugashik and Egegik River drainages
10 in the 1980s for -- as a subsistence use area. Port
11 Heiden does not have a positive C&T in the Bristol Bay
12 fisheries management area however.

13

14 GIS subsistence use area maps provided to OSM
15 by ADF&G in the 1990s give us more specific fisheries
16 subsistence use area maps for these communities. And
17 according to these maps, none of the Bristol Bay
18 communities other than Ugashik use the Ugashik District
19 for subsistence fishing. Only the Bristol Bay
20 communities of Egegik and South Naknek use the Egegik
21 District for subsistence fishing.

22

23 There's no specific information showing that
24 the community of Port Heiden, which is in the Alaska
25 Peninsula fisheries management area uses any part of the
26 Ugashik District for subsistence fishing, although moose
27 hunting does take place there.

28

29 Staff preliminary conclusion is to support the
30 proposal with modification. We recommend adding South
31 Naknek to the finding for Egegik District.

32

33 The justification for this conclusion is that
34 salmon and freshwater fish are an important subsistence
35 resource. Local residents from the communities within
36 each drainage/district are the most likely subsistence
37 users of the portion of the drainage that's within
38 Federal jurisdiction, especially because this does not
39 include the mouths of rivers.

40

41 Mr. Chairman, that concludes my remarks.

42

43 CHAIRMAN SAMUELSEN: Okay. Thank you, Pat.
44 Questions for Pat, Council. Robert.

45

46 MR. HEYANO: Thank you, Mr. Chairman. Pat, on
47 page 53, there's a map, South Naknek subsistence fishing
48 areas.

49

50 MS. McCLENAHAN: Yes.

00039

1 MR. HEYANO: Then according to the color-coded
2 chart, it says fishing areas. So those dark colored
3 waters.....

4
5 MS. McCLENAHAN: Are South Naknek's use areas
6 as reported by ADF&G.

7
8 MR. HEYANO: So it will be that -- this portio
9 of the lake that's -- be the southwest portion of
10 Becharof Lake, is that what I'm looking at?

11
12 MS. McCLENAHAN: That's what you're looking at.

13
14 MR. HEYANO: Um-hum. I was just curious, did
15 your information indicate when they used it, or how they
16 got there?

17
18 MS. McCLENAHAN: No, I only have the maps
19 unfortunately. There is not narrative about it. But
20 that looks like it's a portion of Island Arm. No, it's
21 south of Island Arm. The communities of Egegik and South
22 Naknek, Chignik have ties that are long standing, isn't
23 that true, Shirley? In fact, we have an expert right
24 here who could speak to that.

25
26 MS. KELLY: The community -- some residents of
27 the community of South Naknek use that. It's called the
28 Featherly Creek area, that portion of the lake for
29 subsistence harvest of red fish and grayling.

30
31 CHAIRMAN SAMUELSEN: You got your hand up,
32 Pete? Pete?

33
34 MR. ABRAHAM: (In Yup'ik)

35
36 CHAIRMAN SAMUELSEN: Okay. Any other questions
37 there, Robert?

38
39 MR. HEYANO: Not for Pat.

40
41 CHAIRMAN SAMUELSEN: Okay. Cliff, at this time
42 do we read the -- or make a motion to put the proposal
43 before us and then comments?

44
45 MR. EDENSHAW: No, Mr. Chair. We'll.....

46
47 CHAIRMAN SAMUELSEN: Or do we go.....

48
49 MR. EDENSHAW:proceed through the.....

50

00040

1 CHAIRMAN SAMUELSEN:get the comments and
2 then.....

3
4 MR. EDENSHAW:through the protocol. Yes.

5
6
7 CHAIRMAN SAMUELSEN: Okay. Thank you. Okay.
8 Thank you, Pat. ADF&G comments.

9
10 MR. EDENSHAW: Mr. Chair, on page 57 of this
11 analysis, I can go ahead and read the Department's
12 comments that were submitted in this proposal and
13 analysis, and if there's individuals from ADF&G here this
14 afternoon who would also like to provide any comments,
15 they may do so at this time.

16
17 The comments that Subsistence Office received
18 from ADF&G are the Department defers comment pending
19 review of the Federal Staff analysis. Those authors
20 typically consult with Department Staff as they develop
21 information relevant to these uses. It is premature to
22 comment on the proposal before reviewing those work
23 products. We will consider the evidence raised in the
24 analysis of the proposal prior to developing agency
25 comments.

26
27 CHAIRMAN SAMUELSEN: Okay. Department of Fish
28 and Game, any other comments? Come on up, state your
29 name for the record.

30
31 MR. CAMPBELL: Mr. Chair and members of the
32 Council, for the record, my name is Rod Campbell, Alaska
33 Department of Fish and Game, Division of Commercial
34 Fisheries. That's a big mouthful and a long way to walk
35 to say I don't have any other additional comments, and I
36 wasn't given any from Subsistence Division in Anchorage
37 to pass along on this trip. Thank you.

38
39 CHAIRMAN SAMUELSEN: Okay. Okay. Other State
40 or Federal agency comments? Going once, going twice.
41 Didn't see any ADF&G advisory committee comments. Were
42 there any sent in, Cliff?

43
44 MR. EDENSHAW: No, Mr. Chairman. Also, at this
45 time, if there's any of those committee members here who
46 would like to provide any, may do so.

47
48 CHAIRMAN SAMUELSEN: Okay.

49
50 MR. EDENSHAW: And also, I forgot to -- perhaps

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1 Mary McBurney would -- I didn't have a copy or -- second
2 thought, I did here.

3

4 Under the third portion, other State and
5 Federal agency comments, and here before the Council is
6 the Aniakchak SRC provided comments and recommendations
7 regarding the proposals. And on their proposal and on
8 their Proposal 15, no action. The SRC is concerned that
9 residents of Port Heiden and Meshik who subsistence fish,
10 particularly red fish, in the Ugashik District will be
11 unable to do so. And those were their comments on
12 Proposal 15.

13

14 And the Lake Clark SRC met on September 25th,
15 but they did not have a quorum, so were unable to make
16 any recommendations regarding these proposal.

17

18 So those were the other State and Federal
19 agency comments there, Mr. Chair.

20

21 CHAIRMAN SAMUELSEN: Okay. And that's a
22 handout that you provided us?

23

24 MR. EDENSHAW: Yes, Mr. Chair, that Mary
25 McBurney provided us with.

26

27 CHAIRMAN SAMUELSEN: Yeah. Okay. ADF&G
28 advisory committee, summary of written comment comments.
29 I guess that's this blue public testimony? Or is there
30 written comments?

31

32 MR. EDENSHAW: No, Mr. Chair. In regards to
33 that portion, there weren't any written public comments
34 received.

35

36 CHAIRMAN SAMUELSEN: Okay. Public comments.
37 Is there any members of the public that want to comment
38 on this issue before us?

39

40 (No comments.)

41

42 CHAIRMAN SAMUELSEN: Seeing none, what's the
43 wishes of the Council? Robert.

44

45 MR. HEYANO: I have a question in regards to
46 the Aniakchak Subsistence Resource Council's comments.
47 Is that in the event in the future if Port Heiden and
48 Meshik did have C&T finding for red fish in Ugashik
49 District, at that particular time, those two communities
50 would be included. Am I correct in the process?

00042

1 CHAIRMAN SAMUELSEN: I think that they would
2 need to submit a proposal to be included. It will be
3 just like the proposal before us. It will have its due
4 deliberation, and then the Council would vote on a
5 recommendation to the Federal Subsistence Board. Tom
6 Boyd is shaking his head right. It isn't just automatic.
7 The way you described it, it was automatic. It's not
8 automatic.

9
10 MR. HEYANO: Right, but currently they don't
11 have C&T finding?

12
13 CHAIRMAN SAMUELSEN: Yes.

14
15 MR. HEYANO: Okay. Mr. Chair, if a motion is
16 in order?

17
18 CHAIRMAN SAMUELSEN: A motion is in order.

19
20 MR. HEYANO: I would move that we support FP04-
21 15 with the amended language to include the residents of
22 South Naknek for the Egegik District.

23
24 CHAIRMAN SAMUELSEN: Okay. Is there a second?

25
26 MS. KELLY: I'll second.

27
28 CHAIRMAN SAMUELSEN: Moved by Robert Heyano,
29 seconded by Shirley. Further discussion.

30
31 (No discussion)

32
33 MR. HEYANO: Question.

34
35 CHAIRMAN SAMUELSEN: The question's been called
36 for. All those in favor of proposal FP04-15, signify by
37 saying aye.

38
39 IN UNISON: Aye.

40
41 CHAIRMAN SAMUELSEN: Opposed, same sign.

42
43 (No opposing votes)

44
45 CHAIRMAN SAMUELSEN: So carried. Next.

46
47 MR. EDENSHAW: Thank you, Mr. Chair. Larry
48 Buklis will provide the analysis for Proposal FP04-16.

49
50 CHAIRMAN SAMUELSEN: Welcome, Larry.

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1 MR. BUKLIS: Thank you, Mr. Chairman. Mr.
2 Chairman, the analysis for FP04-16 can be found on page
3 59 of your book. This proposal for the Bristol Bay area
4 was submitted by Bristol Bay Council. It requests
5 regional modifications to the customary trade
6 regulations.

7
8 The proposed regulation changes are intended to
9 allow enforcement personnel to better monitor customary
10 trade for potential abuses. Household dollar limits
11 would be imposed on the amounts of salmon that may be
12 exchanged. When conducting customary trade of salmon
13 with persons other than rural residents, the transaction
14 would need to be recorded on a subsistence fishing
15 permit.

16
17 Under federal regulations, the exchange of
18 subsistence caught fish for cash is allowed. However,
19 these regulations, this is a key point, these regulations
20 do not exempt a person from complying with State health
21 regulations on the processing of foods. I know when we
22 say the term customary trade, we probably think of a
23 broad range of fish and fish products, but strictly
24 speaking, our customary trade regulations do not exempt a
25 person from the health regulations.

26
27 Records are not available on the amounts of
28 salmon exchanged in customary trade in Bristol Bay, the
29 amounts of cash involved or the extent of processing
30 involved. However, a study has been proposed to the
31 Fishery Resource Monitoring Program in our office that
32 would gather information about customary trade practices
33 in Bristol Bay. I think Steve Fried will be talking more
34 about those project proposals later.

35
36 In reviewing this regulatory proposal, we note,
37 first, the proposed language using the phrase barter is
38 not needed, since barter does not involve exchanges for
39 cash.

40
41 Second, proposed language dealing with fish not
42 to be entering commerce is also not needed, because that
43 concern is addressed in the existing regulatory language.
44 We don't need to add that phrase.

45
46 Third, the remainder of the proposed changes
47 deal with dollar value limits and a recording
48 requirement. The recording requirement for exchanges
49 with those other than rural residents is expected to
50 create the need for a new Federal subsistence salmon

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1 permit in Bristol Bay, since the State does not allow
2 customary trade of salmon. So it would be unlikely that
3 the State would allow their permit form to be used for
4 the recording of customary trade. So this would probably
5 create a new Federal permit, and we'd have a dual
6 permitting system. A Federal permit for taking salmon on
7 Federal lands and a State permit for taking fish, salmon,
8 on State or Federal lands.

9

10 Only fish harvested in Federal jurisdiction may
11 be exchanged. In the Bristol Bay area, less than 20
12 percent of the subsistence salmon harvest is being taken
13 in Federal jurisdiction, so about 20 percent of the
14 current subsistence salmon harvest in the region we think
15 is coming off of Federal jurisdiction areas.

16

17 The dollar value limits are intended to prevent
18 exchanges which could be perceived as an abuse of the
19 opportunity. Establishing dollar limits and a reporting
20 requirement implies additional control. However, it is
21 unlik -- however, it is likely that only a small portion
22 of the overall customary trade practice in Bristol Bay
23 complies with existing customary trade, and health
24 regulations I say this, because, first, only harvest in
25 Federal jurisdiction may be involved. Second, users are
26 not exempted from the health regulations. Third, few to
27 no subsistence users hold the required health permits.
28 And, fourth, fresh fish are inefficient to transport and
29 subject to spoilage as compared to processed products.

30

31 (Andrew Balluta arrives at 2:58 p.m.)

32

33 MR. BUKLIS: There could easily be further
34 confusion. There will be issues associated with
35 implementation of the proposed regulation, but whether
36 these warrant rejection of the request from the Council
37 is a difficult assessment. The analysis recommends
38 support with modifications: to delete the proposed use
39 of the term barter as I explained; delete that clause on
40 commerce as I also explained; and then to clarify the
41 intent of the recording requirement and to emphasize the
42 limitation to Federal jurisdiction.

43

44 There could easily be further confusion among
45 users as to what is expected of them with implementation
46 of this proposed regulation.

47

48 And at this point, I just raise a series of
49 questions that this kind of regulation may raise. For
50 example, do the cash limits apply only to customary trade

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1 of salmon taken in Federal jurisdiction that comply with
2 the health requirements? Are we expecting users who do
3 not hold the health permits to go ahead and record
4 exchanges of processed salmon? Will cash limits and the
5 recording requirement imply to users that they are
6 exempted from the health requirements? We don't intend
7 that to be the case, but will they think that our Federal
8 subsistence fishing permit somehow now gives them a
9 special exemption.

10

11 State and Federal programs provide parallel
12 opportunities for subsistence salmon fishing in Bristol
13 Bay. So we are parallel systems right now, except the
14 Federal program is limited to our Federal jurisdiction
15 areas, and we allow customary trade. State fishing
16 permits are valid throughout the area, and although
17 customary trade is not allowed by State regulation, this
18 is not being actively enforced for small-scale exchanges.
19 Given these realities, are we expecting fishermen to
20 obtain a Federal fishing permit, only trade fish taken in
21 Federal jurisdiction, and obtain the necessary State
22 health permits if they process the fish.

23

24 Current customary trade regulation is
25 challenging to communicate. If the proposed regulation
26 is adopted, there will need to be a focused outreach
27 effort to avoid further confusing the situation.

