YUKON KUSKOKWIM DELTA ALASKA FEDERAL
SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING

VOLUME II

Tuntutuliak, Alaska
March 6, 2002
9:00 o'clock a.m.

COUNCIL MEMBERS PRESENT:

Harry O. Wilde, Sr., Chairman
Nick Andrew, Sr.
James A. Charles
Mary Gregory
John Hanson, Sr.
Billy McCann
Philip Moses
Robert Nick
Raymond Oney
Mike Savage
John B. Thompson, Sr.
Lester Wilde

Ron Sam, Western Interior Chairman
Peter Abraham, Bristol Bay Council Member

Regional Council Coordinator, Alex Nick

P R O C E E D I N G S

(Tuntutuliak, Alaska - 3/6/2002)

(On record)

CHAIRWOMAN GREGORY: Good morning. (In Yup'ik)

INTERPRETER: Following the agenda, after the roll call we will say a prayer to begin the meeting. That is after the roll call.

MR. NICK: Roll call. Harry Wilde, he'll be here this morning.

CHAIRWOMAN GREGORY: He's coming.

MR. NICK: John Hanson.

MR. HANSON: Yes.

MR. NICK: Mary Gregory.

CHAIRWOMAN GREGORY: Here.

MR. NICK: Nick Andrew.

MR. ANDREW: Here.

MR. NICK: Raymond Oney.

MR. ONEY: Here.

MR. NICK: Myself, Robert Nick. Billy McCann.

MR. McCANN: Yes.

MR. NICK: James Charles.

MR. CHARLES: Here.

MR. NICK: Mike Savage.

MR. SAVAGE: Here.

MR. NICK: Philip Moses.

MR. MOSES: Here.

MR. NICK: Mr. Wilde.

MR. L. WILDE: Here.

MR. NICK: Johnny Thompson.

MR. THOMPSON: Here.

MR. NICK: There's 11 members present, we have a quorum.

CHAIRWOMAN GREGORY: Okay. At this time (In Yup'ik)

INTERPRETER: We'll have a prayer to begin the session.

(Prayer - In Yup'ik)

CHAIRWOMAN GREGORY: Introduction and welcome. (In Yup'ik)

INTERPRETER: Introductions.

CHAIRWOMAN GREGORY: Introduction and welcome.

MR. A. NICK: In the absence of Nick Frank, one of the village council members here.

CHAIRWOMAN GREGORY: Henry Lupie. (In Yup'ik)

MR. LUPIE: (In Yup'ik)

INTERPRETER: Henry Lupie is his name. He is a tribal administrator here in the community. I welcome all of you to come to our community. He's surprised to see this many people that have come to visit his community. He's thankful that this many of you have come to sit in this session of work. The subsistence issue is allowed in privately or the Native groups in the state. It's a way of life. And it has become apparent

now and getting to be stronger -- and is recognized by the Alaska Department of Fish and Game as well as the Fish and Wildlife Service. And all of the agencies have become -- come to recognize the subsistence issue is a valuable asset to all Native peoples in the state.

Thank you for coming and it is -- and the Council -- he appreciates the fact that the Council members are here as Native groups.

CHAIRWOMAN GREGORY: Thank you, Henry. (In Yup'ik) Is there any other introductions?

MR. JACK: (In Yup'ik)

INTERPRETER: He's Carl Jack.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: She doesn't like strangers in front of her so that's why she asks everybody to introduce themself as they come in.

CHAIRWOMAN GREGORY: Do you want to introduce yourself?

MR. ABRAHAM: Pete Abraham. (In Yup'ik)

INTERPRETER: His name is muskrat, eskimo. He came here to be a part of the session here. And also to explain -- what the meeting took place in Dillingham and the purpose of his coming here to explain something that will come about later.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: That will come about later.

MR. A. NICK: (In Yup'ik)

INTERPRETER: For those of us that are new.....

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: One of the things that he'd like to express. We are now here gathered together.

CHAIRWOMAN GREGORY: Mr. Nick, (In Yup'ik)

INTERPRETER: The time will come for you to make comments, not at this time.

MR. A. NICK: Okay.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: Following the agenda -- we'll work on the agenda at this time. If there is any additions to be made it will be -- would be in accordance with the procedures.

MR. A. NICK: I'm going to say this in Yup'ik, Proposal 30. (In Yup'ik)

INTERPRETER: Proposal 30 is in your books, your packets. The Council -- is not in your booklet. The Staff pulled that out. But if you want to hear, as Council members, we will ask the Staff to produce the document.

CHAIRWOMAN GREGORY: Proposal 30, (In Yup'ik)

INTERPRETER: Proposal 30 has been pulled out of the packet. When we get to that, perhaps it will bring up on the table.

MR. A. NICK: Everyone understands that? Does everyone understand that, Proposal 30 is pulled out from the agenda because there's no proposal -- or rather Proposal 30 is not in the booklet, as well as the analysis, is that right, Pete?

MR. DeMATTEO: That is correct, Alex. What happened was was Proposal 30 affects the residents or the users for the Western Interior region. And as it doesn't directly affect the users of your region, the decision was made no need to present it because it wouldn't affect anybody in this region.

At the time when it was pulled, we didn't know that the issues in that proposal was of concern and for this reason we're sorry. But we do have Staff here that can present a briefing to you of that proposal and the analysis. And if I'm correct, I think you could still make a recommendation on it. When Proposal 30 comes up on the agenda we can make that briefing to you.

CHAIRWOMAN GREGORY: Pete, I have a question. Isn't there a regulation that speaks right now that's in effect?

MR. DeMATTEO: Not a regulation that would apply to Unit 18 or for Units 21, 19 and 24.

That's why the proposal was put in, to allow for that provision for Unit 19, 21 and 24. But again, it does not provide -- does not propose a provision for Unit 18, again, that's why it was pulled from the book.

CHAIRWOMAN GREGORY: Vince, did you have anything towards this?

MR. MATHEWS: Madame Chair, I think what we can do is -- I've already been on the phone with Fairbanks and I'll see if I can get a copy of the analysis here. It covers Unit 21 and 24 and Russian Mission has a positive determination to hunt moose in Unit 21.

So we'll get the analysis here. Ron Sam is the Chair of Western Interior, it's their proposal so he can also talk about the intent of why they wanted Proposal 30. So I'll try to get -- this relates to Proposal 31. Let's just back up from the numbers.

The issue is the Unit 21 is addressing funerary and mortuary regulations and you have a positive determination for Unit 21 so we'll get you the material. And it would be timely with your discussion on the determinations, who qualifies in Unit 21 anyways. So I'll get on the phone and see if I can get a copy of the analysis, it's not that long and we can go from there. And I apologize for the confusion here but we'll get it straightened out and you'll have the material.

CHAIRWOMAN GREGORY: Thank you, Vince.
(In Yup'ik)

INTERPRETER: This proposal, when it comes around it will be under discussion and the Western Interior's Chair is here with us. So it would not be proper to.....

CHAIRWOMAN GREGORY: Alex.

MR. A. NICK: Just a reminder, a year ago in Kotlik this issue was brought up by the Council and, for that reason, I thought it would be of interest to

include the proposal for discussion purposes. As we remember in Kotlik we understood that the State of Alaska has a regulation for funerary take of big game. But, you know, whether or not if it applies to the Federal lands maybe Mike or somebody could explain that.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: Mary said it will be under discussion. We're just now working on the agenda.

MR. NICK: Madame Chair.

CHAIRWOMAN GREGORY: Robert.

MR. NICK: Since we are now discussing an item that is part of the published agenda and information could be provided, I move that we approve the agenda as we see it.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: There's a motion on the floor to keep it as is. The motion got to be seconded in order to be discussed.

MR. CHARLES: Madame Chair, I second the motion.

CHAIRWOMAN GREGORY: Okay. Pete.

MR. ABRAHAM: On Proposal 1, statewide include black bear and definition of furbearer (In Yup'ik).

INTERPRETER: It is also part of 17(A) he will also speak on that and also on the customary trade. He will also be commenting on those issues.

CHAIRWOMAN GREGORY: Thank you. (In Yup'ik)

INTERPRETER: There's a motion on the floor to accept.....

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: Is there any discussions?

MR. A. NICK: Madame Chair, maybe point

of clarification probably from Jerry Berg or Rivard or maybe Pete or anyone on the Staff, yesterday some of the agenda items such as the reports were taken up by the Council before the agenda was adopted. I don't know what the procedure is in that case. Maybe somebody can explain that to us for the record.

MR. NICK: Madame Chair.

CHAIRWOMAN GREGORY: Uh-huh.

MR. NICK: Can I ask Carl if he has any comments?

MR. JACK: (In Yup'ik)

MR. NICK: It's okay?

MR. JACK: (Nods affirmatively)

INTERPRETER: Carl Jack is always looked upon as a parliamentarian and whenever he's around in the meetings of this nature.

MR. NICK: I'd like to comment that what we did last night was proper, you know.

CHAIRWOMAN GREGORY: Uh-huh.

MR. NICK: The meeting was called to order with a quorum, officially, and some of the items an the agenda were taken up, the briefing part, reports. And then I'd like Carl's backing too because he's pretty -- quite up on parliamentary procedure but I'd like to maintain that it was okay.

CHAIRWOMAN GREGORY: Carl Jack.

MR. JACK: (In Yup'ik)

INTERPRETER: Those items that you discussed, those were informational items and those were not action items that you discussed yesterday.

CHAIRWOMAN GREGORY: Thank you. (In Yup'ik)

INTERPRETER: Any other discussions.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: The question's being asked for.

CHAIRWOMAN GREGORY: All in favor of approving the agenda as presented and corrected say aye.

IN UNISON: Aye.

CHAIRWOMAN GREGORY: Those opposed, say nay.

(No opposing votes)

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: So the agenda is now before you.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: Item No. 7 was discussed yesterday, council member area and villages representatives concerns. Andrew first.

MR. N. ANDREW: (In Yup'ik)

INTERPRETER: His name is Nick Andrew. He's from Marshall. He appreciates the fact that he had an opportunity to be among the advisory council and -- has been expected to participate in the issues of this nature as we are gathered here together, yesterday and today, let's get our minds together and work together, working with one another as one goal, one mind to -- to -- if there's people that are -- certain items, the meeting will not function correctly or properly. If you have anything that you're concerned about relating to the items on the agenda don't be shy and don't be scared to come on up and put it on discussion and talk about it. We have to keep good ones and set aside the bad parts. And also I'd like to -- the village of Tuntutuliak for accepting us to hold this -- to host this meeting.

CHAIRWOMAN GREGORY: Thank you, Mr. Andrew. Mr. Thompson.

MR. THOMPSON: (In Yup'ik)

INTERPRETER: Thank you. I'm Johnny Thompson from St. Mary's. And his testimony was (In Yup'ik)

(Laughter)

MR. THOMPSON: (In Yup'ik)

INTERPRETER: And those don't appreciate

his name call him (In Yup'ik). In years before when the Fish and Game first tested the first six years he worked with that agency and after that he -- he was a chairperson in Fish and Game. John Hanson is the one who's -- he has been working for the past -- and he was -- when they first started counting the fish on the Yukon River. He's glad now that he's a little knowledgeable about the function -- how the Yukon River functions, you know, with the fish. And he appreciates that he's been on board for this one.

CHAIRWOMAN GREGORY: Thank you, Mr. Thompson. (In Yup'ik)

INTERPRETER: Anybody else.

CHAIRWOMAN GREGORY: James.

MR. CHARLES: Madame Chair, (In Yup'ik)

INTERPRETER: James Charles from Tuntutuliak. All of you are welcome to this community. His name is James Charles. I am very happy that Tuntutuliak was chosen to be a site for this session. Those of us -- many times we don't always look at the directions or regulations. And last summer, during the summer during the fishing season, the last years issues that you followed and the issues that were pointed out and directions that were pointed out last year were a good guide for those that were fishing. And he thought that there would be a lot of people disappointed -- in opposition to the new directions that were -- or regulations or dates the times and closings but he didn't hear that many.

He and Robert from the Kuskokwim area, they partake in working groups and fisheries committees and such. So there's a lot of people that -- that the few people that have to represent and many times it's a little scary to make the decisions for so many people that are not aware of the programs.

CHAIRWOMAN GREGORY: Thank you, James. (In Yup'ik)

INTERPRETER: Anymore?

CHAIRWOMAN GREGORY: Mr. Oney.

MR. ONEY: Yes, thank you Madame Chair.

My name is Raymond Oney. I'm from Alakanuk. I'm happy to be appointed to this board and I look forward to working with each one of you and also from the people from the public everywhere we go. And I'd like to, you know, be happy to work with the people from the Subsistence Management Board, too. Thank you.

CHAIRWOMAN GREGORY: Thank you.

MR. ANDREW: (In Yup'ik)

CHAIRWOMAN GREGORY: Yeah. Thank you.

INTERPRETER: His Eskimo name is Nicolas.

CHAIRWOMAN GREGORY: Lester.

MR. L. WILDE: Madame Chair, just for point of clarification to the public, he are not actually the Board, we are the Advisory Council to the Board. And that's just in case somebody out there gets the idea that we make the decisions, we only advise the Subsistence Board on actions concerning our area in subsistence.

CHAIRWOMAN GREGORY: Thank you. Can I ask the people who are in this building to please be courteous enough to not talk when someone else is talking. Thank you.