28

29 Mr. Chairman, that concludes my overview.

30

31 CHAIRMAN SAMUELSEN: Okay. To get an
32 understanding of this, I'm a federally-qualified
33 subsistence user in Naknek, and I go up to Naknek Lake
34 and I catch red fish in Naknek Lake. That doesn't
35 prevent me from bartering with Andrew in Anchorage. I
36 could barter with -- for the dried red fish with Andrew.
37 What this regulation is doing is that if I was a resident
38 of Naknek and I decided to go up to Naknek Lake and sell
39 Andrew in Anchorage red fish, 200 red fish for \$400 or
40 whatever it is, I would need a federal permit, and then
41 on the back I would have to declare that I'm going to
42 take 200 fish valued at \$400 for cash? How do you see
43 that playing out?

44

45 MR. BUKLIS: Mr. Chairman, I'll try to speak to
46 the main points of your example, but Naknek Lake is not a
47 good example area.

48

49 CHAIRMAN SAMUELSEN: I'm just -- okay. What's
50 a good example then?

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1 MR. HEYANO: Becharof.

2

3 CHAIRMAN SAMUELSEN: Becharof.

4

5 MR. BUKLIS: Good example.

6

7 CHAIRMAN SAMUELSEN: Good example. Okay. I'm
8 in Egegik and I'm going up to Becharof Lake.

9

10 MR. BUKLIS: My understanding on barter is that
11 barter is exchange for the salmon you're describing
12 coming out of Federal jurisdiction in Lake Becharof. And
13 barter is an exchange for other foods and -- or non-
14 edible products, and our regulations recognize barter and
15 nothing about this proposal would change the barter.....

16

17 CHAIRMAN SAMUELSEN: Thanks. Um-hum.

18

19 MR. BUKLIS:regulations. What this
20 regulation says is that if you're going to exchange your
21 subsistence salmon taken Federal jurisdiction, if you're
22 going to exchange them for cash with a fellow rural
23 resident, you can do so up to the \$400 limit or \$500
24 limit, up to the dollar limit, and you don't have to
25 record those on this form you're proposing. If you're
26 going to exchange those same fish with a person who's not
27 a rural resident, you can go up to a certain dollar
28 limit, and you're asked or required to record the
29 exchange on the back of your fishing permit, yes. You've
30 got that correct.

31

32 The problem, the reason I spent the time going
33 through the concerns we have with implementing the
34 proposal is that we have parallel systems in Bristol Bay,
35 and neither the Federal nor State side is actively
36 enforcing small-scale exchanges. So do we expect this to
37 be a very active Federal permit system with people coming
38 forward and obtaining them when in fact they can fish
39 throughout the area with a permit and even though the
40 State regulations don't recognize customary trade, it's
41 being allowed on a small-scale level. So this proposal
42 would have people get their Federal permit, and record
43 and stay within limits and conform to these rules for
44 customary trade of fish from Federal jurisdiction when
45 they could go to that same place with their State permit
46 and in fact engage in customary trade in a small-scale
47 way that's not being enforced.

48

49 CHAIRMAN SAMUELSEN: Okay. Then my question to
50 you, would we be fostering additional sales of salmon if

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1 we develop a regulation recognizing a certain dollar
2 amount, let's say \$400?

3

4 MR. BUKLIS: I would have to speculate as to
5 whether a regulation in the book would generate interest.
6 It's something that people do raise -- this regulation
7 aside, people sometimes raise questions about fishing or
8 hunting regulations, raising the public attention on a
9 resource. You're asking would this raise public
10 attention on dollar values and exchanges? It might.

11

12 CHAIRMAN SAMUELSEN: Okay. On the flip side of
13 that coin, would be we -- without adopting the
14 regulation, do you think we'd be disenfranchising
15 anybody? That State agencies are looking other
16 direction, and I would assume Federal agencies.

17

18 MR. BUKLIS: I don't see how not adopting this
19 would disenfranchise people, no.

20

21 CHAIRMAN SAMUELSEN: Okay.

22

23 MR. ABRAHAM: Mr. Chair.

24

25 CHAIRMAN SAMUELSEN: Pete.

26

27 MR. ABRAHAM: I know we've been barter.....

28

29 CHAIRMAN SAMUELSEN: Let the record show that
30 Andrew's in the meeting. I'm going to put that in here.

31

32 MR. ABRAHAM: You know, we've been bartering,
33 you know, for -- I mean, as far as I can remember and
34 beyond. And now that you have transportation to go
35 further, like for instance last week, I went into
36 Anchorage, had a box of fish, because friends and
37 neighbors in Anchorage wanted some silver salmon. And
38 one person decide to buy me frozen meat to take back home
39 for exchange of fish. I mean, I don't see nothing wrong
40 with that. And -- because the transportation takes a
41 little further than before. If my friend in Sitka wants
42 spawned-out dried salmon, I'll take him a piece here and
43 there, and he can send me hooligan from over there. It
44 is quite possible. We've been doing this for thousands
45 and thousands years. I thought we got that completed
46 last winter with Pete Proscabo in Anchorage. I mean, of
47 course, if somebody abuse it, well, that's a different
48 story. You know, in cash basis. But I don't see anybody
49 going out extra mile to go after some fish unless doing
50 black market or something.

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1 CHAIRMAN SAMUELSEN: Yeah. And I don't think
2 this proposal addresses what you're doing. I mean, if
3 your friend in Anchorage that you brought fish into in
4 Anchorage decided to pay you \$300 cash.....

5
6 MR. ABRAHAM: Um-hum.

7
8 CHAIRMAN SAMUELSEN:that would have been
9 a different story, but since he went out and purchased
10 meat for the fish that you gave him, and said, here,
11 Pete, take this meat home. I really appreciate the fish
12 you brought in.

13
14 MR. ABRAHAM: Um-hum.

15
16 CHAIRMAN SAMUELSEN: That's barter, and this
17 doesn't address the barter issue, right?

18
19 MR. ABRAHAM: Yeah.

20
21 MR. BUKLIS: As far as I understand, Mr.
22 Chairman, yes, that's right. And if I could speak to the
23 second part of your comments, yes, this customary trade
24 issue was addressed, and it culminated or concluded last
25 year, and Pete Probasco had a large role in it along with
26 a team of people. But throughout that process, there
27 were regional interests and issues, and this process
28 concluded with an invitation to have regional specific
29 regulations if necessary. And so what you have in front
30 of you is a proposal by this Council that carried forward
31 an interest this Council had along the way, which was
32 documentation and limits. And what the analysis raises
33 is the documentation and limits has some value and some
34 merit, but when you realize that small scale exchanges
35 are not being enforced, and this doesn't imply any kind
36 of exemption from health permits and processing, we can't
37 be kind of turning aside an eye on the processing aspect
38 of this. So this regulation doesn't change any of that.
39 And I think a significant part of customary trade is
40 probably tied up in processed products and not fresh
41 fish. And so this doesn't change any of that. And so if
42 you're worried about abuses of processed products being
43 moved around, this isn't going to change that if people
44 are operating outside of the health regulations already.

45
46 CHAIRMAN SAMUELSEN: Okay. Other comments for
47 Larry? Clarification? Robert.

48
49 MR. HEYANO: Well, just comments in general I
50 think, Mr. Chairman, is that we don't have any

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1 jurisdiction over the health requirements.

2

3 MR. BUKLIS: That's correct.

4

5 MR. HEYANO: That's a different department, so
6 I think, you know, what we're faced with is what we can
7 make recommendations to and I guess I look at this in a
8 little different light. Sine the Federal Subsistence
9 Board acknowledged trade as customary and traditional,
10 what we're faced with here today is trying to implement a
11 regulation that will have some accountability to it.
12 And, you know, I think if there's Federal -- if there is
13 Federally-qualified subsistence users who are doing it
14 currently under the State system illegally, this provides
15 them an opportunity, or even those who choose not to do
16 it under the State system, because it's illegal, this
17 provides them an opportunity to do it in a legal manner
18 in the jurisdiction we have control over. So I
19 understand and I hear where Larry has to -- is saying,
20 but what I conclude from it is that if I want to barter,
21 the only time I have to go get a Federal subsistence
22 permit is if I want to trade that salmon. Otherwise I
23 can do everything. I can barter, I can give it under a
24 State subsistence permit. So if I'm going to trade it
25 for cash, and that's what this refers to, then I need to
26 do it in Federal waters under a Federal permit. So I
27 don't think it's going to be that complicated. It should
28 target people who are going to engage in a specific
29 activity for cash.

30

31 And, you know, I think we need the reporting
32 requirement in there, because we heard public testimony
33 at previous meetings asking us not to put any limit on it
34 so they can use it as a means to replace income lost in
35 the commercial fishery. And I don't believe that's the
36 intent of what this proposal's trying to do. So I think
37 we need to put the limits on it, and we need some
38 recording requirements for enforcement.

39

40 CHAIRMAN SAMUELSEN: Larry.

41

42 MR. BUKLIS: Mr. Chairman, I don't know if
43 there's a specific question for me, but if I could just
44 comment on something I heard. Mr. Heyano, you said this
45 allows people to do it legally in the Federal system.
46 The existing regulation without any more changes already
47 allows that. The proposal -- if you mean by this, you
48 mean the proposal, it puts further controls on what'
49 allowed. It puts dollars limits and a reporting
50 requirement. But the existing regulation passed last

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1 year already allows people to legally pursue the
2 customary trade practice.

3

4 CHAIRMAN SAMUELSEN: Robert.

5

6 MR. HEYANO: Well, I guess my comments was in
7 regards to the duplication of systems under the State and
8 the Federal, because under the State system there is no
9 allowance for trade, so those folks would have to do it
10 illegally. By implementing this, they can do it legally
11 under the Federal system. And then I further got back to
12 the need to put a dollar amount and a recording on it,
13 because we heard in a previous meeting people asking us
14 not to do that so they can replace their lost income from
15 a commercial -- from the decline in the commercial
16 fishing. And I further stated that I don't think that's
17 the intent of this proposal is to replace lost income
18 from a commercial activity. Therefore I justify that as
19 a means of having some limits and some recording.

20

21 CHAIRMAN SAMUELSEN: I think what this proposal
22 does is -- in my other life, I went to Togiak, I
23 harvested in Federal waters. Let's just say there's
24 Federal waters in Togiak. I harvested \$9,000 worth of
25 kelp. And, of course, that case was the Lacy Act where
26 they violated the Lacy Act, going state to state. But
27 what this would do, and the judge also said that \$9,000
28 -- the issue of \$9,000 of subsistence kelp wasn't
29 excessive in his eyes. What this is doing is setting a
30 ceiling of \$400, so Robin, if he decides to do it after
31 he gets out of jail, decides to go into the business
32 again, the maximum I'm going to have to work with if this
33 proposal passes, is a \$400 cap. Is that your
34 understanding, Larry?

35

36 MR. BUKLIS: Yes, Mr. Chairman.

37

38 CHAIRMAN SAMUELSEN: Yeah.

39

40 MR. BUKLIS: Although the herring is an issue
41 that Tom spoke about earlier.

42

43 CHAIRMAN SAMUELSEN: Yeah, I know it is.

44

45 MR. BUKLIS: But.....

46

47 CHAIRMAN SAMUELSEN: But we're doing a make
48 believe here.

49

50 MR. BUKLIS: The concept. The concept.

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1 CHAIRMAN SAMUELSEN: That's what I said. I
2 haven't been in jail, by the way, either, Larry.

3
4 MR. HEYANO: Yet.

5
6 CHAIRMAN SAMUELSEN: Yet. Okay.

7
8 MR. BUKLIS: Mr. Chairman, one more comment. I
9 know it can be confusing, but a fisherman can be fishing
10 under federal regulations, and is -- and thereby is
11 entitled to participate in customary trade as we allow
12 it. But their catch is recorded on the State permit
13 form. We in the Federal system recognize the Bristol Bay
14 salmon State permit, and don't issue our own. That State
15 permit suffices for a person fishing under State or
16 Federal regulations. So your description of a person
17 fishing under Federal regulations, they can do that now,
18 and they can participate in customary trade now, but
19 record their catch on the State permit form. They don't
20 have to record their customary trade aspects, and if that
21 comes into play, that's where we see a divergence of
22 permitting probably breaking away.

23
24 CHAIRMAN SAMUELSEN: So getting permit --
25 instead of getting an A permit, the person, if he's going
26 to sell, is going to have to get a B permit.

27
28 MR. BUKLIS: Or have both if they're going to
29 fish in both kinds of waters.

30
31 CHAIRMAN SAMUELSEN: Yeah.

32
33 MR. BUKLIS: Use your State permit when you're
34 fishing off Federal lands, use your Federal permit when
35 you're fishing on Federal lands and want to participate
36 in customary trade. But your State permit is good on
37 Federal lands.

38
39 CHAIRMAN SAMUELSEN: Okay. Robert.

40
41 MR. HEYANO: Right. But since the State doesn't
42 recognize trade.....

43
44 MR. BUKLIS: Yes.

45
46 MR. HEYANO:he would have to get a
47 Federal permit and do it in Federal water if he's going
48 to trade that product?

49
50 MR. BUKLIS: Yes, under the proposal this

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1 Council's proposing.

2

3 MR. HEYANO: Right.

4

5 MR. BUKLIS: But under status quo with no more
6 changes, that fisherman can fish anywhere in the Bristol
7 Bay area with their State subsistence permit, and they
8 can participate in customary trade with those fish caught
9 in Federal jurisdiction.

10

11 CHAIRMAN SAMUELSEN: Okay. Any other questions
12 on the proposal for Larry?

13

14 (No questions)

15

16 CHAIRMAN SAMUELSEN: Moving on, ADF&G comments.

17

18 MR. EDENSHAW: Yes, Mr. Chair. At the time
19 here, the -- on page 68, the comments are from ADF&G were
20 that State regulations do not currently recognize
21 specific provisions for customary trade of fish in the
22 Bristol Bay region. The Alaska Board of Fisheries has
23 not received any request for authorization of customary
24 trade of fish in this area. We will consider the
25 evidence raised in the analysis of the proposal prior to
26 developing agency comments. And that concluded ADF&G
27 comments, Mr. Chair.

28

29 CHAIRMAN SAMUELSEN: Thank you. Any other
30 ADF&G comments?

31

32 MR. CAMPBELL: No, Mr. Chair.

33

34 CHAIRMAN SAMUELSEN: Okay. Like them answers.
35 Okay. Other State and Federal agency comments?

36

37 MR. EDENSHAW: Thank you, Mr. Chair. The
38 Aniakchak SRC on Proposal 16 stated the SRC supports
39 establishing limits on the total cash value of
40 subsistence caught fish to discourage the development of
41 commercial enterprises under the guise of customary trade
42 or barter.

43

44 And, of course, the Lake Clark SRC did not have
45 a quorum, so they did not make a recommendation on the
46 proposal. Thank you, Mr. Chair.

47

48 CHAIRMAN SAMUELSEN: Okay. Thank you. ADF&G
49 advisory committee comments. I don't think there's any.

50

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1 MR. CHYTHLOOK: Mr. Chair, for the record on
2 Fish and Game.

3
4 CHAIRMAN SAMUELSEN: Go ahead there, Mr.
5 Chythlook. State your name for the record.

6
7 MR. CHYTHLOOK: Yes, Mr. Chairman, my name is
8 Joe Chythlook. I coordinate Southwest Advisory
9 Committees. Due to the fact that the advisory committees
10 haven't met at this point, and I guess part of that is,
11 you know, the Federal and State regulatory processes
12 aren't quite aligned to where the committees can just say
13 we're going to have an advisory committee meeting and
14 deal with Federal proposals like this one, and also
15 because of budget to where we're kind of geared down to
16 one meeting a year, we try to calendar our meeting to
17 deal with Bristol Bay fin fish proposals for this year.
18 And so far our scheduled meetings are about the middle of
19 October on.

20
21 So I guess -- and you -- in reference to your
22 last proposal, and also to this proposal, no advisory
23 committees have had a chance to meet on any of them, so I
24 just thought I'd bring that up for the record just in
25 case somebody asks why we hadn't submitted any comments.

26
27 CHAIRMAN SAMUELSEN: Okay. Thank you, Joe.
28 Summary of written public comments. Do we have any new
29 written public comments?

30
31 MR. EDENSHAW: No, Mr. Chair, there weren't any
32 written public comments.

33
34 CHAIRMAN SAMUELSEN: Okay. Would anybody like
35 to testify on behalf of this issue? Do we have anybody
36 signed up?

37
38 (No public comments)

39
40 CHAIRMAN SAMUELSEN: Okay. Regional Council
41 deliberation, justification and recommendation on Number
42 16.

43
44 MR. HEYANO: Mr. Chairman, I would move that we
45 support FP04-16 as presented by Staff on the modified
46 proposed regulation.

47
48 CHAIRMAN SAMUELSEN: And that's the
49 modification on page 66?

50

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1 MR. HEYANO: And 67.

2

3 CHAIRMAN SAMUELSEN: Okay. Is there a second
4 the motion?

5

6 MR. ABRAHAM: Second the motion.

7

8 CHAIRMAN SAMUELSEN: Okay. Peter Abraham
9 seconded it. Further discussion needed.

10

11 (No discussion)

12

13 MR. ABRAHAM: Question.

14

15 CHAIRMAN SAMUELSEN: The question's been called
16 for.

17

18 MR. HEYANO: Well, do you want me to speak to
19 the motion briefly.....

20

21 CHAIRMAN SAMUELSEN: Yes.

22

23 MR. HEYANO:for the record? Thank you,
24 Mr. Chairman. This is not a new issue before us. We
25 supported a limit, a dollar limit in the past, and the
26 Federal Subsistence Board chose not to take our
27 recommendations, but they provided us an opportunity by
28 regions to implement them. I think we've heard support
29 that there's a need to have a dollar amount and a
30 recording requirement for transactions that take place
31 with non-rural residents. So, Mr. Chairman, I think this
32 is consistent with what we've been dealing with in the
33 past year or so.

34

35 CHAIRMAN SAMUELSEN: Okay. Thank you, Mr.
36 Heyano. Any other comments. Cliff?

37

38 MR. EDENSHAW: Mr. Chair, just for clarity,
39 Robert, on your motion, on page 66 and 67, you spoke to
40 the modified portion, so under -- perhaps if you go there
41 on 27(c) on the 11 and 12 in Larry's analysis in the
42 bold, are you referencing -- just for clarification for
43 when we put together the Council's recommendations, the
44 modified language under 11 and 12?

45

46 MR. HEYANO: Right, as.....

47

48 MR. EDENSHAW: On pages 66 and 67?

49

50 MR. HEYANO: As it applies to the Bristol Bay

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1 fisheries management area.

2

3 MR. EDENSHAW: Okay.

4

5 MR. HEYANO: You don't want me to read it, do

6 you?

7

8 MR. EDENSHAW: No, I just want it for -- if you
9 want to, you can, but I just wanted to clarify, 11 and 12
10 under the modified -- under Larry's analysis that he did,
11 just so that we know.

12

13 CHAIRMAN SAMUELSEN: Okay. Any other comments?

14

15 MR. ABRAHAM: (In Yup'ik)

16

17 CHAIRMAN SAMUELSEN: Okay. I'll be supporting
18 the motion. I think any proposal this Council adopts at
19 a later date, it could be tracked. I spent a lot of time
20 developing the halibut subsistence regulations at the
21 IPHC. I was the chairman of the committee. And I
22 thought we had put together a pretty good compromise of
23 opinions on the halibut subsistence issue. However, as
24 abuses of that regulation occur across the State of
25 Alaska, they know who pushed it through, and it was me,
26 and I'm getting all kinds of calls on the abuses. I
27 would hope that if this regulation passes here and moves
28 on to the Federal Subsistence Board, that we have -- one
29 thing that this Council has been adamant about is some
30 kind of recording, and I hope that the recording is
31 taking place and the abuse is kept to a minimum, and I'd
32 like to -- if the regulation does pass here and the
33 Federal Subsistence Board, that those abuses be reported
34 back to this Regional Council. This is an area that
35 we've separated ourselves from the other regional
36 councils on, and I'll be voting in favor of the motion.
37 Okay. Anything else?

38

39 (No comments)

40

41 CHAIRMAN SAMUELSEN: Pete called for the
42 question. All those in favor, signify by saying aye.

43

44 IN UNISON: Aye.

45

46 CHAIRMAN SAMUELSEN: Opposed, same sign.

47

48 (No opposing votes)

49

50 CHAIRMAN SAMUELSEN: So carried. Okay. Cliff.

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1 MR. EDENSHAW: Thank you, Mr. Chair. We're
2 going to go ahead and move on to item number -- well, as
3 you can see -- excuse me, for the record, FP04-17, that
4 was withdrawn by the proponent as it states, and that was
5 rainbow trout, so that was withdrawn.

6
7 And then we can go ahead and move on to item
8 number 10, and Steve Fried from our Fisheries Information
9 Services will provide the Council with FIS preproposals
10 and we'll go from there.

11
12 CHAIRMAN SAMUELSEN: Okay. We'll take a 10-
13 minute break and Steve will come up and present us. 10-
14 minute break.

15
16 (Off record)

17
18 (On record)

19
20 (Dan O'Hara arrives at 3:33 p.m.)

21
22 CHAIRMAN SAMUELSEN: Okay. Let's get started
23 here. We're on number 10.A. Okay. Mr. Fried, you can
24 go ahead and start. And the rest of you, if you want to
25 carry on, there's the door.

26
27 MR. FRIED: Okay. Good afternoon, Mr.
28 Chairman, and members of the Advisory Committee. I'd
29 like to talk about a few things today, but the first
30 would be the 2004 draft fisheries resource monitoring
31 plan. The fisheries resource monitoring program is
32 basically a competitive funding program. It tries to
33 fund technically sound projects that address the highest
34 priority subsistence fisheries issues, and which have
35 broad public support. What I'm going to put before the
36 Council are the studies that are up for funding in 2004,
37 and present the recommendations from the Technical Review
38 Committee, and then answer any questions about the
39 projects and then the Council can either accept the
40 Technical Review Committee's recommendations or make
41 their own recommendations.

42
43 CHAIRMAN SAMUELSEN: Okay. Steve, before you
44 get started, let the record note that our chairman, Dan,
45 has joined us in the meeting, and wants me to chair the
46 meeting for today. So go ahead.

47
48 MR. FRIED: Okay. In your book, this
49 information is under Tab E, and it begins on page 71.
50 The Bristol Bay, Alaska Peninsula study area is currently

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1 part of a study region. You can see the regions on page
2 75. It's also grouped with the Kodiak/Aleutians area.
3 It's one of six study regions within the State.

4

5 In 2004 there's roughly \$6.1 million available
6 to fund studies. Continuing 2002 and 2003 studies, and
7 also the partners program costs an additional \$1.1
8 million in 2004. So in general there's about \$7.25
9 million available each year. And what I'm trying to say
10 is in 2004 out of that total there will be \$6.1 million
11 that are available for new studies.

12

13 Based on Federal Subsistence Board guidelines,
14 11.7 percent of the funds are made available to this
15 study region. And for 2004, that will be \$716,000. And
16 you can see that information, too, on page 75, on table
17 1.

18

19 MR. HEYANO: Mr. Chairman.

20

21 MR. FRIED: Now, for 2004 -- excuse me.

22

23 MR. HEYANO: How was those percentages
24 determined, Steve?

25

26 MR. FRIED: That was done at the start of the
27 program. And it was basically based on the Council's
28 deliberations on the amount of Federal subsistence -- the
29 Federal conservation units within each of these areas,
30 and the number of Federal subsistence fisheries and the
31 difficulty of the fisheries.

32

33 CHAIRMAN SAMUELSEN: Okay.

34

35 MR. FRIED: There's a report called, it's in a
36 blue cover, and it's cited on page one that has a lot of
37 that. It's by Krueger Brelsford and several other
38 authors in 1999. And that set out the operational
39 strategy for information management in this program, and
40 there's been some work done since, but that's basically
41 where the percentages came from to my understanding.

42

43 Let's see. In 2004 there were 81 projects that
44 are being considered for funding, and out of those 81
45 projects, there's 12 in this region.

46

47 TRC recommendations are based on four ranking
48 factors, and these are the strategic priority, the
49 technical scientific merit, the past performance,
50 administrative expertise of the applicants, and also the

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1 partnership and capacity-building component of each
2 study. And those are on page 72, 73, a little bit more
3 detail on some of the ranking factors that are used.

4

5 Out of these 81 project, the Technical Review
6 Committee is recommending funding for 64 of those. And
7 out of the 12 in this study region, that would be nine
8 out of the 12. And table 2 on page 79 just gives the
9 numbers for each region, and also breaks it up by
10 information types. And the total 2004 cost for the 64
11 projects would be \$5.7 million, which is actually about
12 \$400,000 less than the total available, but this \$400,000
13 would be used to cover any increased costs for project
14 modifications. Often when there's a funding
15 recommendation, there's some recommend -- there's some
16 modifications needed for a study. And also it would be
17 used to fund, for a multi-year study, maybe the second
18 year, and this would free up money in 2005 for new
19 studies by doing this.

20

21 You might want to take a look, too, at page 78.
22 It shows -- there's kind of a flow chart, figure 2, that
23 shows the shows the process that's used.

24

25 CHAIRMAN SAMUELSEN: Robert.

26

27 MR. HEYANO: Thank you. So, Steve, then those
28 monies, I'm trying to find my notes here. I noticed that
29 the Bristol Bay/Alaska Peninsula/Kodiak region wasn't
30 completely funded, and I think there was like 100 and
31 some thousand dollars?

32

33 MR. FRIED: You mean after the TRC
34 recommendations?

35

36 MR. HEYANO: Right.

37

38 MR. FRIED: Yeah.

39

40 MR. HEYANO: Those funds stay in that region to
41 do cost over-runs or fund different projects, or do they
42 get thrown back into the mix and then get reallocated
43 based on the percentages?

44

45 MR. FRIED: That's a good question. Usually
46 what we try to do is keep the funds within each study
47 region, but also at the end of each project -- at the end
48 of each -- at the end of the meeting, after the Technical
49 Review Committee goes through each study area, they'll
50 also take -- they'll step back and take a look at what

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1 was funded, what wasn't funded, just to make sure that
2 they're not missing something in one particular study
3 area that should have been funded and maybe wasn't
4 because, you know, there wasn't enough money or something
5 like that.

6
7 In this case, if I recall, I think there was
8 additional money left over in most of the other regions
9 after the recommendations were made. So I don't think
10 that really came -- I don't think there was a question of
11 taking money out of Bristol Bay and putting it in you
12 know, the Kuskokwim or some place else.

13
14 MR. HEYANO: No, I was just wondering what
15 happens to those unspent funds.

16
17 MR. FRIED: The unspent funds? They'll either
18 be used -- say, you know, right now, what the
19 recommendation is for is just funding 2004. So that
20 would fund one year, and some studies are just one year.
21 Some are two and three years. So some of that money
22 would be used to fund the second year up front instead of
23 waiting for 2005 and taking the money out of that pot of
24 money. So basically what that would do is that you'd
25 have less money in 2005 to have to spend for continuing
26 studies, and more money in 2005 to spend for, you know,
27 new study proposals. So that would be one thing.

28
29 MR. HEYANO: And you're not sure that if it
30 stays within that region or if it gets into the mix and
31 reallocated, correct?

32
33 MR. FRIED: Right. Like I said, I think the
34 first -- the first thing that's done is trying to fit it
35 within that region to keep the allocation like that. But
36 there's always that possibility, if there's something
37 that is very important that needs money and it's, you
38 know, in another region, then that money -- you know all
39 the money can be used to help do that, but that usually
40 does not occur.

41
42 MR. HEYANO: Thank you.

43
44 MR. FRIED: Let's see. That's kind of just an
45 overview. I don't know if there's any more questions
46 just on the overall program, but I wanted to provide some
47 detail on this particular study region, Bristol
48 Bay/Alaska Peninsula/Kodiak/Aleutians. And that
49 information begins in your books on page 83.

50

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1 And as I mentioned, for 2004, there's \$716,000
2 available for studies. And generally an important part
3 of this program, and it's -- are the issues and
4 information needs lists that are developed. And this is
5 used during the call for proposals to help the applicants
6 decide what to submit proposals on, and it's also used
7 all throughout the evaluation project and review process
8 to decide, you know, which projects to recommend for
9 funding, which ones are most important, which ones are
10 hitting the important issues for each of the study
11 regions.