(In Yup'ik)

MR. NICK: Robert Nick. (In Yup'ik)

INTERPRETER: Robert Nick from Nunapitchuk. As for James Charles' comment, salmon management working group he participated when they were having the various meetings and although the fishery was a little awkward last summer but the fact that the fishing went well with the openings and closures. But all of the subsistence fishermen have satisfactorily gotten their quota of fish for the winter. In the Kuskokwim area there seems to happen a lot of people that got enough of their winter supply in that summer and during the fall as well, he has made comments in the news

45 media regarding certain different topics that affect the
46 region and the people.
47
48 It is never much that he brings up -- but
49 he appreciates that he has an opportunity to make
50 comments to advise some other -- that reside in this

region. So the regulations are always -- proceed that -- appreciate that -- Mike was a fishery manager during the summer.

MR. NICK: Sorry, Mike. What I think too far ahead of my speaking, you know, I tend to forget, Mike -- Mike Rearden. (In Yup'ik)

INTERPRETER: Mike assisted them through the special action in the State and John Burkey in Bethel, he spent the time, but perhaps he has moved to some other area and he appreciates and wants to thank them publicly for their efforts in assisting the people organizing the openings and closings and stuff. And also thank John Hanson from the Yukon and also Lester Wilde, that they partaked on the coordinating committee. They are -- the time is voluntary status so when they do it. So they appreciate -- he wanted to thank them publicly for their effort. And also James Charles, he goes to the meetings using his own airplane as a volunteer. The fishing schedule that was -- like last summer was appreciated because it was effective in what it -- and there are some people, individuals in the region that maybe would comment about some of decisions that there weren't that many.

CHAIRWOMAN GREGORY: Thank you, Robert. (In Yup'ik)

INTERPRETER: Okay, if Council members have no other comments, we'll go to.....

CHAIRWOMAN GREGORY: Mr. Sam.

MR. SAM: Yeah, my name's Ron Sam, Chair of Western Interior. I'd like to apologize to you fine people, because this is my first trip attending one of your Council meetings. I tried twice before but something happened in the village once and the second time I tried, my tickets went only as far as Anchorage and they quit right there so I quit right there too and went back home. But I'm glad to see all of you, my friends and sat down and visited with you last night and this morning. And I'm just glad that I am attending one

of your meetings, finally, thank you.

CHAIRWOMAN GREGORY: Yeah, thank you, Ron Sam. (In Yup'ik)

INTERPRETER: She's explaining actually

where Ron is from.

CHAIRWOMAN GREGORY: Thank you, Mr. Sam. (In Yup'ik)

INTERPRETER: At this time the floor is turned over to the public and those that want to make comments it is open now for the public now for comment.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: When you want to speak use the mike at the end of the table here for your convenience.

CHAIRWOMAN GREGORY: Village representative, Mr. Jack. (In Yup'ik)

MR. JACK: Thank you, Madame Chairman, Regional Council members.

INTERPRETER: This is Carl Jack.

MR. JACK: (In Yup'ik)

INTERPRETER: He wants to explain a little bit about the responsibility of the Council members. Lester has stated that they are an Advisory to the Federal Board. But if the Council -- the Council's recommendations, the Federal Board to not set it aside, their recommendations and advice is always, it's valued, statements. There will be three things that they would have to use, first, their recommendation -- what has been done in the past -- and the second one is -- and the animals as well -- these people that work on these issues, the animals, the science.....

MR. JACK: Principles of fish and wildlife conservation.

INTERPRETER: He's translating.

MR. JACK: (In Yup'ik)

INTERPRETER: And thirdly, the -- if they violate -- jeopardize.....

MR. JACK: Detrimental to the satisfaction of subsistence needs.

INTERPRETER: Yep. He's doing it again.

MR. JACK: (In Yup'ik) Council recommendation -- Federal Board recommendation (In Yup'ik)

INTERPRETER: The Federal Board will not accept the -- if this -- is going to be contrary -- the Council's word is sort of like a compass from for the Federal Board. Their recommendations are honored, of these Advisory Councils. The work of the Advisory here, this Council here is a very highly recognized position.

CHAIRWOMAN GREGORY: Thank you. (In Yup'ik)

INTERPRETER: See how important you are on the seats. Those of you in the audience all have some important comments to make and we would like to hear your side of the view. Those of you who want to make testimony, there's a piece of paper -- a document that you need to fill out.

JOHN: (In Yup'ik)

INTERPRETER: John and his Eskimo name is -- what he is going to ask about it relates to the fish and game and he has brought this up in the past but up to now he has never been recognized, that's why he easily feels -- because he knows his rivers and he knows his land. One particular person, his name is -- I don't -- he has asked about it beforehand when the salmon or any fish the -- the fish that come up their river no longer comes up because the river is no longer being used. And the waterfall that used to be in abundance around their area no longer in abundance up to now. And also the plants as well, just like a water plant or waterfall or -- are getting scarce. And there are a lot of accidents in the region and there are a lot of land that falls off the banks of the rivers to drift away and Robert himself knows as well that erosions and they no longer go down to the Kuskokwim River to do their fishing -- and the river is very narrow because -- as AVCP -- AVCP as well as Fish and Wildlife Service -- but up to now the responses have

been affirmative but have not been seen in reality -- Robert as well knows himself. So this is how much he's asking for -- for leader recognition as Natives.

I don't know, river erosion, I guess.

CHAIRWOMAN GREGORY: Thank you.

MR. LUPIE: Henry Lupie, tribal administrator (In Yup'ik)

INTERPRETER: Henry Lupie administrator for the tribal council here.

This summer, their fishing -- or their subsistence fishing -- or subsistence activity last summer it was measured and there were a lot of people that weren't too happy about the way it was set up. Our subsistence activities and sometimes they don't feel very happy about the way when subsistence is entered -- or altered in different ways. There are a lot of young people here, they are not like the way in the olden days. Think about the Lower 48, what they did in the Lower 48. Like an example -- rather an example, the things that happen in the Lower 48 usually is coming up and complete the state here.

The Natives of the region have never really opposed any movements or decisions by the departments. But some of the things are usually pointed out based on scientific facts -- when the decisions are made based on scientific facts as well -- the guidelines and in many times the elders of the region -- the directions that the elders bring down to the younger generation are usually about the same handed down to the younger people how they can subsist without hurting the stocks or whatever. He would like the elders to be recognized as well, although, they don't have to speak from the people that is documented -- a lot of directions that the elders give out are never on -- from the documentation sheets, from their experience. Federal and State agencies they do have their words -- our elders here and elsewhere, what their statements are are true facts.

And on the other hand -- on the Yukon and Kuskokwim and he has heard that the salmon have declined in these two rivers. And he has heard as well that the salmon go up to spawn -- just looking at maybe 10 salmon going up river. And they lay many eggs. If you take 10

45 salmon that lay that many eggs and when they migrate out
46 to the oceans the Area M has been -- the Area M has been
47 a subject since 1970s, Harold Spock (ph) has brought up
48 all -- how the salmon were studied that are migrating up
49 to this region. So Area M or False Pass is sort of like
50 a key to this region's salmon stocks.

Thank you.

CHAIRWOMAN GREGORY: Thank you. I'm sorry, I forgot to recognize Mr. Philip Moses from Toksook. (In Yup'ik)

INTERPRETER: Philip Moses.

MR. MOSES: (In Yup'ik)

INTERPRETER: He don't have much to say but he'd like to ask a question. He's curious. His name is Philip Moses from Toksook Bay. He has heard -- he has heard that his seat was vacated at one time or another so he wasn't sure and he has never been told directly that he was no longer a member of the Advisory Council. So he has not heard it from the rest of the Council his mind has been rather like in turmoil. You see on his last leg of the -- last date of the service, that his question whether he's legally a member of the Council here and yesterday, too, as well.

CHAIRWOMAN GREGORY: (In Yup'ik)

MR. A. NICK: Remember when I called you, I told you your seat -- you told -- recall that the rest of the Council members as well that the term was drawing to an end so there are a number of Council members that their seats are going to be expiring so if you wish to run again for the seat that you occupied, you are urged to do so. So when the -- if you're fortunate to be back -- elected back into the seat your seat will be confirmed.

MR. MOSES: (In Yup'ik)

INTERPRETER: And another one, too, he's a little bit unclear on the report yesterday, that he wasn't so clear on. The money. The money in the envelope, I think is $50 or so, he was going to go cash it -- somebody came to him and told him to sign, he didn't mind giving the documentation to sign but he thought it was -- he was -- they were telling him there was some documentation that he had to sign that got him worried to the point of making him feel sort of like an

incompetent. He spent quite a bit of time signing his name.

(Laughter)

And he started to figure whether he was

signing for everybody else as well. He's not bilingual so that's why all of those things got him feeling uncomfortable -- or rather out of place of something. That's why he's bringing it up, to make himself feel better.

(Laughter)

Yeah, Robert Nick wants to respond to his.....

MR. NICK: (In Yup'ik)

INTERPRETER: Yesterday, these specs are my reading glasses and when he was hurrying up to catch a flight to -- he left his other ones at -- he was -- why he had to see that many people that were sad that the next session of the meeting he wouldn't have to sign again. He did sign documents like Moses did -- or Philip Moses. He said he signed a different -- he signed his different -- he signed his name on Moses' document so they made a mistake. Don't worry about it it's already taken care of. So the next time you come to the meeting you don't need to sign because that check will be given to you without having to sign again.

MR. MOSES: (In Yup'ik)

INTERPRETER: That makes him feel a little better.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: You Staff members are urged, when someone speaks -- that is not bilingual, make sure you try to understand that the person speaks through the translator.

CHAIRWOMAN GREGORY: I would like to ask our Staff to make sure that the elders who don't understand the English, that they be informed well before they are asked because he was very concerned about those papers he signed that had been marked because they made a mistake.

Thank you.

MR. A. NICK: (In Yup'ik) On behalf of our Staff, especially Pete, thank you for assisting yesterday. Mr. Kron, thank you for assisting. I'm going

to explain one little part of the requirements that we got on the travel papers and then I'll restate my statement in English so it will be understood by everyone.

Philip, (In Yup'ik).

INTERPRETER: He's going to translate himself after he makes the explanation to Philip. The reason that why he had to sign so many -- he's talking about stipends.

MR. A. NICK: What I did was I explained to Mr. Moses that the advance, the cash advance that we provide the Council members are about 80 percent of per diem they are to receive for a trip. But then the travel vouchers that they sign -- the purpose of that is that, you know, there won't be any delay to reimburse them for the rest of the per diem that they are going to be receiving.

CHAIRWOMAN GREGORY: Thank you, Mr. Nick.

MR. A. NICK: It's just that.....

CHAIRWOMAN GREGORY: I would like to recognize those two gentlemen. Please come up (In Yup'ik) we'll have a short break.

INTERPRETER: He didn't raise his hand to speak. He's going.....

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: State your name first.

MR. BERLIN: My name's Dan Berlin. (In Yup'ik)

INTERPRETER: He's got different names. You name it, he'll turn his head.

(Laughter)

MR. BERLIN: (In Yup'ik)

INTERPRETER: We didn't come here to talk about money. Johnny -- he's talking about a hovercraft. Ever since there was hovercraft started out servicing the villages, that hovercraft is really disturbing the salmon

and all of the plants that usually grow in the areas where they travel are no longer around. And the river erosions have increased to the point so noticeably because the thrust of the hovercraft is really strong. All of us have raised with salmon, fish of any kind and plants, any -- everything that we use for subsistence so therefore the hovercraft -- the hovercraft is very disturbing piece of machinery.

IT was -- it was a quiet thing when it first started, he doesn't know the reason why it's continuing up to service this long -- there's other things they need to talk about but it will come later.

MR. MILLER: (In Yup'ik)

INTERPRETER: Peter Miller. What he had in mind is also the hovercraft but since it has already been brought up, we are the Natives of the region here. Ever since time and memorial, the guidance that they get from the elders and those of us, if we can look back far enough are straying away from the direct direction of the elders in the past. We are taking different turns or different directions. And the elders usually point out how they are going to be doing their subsistence activities for each season. And last summer how the fisheries was handled was very acceptable. And he got enough for his winter supply.

Aside from that though, the salmon that they get or the fish they get are not eaten as soon as it's caught because they don't dry it that fast when it's not cooked. So you as a visitors, you -- we share you, we feed you whatever you need to eat, so those of us, that's how we live, to share. So last summer he didn't have too much activity because he's not always the one to follow directions -- he doesn't usually have certain openings to follow or closings to honor. So when he comes home with what he catches, if he hears anyone that is in need of food he -- he would tell them to get his catch, to share. A lot of times when he goes out fishing and comes back in a short period of time that -- the opening -- so -- so those of us we are sharing, it has always been an active role of the community members of

the region. And sometimes when a person is out in travel
or on the tundra, perhaps if it's closed because the
animal or whatever is closed, perhaps they could utilize
some of those things even if they're closed for their
survival in the event they are caught out there. So
everything nowadays is being watched all the time. So

everything will disappear regardless of how they are monitored or watched.

There may be lots of things he might want to say but his mouth is dry.