12

13 There's a short summary of the issues and
14 information needs for this region on page 85 and 86. And
15 there are actually three other issues that came up that
16 aren't on the list that were sent with the 2004 call for
17 proposals, and they have to do with basically either
18 regulatory issues that come up or conservation issues
19 that come up. For Bristol Bay/Alaska Peninsula, we've
20 had recently adopted regulations for rainbow trout. We
21 have some continuing poor runs of coho salmon, and
22 difficulty with users meeting their needs on the Alaska
23 Peninsula, particularly around Perryville. And also
24 there's a possible reduced abundance of late run sockeye
25 salmon, and also some subsistence users having difficulty
26 meeting needs in the Chignik area with Lake Clark late
27 run sockeye salmon. I know those aren't on the existing
28 list, but they seem to be issues that would warrant some
29 focus and maybe, you know -- and if there are some
30 studies that can help do that, then they should be
31 considered also.

32

33 As I mentioned before, there were 12 projects
34 for this study region that are considered for 2004
35 funding. And out of these 12, five concerned Bristol
36 Bay/Alaska Peninsula and the rest concern the
37 Kodiak/Aleutian areas. And there's a map on page 87 that
38 shows the projects and the geographic location of them to
39 sort of help you picture that.

40

41 And as far as tables go that might be most
42 helpful, on page 90 and page 93, tables 3 and 4, actually
43 list these projects with their costs by year, and the TRC
44 recommendation.

45

46 For this region, I guess I'd just kind of
47 briefly bring your attention to some of these projects.
48 Project 04-401 would assess rainbow trout in Ungalikthluk
49 River in Togiak National Wildlife Refuge. And actually
50 this data would be used to compare to similar results

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1 that were collected in '89 and '90. There's a fuller
2 description of the project on page 97 of your books.

3

4 I don't know how much detail you want me to go
5 in. I can just sort of go through these really quickly,
6 and if people have questions, they can ask me or stop me.

7

8 Project 04-410, that would be on page 113 for a
9 description, would examine genetic variation and
10 relationships among south Alaska Peninsula coho salmon
11 stocks.

12

13 Project 411, description on page 117, would
14 estimate Lake Clark sockeye salmon run timing within the
15 total run returning to the Kvichak River drainage.

16

17 Project 415 would assess rainbow trout in the
18 Tazimina River.

19

20 And project 454 would document and describe
21 fishery resource sharing, bartering and trading in the
22 Bristol Bay area, which is a topic of quite a bit of
23 interest.

24

25 CHAIRMAN SAMUELSEN: Steve, under 04-401, it
26 has an asterisk there, and you go down, and it's
27 recommended one year's study, revised cost to 50,000?

28

MR. FRIED: Right. Four.....

29

30 CHAIRMAN SAMUELSEN: And then we've got 204, 5,
31 and 6, three years there. On page 90.

32

33 MR. FRIED: Right. 401 on Ungalikthluk
34 rainbow?

35

36 CHAIRMAN SAMUELSEN: Yes.

37

38 MR. FRIED: It came in as a three-year study,
39 and when the Technical Review Committee looked at that,
40 they didn't really think that three years of data were
41 needed to do that, and so the recommendation they are
42 making is to just have an estimate done for one year,
43 because they didn't think the rainbow trout populations
44 fluctuated enough within a three-year period to be able
45 to -- to warrant doing it three different times for the
46 same population.

47

48 MR. O'HARA: So on the recommendation then, it
49 would be probably for 50,000 instead of a three-year
50

00062

1 study?

2

3 MR. FRIED: Um-hum. That's correct.

4

5 CHAIRMAN SAMUELSEN: Yeah. Okay.

6

7 MR. FRIED: Yeah, the applicant already
8 provided the revised costs, that if they're going to do
9 it for one year, it would cost 50,000.

10

11 MR. O'HARA: Mr. Chairman.

12

13 CHAIRMAN SAMUELSEN: Yes.

14

15 MR. O'HARA: The -- all of these studies took
16 place on Federal waters?

17

18 MR. FRIED: Yeah.

19

20 MR. O'HARA: So you can't do up-migration of a
21 Lake Clark smolt if you wanted to?

22

23 MR. FRIED: Well, you can if you -- I think if
24 you tied to a Federal subsistence fishery and resource,
25 so.....

26

27 MR. O'HARA: Well, that.....

28

29 MR. FRIED: I mean, if you're looking within
30 the Kvichak River drainage, then really the focus of the
31 Federal Subsistence Management Program is in Lake Clark
32 and Tazimina that's, you know, within those Federal
33 waters, but, of course, those smolt.....

34

35 MR. O'HARA: Well, that's the first.....

36

37 MR. FRIED:have to migrate through
38 Iliamna and out the Kvichak.

39

40 MR. O'HARA: Yeah. That's still -- they're
41 still coming out of Lake Clark, just still.....

42

43 MR. FRIED: Right.

44

45 MR. O'HARA:I mean, that's your biggest
46 problem area.

47

48 MR. FRIED: Um-hum.

49

50 MR. O'HARA: And, you know, you're not going to

00063

1 help the Tazimina River rainbow trout if you don't help
2 the Lake Clark salmon, because everything is geared
3 around salmon. I was just wondering how you determined
4 which one of these projects you should do when we don't
5 know what the problem with the coho coming out Federal
6 waters.

7

8 MR. FRIED: I guess I don't understand your
9 question.

10

11 MR. O'HARA: Well, if you don't have the fish
12 coming back to Lake Clark.....

13

14 MR. FRIED: Right.

15

16 MR. O'HARA:why not find out why you
17 don't have them coming back. The run timing, I don't
18 know what that has to do with.....

19

20 MR. FRIED: Oh, you're on that run timing?

21

22 MR. O'HARA: Well, yeah, versus finding out
23 what happened to that little guy when he left the river.
24 Did a beluga eat him, or is he too small to survive, or
25 did he go some place he wasn't supposed to go, or --
26 we'll never solve the problem of all the situations of
27 Kvichak unless we figure out what's wrong with the
28 sockeye salmon. I guess. I just -- I don't know how you
29 determine which project is the most -- has a priority.

30

31 MR. FRIED: Well, that's -- it's always kind of
32 difficult. I mean, the first cut, like you mentioned,
33 was the fact that we need to make sure it has a tie to
34 Federal subsistence fisheries management.

35

36 MR. O'HARA: Absolutely. I mean, you're
37 not.....

38

39 MR. FRIED: Yeah.

40

41 MR. O'HARA:getting any fish back there,
42 so.....

43

44 MR. FRIED: Right. And then, you know, it's
45 the matter of, well, is it technically sound, or, you
46 know, is there a conservation problem on top of that.
47 You know, are people having trouble meeting their needs.

48

49 MR. O'HARA: You know, I think a guy like Ole
50 Metheson, if he sat down with you and decided what would

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1 happen the best with that amount of money, probably could
2 help you more than anyone else on your staff as far as
3 what's represented. Unless the trout are -- you know,
4 they're great value. I mean, I'm not saying that the
5 trout are not any more valuable a study than the sockeye
6 of Lake Clark, but it's just a thought. And maybe we can
7 go back sometimes a little bit further to find out how
8 this priority system is determined. So, thank you,
9 that's all I have for now.

10

11 MR. FRIED: Yeah. I mean, for the studies that
12 were in front of the -- that are in front of you now, and
13 that were in front of the TRC when they had their
14 meeting, I mean, they approved -- they actually
15 recommended funding for all three harvest monitoring,
16 traditional ecological knowledge studies, and for the
17 stock status studies, I think there were two in Bristol
18 Bay that they recommended not funding. One of those was
19 410, which was the South Alaska Peninsula coho salmon
20 genetic diversity study. And I think there's more
21 information, you know, under the description, but
22 basically the short answer for that one is that they
23 really couldn't see a good use for it in Federal
24 fisheries management. It seemed like it was more focused
25 on brood stock development and restoration for that
26 stock, which is not necessarily a bad thing, except the
27 Federal Subsistence Board, if you'll remember, said that
28 they didn't want this funding to be used for those sort
29 of studies.

30

31 The other one that wasn't recommended was the
32 Tazimina rainbow trout assessment study. And it wasn't
33 that they didn't think it was a good study to do, they
34 just felt that there were so many modifications that were
35 needed that their recommendation would be to go back to
36 the applicants and ask them to resubmit it in 2005.

37

38 MR. O'HARA: Thank you.

39

40 MR. FRIED: So all the other ones were -- for
41 Bristol Bay, they were recommending funding, and I
42 haven't gotten into the ones for Kodiak/Aleutians.

43

44 CHAIRMAN SAMUELSEN: Shirley.

45

46 MS. KELLY: When the Technical Review Committee
47 looks at these proposals, do they take into consideration
48 whether a proponent has matching funds? Because if you
49 look at what was recommended for funding, almost all of
50 them have matching funds, and the ones that were not

00065

1 recommended for funding don't have matching funds.

2

3 MR. FRIED: Yeah, it's not a hard and fast
4 thing. We kind of encourage people that we'd like to see
5 matches, because it does make the money go further, but
6 just because there's not a match doesn't mean that the
7 project wouldn't be recommended, especially if it's, you
8 know, a good project otherwise, if it's strong in the
9 other areas.

10

11 MS. KELLY: Is there a percentage that you look
12 at whether.....

13

14 MR. FRIED: No, not at this time, there's not
15 really a set percentage of match. There have been some
16 studies that have wonderful matches, and they just didn't
17 hit the mark and they weren't recommended, and so it kind
18 of -- it's not a given.

19

20 MS. KELLY: Mr Chair.

21

22 CHAIRMAN SAMUELSEN: Go ahead.

23

24 MS. KELLY: Another consideration is whether --
25 how much funds go into local hire or stay in the local
26 area, is that another consideration?

27

28 MR. FRIED: Well, the whole idea of capacity
29 building and consultations and that all has to do with --
30 I mean, that's one step of it is local hire. And the
31 other is getting people even more actively involved in
32 the program to even -- you know, not just be a local hire
33 for a technician, but maybe be a co-investigator or the
34 primary investigator. And the other important part is
35 making sure that the consultations are done, that the
36 local community, you know, will support that project, you
37 know. Is it really important? Do they understand the
38 importance? I mean, there's been some -- a few instances
39 where a project couldn't go forward because an applicant
40 didn't do those sort of consultations, and the local
41 community decided that they didn't want that project in
42 that area right now. So all that's very important,
43 including local hire.

44

45 CHAIRMAN SAMUELSEN: Boris.

46

47 MR. KOSBRUK: Yeah, I'm kind of lost here. I
48 think on the grants here, whatever you call them,
49 budgets?

50

00066

1 CHAIRMAN SAMUELSEN: Um-hum. (Affirmative)

2

3 MR. KOSBRUK: And South Peninsula, what area is
4 that in particular?

5

6 CHAIRMAN SAMUELSEN: Kametolook River.

7

8 MR. KOSBRUK: Where is that -- no, it doesn't
9 say that. Look at the map here, 410.....

10

11 MR. FRIED: Kind of Perryville and.....

12

13 MR. KOSBRUK: Huh?

14

15 MR. FRIED: Kind of the Perryville area.

16

17 MR. KOSBRUK: Yeah.

18

19 MR. FRIED: Yeah. A little south of Chignik
20 and.....

21

22 MR. KOSBRUK: Is it in here?

23

24 MR. FRIED: Yeah.

25

26 CHAIRMAN SAMUELSEN: It's under -- it's on page
27 -- you look at 04-410. And I think it's 90.....

28

29 MR. KOSBRUK: 04-410, but it doesn't
30 specifically what area.

31

32 CHAIRMAN SAMUELSEN: Okay. Then you go to page
33 113, and you have the proposal. 113. It's Kametolook
34 River.

35

36 MR. KOSBRUK: Okay. I see that.

37

38 CHAIRMAN SAMUELSEN: On the coho.

39

40 MR. O'HARA: Where's that close to in
41 Perryville? Is it by Perryville?

42

43 MR. KOSBRUK: Yes, it's our.....

44

45 CHAIRMAN SAMUELSEN: That's their.....

46

47 MR. KOSBRUK:source of subsistence that
48 we lost.

49

50 CHAIRMAN SAMUELSEN: And they recommended that

00067

1 that study not be funded.

2

3 MR. KOSBRUK: That's what I was going to get
4 at.

5

6 MR. FRIED: Right.

7

8 MR. KOSBRUK: What's the justification on that?

9

10 MR. O'HARA: You don't have any to eat, and
11 make sure you don't have any to eat.

12

13 CHAIRMAN SAMUELSEN: The justification, maybe
14 Boris is asking, Steve, what's the justification for not
15 funding.....

16

17 MR. FRIED: Why the Technical Review Committee
18 decided not to recommend that one?

19

20 CHAIRMAN SAMUELSEN: Yes.

21

22 MR. FRIED: Because they didn't see that that
23 particular study had direct application to Federal
24 fisheries management. Basically what that would do, they
25 were looking at the genetic relationships among the
26 populations down there and the variation and looking for
27 what they call bottlenecks, where sometimes when a
28 population becomes very small, it affects, you know, what
29 genes are maintained in a population and expressed. And
30 the third objective was provide this information to the
31 Chignik Regional Aquaculture Association and Village of
32 Perryville to make the best decision for alternate brood
33 sources. I mean, basically what it seemed like was this
34 was focused towards brood stock selection and
35 rehabilitation and that sort of thing. We're already
36 funding studies that are monitoring that system, the
37 Kametolook, and looking at, you know, the spawning areas,
38 the rearing areas, trying to figure out, you know, if
39 there's a problem there, and how much of a coho run it
40 can support, and also a program of some areal surveys of
41 all the adjacent systems to take a look at those and see,
42 because people are starting to move out again and fish in
43 other areas since Perryville doesn't allow the residents
44 to fish in the Kametolook any more.

45

46 MR. KOSBRUK: No, we haven't -- you know, for
47 your information, we haven't subsisted there in two
48 years.

49

50 MR. FRIED: Right.

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1 MR. KOSBRUK: We're unable to because of lack
2 of salmon, and I think this year and last year was
3 probably the first time it got funded to do a study on
4 it, and to see it dropped without no result yet is kind
5 of mind boggling to me.

6
7 MR. FRIED: For this study here? Or.....

8
9 MR. KOSBRUK: Well, it says for '04, I didn't
10 see nothing else after that. That's not the end of it
11 though, that's what I'm trying to get at I guess.

12
13 MR. FRIED: If I understand -- are you just talking
14 about this particular study or just Kametolook in
15 general?

16
17 MR. KOSBRUK: Well, they've been at it for
18 three, four, or five years now, trying to build it up.
19 This year is the first time I've seen signs of them
20 coming back. I haven't seen anything in the river yet,
21 but I've seen signs. But what I'm getting at is to drop
22 it in the middle of the ball game is -- to drop the ball
23 and leave the ball game is not -- I can't see that.

24
25 MR. FRIED: Well, I guess.....

26
27 CHAIRMAN SAMUELSEN: Well, I think there's a
28 misunderstanding here. Is there a study currently going
29 on down there, Boris? Okay. This is.....

30
31 MR. FRIED: Yeah.

32
33 CHAIRMAN SAMUELSEN: This would be additional
34 to that study. This is a whole new proposal, and it
35 doesn't affect what's happening on that river system
36 right now. This is a whole different pot of money here,
37 and a different proposal.

38
39 MR. FRIED: Right.

40
41 MR. O'HARA: They're still studying that. They
42 still have money into that river system down there.

43
44 MR. KOSBRUK: Okay. I just wanted to make sure
45 they don't drop the ball.

46
47 CHAIRMAN SAMUELSEN: Yeah.

48
49 MR. FRIED: Yeah. We're still funding two
50 studies down there, and I think the State is still

00069

1 working on some rehabilitation work.

2

3 MR. KOSBRUK: Right.

4

5 MR. FRIED: And this would help probably the
6 State's rehabilitation work, but it's just the fact that
7 the Federal Subsistence Board made a specific policy
8 decision that they didn't want to fund any kind of
9 hatchery studies, supplementation, and enhancement, and
10 that seemed to be what this is trying to do, so.....

11

12 MR. KOSBRUK: Well, you know, I'd like to
13 elaborate a little bit about the problem we have there.
14 We have different streams there, different bays.

15

16 MR. FRIED: Um-hum.

17

18 MR. KOSBRUK: You need a skiff or you need a
19 boat, which some of us have and some of them don't. And
20 the ones with skiff and the boat can, you know, get their
21 fish from, you know, bays away. But there are people
22 that can't. And that's a problem right there. they
23 can't go to the next bay and get it, they don't have the
24 skiffs or whatever to them. Boat. And I can't get that
25 across to Fish and Wildlife or Fish and Game that certain
26 people there and what happened. Our resources. We
27 didn't only lose our salmon. We lost our seals, we lost
28 our sea lions, we lost our caribou. It's bad. And now
29 we can't get that through their head, you know, and dig
30 into it. It's pretty sad. And to -- I heard people say
31 we have no problems there. Well, I'd like to see them
32 come down there and live there for a year. We've lost
33 our lifestyle really.

34

35 CHAIRMAN SAMUELSEN: Okay. You understand that
36 this isn't a problem that's.....

37

38 MR. KOSBRUK: Yes.

39

40 CHAIRMAN SAMUELSEN:not going to affect
41 them programs that are awarded. Okay.

42

43 MR. O'HARA: No, they're still working on your
44 programs.

45

46 MR. FRIED: And it doesn't mean that because
47 the Technical Review Committee decided not to recommend
48 it, that the Council might make a different
49 recommendation. I mean that's a possibility, too.

50

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1 CHAIRMAN SAMUELSEN: That's right.

2

3 MR. FRIED: So I guess overall though on this
4 program, I suppose unless you wanted to get into the
5 Kodiak/Aleutians studies, you know, the TRC is
6 recommending funding for all but two, so unless there's
7 something that they're recommending funding for that you
8 don't agree on, I guess the thing would be to maybe take
9 a look at the ones that are not and decide whether or not
10 you agree with that.

11

12 CHAIRMAN SAMUELSEN: Shirley.

13

14 MS. KELLY: And just another quick question,
15 Steve, regarding the Technical Review Committee.

16

17 MR. FRIED: Um-hum.

18

19 MS. KELLY: Are the funds so competitive that
20 the Technical Review Committee would not make
21 recommendations to a proponent how to strengthen their
22 proposal?

23

24 MR. FRIED: Oh, yeah. I mean, that's part of
25 the -- and that's why some of these are fund -- not
26 recommended for funding or fund with a modification, and
27 a modification would be the recommendation to make the
28 study better. An example, you know, would be that 401
29 where they had three years and some other things in
30 there, and the Technical Review Committee said that
31 they'd like them to focus just on the population
32 estimate, not on the genetics portion. And also it's
33 enough to get just one good estimate, just one year. You
34 didn't need to do it three times. And if you're going to
35 go and do a three-year study, you might want to look at
36 three different populations, but it wasn't necessary to
37 do it just on the same rainbow trout. So, I mean, you
38 get recommendations sort of like that.

39

40 CHAIRMAN SAMUELSEN: Go ahead.

41

42 MS. KELLY: So does the Technical -- the
43 fisheries monitoring program, do they travel to the
44 villages to let people like the residents of Perryville
45 know how the process works, or is it the person who sits
46 on the Council representing a certain region, their
47 obligation to let their region know? Because I could see
48 Boris' frustration.....

49

50 MR. FRIED: Um-hum.

00071

1 MS. KELLY:and Perryville's frustration.
2 I mean, they've been going to the State and to the Fish
3 and Wildlife Service trying to get help to get their
4 stream to come back, and then he comes here and he gets
5 an answer like what you gave him, and not fully
6 understanding the process, how frustrating it is for a
7 subsistence user in a village.

8
9 MR. FRIED: Right. Right. The member of the
10 Technical Review Committee represent all of -- all five
11 Federal agencies that are part of the Federal Subsistence
12 Program, so in other words, you know, Fish and Wildlife
13 Service, and Parks, and BIA, and the Forest Service, and
14 who am I leaving here?

15
16 UNIDENTIFIED VOICE: BLM.

17
18 MR. FRIED: BLM. Thanks.

19
20 MS. KELLY: What I'm trying to get at,
21 Steve.....

22
23 MR. FRIED: And also two partners now. We have
24 partners.

25
26 MS. KELLY: What I'm trying to get at is.....

27
28 MR. FRIED: And Fish and Game.

29
30 MS. KELLY:is the process removed from
31 the needs of the people in the community that you're not
32 reaching them to help them understand what they need and
33 how they need to go about getting what they need?

34
35 MR. FRIED: Well, it's a good question. I
36 mean, what they're using are the issues and information
37 needs that are developed through the Council process, and
38 also, you know -- so that would be the public's needs
39 that are -- and the community's needs that are kind of
40 brought in front of the Council, and that Council members
41 themselves are aware of, and also any managers, you know,
42 that have problems that -- could bring that. So that's
43 what that list is supposed to represent.

44
45 MS. KELLY: Because I see a frustration not
46 only with the people in Perryville, but the people in the
47 Lake Iliamna area is maybe they don't understand what the
48 process is, and how it's supposed to work, and how it's
49 supposed to benefit their communities. Are we so far
50 removed from getting the message across, the Federal

00072

1 managers, to the people who are actually using the
2 resource.

3

4 MR. FRIED: Well, I think people get very
5 confused, because there's dual management for one thing,
6 you know, where does State and Federal.....

7

8 MS. KELLY: But what I want to.....

9

10 MR. FRIED:subsistence go.

11

12 MS. KELLY:know is, is.....

13

14 MR. FRIED: But.....

15

16 MS. KELLY:our Staff getting the people
17 in the communities to understand.

18

19 MR. FRIED: Well, I think BBNA does a pretty
20 good job, or they try do, because they've done this.
21 This Bristol Bay priority needs information needs
22 assessment in 2003, and they've done this in prior years
23 where they actually go out to the villages and
24 communities and try to get a list of their issues, and I
25 thought -- do you not -- do you have this one or not?

26

27 MS. KELLY: I'm just trying to help the people
28 that are the subsistence users.....

29

30 MR. FRIED: Yeah.

31

32 MS. KELLY:understand what the.....

33

34 MR. FRIED: Right.

35

36 MS. KELLY:I mean, because some of us who
37 sit around the table know what the process is, and the
38 criteria that you use, and maybe some of us don't
39 understand, and I just want them to be able to
40 understand, you know, the whole process.

41

42 MR. FRIED: Right

43

44 MS. KELLY: And so we don't -- I mean, so they
45 don't feel like they're bumping their heads up against a
46 brick wall and not getting anywhere.

47

48 MR. FRIED: Right. No, I know people sometimes
49 get pretty frustrated, and it's not -- I mean, I think I
50 do and a lot of other people do, too, because some of it

00073

1 is not all that simple and black and white. So, you
2 know, a lot of it's kind of confusing.

3

4 MS. KELLY: So are we doing something to help
5 the confusion is what I'm getting at.

6

7 MR. FRIED: Well, I think part of it is
8 working, you know, having the people start to work more
9 and realize, you know, that they have members on the
10 Regional Advisory Council that they can work with. They
11 hopefully -- you know, we get a lot of calls in the
12 office for people that need assistance. Organizations
13 like, you know, Bristol Bay Native Association are doing
14 a good job getting out, and also our partners program. I
15 mean, that really is one of the main jobs of a partner is
16 to help, you know, people understand the program, and
17 assist them with the program, and make sure that, you
18 know, we're reaching people and doing the studies we
19 should be doing, so -- I mean, we've got several ways of
20 trying to do that, whether or not right now -- you know,
21 it's going to take a little while to get it to work
22 better, but I kind of get the feeling that people are
23 starting to understand it, you know, quite a bit better
24 than they did. It's a fairly new program, you know, it
25 just started in 2000. But I definitely share your
26 concerns, and if you have some other ideas, you know,
27 we'd certainly like to hear them, to improve it.

28

29 MS. KELLY: That's all I have, Mr. Chair.

30

31 CHAIRMAN SAMUELSEN: Cliff.

32

33 MR. EDENSHAW: Thank you, Mr. Chair, and to add
34 a little bit of what Steve's talking about in regards to
35 this process, and Shirley's, you know, if you look on
36 page 85, he mentioned in his presentation the issues and
37 information needs. And when individuals from BBNA or
38 ADF&G or the Togiak, Alaska Peninsula Refuge, individuals
39 who are keying or aware of the process in terms of
40 proposals that they themselves put together, they refer
41 to the issues and information needs. And if Boris has
42 concerns about salmon runs in Perryville, and even though
43 we know that there are not a lot of Federal waters in his
44 region down there, which would preclude some of the State
45 and Federal agencies from writing proposals to do
46 research and to figure out what why the salmon runs have
47 declined, then perhaps he is -- you know, because I think
48 part of the frustration he may have here on the Council
49 is getting up to snuff in terms of the different
50 processes and the different things that we do, that you

00074

1 as -- you individuals from the different communities do
2 on the Council. I think in regards to Boris' concerns he
3 has, you know, he may -- and the Council -- perhaps by
4 close of business tomorrow, the Council could update with
5 Boris' concerns on page 85. There are these four bullet
6 items that Steve mentioned, assessing adopted methods
7 and means for Bristol Bay rainbow trout, customary trade,
8 subsistence fishing closures due to continuing poor coho
9 salmon runs in the Kametolook, and the last one, the
10 abundance of late run Lake Clark -- or Clark River
11 sockeye salmon. The Council update their issues and
12 information needs, and in the future individuals from
13 ADF&G or the Alaska Peninsula, or else the Togiak Refuge,
14 may submit proposals, or else Boris can actually even
15 call up Steve Fried and someone from the tribe, and he's
16 able to help put together a proposal for those, and he
17 would help those individuals put together a proposal to
18 address salmon, their concerns in Perryville. Or also
19 I'm sure Boris can even call John Chythlook and say,
20 look, can you help me put together a proposal for the
21 upcoming FIS '05 cycle, because this -- the information
22 that Steve is doing will be for '04. And Boris can call
23 up John and say, well, help me draft a proposal for
24 Perryville for sockeye salmon in the river up there, and
25 they could do that. But I think before we close, the
26 Council may want to update the issues and information
27 needs, because as Steve mentioned, when the TRC meets,
28 they're looking at the issues and information needs as
29 well as how does this proposal relate to Federal waters
30 or non-Federal waters.

31

32 CHAIRMAN SAMUELSEN: Okay. I didn't know Boris
33 was upset. If we touch the dollars that's being spent
34 down there, he would be upset. Steve.

35

36 MR. FRIED: Yeah. Now, the other thing we've
37 been doing is encouraging people that are doing the
38 studies, and not only the prestudy consultations with the
39 affected, you know, communities and people down there,
40 but also when they're doing their studies, to actually
41 make sure that not just to write a report, you know, on
42 paper, but also to go down to those communities and
43 provide, you know, a recap of what's going on, you know,
44 and do some -- give some talks and maybe, you know, have
45 a poster or something, so people understand what's being
46 done, what's being found out, so -- well, let's see.

47

48 CHAIRMAN SAMUELSEN: Robert.

49

50 MR. HEYANO: Mr. Chair, did I hear you

00075

1 correctly, Steve, in saying that these funds can be used
2 for projects outside of Federal waters?

3

4 MR. FRIED: If it has a pretty good tie to a
5 Federal subsistence fishery, and -- you're thinking
6 marine high seas stuff and.....

7

8 MR. HEYANO: No. Just answer the question.
9 Because I think in the past I heard you, these funds
10 couldn't be used.

11

12 MR. FRIED: Well, it has.....

13

14 MR. HEYANO: That it had to be in a, what do
15 you call it, a conservation unit.

16

17 MR. FRIED: Oh, the study doesn't necessarily
18 have to be done within a Federal conservation unit. It's
19 just that a Federal subsistence fishery by definition is
20 one that occurs within the conservation unit. But we can
21 do studies outside of it as.....

22

23 MR. HEYANO: Well, then in.....

24

25 MR. FRIED:as long as it has a link to
26 that fishery.

27

28 MR. HEYANO: Yeah. In regards to Dan's
29 question then, you could -- if there was a program to
30 track smolt coming out of Lake Clark, that thing could go
31 out into the high seas, right, because it's going to go
32 back into Lake Clark?