CHAIRWOMAN GREGORY: (In Yup'ik)

MR. McCANN: (In Yup'ik)

INTERPRETER: The hovercraft it -- this hovercraft right now there is no one to answer in related to hovercraft thing. This meeting is subsistence issue. But the president of AVCP is here and they're going to be -- there's going to be a meeting in Bethel, the AVCP the 19th so if you wish to make that item an agenda number or something to be discussed, you will be -- oh, man.

MR. McCANN: I don't think you're going to get an answer right now today.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: The rest of the Council, whenever you have any question or have to answer, always respond. Any more comments. Robert.

MR. NICK: (In Yup'ik)

INTERPRETER: A couple of village representatives brought up a question or when they had a meeting two years ago in Nanapitchuk, the issue that was brought up that we got on the table the meeting was done but they was directed to have a special meeting to discuss the beaver problem and that's not been talked about.

MR. McCANN: You got to invite that person.

MR. NICK: Yeah. (In Yup'ik)

INTERPRETER: Oh, man. Like beaver, the hovercraft has been brought to our attention, it

should.....

CHAIRWOMAN GREGORY: Any other comments. Mr. Moses.

MR. MOSES: (In Yup'ik)

INTERPRETER: This morning I -- he feels good about the meeting this morning. When you start getting to your agenda, you probably will revert into English more or less and those of you that are sitting around, all of you speak Eskimo and it seems that you always talk English more, it seems like it's for the benefit of our counterparts. That really -- you could -- he doesn't know any English so when we had a meeting in Anchorage, there were two translators, two elderly ladies were trying to translate for him but they didn't -- some person would be talking English a good length of time but his translator wouldn't say anything so he knows that you guys will be talking English more as the meeting goes on.

(Laughter)

INTERPRETER: He wants more Eskimo.

MR. A. NICK: (In Yup'ik)

INTERPRETER: It's mostly benefit of the recorder to record everything accurately in order to document. So we do have translators here for your benefit. The recorder will have to document or record things accurately so that's why we have translators for your use.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: So 10 minute break.

(Off record)

(On record)

CHAIRWOMAN GREGORY: Tina are you ready?

REPORTER: I'm ready.

CHAIRWOMAN GREGORY: We'll call the meeting back to order, it's now 10 to 11:00. I want to recognize our Chairman who is Harry Wilde, Sr., who has just made it in.

(Applause)

MR. L. WILDE: Madame Chairman, there's a bunch of people talking over there.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: And if there is no more public comments. The children will be served lunch at 11:30 and we will have to break by 11:30. If there are no more public comments. Arthur Lake.

CHAIRWOMAN GREGORY: Arthur Lake is the president of Association of Village Council Presidents.

INTERPRETER: Madame Chair is inviting Mr. Arthur Lake, the president of Association of Village Council Presidents.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: He will introduce himself.

MR. LAKE: Madame Chair, thank you.

INTERPRETER: Thank you, Madame Chair.

MR. LAKE: (In Yup'ik)

INTERPRETER: Before I get started, I would like to thank the elders for participating in this meeting. And I would like to thank the people who have welcomed us. Your responsibilities as Advisory Council are -- is a very big responsibility. Because you all work towards our subsistence -- towards our subsistence way of life. And when you talk about the customary trade and some other items, you know, then we, as AVCP, would like to participate. And also the hovercraft issue, I would like to invite you to come to our AVCP convention in Bethel when we talk about the migratory bird issues at that time. And we will be discussing more -- talking about the reorganization of the WCC. And looking at your agenda, we will be participating and I would like to introduce Dario Notti and Eric Johnson who has helped us in the natural issue -- tribal resource issues.

And I would like to thank the U.S. Fish and Wildlife for kind of putting this meeting on because we would like for you to understand subsistence way of life as we talk about these issues. Because we would not let our subsistence way of life go.

Thank you.

CHAIRWOMAN GREGORY: Thank you, Mr. Lake.

(In Yup'ik)

INTERPRETER: There are these forms when we go to the subsistence issues, if you are going to -- wanted to talk on any one of the agenda items just fill out these forms.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: If there are no more public comments, we'll move on to Item No. 8 in your agenda. Alex is going to introduce the issues or items in -- or issues in the agenda.

MR. A. NICK: Thank you, Madame Chair. (In Yup'ik)

INTERPRETER: Wildlife proposal No. 1 is to include brown bear and black bear in the furbearer and one of the -- Tom Kron.

CHAIRWOMAN GREGORY: You can find the proposal under Tab C, Page 1.

MR. L. WILDE: Madame Chair.

CHAIRWOMAN GREGORY: Lester.

MR. L. WILDE: Wouldn't it be better to go over the procedure?

CHAIRWOMAN GREGORY: Okay, yeah. (In Yup'ik)

INTERPRETER: We are going to be working on the proposals and she's going over the proposal procedures. And there will be room for public comments on any of the proposals. After the proposal is read, we will then -- the Council will then talk about it and act on the issue. Proposal 1 -- you will find Proposal No. 1 under Tab C, categorize under furbearer animal.

MR. KRON: Madame Chair, members of the Regional Council, thank you. My name is Tom Kron from OSM. Wildlife Proposal WP02-01, was submitted by Craig Fleener of the Eastern Interior Regional Council. The

proposal requests that black and brown bear be classified as furbearers. The proponent wishes to sell hides and parts of black and brown bear taken on Federal lands. This is a statewide proposal and is being reviewed by all 10 Regional Councils.

Both brown and grizzly bears are the same species whether they live along the coast or in the interior of Alaska. In the analysis and presentation, both brown and grizzly bears are generically referred to as brown bear. With the exception of an article of handicraft made from the fur of black bears, the purchase, sale or barter of any part of a bear is prohibited. The sale of brown bear hides has been illegal in Alaska since 1925. And this species has never been classified as a furbearer in Alaska.

The black bear was originally classified as a furbearer until 1938 when it was reclassified as a game species. The sale of black bear hides of the black, brown or chocolate color phases was allowed in Alaska prior to 1971. The sale of glacier of color phase hides of black bear species was allowed prior to 1964.

Both black and brown bear populations are generally healthy across most of Alaska. There are concerns for several relatively small isolated populations of brown bears. Bears have the lowest population growth rates of North American land mammals. Significant population declines tend to be long and difficult to reverse. Current harvest levels of black and brown bears in Alaska appear to be fairly high when compared to historic record.

Native Alaskans have harvested bears and competed with them for subsistence resources for over 14,000 years. Both black and brown bear have traditionally been very important in Alaska Native cultures. In certain areas of the state the harvest and handling of bears is subject to numerous cultural requirements. In the Koyukuk Athabascan culture, for example, it would be inappropriate to consider selling bear hides and parts.

There is a commercial market for bear hides, claws, skulls, teeth and gallbladders. Commercial sales of legally taken bear hides and parts are allowed in parts of Canada and some of the Lower 48 states. Despite legal trade in some areas there remains a strong underground market for bear parts. There are concerns

that legalize sale of bear hides and parts taken on Federal land in Alaska would provide incentives for illegal hunting and illegal sales. This proposal seeks a major change in the approach to black and brown bear management in Alaska. Such a change could be expected to impact a wide variety of related programs and

regulations.

Given the commercial aspects of this proposal and the legal and jurisdictional issues it may be most appropriate for the proponent to work with the Alaska Board of Game to address his concerns.

Due to the cultural, biological and jurisdictional concerns associated with this broad statewide proposal, the preliminary Staff conclusion is to oppose the proposal. It is, however, recommended that Federal regulations be aligned with the State regulations concerning the sale of handicraft items using black bear fur.

This concludes the summary of this analysis. We welcome your comments and questions. Thank you, Madame Chair.

CHAIRWOMAN GREGORY: Thank you. Biological and socio.....

MR. KRON: Madame Chair, this concludes the Staff analysis of the proposal and at this time the Council normally discusses what it would choose for a recommendation and would seek comments from Council members and any comments from the public. Thank you.

CHAIRWOMAN GREGORY: Thank you. (In Yup'ik)

INTERPRETER: Agencies or anybody towards this proposal calling the brown bear and black bear furbearing animals. The Staff is recommending opposition to this proposal. Those who have talked about this proposal have recommended opposition. Public comment at this time.

MR. ABRAHAM: Thank you. Pete Abraham, Togiak. (In Yup'ik)

INTERPRETER: Pete Abraham. This was one of our agenda items in the Bristol Bay area meeting and we have opposed this proposal over in the Bristol Bay

area. Some time ago the other side of the ocean, maybe the Koreans or Asians were just hunting for gallbladders of these animals. And they were worried about categorizing brown bear and black bear into furbearing animals. They were worried about the waste that this was going to cause by the hunters when the Bristol Bay Region

Advisory Council didn't pass this proposal.

Thank you.

MR. A. NICK: Madame Chair. (In Yup'ik)

INTERPRETER: Before this proposal is talked about and before the agency comments, I don't know if there are any ADF&G comments.

CHAIRWOMAN GREGORY: Mr. Nick wants the agency, ADF&G to comment if they have any.

MR. A. NICK: Madame Chair. (In Yup'ik)

INTERPRETER: There are no representatives from ADF&G. I am going to read written public comments. The Department of Fish and Game -- the proposal that is introduced black bear and brown bear be included in the furbearer category. They're opposed to this proposal.

There might be wanton waste of these animals if this proposal because this is not in the fish and game proposals black bear and brown bear category -- they are trying to protect the numbers of these animals through the State. They have -- the comments Alex is making are referring to Page 20, Tab C, ADF&G comments, if you can just read through these -- read them from that section.

MR. A. NICK: Thank you.

CHAIRWOMAN GREGORY: Thank you. Mr. Thompson.

INTERPRETER: Mr. Thompson.

MR. THOMPSON: John Thompson. (In Yup'ik)

INTERPRETER: My name is John Thompson and I'm from St. Marys. We all know that we are having a hard time at this time with fish and some animals. I

45 know -- at this time I do not like this proposal because
46 there will be more hunters of these animals and I,
47 myself, oppose that this be -- not be introduced. I
48 understand there was a guide and he wasn't from this area
49 and if this proposal comes to place we'll have the same
50 problem.

MR. THOMPSON: Thank you.

CHAIRWOMAN GREGORY: Thank you, Mr. Thompson. (In Yup'ik)

MR. SAM: Yeah, Western Interior hasn't met. We are meeting beginning on the 19th of this month and I am positive that we will be in opposition of this proposal also. A little history on this proposal. Most of interior are trying our best to get any kind of predator control in the books and I think this is an attempt to get some type of predator control, especially in the Fort Yukon Flats area because they have very little, if any moose, so if we introduce anything as predator control it would be automatically thrown out of the books and nothing would be discussed and this is one way of approaching that issue. But at our Western Interior meeting, I expect this proposal to go down, too, because of our old time beliefs.

CHAIRWOMAN GREGORY: Thank you, Mr. Sam. (In Yup'ik)

INTERPRETER: The Advisory Council at this time could comment to the proposal.

MR. NICK: Mr. Chairman.

INTERPRETER: Mr. Chairman.

CHAIRWOMAN GREGORY: Uh-huh.

MR. NICK: (In Yup'ik)

INTERPRETER: I would like to speak on this proposal. I thought I saw this newspaper -- we all know that last week there was a -- we read in the newspaper that there were eight bootleggers in Bethel selling alcohol illegally and drugs illegally, those eight were seized and they found some black bear gallbladders and some people had bought liquor or alcohol with the black bear gallbladders and there were some illegal sale of gallbladders and bear claws in there. And there are still illegal sales going on. And if we

45 start selling black bear fur along with the red fox and
46 the mink, that now we would be able to sell the body --
47 the other body parts also legally and at this time there
48 are no trappers at this time because the price of the fur
49 is way down and there is no market for it at this time.
50 And with this proposal -- this proposal we're talking

about, the black bear, a furbearing animal, to start selling these and I think people buy a bottle of liquor with just one bear gallbladder and I am in opposition of this proposal.

MR. A. NICK: Madame Chair.

CHAIRWOMAN GREGORY: Uh-huh.

MR. A. NICK: Madame Chair, this agenda item, No. 8 in your books, the next step is public comments. Anybody at this time with comments can talk towards this proposal.

MR. NICK: (In Yup'ik)

INTERPRETER: Okay, I'm sorry, I thought I was.....

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: Mr. Billy McCann. He moves not to accept the proposal.

MR. McCANN: I move not to accept that, make a motion.

CHAIRWOMAN GREGORY: (In Yup'ik)

MR. ANDREW: I second it.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: Mr. Andrew seconds the motion. Any more discussion.

MR. A. NICK: Madame Chair. It might be appropriate to read the written comments at this time before you vote on the motion.

CHAIRWOMAN GREGORY: I thought you just did that.

MR. A. NICK: No, those were agency

comments.

CHAIRWOMAN GREGORY: Okay. If there are any written comments, will we allow them to be read at this time, Council?

MR. NICK: Are there any?

CHAIRWOMAN GREGORY: (In Yup'ik)

MR. A. NICK: Okay. (In Yup'ik)

INTERPRETER: It's on Page 20 of your booklet, Tab C, Page 20, written public comments. Opposed because we believe that allowing the sale of black bear bear parts will increase illegal take of the bears and will exacerbate the Black Market issues with the North American trend that is more strict concerning sale and is not consistent with customary traditional practices. The Department of Public Safety is opposed to Proposal No. 1 to reclassify brown bear and black bear as furbearers and allow the sale of bear parts. And this is from Colonel Joel Hard director of the Alaska Department of Public Safety.