33

34 MR. FRIED: Well, for something like that, I'd
35 actually encourage, you know, probably trying to link up
36 with some other programs so that you would get -- that
37 would be very expensive, so.....

38

39 MR. HEYANO: No, but the question is yes.

40

41 MR. FRIED:everybody puts a piece of, you
42 know, money from their program in, and put it all
43 together and you might actually get some answers, so.....

44

45 MR. HEYANO: But the question is, yes.

46

47 MR. FRIED: All right. Oh, the answer to your
48 question?

49

50 MR. HEYANO: The answer to the question is yes.

00076

1 MR. FRIED: Yeah, that wouldn't, right,
2 necessarily just be flat out no, yeah.

3

4 MR. HEYANO: Um-hum.

5

6 MR. FRIED: As long as it's got a tie to -- as
7 long as it has a tie to a Federal subsistence.....

8

9 MR. HEYANO: Right. I understand.

10

11 MR. FRIED:fishery, they will consider
12 it, yeah.

13

14 CHAIRMAN SAMUELSEN: Pretty hard for a Fed to
15 say yes.

16

17 UNIDENTIFIED VOICE: I ought to write that
18 quote down.

19

20 MR. HEYANO: Casey Stengal.

21

22 CHAIRMAN SAMUELSEN: Yeah, Deb will allow you
23 to commit her money any time you want.

24

25 MR. FRIED: Yeah. There's.....

26

27 UNIDENTIFIED VOICE: That's special management
28 training right there.

29

30 MR. FRIED: There's only three areas, I mean,
31 that the Federal Board by policy have said we can't, you
32 know, we shouldn't fund.....

33

34 MR. HEYANO: Um-hum.

35

36 MR. FRIED:you know, and that's the
37 supplementation and hatchery enhancement sort of thing,
38 contaminants, and pollutants, and also the other one was
39 habitat restoration. And it's not because it's not
40 important for the subsistence resource or the users, it's
41 just that the Board felt that there were other programs
42 that probably were better set up to do that. But as far
43 -- you know, as long as it has a tie to a Federal
44 subsistence fishery otherwise, other than that, it
45 certainly can be considered.

46

47 MR. HEYANO: Okay. Thanks.

48

49 MR. FRIED: I see you've got lots of ideas for
50 projects?

00077

1 MR. HEYANO: No, I was always under the
2 impression that we couldn't, so.....

3

4 MR. FRIED: Yeah, not to my knowledge.

5

6 CHAIRMAN SAMUELSEN: Okay. Moving on.

7

8 MR. FRIED: More questions or.....

9

10 CHAIRMAN SAMUELSEN: Either way, more questions
11 or.....

12

13 MR. FRIED: Or do you want to deliberate the
14 recommendations.....

15

16 CHAIRMAN SAMUELSEN: I don't think we want to
17 get into the.....

18

19 MR. FRIED:from the TRC and either accept
20 those or come up with some of your own, and.....

21

22 CHAIRMAN SAMUELSEN: Are you done?

23

24 MR. FRIED: I'[m done with that part, yeah.
25 Probably.....

26

27 CHAIRMAN SAMUELSEN: Yeah. I don't think we
28 want to get into Kodiak or Alaska Peninsula.

29

30 MR. ABRAHAM: Mr. Chair.

31

32 CHAIRMAN SAMUELSEN: Yes.

33

34 MR. ABRAHAM: (In Yup'ik)

35

36 MR. FRIED: For the river in Togiak?

37

38 MR. ABRAHAM: Yeah. Ungalikthluk you say, if
39 you said it like that, right?

40

41 MR. FRIED: Yeah, it's pronounced with a W?
42 Like a W?

43

44 MR. ABRAHAM: No. No, you're supposed to say
45 Tunaklasuk.

46

47 CHAIRMAN SAMUELSEN: Yup'ik lessons starts at
48 5:00 o'clock between you.

49

50 MR. ABRAHAM: I give on you guys. I'll to for

00078

1 Ungalikthluk, too.

2

3 CHAIRMAN SAMUELSEN: Between 5:00 and 5:30
4 we'll have Yup'ik lesson outside here, Pete. He loves
5 having fun with you guys. Okay. What's the wishes? Do
6 we need to do here? Do we need to approve these
7 projects, disapprove them, pick and choose, mix and
8 match?

9

10 MR. FRIED: Um-hum. Yeah. Up to you. It's
11 your -- right, it would be the Council recommendations of
12 all the projects on -- basically listed on page 90 and
13 93.

14

15 CHAIRMAN SAMUELSEN: What's the wishes,
16 Council. Mr. Heyano?

17

18 MR. ABRAHAM: I got -- Mr. Chairman?

19

20 CHAIRMAN SAMUELSEN: Yes.

21

22 MR. ABRAHAM: I've got one question here on 04-
23 401.

24

25 CHAIRMAN SAMUELSEN: Okay.

26

27 MR. ABRAHAM: On Ungalikthluk, recommendation,
28 yes, with modification.

29

30 CHAIRMAN SAMUELSEN: Yep.

31

32 MR. ABRAHAM: Okay. And explain that to me,
33 please?

34

35 CHAIRMAN SAMUELSEN: Go down to the bottom, on
36 the bottom of the page, they had a little asterisk.

37

38 MR. ABRAHAM: Oh, yeah.

39

40 CHAIRMAN SAMUELSEN: 04-401. They
41 recommended.....

42

43 MR. ABRAHAM: Oh, okay. I see that. I'm
44 sorry.

45

46 CHAIRMAN SAMUELSEN:funding it for a
47 year.

48

49 MR. ABRAHAM: Yeah, Quyana. Um-hum.

50

00079

1 CHAIRMAN SAMUELSEN: Okay.

2

3 MR. ABRAHAM: (In Yup'ik)

4

5 CHAIRMAN SAMUELSEN: Yeah.

6

7 MR. FRIED: And actually there's more
8 information like on page 97 and 99. And.....

9

10 CHAIRMAN SAMUELSEN: Robert.

11

12 MR. HEYANO: In regards to that same project,
13 when you put \$3,000 I think, or not maybe you, but the
14 proponent puts \$3,000 into local hire.

15

16 MS. KELLY: 89.

17

18 MR. HEYANO: 89. Anyway.....

19

20 MR. FRIED: Oh, you're looking at table 2 on
21 page 89, when it shows local hire matching funds?

22

23 MR. HEYANO: I don't know where it is in my
24 notes, but anyway it says \$3,000 for local hire.

25

26 MR. FRIED: Um-hum. (Affirmative)

27

28 MR. ABRAHAM: On page 89?

29

30 MR. HEYANO: Okay.

31

32 MR. FRIED: Right.

33

34 MR. HEYANO: Right. And then it says that
35 dollar amount is going to be new money going into local
36 hire, right? It isn't going to be used to supplement
37 existing local hire wages?

38

39 MR. FRIED: It's -- basically local hire would
40 be -- it could be hiring somebody from that area, the
41 community to be a field technician and help do the work,
42 or it could just be maybe some consultations that take
43 more than just a short conversation, that they may need
44 to be -- give some compensation.

45

46 MR. HEYANO: But it isn't going to go in to
47 subsidize existing wages, is it? It's actually going to
48 be new positions, new people specifically to this
49 project?

50

00080

1 MR. FRIED: Well, it's a brand new study, so it
2 would have to be new. I mean.....

3

4 MR. HEYANO: No, I'm saying we're not going to
5 subsidize Mark Lesac's salary for a month and call it
6 local hire?

7

8 MR. FRIED: That's not -- no, no. No, no.

9

10 MR. HEYANO: That's where I'm trying to get to.

11

12 MR. FRIED: No, that's not what the local hire
13 is, right.

14

15 MR. HEYANO: Okay.

16

17 MR. FRIED: I see what you're -- what the
18 definition of local hire is is.....

19

20 MR. HEYANO: Right.

21

22 MR. FRIED:money going towards a local
23 resident.....

24

25 MR. HEYANO: New.

26

27 MR. FRIED:non-agency person.

28

29 MR. HEYANO: Right.

30

31 MR. FRIED: So it wouldn't be somebody from
32 Fish and Game or Fish and Wildlife or Parks or anything
33 like that.

34

35 MR. ABRAHAM: It will be -- like it will be a
36 student, you know, from local area there?

37

38 MR. FRIED: It could be, yeah.

39

40 MR. HEYANO: And I guess the other question,
41 where is the conservation concern?

42

43 MR. FRIED: On the rainbow trout?

44

45 MR. HEYANO: Yeah, on 04-401.

46

47 MR. FRIED: Well, I guess what happened --
48 well, if you'll recall when that regulation was passed,
49 when there finally -- the C&T findings were there, but
50 there was never any methods, means or seasons, and then

00081

1 when the Board passed the methods, means and seasons,
2 they had a year-long season, but it's still rod and reel
3 and all, but people were worried about some of the
4 smaller rainbow trout populations, especially during
5 spawning season. And there are actually some of the
6 agencies put in -- were taking about putting in like
7 either proposals or doing a special action to close the
8 fishery down during a spawning season, so that there
9 wouldn't be any harm to the population, but I think
10 really what -- and they never did that, but I think that
11 the concern is that these populations during spawning
12 season are concentrated, and they could, you know, be
13 subject to over-harvest, and so they were trying to get a
14 better idea of where it was they spawned, and how large
15 the population was.

16

17 Really the only conservation concern is not
18 this one, but Tazimina is where people are saying that
19 the population is declining. So I don't know if it's
20 really a conservation concern at this point, but, you
21 know, that's been brought up, so.....

22

23 CHAIRMAN SAMUELSEN: Robert.

24

25 MR. HEYANO: So there is no conservation
26 concern with the rainbow stocks in these two rivers?

27

28 MR. FRIED: No, not yet. Hopefully it won't
29 be.

30

31 MR. HEYANO: And isn't that one of the
32 criteria, there needs to be a conservation concern
33 or.....

34

35 MR. FRIED: It can be, yeah.

36

37 MR. HEYANO:a resource concern?

38

39 MR. FRIED: Yeah, that's one of the things that
40 go -- that would be one of the criteria that would go
41 into a decision, yeah.

42

43 MR. HEYANO: So that criteria would be.....

44

45 MR. FRIED: As to how critical it would be --
46 in other words.....

47

48 MR. HEYANO: did not apply here?

49

50 MR. FRIED:like Kametolook, I think

00082

1 there's a definite conservation concern. In the Kvichak,
2 Lake Clark is probably one where people are pretty
3 concerned.

4

5 MR. HEYANO: But there is none here?

6

7 MR. FRIED: This one I wouldn't -- no, I
8 wouldn't rate it for that one. That's just more like
9 trying to get in front of a problem that may or may not
10 happen.

11

12 MR. HEYANO: Um-hum.

13

14 CHAIRMAN SAMUELSEN: Is there anything you want
15 to add?

16

17 MR. WALSH: Yeah, I'm Pat Walsh with the Togiak
18 Refuge, and I think your last comment was right. It's
19 trying to get in front of a potential problem. The new
20 rules have liberalized the way rainbow trout can be
21 harvested there, and so this project is done to try to
22 gather information now that can be used to compare
23 against information that was gathered ten years ago to
24 see if changes have taken place. And then sometime in
25 the future we would do the same thing again, and try to
26 relate these changes to the new harvest policies. So we
27 don't have evidence that there is any conservation
28 concern yet, but this is getting ahead of the problem.

29

30 CHAIRMAN SAMUELSEN: Okay. Thank you.

31

32 MR. HEYANO: Perceived problem.

33

34 MR. WALSH: It's a potential problem, yeah. We
35 don't know that there is one, but there is potential
36 there.

37

38 MR. FRIED: Well, I mean, there wasn't a whole
39 rash of permits that all of a sudden happened either, so
40 I mean I'm not sure there is a big jump in effort which
41 was -- it was kind of like, you know, just being
42 concerned about something nobody knew about. I mean,
43 there are a lot of other user groups who got really upset
44 when the Federal Subsistence Board passed that particular
45 resolu -- you know, that particular regulation also. I
46 mean, just kind of fear of the unknown or something,
47 so.....

48

49 MR. HEYANO: Well, I guess then that's what I'm
50 trying to get at, you know.

00083

1 MR. FRIED: Yeah.

2

3 MR. HEYANO: Just because we allow a
4 subsistence harvest.....

5

6 MR. FRIED: Right.

7

8 MR. HEYANO:you know, the perception out
9 there is we're going to decimate the resource when other
10 users can use it on and on and on. Yeah, I realize why
11 those other people get upset, but it seems to me that,
12 you know, if you do a subsistence harvest correctly, the
13 resource is going to be just fine, you know. I don't
14 know if that camp is still there on that lake just off
15 the river there but they've been using that resource for
16 a long time without anybody really having any concerns
17 about it.

18

19 MR. WALSH: Well, that's -- their harvest is --
20 it's not a harvest. It's all catch and release fishing
21 that the sport lodges do. And in fact we have concerns
22 over that type of fishing, too, since there's a certain
23 amount of mortality with that. But there's no spawning
24 season fishing that takes place from the sport operations
25 there, and these new regulations do allow harvest during
26 the spawning period when fish are more vulnerable. So
27 it's -- I agree with you, Robert, that we have not
28 demonstrated a problem, but, you know, it's worthwhile
29 monitoring even when there isn't clear cut evidence that
30 there's a problem.

31

32 MR. ABRAHAM: Mr. Chairman.

33

34 CHAIRMAN SAMUELSEN: Yes, go ahead, Pete.

35

36 MR. ABRAHAM: About 20 years ago there was
37 quite a bit of rainbow in that area there, so was there
38 pike. But for some reason for two reasons over there,
39 everything declined. Even the lake carry, you know,
40 there's some growth growing. But I think they're coming
41 back according to these guys over here, you know, to Dan,
42 when I talked him a little bit, there was evidence of
43 rainbows coming back, so -- even we're not biologists out
44 there, when we go after them, we notice such things like
45 that, you know, because we live there and subsist. What
46 they're doing over here is, you know, I'm curious, and I
47 want to know -- I like to know, you know, comparison from
48 ten years ago on what they're doing this summer, you
49 know. You know, there will be variation right there, and
50 -- because I know they were declining.