In support, Glenn Alsworth, Sr. Port Alsworth, Alaska. I am in favor of adopting the new wording changing the regulation. My belief is that any time that a subsistence user can derive more benefit from legally taken subsistence resources, the better.

CHAIRWOMAN GREGORY: (In Yup'ik) Mr. Hanson.

INTERPRETER: Council comments at this time, Mr. Hanson.

MR. HANSON: Thank you, Madame Chair. (In Yup'ik) This proposal, as Alex introduced it have came up in the past and when I was on the Game Board, something like this came up with black bear and brown bear, a proposal. This black bear and brown bear in the Yukon and Kuskokwim areas use this for subsistence purpose -- these animals for subsistence purposes. And this black bear and brown bear as the State Game Board looks at it or classifies it as big game. And this proposal talks about these animals to reclassify them as small furbearing animals and I, myself, believe that black bear and brown bear shouldn't be looked at as small furbearing animals. In the Kuskokwim this operation will

hurt the population of this animal and he opposes this proposal.

Thank you.

CHAIRWOMAN GREGORY: Thank you. Are we

ready to vote? (In Yup'ik)

INTERPRETER: Are we ready to vote on this proposal that came up. Anybody who opposes say aye or yes.

IN UNISON: Aye.

CHAIRWOMAN GREGORY: All in favor of the motion to oppose say yea.

IN UNISON: Yea.

CHAIRWOMAN GREGORY: (In Yup'ik)

INTERPRETER: (In Yup'ik)

CHAIRWOMAN GREGORY: Proposal No. 1 is rejected. We will now recess for lunch because the children are ready to come in. Be here at 1:00 o'clock.

(Off record)

(On record)

CHAIRMAN WILDE: Lester.

MR. L. WILDE: Mr. Chairman, on Proposal 1, the sale of handcrafts made from black bear fur was authorized by the Alaska Board of Game in 1998 subsequent to that time there has been no follow-up proposal to align Federal regulations with these State regulations. And the last paragraph on that discussion on black bears states that it seems appropriate to align these regulations in order to protect the resource, facilitate consistency and reduce confusion. On that note, Mr. Chairman, I would like to move that we direct Staff to draft a proposal to that effect.

MS. GREGORY: Second.

CHAIRMAN WILDE: Tom.

MR. KRON: Mr. Chairman, Mr. Wilde. The

45 regulatory language, if you were to choose to do that is
46 in your proposal book at the end, we've already drafted
47 that for you if you choose to go in that direction. At
48 the end of the analysis. Thank you, Mr. Chairman.
49
50 MR. L. WILDE: Now, you're starting to

think like us.

MR. KRON: Mr. Chairman, Mr. Wilde, I try. Thank you.

MR. L. WILDE: Thank you.

MR. ONEY: Mr. Chairman.

CHAIRMAN WILDE: Yeah, go ahead.

MR. ONEY: My name is Raymond Oney. This is also in regards to Proposal No. 1. If I could get a point of clarification to my question, probably from anyone, if they say the sale of black bear or brown bear is illegal, why is there an exception to auctioning them off like Fur Rendezvous or that annual event that they have in Fairbanks? If someone can clarify that for me, please?

CHAIRMAN WILDE: Let me ask the Council, did we vote on Proposal No. 1 already?

MS. GREGORY: Yes.

MR. L. WILDE: Yes.

CHAIRMAN WILDE: So it's not appropriate to retake it again, uh? Vince.

MR. MATHEWS: Mr. Chairman, you just voted down the proposal as it was submitted. So you have within your authority to do what Lester may be indicating on these other regulations. You just basically rejected the proposal as written, that was the motion. So you're free to take up the suggestions Tom has in his analysis or whatever else you'd like to do. So you are okay to keep discussing the black bear issue and go from there.

CHAIRMAN WILDE: Tom.

MR. KRON: Mr. Chairman, Mr. Oney. The auction -- the Fur Rendezvous auction is held in most years -- I went down and watched it this year, at that

45 auction there were 41 brown bear hides that were sold and
46 three black bear hides. It's my understanding that
47 basically those are bears that are -- come in because
48 they're road kills. Many of them are defense of life and
49 property. And basically under the State regulations,
50 game animals taken in defense of life and property belong

to the State. And again, I've got the regulations here if people want to see it. But basically, the animals, again, whether they're road kill or defense of life and property get turned over to the State and then the State essentially was auctioning them off in the name of the State. You know, individuals aren't allowed to do that but again in this case the provisions are made.

Just for your information, the brown bear hides on average at this years Fur Rendezvous sold for just over $700 per hide and the black bear hides sold for just over $130 per hide. So again, that does occur and at a fairly low level, but it occurs annually with those specific cases.

Thank you.

MS. GREGORY: Does that answer your question?

MR. ONEY: Yeah. Madame Chairman, I also have another question here if I may in regards to the same proposal. Maybe just a question if I may, you know, I'm new to this Board and maybe this has been brought up before in the past but, you know, just for my understanding if I can get it from someone -- maybe from Fish and Wildlife or whoever. If I may.

CHAIRMAN WILDE: (Nods affirmatively)

MR. ONEY: Would that be proper?

CHAIRMAN WILDE: (Nods affirmatively)

MR. ONEY: Okay, thank you, Mr. Chairman. What do you do with like nuisance bears, like in fish camps, you know, they do a lot of damage to fish racks or fish houses -- smoke houses, what would be the case like if you're -- if you have a bear that, you know, keeps doing a lot of damage to a fish rack or fish houses?

Thank you.

MS. GREGORY: Mr. Chairman (In Yup'ik)

INTERPRETER: Mr. Chairman, awhile ago Lester made a motion about the sale of the hides and there is a draft already in place about the proposed motion that Mr. Lester Wilde made.

MR. L. WILDE: Yes.

MS. GREGORY: (In Yup'ik)

INTERPRETER: Mr. Lester Wilde just wanted the alignment of State and Federal regulations and there was a proposal made that we will be coming to later on.

CHAIRMAN WILDE: So Proposal No. 1 is understood and we understand what's going to happen now? Tom.

MR. KRON: Mr. Chairman, again, earlier today, you voted to reject the main proposal. But as Mr. Mathews pointed out, if you choose to come back and align the portion of the regulations with the State concerning the sale of black bear fur and, again, I've provided the wording for you in the analysis, if you choose to do that, that's totally within your realm of authority and that was my understanding of what the motion was from Mr. Wilde.

Thank you.

MR. L. WILDE: Pardon me, Mr. Chairman.

CHAIRMAN WILDE: Yeah, go ahead Lester.

MR. L. WILDE: Did you state or did I fail to hear you say that there was a proposal to that effect in the book or is that a.....

MR. KRON: Mr. Chairman, Mr. Wilde, on Page 13, under Tab C, under the preliminary conclusions, again, as I stated in my initial preliminary conclusion, the proposal should be opposed, but the portion of the proposal as it relates to black bear fur in alignment with State regulations seemed like it had some merit and again, in the middle of that page, on Page 13, under Tab C is some wording for your consideration.

I guess for your information, the Eastern Interior Council voted to support the alignment of

regulations for black bear fur. So they have, in their meeting last week, voted to support this portion of the regulations. In their case, they recommended deferral of the main proposal. But they have also voted to support this portion, the portion in the middle of Page 13.

Thank you, Mr. Chairman.

MR. L. WILDE: Mr. Chairman.

CHAIRMAN WILDE: Lester.

MR. L. WILDE: While we're on the subject, Mr. Chairman, I would stand by motion to align the Federal regs with the State regs.

CHAIRMAN WILDE: Has this motion had a second already or not?

MS. GREGORY: I already seconded it and I concur with the mover.

CHAIRMAN WILDE: Okay. John Hanson.

MR. HANSON: Thank you, Mr. Chairman. Proposal 1, this body had rejected it before lunch and they brought it back up again now.

MS. GREGORY: Yeah.

CHAIRMAN WILDE: John, that's something that I can't understand, why Proposal No. 1 come back after they voted to reject Proposal No. 1.

MR. L. WILDE: Mr. Chairman, we were discussing Proposal No. 1. Our motion simply states that the Federal regulations should align with the State regs, it does not address Proposal 1.

CHAIRMAN WILDE: Okay, Tom.

MR. KRON: Mr. Chairman, maybe this will help. Proposal 1 is a very broad proposal. It talks to both brown bear and black bear and the desire to sell both the hides and the -- all the parts, gallbladders, claws and my understanding, Mr. Wilde's proposal is only speaking to the alignment of the regs for the sale of handicraft using black bear fur, which is just a small component of that earlier proposal which you voted to reject.

Thank you, Mr. Chair.

CHAIRMAN WILDE: Mary.

MS. GREGORY: (In Yup'ik)

INTERPRETER: I would like to make it clear that we are not talking about Proposal No. 1, but the motion just stated for the State and Federal regulations to become aligned. And under justification on Page 13 it reads this proposal generates cultural and biological concerns.....

MR. McCANN: Mr. Chairman.

CHAIRMAN WILDE: Bill.

MR. McCANN: (In Yup'ik)

INTERPRETER: Mr. McCann just stated that he thought the Proposal No. 1 was already acted upon.

MS. GREGORY: (In Yup'ik)

INTERPRETER: Mary just stated that the motion just stated that the motion was just to align the State and Federal regulations.

CHAIRMAN WILDE: Alex, go ahead.

MR. A. NICK: Mr. Chairman, I think Lester Wilde's motion is in order because on Proposal 1, as it was explained by Mr. Kron, here it says under preliminary conclusion, it says oppose the proposal, support allowing the sale of handicraft made from black bear to align with the State with regulatory wording that should read as follows: utilization of fish, wildlife or shellfish, you may sell handicraft articles made from the fur of black bear. Definition: handicraft means a finished product in which the shape and appearance of the natural material has been substantially changed by skillfully use of hands such as sewing, carving, etching, scrimshaw and painting or other means and would have substantially greater and monetary -- what's this word -- excuse me -- how do you pronounce this word -- aesthetic value, then alter natural material alone, this definition is for the purpose of whatever, 25(J)(6) only. That's with the State regulations, right -- and I think, Mr. Wilde's motion is in this type.

CHAIRMAN WILDE: Lester.

MR. L. WILDE: My proposal was to direct Staff to draft a proposal to align Federal regulations with the State regulations. It will come up again at a later meeting. But right now my motion was to direct

Staff to direct a proposal to align those two regulations. Since I made the motion I want to explain to you just exactly what it was so you don't hear it from the bureaucrats over there.

CHAIRMAN WILDE: There's been a motion and there's a second to the motion.

MS. GREGORY: Second.

MR. L. WILDE: Mary.

CHAIRMAN WILDE: Yeah, so discussion. Now, is discussion. (In Yup'ik)

INTERPRETER: Does the Council understand the motion on the floor? The regulation states that -- when it has been moved and seconded, the issue that is one the table should be discussed and only that issue, not other issues that just pops out of the floor. If it's on the agenda and if it's going to be discussed on the animals, because we have animals, the muskox, we will -- I will be taking on that issue.

MS. GREGORY: (In Yup'ik)

INTERPRETER: And Mary stated that we're not going to be talking about muskoxen but brown bear and black bear.

MR. MOSES: Question.

MR. McCANN: Question.

CHAIRMAN WILDE: Secretary, I'm going to request for roll call.

MR. NICK: Harry Wilde.

CHAIRMAN WILDE: Yes.

MR. NICK: John Hanson.

MR. HANSON: Yes.

MR. NICK: Mary Gregory.

MS. GREGORY: Yes.

MR. NICK: Nick Andrew.

MR. ANDREW: Yes.

MR. NICK: Raymond Oney.

MR. ONEY: Yes.

MR. NICK: Robert Nick, yes. Billy McCann.

MR. McCANN: Yes.

MR. NICK: James Charles.

MR. CHARLES: Yes.

MR. NICK: Mike Savage.

MR. SAVAGE: Yes.

MR. NICK: Philip Moses.

MR. MOSES: Yes.

MR. NICK: Lester Wilde.

MR. L. WILDE: Yes.

MR. NICK: Johnny Thompson.

MR. THOMPSON: Yes.

MR. NICK: Unanimous, Mr. Chair.

CHAIRMAN WILDE: Tom.

MR. KRON: Mr. Chairman, relative to Mr. Oney's question about defense of life and property, we have wording in both the State and Federal regulations on that issue and maybe at the break we can work with him to help to talk about it and understand it.

Thank you.

CHAIRMAN WILDE: Okay. Now, we go to the

next proposal, Proposal 25. Unit 17(A) caribou, align season in the portion of unit with the State regulation. So introduction of proposal, who will handle that? Yeah, go ahead, Pete.

MR. DeMATTEO: Mr. Chair, members of the

Council, the analysis for Proposal 25 is in your book and begins on Page 23. The Proposal 25 was submitted by the Togiak National Wildlife Refuge. And this proposal would align the current Federal subsistence caribou hunting regulations with the State regulations for Unit 17(A) west of Right Hand Point. The proposal suggests aligning the current caribou hunting regulations with the State regulations for the area west of Right Hand Point and if you look at the map on the following page, Page 24, on Page 24 there's a map, the existing season for 17(A) and 17(C) covers the shaded area in 17(C) plus the shaded area right of -- or the drainages right of Right Hand Point -- to the east of Right Hand Point. This proposal, if adopted, would add to that the drainages west of Right Hand Point in Unit 17(A). And the Federal land there is the Togiak National Wildlife Refuge.

The proposal is brought before you today because it affects people in the village of Kwethluk who have -- who are eligible to harvest moose in that region. It's an overlap proposal. It's a Unit 17 proposal, which is Bristol Bay. But again, it's brought before you today for review because it affects residents of Kwethluk.

The existing season is on Page 23. The proposed season which follows that which would add all drainages west of Right Hand Point, five caribou, the harvest limit would remain the same, however, no more than two bulls may be taken from October 1 through November 30. That no more than two bulls may be taken from October 1 through November 30, that is in alignment with State regulations, which this proposal aims to do, again, align Federal with State regulations. The season, which is a to be announced season and would be announced by the refuge manager of the Togiak National Wildlife Refuge, again, would be announced between August 1st and March 31st. So that part would remain the same as well.

This proposal was presented in December of 2001 to the Nushagak Peninsula Caribou Planning Committee by Refuge Staff. It's important to take note that the planning committee unanimously supported this proposal as written. The two caribou herds that this proposal deals with is the Mulchatna Caribou Herd and the

smaller Nushagak Peninsula Caribou Herd. The Mulchatna Caribou Herd is currently estimated between 160,000 to 175,000 animals and has expanded its range greatly in recent years. The Nushagak Peninsula Caribou Herd, which was reestablished in 1988 with an original 146 caribou has grown over the past 13 years to its estimated number

of 1,100 animals today. This proposal as it is written would help to further protect the Nushagak Peninsula Caribou Herd from inadvertent harvest from hunters who would hunt Mulchatna Caribou Herd in Unit 17 by creating a buffer zone between the two hunt areas. The total harvest of the Mulchatna Caribou Herd is currently less than five percent. Total. But it does not appear that this amount of harvest is limiting herd size or the expansion of the herd as far as pioneering new ranges.

The Nushagak Caribou Herd on the other hand has demonstrated significant dispersal trends from its core range on the Nushagak Peninsula. But it's important to mention here that a small number of these animals now occupy the area east of Twin Hills north of Right Hand Point. And currently there's an estimated 100 caribou of the Nushagak Peninsula Caribou Herd that has made this area their home. Because of this, that puts them in an area that's either close to or within the area the Mulchatna Caribou Herd, where it occupies. So there could be some harvest of the Nushagak Peninsula Caribou Herd because of a result of this overlapping range.

This new language in the proposal, okay, would create separate hunt areas for the two and create a protective buffer zone for the smaller herd.

The effects of the proposal, essentially it would create additional opportunities to harvest Mulchatna Caribou herd because of this expanded area that's mentioned in the language and would provide local subsistence users to harvest these animals when these animals occupy the area west of Right Hand Point. This proposal would also provide a separate hunt area which would provide limited management protection for the Nushagak Peninsula Caribou Herd and would allow the Refuge Manager of the Togiak Refuge to reduce the season length or harvest limits as a protective measure if animals from the Nushagak Peninsula Herd should move into drainages west of Right Hand Point as I mentioned before.

With that, Mr. Chair, the preliminary conclusion is to support the proposal and I'll stop there and answer any questions.

Thank you.

CHAIRMAN WILDE: Any questions from the Council? Pete

MR. ABRAHAM: Pete Abraham, Togiak. I have helped over there observing the caribou the gentleman's talking about. The Cape Constantine Herd over there is overflowing toward our village. When the gentleman talked about hundred animals behind Twin Hills are moving back and forth toward Right Hand Point and they're moving toward Togiak Lake. So expansion over there are helping the animals to survive because of trail conditions. In fact, we have two herds over there now. One's by Cape Nunahan that started about nine years ago, started with only 12 in the herd. So I talked to Goodnews Bay to leave those alone. Today we have over 80 animals in that group.

So those are the residents we're talking about right now. The Mulchatna and Kilbuk hardly come by there or are around anymore but they both have the same dialect now. They both understand each other.

Thank you.

CHAIRMAN WILDE: (In Yup'ik) James.

MR. CHARLES: Thank you, Mr. Chairman. Pete, this 17(A) is it close to Hart Lake or is it outside of Hart Lake? I've hunted over there in Hart Lake and part of that lake closes first and the rest of the lake is open so I used to hunt over on the east side. Maybe Mike knows what the game unit that one is over there, 17(A) or (B) or I don't remember. Pete if you -- this map is not clear to me, Hart Lake is included there?

MR. DeMATTEO: Mr. Chair, to answer Mr. Charles' question, I'm not familiar with Hart Lake specifically and looking at a scale of a map this size it's hard to find every individual lake. Maybe we could -- or other Staff that are present or residents who know that area could help us out here.

MR. ABRAHAM: I'll help you out on the Hart Lake there. Hart Lake is in Unit 18. 17(A) is quite a ways from Hart Lake. So whenever those sites are open, it's a legal hunt on 18 and 17(A). But if one side is closed, 17(A) is closed, the Hart Lake area is open.

Thank you.

MR. CHARLES: Thank you, Mr. Chair.

CHAIRMAN WILDE: I think we're going to

continue doing this but number 1 is proposal review, introduction of proposal. I think biological and socio-culture analysis should be next. Are you doing that?

MR. DeMATTEO: Mr. Chair, I briefly mentioned the harvest for that area, or rather for the Mulchatna Caribou Herd. I can repeat that if you wish. The total harvest of the Mulchatna Caribou Herd is currently less than five percent of the total herd. This amount of harvest does not appear to be limiting the herd size, herd growth or the rate of expansion into the ranges. That's essentially the effect of current human harvest on that herd.

As far as the Nushagak Peninsula Caribou Herd, basically the situation there as we mentioned, the current regulations serve to help protect that herd from inadvertent harvest as Mr. Abraham had mentioned. People in that area would like to see that herd be protected so it can grow. If there's any other areas that we can touch on please, if you can specifically mention them, Staff can answer.

CHAIRMAN WILDE: Do we have agency comments? Alex Nick.

MR. A. NICK: I don't know if Fish and Game Staff is here. Are there any Fish and Game Staff. Fish and Game Staff. If there are no Fish and Game Staff, Mr. Chairman, ADF&G comment support adoption of this proposal. And their reason is that this proposal will reduce confusion in the Federal subsistence regulations.

And we have not received any written comments.

CHAIRMAN WILDE: I can't hear what you were talking about.

MR. DeMATTEO: Sorry, Mr. Chair, a little Staff sideline coordination here. It wasn't meant to keep you out of the fold. As I mentioned before, if there's anything specific you'd wish us to answer, we

45 have myself and other Staff that could.....
46
47 CHAIRMAN WILDE: If you're going to say
48 something, let's try to follow this agenda the way it is.
49 If the agencies don't have any comment, we're going to
50 get into public comment. Do the agencies still have a

comment to this proposal?

MR. A. NICK: Mr. Chairman, there are no additional agency comments.

CHAIRMAN WILDE: Okay. Then we're going into public comment specific only to this Proposal 25. Go over to that corner there.

MR. ANDREW: Yeah, my name's Archie Andrew. And on this Proposal 25, I still have some difference of understanding on the portion of the Hart Lake. I thought the portion of Hart Lake was on 17(B). And if that's the case, people from Kwethluk, I know -- I have friends, they tell me that they hunt caribou in Hart Lake. And if that's the case I think this Board needs to reconfirm the boundaries. Because if that's the case and if it becomes a regulation for the boundary Kwethluk hunters or people who hunt around Hart Lake, they'll be robbed and during the moose season, not only in that area when people hunt out of their ranges, they get criminalized just because they're trying to get their meat. And I think this needs to be looked at.....

(In Yup'ik)

INTERPRETER: Needs to focus on this topic a little bit clearer. If it's in the 17 -- if the 17 is and the Kwethluk people hunters get around that area -- if they need to hunt there -- if neither one is open to -- in the event that they hunt it they will be violating to closed season or whatever.

MR. ABRAHAM: Mr. Chairman.

CHAIRMAN WILDE: Pete.

MR. ABRAHAM: (In Yup'ik)

INTERPRETER: He's just going to clarify what he's -- when 18 is not open you can go ahead and go into 17, you can go in there and hunt. And when -- suppose he was in 17, he can go hunt in the 18 from 17. But if it is closed you can't hunt if it is closed, only

45 hunt when it is open.
46
47 MR. ABRAHAM: Thank you, Mr. Chairman.
48
49 CHAIRMAN WILDE: We we're working on the
50 public right now. (In Yup'ik) Yeah, corner up.

MR. BERLIN: Daniel Berlin. (In Yup'ik)

INTERPRETER: Since Alex mentioned that there was no Fish and Game Staff, why aren't they here? They're one of the people -- they got money, call them and let them come.

(Applause)

INTERPRETER: Let them come.

CHAIRMAN WILDE: Anyone else from the public comment for Unit 17(A) caribou. If there's not we go to summary of written comments. Alex.

MR. A. NICK: Mr. Chairman, like I stated earlier, there are no written comments?

CHAIRMAN WILDE: Okay.

MS. GREGORY: Mr. Chairman.

CHAIRMAN WILDE: Mary.

MS. GREGORY: (In Yup'ik)

CHAIRMAN WILDE: Yeah.

MS. GREGORY: Page 20.

CHAIRMAN WILDE: Mary, said that there's a written comment.

MS. GREGORY: (In Yup'ik)

MR. L. WILDE: What page is that, Mary?

MS. GREGORY: My mistake, I'm sorry. (In Yup'ik)

INTERPRETER: Going back to black bear, it's an honest mistake on her part.

CHAIRMAN WILDE: So if there's no written

comments we're going into Regional Council deliberation, recommendation, justification. John.

MR. HANSON: Thank you, Mr. Chairman. This one is a housekeeping proposal the way it's written. What it's trying to do is the Federal is trying to make

this proposal, which is a Federal proposal, along with the State so that the two will be all one. That's what this proposal is trying to do. It's not going to take off anybody in any area. The ones that have been hunting caribou, they'll still be hunting.

(In Yup'ik)

INTERPRETER: This particular proposal, it's a -- it directs the Staff to coincide the two regulations regarding this proposal. What this proposal would do is to State and Federal would coincide their regulations relating to this proposal or regulation. So you know this would be a housekeeping proposal. Anybody can hunt so long as they're complying with the open season or whatever.

MR. ABRAHAM: Mr. Chairman.

CHAIRMAN WILDE: Peter.

MR. ABRAHAM: (In Yup'ik)

INTERPRETER: This particular proposal -- there's some areas that say this is closed and this is open, there was some confusion in relation to this particular proposal. So in his home area they all work together and they were confused so the reason why that this particular proposal is in front of you is the fact that it would eliminate confusion to particular the Kwethluk people who are affected by this.

MR. ABRAHAM: Thank you, Mr. Chairman.

CHAIRMAN WILDE: Bill.

MR. McCANN: What's the reason for not working together? Because if any law comes up to us we always follow it. If they're not working together, one side is closed, one side is open, I don't think they're working -- I don't think they're looking at it. So maybe I can see -- what is that, they should be working together, the State and the Federal because we're the hunters, we got to know exactly what it is. If one of

you guys stated the Federal -- the Federal hunt, if you see it's closed and one side is open, I'll hunt, I will never mind what you say, you should be correcting yourself, not the subsistence people.

CHAIRMAN WILDE: I'll ask Vince to

explain that. Vince, you're very good at explaining that so he could understand. What is the reason that there's the two regulations, I think that's what we're going after right now. I think some of us, we understand, what is the reason why we have two regulations for the person to go out hunting?

MR. McCANN: Sounds like to me they're trying to confuse us if they're not working together. Confuse us. That's bad.

MR. MATHEWS: Well, there's easy answers to give. I'm not familiar with the area so I'll have to go with the easy answers. One is one that you kind of touched upon last night, it will be back before you, probably, I don't know, maybe within a year. The State has its regulatory cycle, the way it does its thing over time. And I hope I get this right, it's two years -- we have an annual cycle, they don't match. Okay, so when the State system takes an action, we may not be up to speed to take that same action.

For example, I'm more familiar with the Interior. The Board of Game starts on March 8th and goes through March 17th. They're going to take actions that maybe the subsistence users will support on Federal lands but they may take actions that they do not. We don't ask for wildlife proposals until September so the Board would maybe take actions that maybe people in Ron's area would like and they would like it in Federal regulations but they can't do anything about it until our cycle comes up. That's the easy answer.

The other thing is is we don't know, I'm not cognizant if Fish and Game has other things or are on the way here so I can't speak to why they're not present here. So maybe others can share that but the stumbling that you're having now is because Alex and myself and other Staff, we don't want to speak for the State government because of the fact that they have their own position. They have more information that may be more current, that's why Alex is looking around and asking because they may come in and we read -- or summarize what they've said a month ago and their position has changed.

45 So I think you need to ask the State Staff when you do
46 see them why they weren't here.
47
48 But -- so that's kind of a simple answer,
49 why there's different regulations that are present.
50 That's why you're on this Council is to help make sure

that what you need to protect your subsistence lifestyle is protected in Federal and many of you guys work for -- I couldn't say work, that you are part of the State system also. So you guys where triple hats sometimes.

So does that give you an idea?

CHAIRMAN WILDE: Alex.