00084

1 CHAIRMAN SAMUELSEN: Okay. Moving on.....

2

3 MR. FRIED: Yeah, I would just kind of -- yeah,
4 I can't find anything where we actually called it a
5 conservation problem either in the report. I mean.....

6

7 MR. HEYANO: No, but I just thought that.....

8

9 MR. FRIED: Yeah.

10

11 MR. HEYANO:you would go around with your
12 limited dollars and those species that you have a
13 conservation concern with.....

14

15 MR. FRIED: I see what you're.....

16

17 MR. HEYANO:that's really fairly high.

18

19 MR. FRIED: Okay. I see what you're saying.

20

21 MR. HEYANO: Yeah.

22

23 MR. FRIED: No, that's certainly your
24 prerogative, you know, if you don't think it's important
25 enough to fund, then you certainly don't have to
26 recommend funding it just because the TRC did.

27

28 CHAIRMAN SAMUELSEN: Shirley.

29

30 MS. KELLY: So going on to 04-415, what was the
31 rationale -- I mean, what was wrong with that proposal?

32

33 MR. FRIED: Let me see here.

34

35 MR. O'HARA: Shirley, what one was that?

36

37 CHAIRMAN SAMUELSEN: 415.

38

39 MS. KELLY: The Tazimina rainbow trout
40 assessment.

41

42 MR. FRIED: That one? Well, for one it was a
43 pretty expensive price tag I guess they thought for what
44 it was going to do. It was another one where they
45 thought, you know, they just needed one year. There was
46 a lot of effort going into locating spawning
47 concentrations and timing and stuff, like I think most of
48 the first year was being done with that. The TRC didn't
49 think that it needed to be -- that they can considerably
50 simplify that, and they really needed to consult with the

00085

1 local residents more and do some other things to pin that
2 down. So there was a bunch of things, and I didn't --
3 like on page 131 I think under the justification, it
4 lists their concerns. And like I said, too expensive.
5 Efforts to locate spawning areas should include gathering
6 information from local residents, agency staff, and
7 reports. Consultations should include local communities
8 and additional localizations. Capacity building could
9 have been stronger. A bunch of other things, but
10 generally what they're doing is recommending a new
11 proposal be submitted for 2005, because they thought that
12 the changes would be too substantial to do for -- in time
13 to do for 2004. That was the TRC's recommendation. And
14 they have done that with some other studies in other
15 areas, too, where they just thought that there was -- it
16 was a good idea, but there was just so much that needed
17 to be done to fix it that it would be better to have the
18 investigators come back the next year rather than try to
19 have them do it now.

20

21 MS. KELLY: And so the Fisheries Monitoring
22 Program is going to assist the proponents in making it a
23 stronger proposal?

24

25 MR. FRIED: Well, hopefully the full review
26 would help them make it a stronger proposal. I mean, the
27 people that propose it are certainly capable of doing
28 good studies, the Alaska Department of Fish and Game.
29 So, yeah, it was just -- it was a judgment call by the
30 review committee that it just had too many problems, and
31 that instead of trying to fix them all and get it all
32 together in 2004, that they'd be better off, you know,
33 rethinking it, rewriting it, and coming back the next
34 year.

35

36 CHAIRMAN SAMUELSEN: Hello, Mindy.

37

38 UNIDENTIFIED VOICE: Hello.

39

40 MR. HEYANO: Okay. Any other comments?

41 Robert.

42

43 MR. HEYANO: Well, yeah, Mr. Chairman, and, you
44 know, this is a system we do have concerns with, strong
45 concerns.....

46

47 MR. FRIED: Um-hum. (Affirmative)

48

49 MR. HEYANO:and I think it's ever since
50 Andrew Balluta has been seated on this committee, he's

00086

1 always brought that to our attention, and in the past
2 we've actually reviewed proposals to have total closures,
3 with the support of the local folks, not only on rainbow
4 trout, but for all fishing in this river. You know, he's
5 brought it to our attentions numerous times that -- the
6 noticeable decline on fresh water species is of huge
7 concern. So I guess I was a little disappointed to see
8 that it didn't get funded this year.

9

10 MR. FRIED: Well, don't forget, I mean, it's
11 the Federal Subsistence Board that's going to adopt the
12 final plan, and so if you don't agree with this, and you
13 really think it's important enough for it to go forward,
14 then there's.....

15

16 MR. HEYANO: Um-hum.

17

18 MR. FRIED:nothing stopping the Council
19 from, you know, making a different recommendation.
20 That's what we bring in front of the Board when we go
21 there.

22

23 MR. HEYANO: And there's -- if I may, Mr.
24 Chairman, and this gets back -- and there's sufficient
25 surplus funds in the '04 to fund this project for this
26 year, right? Or for the '04 season, if I did the math
27 correctly?

28

29 MR. FRIED: Well, yeah, there is the money, the
30 studies recommended by the TRC did not use up all the
31 available monies. So there is -- I forget what I said
32 total, but.....

33

34 MR. HEYANO: \$134,000.

35

36 MR. FRIED: Yeah. 134 -- yeah, \$134,000.

37

38 MR. HEYANO: So that could be a recommendation,
39 also.

40

41 MR. FRIED: It could.

42

43 CHAIRMAN SAMUELSEN: In addition to the.....

44

45 MR. FRIED: And it doesn't mean it has to cost
46 \$91,000 either. That other study only cost 50. I mean,
47 maybe it could.....

48

49 MR. HEYANO: Um-hum.

50

00087

1 MR. FRIED:be 50 or 60 or 70, depending
2 on the system, but.....

3
4 MR. HEYANO: Right.

5
6 MR. FRIED: Yeah.

7
8 MR. HEYANO: Thanks.

9
10 CHAIRMAN SAMUELSEN: Okay. Any other comments?
11 We could add projects, we could delete projects or
12 recommendations to do projects.

13
14 MR. O'HARA: Mr. Chair, I'd like, naturally,
15 the Lake Clark one there. It's just in such a difficult
16 situation. But I think I agree with Shirley and Robert
17 that maybe we should put Tazimina back in there. That's
18 one of the main subsistence rivers up there in Lake
19 Clark, that most of the Nondalton and Newhalen people
20 use, and we probably should just probably have some
21 funding put in that for -- to try to get this system back
22 on line some way.

23
24 CHAIRMAN SAMUELSEN: Okay.

25
26 MR. O'HARA: What's the amount of money you
27 have left, Steve?

28
29 MR. FRIED: How much money's left?

30
31 MR. O'HARA: Yeah.

32
33 MR. FRIED: I think it was like \$134,000 for
34 this region that wasn't specifically allocated to a
35 project.

36
37 MR. O'HARA: And this year would have been
38 91.3.

39
40 CHAIRMAN SAMUELSEN: Um-hum. (Affirmative)

41
42 MR. O'HARA: Well, I'll move that we put 04-415
43 back in the program at \$91,300 for the year 2004.

44
45 CHAIRMAN SAMUELSEN: Okay. Is there a second.

46
47 MR. HEYANO: Second.

48
49 CHAIRMAN SAMUELSEN: Seconded by Robert.

50

00088

1 MR. O'HARA: May I speak to my motion?

2

3 CHAIRMAN SAMUELSEN: Yes, you can.

4

5 MR. O'HARA: I get to make a motion.

6

7 CHAIRMAN SAMUELSEN: Yes. Watch what you say,
8 I'll cut you off like you do me now.

9

10 MR. O'HARA: All right. No. I think we all
11 know that that river system is in pretty serious trouble,
12 and we've been trying to work a long time to get it back
13 into. That's all I had to comment, Mr. Chairman.

14

15 MS. LIGGETT: Mr. Chair.

16

17 CHAIRMAN SAMUELSEN: Yes.

18

19 MS. LIGGETT: Deb Liggett, National Park
20 Service. As I understand from the Subsistence Resource
21 Commission meeting last Thursday in Nondalton, that the
22 concern with this project and the reason that it said
23 with modification was primarily a funding concern. And
24 if that's the case, you know, it said with modifications,
25 and it might be possible to ask them to make the
26 modifications now. The Technical Committee expressed
27 what their concerns were about it.

28

29 CHAIRMAN SAMUELSEN: You're in Togiak, not
30 on.....

31

32 MS. LIGGETT: Aren't we talking about Tazimina?

33

34 CHAIRMAN SAMUELSEN: 04-015.

35

36 MR. FRIED: Tazimina.

37

38 MS. LIGGETT: Does it matter? Yeah, it might,
39 otherwise I'll keep my mouth shut.

40

41 MR. FRIED: We are talking about Tazimina,
42 right?

43

44 MS. LIGGETT: Yeah, we were talking Tazimina.

45

46 CHAIRMAN SAMUELSEN: But it doesn't say
47 modification here.

48

49 MS. LIGGETT: Am I up on the wrong project?

50

00089

1 MR. FRIED: Well, it says do not fund probably
2 is what it says.

3
4 CHAIRMAN SAMUELSEN: It says do not fund, yes.

5
6 MS. KELLY: Yes, not recommended for funding.

7
8 MR. FRIED: Yeah. And one of the reasons for
9 not funding it, they said it was too expensive for what
10 was being proposed. But there were some other reasons,
11 too.

12
13 MS. LIGGETT: And that there were some other
14 ways to get that same information in a more economical
15 manner. That's what I know on terms of comments on the
16 project. Certainly although it was only a workshop last
17 week in Nondalton, the members of the council that were
18 present were very interested in seeing that work done.

19
20 CHAIRMAN SAMUELSEN: Okay.

21
22 MR. O'HARA: Mr. Chairman. As a matter of
23 fact, you have a staff member here who was at that
24 meeting, and maybe we could call Mary McBurney up here
25 and get it from the horse's mouth.

26
27 MS. LIGGETT: I was actually there, too, but I
28 guess I'm the other end of the horse.

29
30 MR. O'HARA: Good one. He said he'd put in the
31 minutes. I want to see it in the minutes, because that's
32 a real drawing card. We'll use that one.

33
34 CHAIRMAN SAMUELSEN: Mary, the talking horse,
35 go ahead.

36
37 MS. LIGGETT: Yeah, follow that one, Mary.

38
39 MS. MCBURNEY: For the record, Mary McBurney,
40 horse's mouth. So, Mr. Chair, if I might ask what
41 additional information you'd like? I'm sorry.

42
43 MR. O'HARA: No, I'm just wondering what -- and
44 I didn't realize Deb Liggett was there. I apologize for
45 not -- if she was there, that would have been just as
46 fine. But regardless at the other end of horse, that's
47 just fine. I was just wondering what the thoughts of the
48 local people were there. I realize you didn't have a
49 quorum. You probably didn't have a pilot who went out
50 and got your quorum for you, like happened down in the

00090

1 lower Peninsula.

2

3 MS. McBURNEY: No, but there were several
4 comments that were made from -- and I add from
5 individuals from the community.....

6

7 MR. O'HARA: Yeah, on the river.

8

9 MS. McBURNEY:on the Tazimina River.

10

11 MR. O'HARA: That's what we'd like to have.

12

13 MS. McBURNEY: Yes. And there are continuing
14 concerns about the Tazimina and the status of the rainbow
15 trout population there. And there have just been
16 observations by members of the local community,
17 particularly Nondalton, that the numbers appear to be
18 dropping, and that the abundance is not as great as it
19 has been in the past. And there is concern that there
20 may not be enough to satisfy subsistence needs.

21

22 MR. O'HARA: Mr. Chairman. Was there any
23 discussion at all on the amount of effort taking place?
24 Are there people being dropped off and drifting the
25 river, or the sportsmen using it, or what's happening on
26 the river?

27

28 MS. McBURNEY: It is primarily a concern
29 regarding sport use, yes.

30

31 MR. O'HARA: Okay.

32

33 MS. McBURNEY: And increased sport use over
34 time.

35

36 MR. FRIED: I think actually, isn't the sport
37 catch down and the use is down because of that, too,
38 which was another indication that the population was
39 probably not as large as it used to be?

40

41 CHAIRMAN SAMUELSEN: Okay. Where are we at.
42 We've got a motion, it's been seconded. We're making
43 comments to the motions. Robert.

44

45 MR. HEYANO: Just a clarification on the motion
46 then, Mr. Chairman. Is it your intent then with your
47 recommendation, Dan, is that they use the surplus '04
48 funds.....

49

50 MR. O'HARA: Yes.

00091

1 MR. HEYANO:to fund this project?

2

3 MR. O'HARA: Um-hum. And it has a dollar
4 amount behind it there, and I don't know if that's too
5 much or not.

6

7 MR. HEYANO: Well, I think what's important to
8 me, you're not recommending cutting.....

9

10 MR. O'HARA: No.

11

12 MR. HEYANO:any programs, but adding this
13 one to it.....

14

15 MR. O'HARA: Yeah, adding this one to it.

16

17 MR. HEYANO:with -- and fund it through
18 the surplus?

19

20 MR. O'HARA: Yes, that is the motion.

21

22 CHAIRMAN SAMUELSEN: Dan.

23

24 MR. O'HARA: That's all the questions I had of
25 Mary and Deb as far as what we need, so, thank you.

26

27 CHAIRMAN SAMUELSEN: Okay. On the follow up to
28 your comment, Robert, and Dan's motion here, then we'll
29 be approving TRC's recommendations for all the other
30 projects as well as adding this one?

31

32 MR. HEYANO: No, the motion before us is to
33 recommend to the Federal Subsistence Board that they
34 include 04-415 and fund it through the surplus dollars
35 for '04. And then I think we'll have to have a second
36 motion to decide.

37

38 CHAIRMAN SAMUELSEN: On the other ones, okay.

39

40 MR. O'HARA: Yeah.

41

42 CHAIRMAN SAMUELSEN: We're there.

43

44 MR. O'HARA: If no further discussion, call for
45 the question.

46

47 CHAIRMAN SAMUELSEN: The question has been
48 called for. All those in favor.

49

50 IN UNISON: Aye.

00092

1 CHAIRMAN SAMUELSEN: Opposed same sign.

2

3 (No opposing votes)

4

5 CHAIRMAN SAMUELSEN: So carried. Okay.

6

7 MR. HEYANO: I just have one more question on
8 04-411.

9

10 CHAIRMAN SAMUELSEN: 411.

11

12 MR. HEYANO: Lake Clark sockeye salmon.

13

14 CHAIRMAN SAMUELSEN: Okay.

15

16 MR. HEYANO: Under the justification, it says
17 Lake Clark salmon would be easy to identify and stock
18 mixtures on this project could provide information that
19 will allow fisheries managers to pass more Lake Clark
20 sockeye salmon through the commercial fishery, as well as
21 to better regulate sport and subsistence fisheries. Can
22 somebody explain to me how that will happen?

23

24 MR. FRIED: How it will feed into management?

25

26 MR. HEYANO: Yeah. Well, I guess it's to --
27 would allow fishery managers to pass more Lake Clark
28 sockeye salmon through the commercial fishery.

29

30 MR. FRIED: Well, it going to depend, I mean,
31 on the results they get. For one, I mean, they've done
32 some initial -- they've got a pretty good baseline of all
33 the spawning stocks, and what they're showing is that
34 it's very easy to tell the Lake Clark stocks from say,
35 you know, Iliamna and some of the other ones in a
36 mixture. So what they're proposing to do is go into the
37 test fishery that Fish and Game operates right below
38 Levelock and take samples throughout the year, and take a
39 look and see if these Lake Clark stocks, are they just --
40 do they just come up all year, are they earlier. You
41 know, is there some kind of a time difference between
42 those stocks and the other ones, and sort of get an idea,
43 you know, what the -- if there's any kind of way to
44 separate them out by time in the run.

45

46 Now, one of the questions I had, well, why
47 don't you go down to the commercial fishery and take
48 samples, and see, you know, if there's any -- not only
49 time differences, but maybe spatial differences. But the
50 problem now is that fishery's been -- the commercial

00093

1 fishery had been closed. So they don't even know if
2 there will be any openings to sample, and so just to see,
3 you know, if they can tell us something about the run,
4 they propose to go into the river and look at that,
5 because that test fishery is always operating. They'll
6 always be able to get a sample, and it's, you know, a
7 sure thing to get the information, whereas trying to get
8 it out of the commercial fishery at this point in time is
9 kind of risky. But the idea would be that if there was a
10 difference, then they might be able to wiggle their
11 management around, and openings around to maybe pass more
12 fish through to Lake Clark.

13

14 CHAIRMAN SAMUELSEN: Robert.

15

16 MR. HEYANO: Right. The way the proposal is
17 written, the samples are going to come from the test
18 fishery.....

19

20 MR. FRIED: Right.

21

22 MR. HEYANO:below Levelock.

23

24 MR. FRIED: Right.

25

26 MR. HEYANO: So that's where the samples are
27 going to come from?

28

29 MR. FRIED: That's right.

30

31 MR. HEYANO: Right?

32

33 MR. FRIED: Um-hum. (Affirmative)

34

35 MR. HEYANO: So I guess in the past several
36 years, the whole east side fishery has been restricted to
37 in-river fisheries. So what more are you going to ask
38 the fishery managers to do to pass more Lake Clark
39 sockeye through the commercial fishery?

40

41 MR. FRIED: Oh, I mean, with it closed, there's
42 nothing else. I mean, you can't do anything else at this
43 point. I think they're looking more towards, you know,
44 the future where we might have a problem, or maybe Lake
45 Clark stocks are not that strong, and Kvichak are or vice
46 versa, and may be able to do that. So, I mean, just
47 because you can tell -- just because Lake Clark stocks
48 stand out, it doesn't mean there's going to be any sort
49 of a spacial or a time difference in the district to
50 allow anybody to do anything if they're just mixed with

00094

1 no rhyme or reason.

2

3 MR. HEYANO: Um-hum.

4

5 MR. FRIED: So, yeah, it's.....

6

7 MR. O'HARA: Mr. Chairman, it's really
8 interesting. That's a really interesting point, Robert,
9 but the Lake Clark fish are the first ones that come in,
10 and.....

11

12 MR. FRIED: Well, that's what everybody's been
13 saying, and.....

14

15 MR. O'HARA: Well, you'll see them. They'll
16 come right in and you will see them go make a left turn
17 and go right up the shoreline of the lower end of Lake
18 Iliamna, streaming along that beach, and they are
19 obviously the first ones that come in there. They don't
20 do into lower Talarek, which is, you know, a big salmon
21 area haven for the last couple years. They've have very
22 little fish in there. The fish going in there seemingly
23 have been to Lake Clark. So you are going to find out,
24 you know, that you're catching the Lake Clark fish early
25 in the run.

26

27 However, in Naknek a number of years ago they
28 had close to a million Ugashik fish go into the Naknek
29 system and get caught. They never talk about that, of
30 course, they talk about Egegik, you know, but -- and they
31 never went to Ugashik.

32

33 So there's some merit to it. I don't know what
34 good it's going to do. I think you'd be further ahead to
35 put a tag on one of those little smolts and find out
36 where he's going or what he's not eating on the high seas
37 or if the El Nino is killing off the plankton, or what's
38 happening and why they're not coming back. But I guess
39 you can put a net in the water and see what's coming
40 back. I think if you figure out why they weren't coming
41 back, you'd be a lot further ahead. But that's not the
42 proposal before us now. But I hope one day it will be.

43

44 MR. FRIED: Could be. I mean, technology is
45 improving.

46

47 MR. O'HARA: Yeah, we'll come back and see you,
48 yeah.

49

50 MR. FRIED: I don't know if there's tags small

00095

1 enough for smolt that will, you know, last long enough at
2 this point, but, anyway, yeah, that's what this is
3 getting at. I mean, there's only been -- the only other
4 study I'm aware of was done at the tower where they
5 tagged fish and there was some indication that Lake Clark
6 came in a little bit earlier, but there was also a whole
7 bunch of Lake Clark fish that also kind in on top of the
8 rest of the run, but.....

9
10 MR. O'HARA: What tower are you talking about
11 the, the one up at.....

12
13 MR. FRIED: Kvichak. The one at.....

14
15 MR. O'HARA: Kvichak.

16
17 MR. FRIED: Yeah.

18
19 MR. O'HARA: Okay.

20
21 MR. FRIED: We've done quite a while ago.

22
23 MR. O'HARA: Yeah. All right.

24
25 MR. FRIED: And it was only one year.

26
27 CHAIRMAN SAMUELSEN: Any other comments?
28 Questions? Other recommendations? What's the wishes.
29 Okay. So you could change, delete the projects on page
30 90, right? Or should I say.....

31
32 MR. HEYANO: Mr. Chairman.

33
34 CHAIRMAN SAMUELSEN: Yes.

35
36 MR. HEYANO: The only question I have for.....

37
38 CHAIRMAN SAMUELSEN: Steve?

39
40 MR. HEYANO: No. Council members, is that is
41 there any interest in putting 04-415 at a higher rating
42 as a recommendation than 04-401.

43
44 MR. O'HARA: Okay. Say that number again now?
45 Which are the high ones?

46
47 MR. HEYANO: Is there any interest on behalf of
48 the Council of making a recommendation to but the
49 Tazimina River rainbow trout assessment at a higher
50 priority than 04-401. Or are we just going to take our

00096

1 chances and ask them to fund it out of surplus dollars?
2 And I say that because of the conservation concerns we
3 have with the Tazimina River.

4

5 MR. O'HARA: Mr. Chairman, may I ask him a
6 question?

7

8 CHAIRMAN SAMUELSEN: Sure.

9

10 MR. O'HARA: Which one do you think is in
11 danger there, Robert? I'm not real familiar with the
12 other rivers.

13

14 MR. HEYANO: Well, as Steve told us, and I'm
15 not going to get into pronouncing it and get a lecture
16 from Pete, but 04-401.....

17

18 MR. FRIED: I don't feel so bad now.

19

20 MR. HEYANO:there is no existing
21 conservation concerns. There could be, because it's a
22 small population, and with the rod and reel or rainbow
23 trout.....

24

25 MR. O'HARA: 401?

26

27 MR. HEYANO: Yes. There could be. And with
28 the Tazimina River we know there is and there.....

29

30 MR. O'HARA: We know there is one, yeah.

31

32 MR. HEYANO:has been. And I understand
33 your previous motion, Dan, was to take the funding from
34 surplus.

35

36 MR. O'HARA: Yes.

37

38 MR. HEYANO: So my question now is, is there
39 any interest in the second motion of making that a higher
40 priority? Or just leave it.

41

42 MR. O'HARA: I'd just leave. I mean, if we
43 could get.....

44

45 MR. HEYANO: Andrew?

46

47 MR. BALLUTA: Yeah, leave it.

48

49 MR. HEYANO: Okay. Then with that, Mr.

50 Chairman, I would move that we support 04-401 wit the

00097

1 modifications.

2

3 CHAIRMAN SAMUELSEN: Is that the motion that's
4 made?

5

6 MR. BALLUTA: I second the motion.

7

8 MR. HEYANO: No, I've got a little more here,
9 if you guys don't mind. 04-411, and I think that's all
10 that applies to our region.

11

12 CHAIRMAN SAMUELSEN: Is that right, Steve?

13

14 MR. FRIED: 401 and -- well, there's actually
15 410 which was a no also applies to your region, but.....

16

17 MR. HEYANO: Yeah. My motion is to
18 support.....

19

20 MR. FRIED: To support that.

21

22 MR. HEYANO:those two recommendations.

23

24 MR. FRIED: Okay. 401 and -- yeah, that would
25 do it.

26

27 MR. HEYANO: Or do I have to also.....

28

29 MR. FRIED: So basically you'd be supporting
30 and then adding -- and not supporting 415, making it --
31 you'd say it was a yes instead of a no.

32

33 MR. HEYANO: Right. But that's happened on a
34 separate motion, so.....

35

36 MR. FRIED: Right. However you want to do it.

37

38 CHAIRMAN SAMUELSEN: The answer is yes.

39

40 MR. HEYANO: Yes, to what? Everybody's
41 nodding.

42

43 CHAIRMAN SAMUELSEN: 401 to 411.

44

45 MR. HEYANO: Okay.

46

47 CHAIRMAN SAMUELSEN: The two positive ones.

48

49 MR. O'HARA: Now, Mr. Chairman, if I could ask
50 a question of Robert. We have covered everything here,

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1 and we get to the Federal Board, our motion is legal and
2 binding, and we're going to go for these programs.
3 That's the motion. We've gotten to the Federal Board at
4 times and found out that, you know, we made a motion and
5 didn't second it, or we didn't make the motion properly
6 and then we couldn't proceed. So we are on good ground.

7

8 CHAIRMAN SAMUELSEN: Who second this motion?

9

10 MS. KELLY: I'm seconding it.

11

12 CHAIRMAN SAMUELSEN: Okay. Shirley seconded
13 it. Further discussion on Robert's motion?

14

15 (No discussion)

16

17 MR. HEYANO: Call for the question.

18

19 CHAIRMAN SAMUELSEN: The question's been called
20 for. All those in favor signify by saying aye.

21

22 IN UNISON: Aye.

23

24 CHAIRMAN SAMUELSEN: Opposed, same sign.

25

26 (No opposing votes)

27

28 CHAIRMAN SAMUELSEN: So carried. Okay. What
29 time do you want to start in the morning?

30

31 MR. O'HARA: Eight o'clock. Isn't that what it
32 says, publicized? Wasn't it published at 8:00 o'clock?

33

34 MR. EDENSHAW: Yes, eight o'clock.

35

36 CHAIRMAN SAMUELSEN: Okay. We'll see you all
37 at -- Tim.....

38

39 UNIDENTIFIED VOICE: Mr. Chairman, I hate to do
40 this last minute. Could I just say couple things real
41 quick?

42

43 CHAIRMAN SAMUELSEN: Sure.

44

45 UNIDENTIFIED VOICE: I wanted to talk about
46 some potential funding cuts for Fish and Game, and
47 specifically concerning Togiak Tower and Agushik Tower,
48 one or the other or both. This spring word came down
49 that Togiak Tower was going to be cut, and then last
50 minute it was uncut. But next year they're both hanging

00099

1 by a thread. And I wanted to make the RAC aware of that
2 with the possible hope that there was a way that you
3 could recommend to the Subsistence Board for an emergency
4 -- if it does come down, that one of those or both of
5 those towers is cut, there was a way you could recommend
6 emergency funding for those towers, one or the other or
7 both. So I just wanted to bring that to your attention,
8 and that was it.

9

10 MR. O'HARA: What part of the agenda would that
11 go under, new business?

12

13 CHAIRMAN SAMUELSEN: Yeah, under new business.

14

15 MR. O'HARA: New business, that would be it.

16

17 CHAIRMAN SAMUELSEN: You will be here then?

18

19 UNIDENTIFIED VOICE: Sure, I'll be here.

20

21 CHAIRMAN SAMUELSEN: Okay. How about 04-456,
22 salmon harvest assessment? Is that tomorrow, Steve, on
23 page 93 of the same tab.

24

25 MR. FRIED: Yeah, I guess we'll take that up
26 tomorrow.

27

28 CHAIRMAN SAMUELSEN: Okay. Good enough.

29

30 MR. FRIED: And there's a few more items, but
31 that's.....

32

33 CHAIRMAN SAMUELSEN: Okay. As Paul Harvey
34 says, stay tuned for the rest of the story starting at
35 eight. See you all tomorrow.

36

37 (Off record)

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1 C E R T I F I C A T E

2

3 UNITED STATES OF AMERICA)

4)ss.

5 STATE OF ALASKA)

6

7 I, Joseph P. Kolasinski, Notary Public in and for
8 the state of Alaska and reporter for Computer Matrix, do
9 hereby certify:

10

11 THAT the foregoing pages numbered 02 through 99
12 contain a full, true and correct Transcript of the VOLUME
13 I, BRISTOL BAY FEDERAL SUBSISTENCE REGIONAL ADVISORY
14 COUNCIL MEETING, taken electronically by Nathaniel Hile
15 on the 29th day of September 2003, beginning at the hour
16 of 1:00 o'clock p.m. at the Assembly Chambers,
17 Dillingham, Alaska;

18

19 THAT the transcript is a true and correct transcript
20 requested to be transcribed and thereafter transcribed by
21 under my direction and reduced to print to the best of
22 our knowledge and ability;

23

24 THAT I am not an employee, attorney, or party
25 interested in any way in this action.

26

27 DATED at Anchorage, Alaska, this 14th day of October
28 2003.

29

30

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32

33

34

35

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 04/17/04 □