MR. A. NICK: Thank you, Mr. Chairman. One of the reasons why the State Department Staff is not here is because they have other things going on and they're planning to come here for at least a day or half a day or a day and they may be asking you to give their presentations during that time. They have other things going on right now like one of them might have to do with surveys or attending other meetings.

And also in response to Billy McCann's question as to why State and Federal regulations are not aligned and then become same, one of them is because subsistence users are not happy with some of the State regulations. And you deal with the proposals, like in the past that makes them different. Like for example, there's proposal that's going -- the next proposal is going to be relating to State seasons -- rather an early season on moose, I believe, in Unit 18. That's another example. So some of the regulations that you see on the Federal regulation book is based on Regional Council's recommendations and Board actions.

CHAIRMAN WILDE: Yeah. (In Yup'ik)

INTERPRETER: I guess it's about time we begin to have a focus on this particular subject. The direction of the regulations of the State and Federal are the targets of the people to combine the regulations so they can coincide together rather than having them in separate forums. So it would be good now to open the floor now for anyone to make a motion.

CHAIRMAN WILDE: James.

MR. CHARLES: Mr. Chair. (In Yup'ik)

INTERPRETER: James made a motion to support the Proposal 25.

CHAIRMAN WILDE: Second?

MR. HANSON: (Motions second)

CHAIRMAN WILDE: Second by John Hanson. Discussion. Lester first and then Robert.

MR. L. WILDE: On the other side of the coin, Mr. Chairman, if the public feels that there is -- the regulations of the State causes undo hardship in the area that you live in there is a method and means to change the laws of the State to coincide with the regulations of the Feds, isn't there? As a form of a proposal to the State?

MR. MATHEWS: Yes, Mr. Chairman. Again, is there anyone here from the State to speak on their process? Okay, seeing none, I'll just be going by my memory. The question before us is if there's a State regulation that isn't favorable to a subsistence user, are there opportunities or ways to correct that under State? Okay, hopefully I can remember it all.

Yes, they have -- you can petition the Board of Game to take the issue out of cycle. You can request an emergency order, which generally, I believe, through the area biologist. So there are avenues on the State side to take action.

On the Federal side, since I anticipate that question coming up, Mr. Chair, we have a similar process, that if the Board takes an action at the upcoming meeting or there's an existing regulation that you cannot wait for a proposal to get published and reviewed and come back to you as a Council, you can request a special action for that but I do caution you on that. It needs to be a special situation. And I assume the State would say the same on requesting an emergency order. So there are ways of doing that. That's why I was slightly cautioning you when you were discussing with the State because -- to protect your subsistence interests, I would encourage you to work very closely with both managers so you can benefit from the tools that they both have and expertise.

Does that answer your question, Mr.

Wilde?

MR. L. WILDE: Mr. Chairman, the reason I brought that up was just to let the public and the rest of us know that there is ways and means to -- we don't always have to go with the State regulations, there is a

way and means for the State to change their regulations to conform with ours.

CHAIRMAN WILDE: Robert.

MR. NICK: Thank you, Mr. Chairman. (In Yup'ik)

INTERPRETER: Lester just brought up what he had in mind. The State regulations, if they don't comply with the needs of the Natives they can be altered. And Alex has also stated State regs are -- you can't -- if you can't live with them you can align them with the Feds or State. So I guess -- so the reason why this proposal is before you 17(A), the boundaries are to balance the two boundaries together 17 and 18 -- 17(B).

CHAIRMAN WILDE: Any more discussion from the Council.

MR. ANDREW: (In Yup'ik)

INTERPRETER: As he listened to -- as regarding -- as he understood the State and Federal, how the regulations can -- if he feels -- he feels that if the two State and Federal regulations, they are combined together, to coincide together, it would be a little harder to follow so -- and the two sides would have to push a little harder because the one side is not incompliance with the other. So one will have a cost to.....

MR. ABRAHAM: Mr. Chairman.

MR. ANDREW: Thank you.

CHAIRMAN WILDE: Pete. Peter.

MR. ABRAHAM: (In Yup'ik)

INTERPRETER: Pete is going to answer the man because he misunderstood. That was the feeling at first, but tribal governments are to work together to understand one another. If you look at the two together,

45 the -- to work -- looking at the caribou over on their
46 side, the people got together and the State workers and
47 the Federals, there's a lot of caribou -- at one time
48 there was only three moose next to Kwethluk and the State
49 workers and Federal workers and the people around that
50 area, tribal governments in that area, understanding each

other, they work together balance their own beliefs, are not working against each other up to now -- he counted two weeks ago, 11 years from three, they have gone up to be 600 and some odd numbers. So when the groups are working together and not opposing one another, there's a benefit to this. That's just an example of how this can derive into something good for everyone.

So if there's misunderstanding on either party you can work together and understand one another.

CHAIRMAN WILDE: (In Yup'ik)

INTERPRETER: The motion has already been seconded and that's why we're discussing it. This particular topic that we're talking about, the State and Federal are directed to balance together regarding the 17(A). But his particular question is, since some of you might disagree among the Council, we need a roll call on this issue.

MR. NICK: Harry Wilde.

CHAIRMAN WILDE: Yes.

MR. NICK: John Hanson.

MR. HANSON: Yes.

MR. NICK: Mary Gregory.

MS. GREGORY: Yes.

MR. NICK: Nick Andrew.

MR. ANDREW: Yes.

MR. NICK: Raymond Oney.

MR. ONEY: Yes.

MR. NICK: Robert Nick, yes. Billy McCann.

MR. McCANN: Yes.

MR. NICK: James Charles.

MR. CHARLES: Yes.

MR. NICK: Mike Savage.

MR. SAVAGE: Yes.

MR. NICK: Philip Moses.

MR. MOSES: Yes.

MR. NICK: Lester Wilde.

MR. L. WILDE: Yes.

MR. NICK: Johnny Thompson.

MR. THOMPSON: Yes.

MR. NICK: Unanimous, Mr. Chair.

CHAIRMAN WILDE: (In Yup'ik)

INTERPRETER: The Council voted the Federal and State regulations to become aligned.

CHAIRMAN WILDE: Next on our agenda.....

MR. A. NICK: Mr. Chairman.

CHAIRMAN WILDE: .....Proposal.....

MR. A. NICK: Mr. Chairman.

CHAIRMAN WILDE: .....28(A), Unit 18 caribou, revised customary trade use determination in Part of Unit 18. Alex.

MR. A. NICK: Yeah, Mr. Chairman, just for clarification, I want to comment that whenever the full Council -- all of the Council members are present, alternates don't vote.

CHAIRMAN WILDE: Yeah, okay.

MR. A. NICK: Just for clarification.

CHAIRMAN WILDE: Okay. We need introduction of proposal.

MS. JURGENSEN: Hello.

CHAIRMAN WILDE: Yeah, go ahead.

MS. JURGENSEN: I'm Laura Jurgensen and I'm a Staff anthropologist with Office of Subsistence Management and I'll be presenting 28(A). Proposal 28(A) seeks to revise the customary and traditional use determination for caribou in Unit 18 and the proponent was the Native Village of Quinhagak and they seek to revise it and a (B) portion of the same proposal is addressed in a separate analysis.

MS. GREGORY: (In Yup'ik)

CHAIRMAN WILDE: Go ahead. What page is that?

MS. JURGENSEN: Page 30 in your booklets is where it starts.

CHAIRMAN WILDE: Okay, thank you.

MS. JURGENSEN: Yeah, Pete DeMatteo will present the harvest limits and the change in season for this section after I'm done with the C&T part. The proposed change is submitted, again, by the Native Village of Quinhagak would do away with using a specific herd which is the Kilbuk or the (In Native) herd for biological management in Unit 18.

In 1997, David Evon, Jr. of Tuntutuliak recorded this to some of our employees, caribou is very important. There are stories of caribou covering all the land at the time of our grandfather and they crashed after they got overpopulated in the 1900s.

Currently 29 communities have a positive and customary traditional use determination for caribou for at least one of three portions in Unit 18. One is described as north of the Yukon River, another is south of the Yukon River and the third one is Unit 18 remainder. The proposed regulations would add an additional 11 communities in Unit 18. They would also recognize the mixing or assimilation of caribou herds in the area and especially the Kilbuk, Mulchatna, Andreafsky and Western Arctic Caribou Herds.

The Federal management lands in Unit 18, Yukon-Delta National Wildlife Refuge represents the biggest part which is 60 percent with the Togiak National Wildlife Refuge in neighboring Unit 17 accounting for three percent and BLM, Bureau of Land Management having 2.4 percent of the land ownership.

An interim or partial customary and traditional determination was put in place in December 1991 at the beginning of the Federal Subsistence Program. There have been many attempts at enlarging the customary and traditional use determination by many different villages and agencies. Your Council, the Yukon-Kuskokwim Council asked the Federal Subsistence Board to defer these proposals until more information was collected from interested village agencies and individuals. In 1997 was the last year this issue came before the Yukon-Kuskokwim Council for recommendation. Since that time, former subsistence coordinator John Andrew and Staff anthropologist Pat McClenahan collected large animal customary and traditional use determination questionnaires for Units 17, 18, 19 and 21 for caribou use. These interviews by elders and others documented prehistoric, historic and current use of caribou across the land. John Andrew also collected what is referred to as traditional ecological knowledge or again oral knowledge, elders local knowledge and Native science as late as year 2000 on uses of caribou by elders and other residents.

Other regulator actions occurred to include the Kuskokwim River eight communities such as Tuntutuliak and Quinhagak for harvest from the Kilbuk herd. Residents of mostly lower Yukon River villages were included with St. Michaels and Scammon Bay for caribou harvest north of the Yukon River not including the Kilbuk Caribou Herd. These animals were part of the southern extent of the Western Arctic Caribou Herd and the now extinct, as some local people and agency Staff contend, Andreafsky herd. Kwethluk was added in later years for that portion designated as Unit 18 remainder. And the remainder is the area south and east of the Kuskokwim River.

Additionally it appears that residents who have a positive customary and traditional use finding for caribou south of the Yukon River have it only to the northern bank of the Kuskokwim River and not beyond into the remainder or into the Kilbuk and Kuskokwim River, excuse me, mountain ranges. The prehistoric, historic and contemporary trails have been used for trade, harvest

ceremonies and religious occurrences. These trails include the Piamute Portage linking up upper Kalskag on the middle Kuskokwim to the now abandoned village of Piamute on the Yukon River. Residents from one area such as the lower Yukon River villages traveled north to St. Michael and east to trade with their neighbors, the (In

Native) Athabascans. Opportunistic harvesting also occurred when people were traveling, as they were, until recently, semi-nomadic moving to seasonal harvest camps and coming together in permanent winter camps for ceremonies and other things.

The main goal, according to the testimony and evidence I have gathered was to collect caribou skins and often times they did this while in the pursuit of other subsistence activities such as trapping for furbearers. Caribou have fluctuated wildly, greatly throughout recorded history in this area. Archeological evidence in the form of campsites, hunting lookouts and stone caribou fences indicate prehistoric presence of large numbers of caribou and use of by the people in the Kilbuk Mountains. Elders speak of hearing about much larger numbers of caribou across the Delta. Subsistence land use maps collected from 1995 when ANILCA, Title VIII was being implemented also show use in many areas of the Delta. Other village originally included as being on Quinhagak and Eeks communal seasonal rounds was Chevak. But Chevak opted out of a 1991 Kilbuk caribou study and they were not included and are today not included in the current customary and traditional use determination.

Richard Ackeralela (ph), excuse my pronunciation from Hooper Bay testified in a 1997 meeting that caribou once were everywhere and if I live long enough I'll see them return. Villages shared kinship alliances and they also provide evidence of regional and sometimes widespread family networks. If one village could not harvest caribou in an area then another would share their caribou with that village.

Nunavak Island and Nelson Island used to have a lot of caribou in the 19th Century. A hundred years ago was the last caribou were seen on Nunavak Island as apparently they were wiped out, exterminated and the introduction of reindeer herds across this area in the 20th Century and wolf predation apparently helped to drastically reduce caribou numbers where they once roamed. In fact there were so many caribou on Nunavak and Nelson Island that people from the mainland coast reported that they used to go to the islands to hunt

caribou when caribou weren't present in their villages.

If this proposal was adopted, it will omit the requirement to hunt a particular caribou herd and will remove present confusion. Biologists cannot distinguish between herds. The caribou are growing but

there is not expected to be a significant increase in harvest since parts of the Delta still don't have caribou back today, however they did in the past and it appears that they are moving westward, northward and southward.

In the future, villages residents such as on Nunavak and Nelson Islands should have the opportunity to continue their long traditional practice on the mainland. This proposal would recognize the shared harvest patterns and subsistence rounds of all communities. The portions are for biological management purposes.

So the Staff recommendation is to support the proposal with modification and the modification is to add additional villages not listed in the proponents original language.

So the proposed regulation would read, Unit 18 caribou, residents of Unit 18 and residents of Togiak, Twin Hills, Manakotak, Lower Kalskag, Stebbins and St. Michael. Culturally all villages in Unit 18 have a strong customary and traditional use pattern for at least one of the areas caribou herds. With recent data strongly indicating that all herds are mixed and are impossible to distinguish from one another, those residents should not be held to a specific harvest of animals or a certain herd.

The new villages included show a long-term and consistent practice of harvesting caribou when the animals presented themselves. The people were and still are semi-nomadic, wanders harvesting at seasonal camp, following migrating animals and later coming together in the winter. It appears to simplify these regulations and also takes into consideration the assimilation of the herds.

The proposed recommendation would also do away with all geographic descriptions for caribou. So instead of north of, south of or remainder, it would just be Unit 18 caribou. And this is like Unit 17 caribou, all residents of Unit 17 have C&T for that unit.

And thank you for your attention and certainly any other additional information and knowledge is welcome and if anyone has anything they'd like to share this analysis will continue on to the Federal Subsistence Board.

Thank you.

CHAIRMAN WILDE: Agency comments.

MR. A. NICK: Mr. Chairman, I don't know if there's ADF&G Staff present here. If not, for Proposal 28(A) agency comment is to defer their comments pending review of Staff analysis. That's the comment they had.

CHAIRMAN WILDE: Thank you, Alex. Public comments on 28(A) Unit 18 caribou. Public. Look like there's none. Summary of written comments. Alex.

MR. A. NICK: Mr. Chairman, there are no written comments for 28(A).

CHAIRMAN WILDE: There's no written comments on 28(A). Regional Council deliberation, recommendation. Robert.

MR. NICK: Mr. Chairman, thank you. My comment is by the addition of the communities south of the Yukon River and then the herd so mentioned, Mulchatna herd, Kilbuk caribou, and then the Western -- the other herd, we all know that we -- we hunters all know that all those caribou are near the Kilbuk Mountains and if you go north of Kuskokwim River. But I do know that about 12 years ago when the Mulchatna herd was first known to have crossed the Kilbuk Range like the beaver did over 200 years ago or a hundred or some years ago, they went north of the Kuskokwim River. They were seen around my village, east of my village, north of my village, south of my village that winter that they came over the mountains. But since that time, they have never been able to cross the Kuskokwim River and I wonder why.

And from time to time we hear comments about the herds driven back to the mountains by -- by, I don't know, maybe some unforeseen spirit, but by adding villages further away you would still allow them further away to go caribou hunting. And my question, I guess, is kind of related to why a customary and traditional regulation is being made to those further away and so why

45 have not the herd -- the herd, sometimes, I described the
46 numbers to be like 10,000, 15,000 you know, then why
47 cannot -- why can't they cross the Kuskokwim River to go
48 north of the Kuskokwim? Why are they always just below
49 the Kilbuk Mountains?
50

Thank you.

CHAIRMAN WILDE: (In Yup'ik)

INTERPRETER: Any more discussion on this proposal from the Council.

CHAIRMAN WILDE: Proposal 21(A), Unit 18 caribou [sic]. Council. Looks like nobody wants to adopt it.

MR. NICK: Mr. Chairman.

CHAIRMAN WILDE: Yeah, go ahead, Robert.

MR. NICK: My comments, you know, I was in no way indicating that I was opposed to the proposal. You know, I'm glad that more villages are determined to be traditional users of the caribou because we do go that distance to go hunting when we have the gasoline to purchase.

So I guess with that, Mr. Chairman, I'd like to move that we go with the recommendation of the Proposal.

CHAIRMAN WILDE: You make a motion?

MR. NICK: I make a motion that we adopt (A) part of this proposal, caribou.

MR. SAVAGE: I second.

CHAIRMAN WILDE: Robert make a motion to adopt the Proposal 21(A) [sic] and second by Mike.

MR. L. WILDE: 28(A).

CHAIRMAN WILDE: 28(A). The motion is Proposal 21(A) [sic] Unit 18 caribou, revise customary trade use determination in part of Unit 18. That's the motion. And the motion has been seconded. Discussion.

MR. HANSON: Question.

CHAIRMAN WILDE: Question's been called for. All in favor say aye.

IN UNISON: Aye.

CHAIRMAN WILDE: Opposed say no.

MS. GREGORY: I abstain because I think we have a couple more things that needed to be brought out but that's why I abstain.

CHAIRMAN WILDE: You abstain?

MS. GREGORY: Yes.

CHAIRMAN WILDE: Any other abstain?

(No votes)

MR. A. NICK: Mr. Chairman.

CHAIRMAN WILDE: Go ahead.

MR. A. NICK: For the record, the motion is to adopt Proposal 28(A).

CHAIRMAN WILDE: Yeah.

MR. A. NICK: 28(A).

CHAIRMAN WILDE: Yeah, one abstain. Motion carried and one abstained. Go ahead Vince.

MR. MATHEWS: Mr. Chairman, and I know we're asking you to repeat it twice so you're adopting Proposal 28(A) as it was submitted and not the preliminary conclusion that would add the communities of -- Laura will give us the additional communities, so you're basically going with the proposal as it was written, correct?

CHAIRMAN WILDE: Correct.

MR. MATHEWS: Okay, thank you.

CHAIRMAN WILDE: I'd like to break for five minutes before we get into Proposal 21(B).

MR. L. WILDE: 28(B).

CHAIRMAN WILDE: 28(B). Five minutes break.

(Off record)

(On record)

CHAIRMAN WILDE: Are you ready, we're going to start. We still are working on our proposals, Proposal 28(B) Unit 18 caribou, declassification of Kilbuk Caribou Herd, change the hunting season south of Yukon River. Introduction.

MR. DeMATTEO: Mr. Chair, the analysis for Proposal 28(B) begins on Page 79 in your book.

CHAIRMAN WILDE: Wait. Let Mike explain something here.

MR. SAVAGE: Yeah, Mike Savage. I'm from Lower Kalskag. On this Proposal 28(A), they have the village of Lower Kalskag here, it should be the city and the village of Upper Kalskag because Lower Kalskag is in Unit 18 and Upper Kalskag's in Unit 19. Mr. Chairman, I would like that to be corrected.

MS. GREGORY: Mr. Savage, Mary, it will be noted because our recorder's taking it.

MR. DeMATTEO: Mr. Chair, we appreciate his comment and it's so noted.

CHAIRMAN WILDE: Okay, thank you.

MR. DeMATTEO: Shall I continue with 28(B)?

CHAIRMAN WILDE: 28(B).

MR. DeMATTEO: Okay. This proposal was submitted by the Native Village of Quinhagak and it requests a regulatory declassification of the Kilbuk Caribou Herd for Unit 18. The proponent also requests that the Board to provide an August 1 through March 31 season for caribou in Unit 13 -- or pardon me, Unit 18, that portion south of the Yukon River with a harvest limit of five caribou per season. The proposed changes.....

MR. L. WILDE: Pete, can I ask you a favor, with our interpreter talking over there and you talking too close to the mike creates a disturbance over here. If you would move that mike away a little bit further it would make it a lot better.

Thank you.

MR. DeMATTEO: Is this better?

MR. L. WILDE: Yes, thank you.

MR. DeMATTEO: Okay. The proposed changes would align State and Federal regulations in the proposal area of Unit 18. The proposed changes in Unit -- in Proposal 28(A) that you just made a decision on could affect those residents of Unit 18 that have a customary and traditional use determination to harvest moose within the affected area of this proposal.

The C&T -- or the customary and traditional determination for this proposal is residents of Tuloksook, Akiak, Akiachak, Kwethluk, Bethel, Oscarville, Napaskiak, Napakiak, Kasegaluk and also Nunapitchuk, Tuntutuliak, Eek, Quinhagak, Goodnews Bay, Platinum, Togiak and Twin Hills. These are the villages that are affected by this proposal and have a customary and traditional use determination to harvest caribou in Unit 18. But it refers to the Kilbuk Caribou Herd only. And it's that portion south of the Yukon River.

This proposal, if you'd turn to Page 79, this proposal deals with the existing language for that portion south of the Yukon River in Unit 18. And what it would do is eliminate specific language that refers to the Kilbuk Caribou Herd and would also create an August 1 through March 31 season. The existing regulations is a season to be announced by the refuge manager of the Yukon-Delta National Wildlife Refuge and that's to occur between August 25th and March 31st. This would create an established season that would not have to be announced between -- it would start August 1st and run through March 31st.

The Kilbuk Caribou Herd no longer uses its traditional calvin grange in the Kilbuk Mountains. The most recent survey of the Kilbuk Caribou Herd revealed that there was approximately 1,800 animals and they're no longer found to use their traditional calving range. Therefore the assumption is made that they picked

45 up and walked off with the larger Mulchatna Caribou Herd,
46 so we say there's a melding of the two herds. Because
47 the two herds are no longer distinguishable, you can't
48 tell them apart, that means that the management and
49 harvest objectives have changed for the caribou Unit 18.
50 The management and harvest guidelines that sought to

protect the Kilbuk Caribou Herd are no longer necessary and regulations that reflect those guidelines are no longer necessary. So the new regulations or the proposed regulation is to eliminate any mention of the Kilbuk Caribou Herd. This would also align with the State and the recent Board of Game -- Alaska Board of Game action that did the very same thing.

So this proposal would align this Federal regulation with the State also.

As I said in a previous analysis, the Mulchatna Caribou Herd, the population currently is estimated between 160,000 to 175,000 animals. Again, the harvest is less than five percent of the total herd. For Unit 18, alone, between 1995 and the year 2000, there was approximately 5,300 animals taken per year in Unit 18 alone.

The adoption of this proposal should not have any negative effects on the Mulchatna Caribou Herd or the rural users who harvest caribou south of the Yukon River. Adoption of this proposal would also align Federal and State regulations.

On Page 87 of the analysis, the preliminary conclusion is to support the proposal with a modification. And this modification would read to add into the language all edible meat from caribou harvested prior to October 1st in that portion of Unit 18 south of the Yukon River must remain on the bones of the front quarters and hindquarters until the meat is removed from the field or is processed for human consumption. This amendment would seek to favor a reduction in meat spoilage when it's transported from the kill site to where the meat is going.

It would -- adoption of the proposed regulatory changes would increase harvest opportunity to hunt caribou in Unit 18. By eliminating any mention of the Kilbuk Caribou Herd, there would not need to be a determination anymore that would protect the Kilbuk Caribou Herd. As it stands now, biologists have to fly to make sure that there's enough Mulchatna animals mixed

45 in with the Kilbuk Caribou Herd so that the Kilbuk
46 Caribou Herd, not too many are not inadvertently
47 harvested and that's to protect the Kilbuk Caribou Herd.
48 By adopting this proposed regulation, the season would
49 just automatically open and it would line up with the
50 State and the State season would line up -- or I'm sorry,

would open on the same day.

The proposed regulatory changes would also liberalize the harvest limit, would provide a 243 day harvest season and would align, as I mentioned before, the State and Federal regulations and the management objectives for caribou in this proposal area.

Adoption of the suggested amendment that I mentioned, leaving the meat on the bone would favor reduction in meat spoilage during transport from the harvest site and would align with State regulations.

Mr. Chair, that's all I have.

CHAIRMAN WILDE: Lester.

MR. L. WILDE: One question.

CHAIRMAN WILDE: Lester.

MR. L. WILDE: Why meat on the bone just from August 1st to September 31st when the season is August 1st to the 31st of March?

MR. DeMATTEO: Mr. Chair, the reason being because that's the warmer months and the likelihood of meat spoiling when it's taken off the bone is more likely to occur in those months. Afterwards, the cooler temperatures, it's less likely to happen.

MR. L. WILDE: Well, my concern is meat on the bone we're guaranteed to carry the meat out no matter who gets it. If you're a trophy hunter, you're not required to bring the meat on the bone. And it would seem more reasonable to have the meat on the bone all during the hunting season.

MR. DeMATTEO: Again, Mr. Chair, this would align Federal and State regulations. I realize that it's the common practice of the rural users not to debone the meat before it's taken from the field so this would also comply with local harvest and transport methods. But this would also seek to deter those who do

debone the meat during the warmer months and to reduce spoilage. And it would align with the State regulations.

MR. McCANN: Mr. Chairman.

CHAIRMAN WILDE: Yeah, go ahead.

MR. McCANN: That's been counted, subsistence use, how many caribou has been killed, you've got that, what about the -- there's something else besides the people hunt, wolves are taking some of the -- are those counted also that's being killed by the wolves, are those being counted also, like -- you guys probably see them on the ground like hunters saying that there's quite a few of them on the land, do they count?

MR. DeMATTEO: Mr. Chair, answering Mr. McCann's question, yes. The biologists from the Refuge and the State fly around -- fly various surveys and they do take into account kill sites where wolves kill caribou and wolves kill moose to get an idea of what the rate of harvest is from wolf as a predator upon those animals. Does that answer your question?

MR. McCANN: (Nods affirmatively)

CHAIRMAN WILDE: (In Yup'ik)

INTERPRETER: You ask questions later, this is particularly introduction at this time.

CHAIRMAN WILDE: Biological and cultural analysis. You're doing it right now?

MR. DeMATTEO: Yes, Mr. Chair. That concludes my presentation of the analysis.

CHAIRMAN WILDE: Okay. Agency comment. Alex.

MR. A. NICK: Mr. Chairman, I don't know if ADF&G representatives have arrived yet here but their comments on 28(B) states that the Department supports changing the Federal season and bag limits for caribou in Unit 18 south of the Yukon River to mirror changes adopted by the Board of Game at its November 2001 meeting, August 1 to March 31st, five caribou, meat on the bone required from August 1 to September 30th.

CHAIRMAN WILDE: Do we have public comments on this certain proposal, Proposal 28(B)? We

45 got quite a few of these cards that come in but I don't
46 know, I couldn't -- certain things, I don't know, how do
47 you handle those?
48
49 MS. GREGORY: (In Yup'ik)
50

INTERPRETER: A lot of the signatories on those -- on these papers does not specify on what subjects you wish to make a comment on. There's two that don't relate to what they are talking about at this time. And there's two that -- some people -- there's a few over there that are filled out but it does not specify what they wish to comment on.

CHAIRMAN WILDE: We'd like to ask public comment but some of these cards here, they didn't say what they wanted to talk about, whether it's a certain proposal or not. We would appreciate someone that can come over and redo these or do it better. If there's any public comments here concerning this certain proposal, Proposal 21(A) -- (B) [sic] Unit 18 caribou.

(In Yup'ik)

INTERPRETER: Don't be shy. Come out and tell us what you have to come out with.

MR. NICHOLAS: (In Yup'ik)

INTERPRETER: My name is John Nicholas. Since you were talking about the caribou, those of us around in our area, since last year we have heard a lot of the caribou are -- and some of those are reaching as far as below -- and those people around that area, they just share the same way they do around caribou land on the other side of the Kuskokwim. And there's one comment -- there's a lot of wolves across the river but they're moving this way. He doesn't hunt -- he, himself, doesn't hunt physically but when he was a younger man he used to hunt and he used to venture out way beyond Kwethluk and as far as Aniak, he used to hunt in that area.

He appreciates the fact that the animals are starting to move out this way and getting closer to the people that weren't able to reach them at this time. There are a lot of people that hunt in this area from the Yukon area. That's just what -- this is how much he's got to comment on.

CHAIRMAN WILDE: (In Yup'ik)

INTERPRETER: Any more. Any more. Caribou. Anyone.

MR. RIVARD: Did that last gentleman never state his name for the record.

CHAIRMAN WILDE: Yeah. (In Yup'ik)

MR. A. NICK: Mr. Chairman, the person who commented earlier is John Nicholas. He did state his name for the record.

CHAIRMAN WILDE: (In Yup'ik)

INTERPRETER: He said it so fast it was hard to catch.

(Laughter)

CHAIRMAN WILDE: Peter Miller. (In Yup'ik)

INTERPRETER: Peter Miller.

MR. MILLER: (In Yup'ik)

INTERPRETER: He, himself he calls them (In Native) instead of caribou. There are a lot of caribou in the northern area and he, himself, has taken part in the hunt but -- and he has heard many times that the wolves are increasing in number around those animals and last time he had hunted his partner stated that he has sighted caribou laying on the ground that was wounded by a predator. And he, himself, has looked at and thought about there are caribou and wolves and predators but wolves, they were domesticated animals in this area at one time but the wolves were so many that they were killed off and now the same thing is saying -- there are a lot of increased number of predators such as wolves. And he has heard that -- a drastic reduction in caribou are caused by the hunters themselves but this is contrary to what he believes because a lot of this is to blame on the predators.

Lastly he, at times, thought about the animals coming over this way from across and he knows now that Mary Gregory is getting to be of age and he, himself is getting to be of age, if he can see the time that the caribou is abundant on this side of the river would be very appreciative to everybody, we are all directed to --

either to comply or just to be cautious how to utilize these animals. In the earlier days, a long time ago, there was no limit on how much they can take of the animals.

CHAIRMAN WILDE: Thank you.

MR. MILLER: Thank you.

CHAIRMAN WILDE: (In Yup'ik)

MR. BERLIN: My name is Dan Berlin. (In Yup'ik)

INTERPRETER: We're into caribou. He has heard recently that he has seen an airplane circling around in Kwethluk and one also Napaskiak, how are they doing? What is -- the answer that he got was that the wildlife aircrafts are -- when the herd is getting close to the shore of the ocean the agency airlines are used -- or airplanes are used to scare off the caribou away from the ocean side. But it's not -- it's not in agreement with what the people or users feel about -- all of the hunters go out with the hope of getting -- they, themselves, when they go hunting they just take maybe one or two so when they bring their catch home and they take the guts out and they also bring home the guts, those that are edible. The only thing they leave behind are the ones that are not edible. What we can put in our stomach is what we bring home and our elders and sometimes the elders usually direct their hunters to bring home stomachs and whatever because those were the delicacies that they had in the earlier days.

And relating to the wolves, the wolves really work over the caribou and moose. And he has heard that wolves are to be left alone. But our counterparts, the hunting, but those of us -- those of -- the Natives are always trying to follow the regulations and whatever and they have complied with the rules and regulations to the best of their ability. But if our counterparts like Caucasians can hunt that wolves, why not the people of this region to be able to hunt them as well.

The members -- or the people in the region would like to use the wolves for wraps and other parts -- or other stuff. There should not be a person to direct your -- blame anyone for reducing the number of such and such of animal groups. And he, himself, has told his hunters, his boys not to hunt them in a closed season but he said there will be a time when the -- time

for them to hunt when the season is opened.

Sometimes we feel uneasy about being overwatched in our efforts to hunt for subsistence and a lot of things regulated by our counterparts as well. There's a lot of things that they could control and a lot

of the people -- and people that sell these furbearing animals are many and plenty -- they don't sell them -- they keep them hanged up in either their walk-in freezers or whatever until their prices have gone up. But those of us around here, when we catch, we have to sell them regardless of the price or how much it could bring. We're into animals and the subsistence -- and they, themselves, they don't give them to the dogs, they give them to the people and they don't give away the food for money but only for subsistence purposes, for food.

(Applause)

MR. CHARLES: Mr. Chairman.

CHAIRMAN WILDE: James Charles. James.

MR. CHARLES: Mr. Chairman, (In Yup'ik)

INTERPRETER: On this particular proposal -- this particular proposal from Quinhagak, they would like to see it open from August 1, this caribou. It's closed around here but others are open in the interior. When it's opened it will be closed until announced. So there are a lot of people that usually like to go out and hunt. He feels that Quinhagak's proposal is the one that he favors for it to be opened as requested. So when the inner portion opens he likes to see this area open too.

When the State opens the caribou season in the area before this opens, so 19 opens first , a lot of the people when the inner portion of this -- the region opens, they use -- a lot of the people misunderstand, they think that 18 is also open.

Thank you.

CHAIRMAN WILDE: John Thompson.

MR. THOMPSON: Thank you. (In Yup'ik)

INTERPRETER: He went to Quinhagak when they had the Quinhagak meeting. This was brought up directing Fish and Wildlife Service regarding the

aircrafts that they were -- the caribous were herded through the air -- by using aircrafts. A long time ago they had reindeer herders but they're no longer in existence. The caribou at the time were just like that. They are not to be disturbed because they are in migration in search of food. The animals are just like

people and they are moving from one place to the other in search of food. And a lot of the ground that was stomped on by the animals they usually produce as many -- for -- so I guess the caribou is clear that -- I guess it would be wise to leave them alone, wherever they want to roam let them roam. And after that then the users can use like -- and all of the animals that are put on earth are gifts -- are given to us by the spirit of the wolf.

We don't really understand what the animal instincts are. He believes that the animals have an instinct to go looking for their food.

Thank you.

CHAIRMAN WILDE: Peter Abraham, Bill, Mary.

MR. ABRAHAM: James Charles' comment relating to open from August 1 to March 31, in Bristol Bay they have accepted that. There was only one vote that was absent and they all voted in favor as it is written from August 1 to March 31.

CHAIRMAN WILDE: Thank you. Bill McCann.

MR. McCANN: (In Yup'ik)

INTERPRETER: He hunts in the Unit 19. On one of their hunts there were a lot of caribou. Two times when he went out on a hunt there were that many in the middle of the mountains. Last time they went last year there was absolutely nothing, no animals to be sighted.

MR. McCANN: Not one. I didn't see not even one. They're moving down. (In Yup'ik)

INTERPRETER: He feels that open -- he feels that the open date and close -- open 19 and close 18 because there used to be a lot of reindeer in that area. They don't have to venture too far out to get their game. The last two years there's nothing up there.

MR. McCANN: So I don't know why 19 is open for, maybe moose. Thank you.

CHAIRMAN WILDE: Yeah. (In Yup'ik)

INTERPRETER: Mary has asked to save her

part.

MS. GREGORY: Mr. Chairman, (In Yup'ik)

INTERPRETER: She'd like to make a motion in favor of 28(B) Unit 18 is south of the Yukon from August 1 to March 31. So she.....

MR. CHARLES: Second that motion.

INTERPRETER: .....if that is the direction or the aim of this Federal proposal.

MR. L. WILDE: Is that a motion, Mr. Chairman?

CHAIRMAN WILDE: Yeah.

MR. L. WILDE: Mr. Chairman, I'd like to make an amendment to that motion.

CHAIRMAN WILDE: Motion. There's a motion and a second.....

MS. GREGORY: Yes.

CHAIRMAN WILDE: .....by Bill?

MR. McCANN: No. No, James.

CHAIRMAN WILDE: James. Go ahead, Les.

MR. L. WILDE: Since the part of this that worries me on the State regs is that meat on the bone is only required from August 1st to September 30th, I'd like to make an amendment to the motion that the Yukon-Kuskokwim Regional Advisory Council supports changing Federal season and bag limit for caribou on Federal lands in Unit 18, south of the Yukon River to August 1st to March 31st five caribou meat on the bone required.

CHAIRMAN WILDE: Will you please write it down and give it to me, I can't remember all that.

MR. L. WILDE: The reason I'd like to see that meat on the bone required, without that, it kind of -- since we're required to look at the subsistence resource within our region, when the meat is not required on the bone, that may cause a lot of meat wasted in the

field.

CHAIRMAN WILDE: Is there a second to the amendment?

MR. HANSON: Second.

MS. GREGORY: Okay, now you can talk.

CHAIRMAN WILDE: Second by John Hanson. Discussion on the amendment or the main motion. Yeah, Philip.

MR. MOSES: (In Yup'ik)

INTERPRETER: He has heard -- regarding caribou, he has heard that the caribou are chased away somewhat by aircrafts from coming to this side of the river and that the people on the villages down river from Bethel area knows that some of the caribou headed down this way or west of the Kuskokwim have even gone south or west of -- west of Kuskokwim and there are people that go hunting and go as far as the mountains from the coastal people. And the fact he proceeds whenever the -- whenever one catches an animal in his hometown, when one gets an animal he share with him and he, himself has taken part in the shared meat. So he doesn't like the idea of trying to keep the animals on the south side of the Kuskokwim rather than go across to the west side of the river.

And he had heard that there is a lot of caribou across there so he feels that they should be given a chance to increase the number on the western side of the Kuskokwim it would be a pleasant gift from -- whatever.

And the weather isn't like it used to be nowadays and it's rather harsh at times for lengths of time so it makes one feel -- makes one wonder why animals have to be needed to stay on the east side of the Kuskokwim.

CHAIRMAN WILDE: Any more discussion to

amendment.

MR. ANDREW: (In Yup'ik)

INTERPRETER: He won't take long. In the earlier days he used to go with the hunters. There used

to be a lot of reindeer at the time. And when they go -- they used to go through that area -- the -- he has -- he has seen that area, there's no reindeer around that area. Perhaps they have moved towards the Sanovar, there's none because probably their food source are down to the point that they don't want to be around that area. So I guess in search of food they're starting to move more and more this way.

MS. GREGORY: Mr. Chair, (In Yup'ik)

INTERPRETER: The amendment is to keep the meat on the bone.

MR. L. WILDE: The amendment was -- the portion you missed, five caribou.

MS. GREGORY: Uh-huh.

MR. L. WILDE: Meat on the bone required.

MS. GREGORY: Yeah. (In Yup'ik)

INTERPRETER: Five caribou, meat on the bone.

CHAIRMAN WILDE: Go ahead, Pete.

MR. DeMATTEO: Mr. Chairman, Staff would like to offer some clarification on your amendment. Mr. Wilde's amendment certainly lies within your authority but the Staff would just like to point out one technicality. The amendment, if it was adopted, would only pertain to Federally-qualified users. It would not affect anyone hunting under State regulations. The State regulations would require meat be left on the bone if it was harvested prior to October 1st. After that the meat could be removed from the bone. But understand that Mr. Wilde's amendment only pertains to Federally-qualified users.

MR. L. WILDE: Mr. Chairman, that's just for now. We're planning on changing State regulations.

CHAIRMAN WILDE: Any more discussion to the amendment.

MR. McCANN: (In Yup'ik)

INTERPRETER: Billy McCann feels that the

amendment makes a lot of sense and is feasible as well. And he has seen sport hunters in Samovar or whatever that is called, and whoever that was hunting he left the catch in between the brushes and never brought the meat home. Perhaps those people were from the Lower 48 at that time, so I guess this would keep a closer watch on the people who hunt in that area.

MR. NICK: Mr. Chair.

CHAIRMAN WILDE: Robert.

MR. NICK: Speaking to the amendment. There's already a regulation on moose in the winter season that if you catch a male moose you will bring it home with the male parts intact, so there's nothing wrong with the bone in.

MS. GREGORY: Call for the question on the amendment.

CHAIRMAN WILDE: Question's been called for to the amendment. Roll call vote for amendment.

MR. L. WILDE: He lost his list.

MR. NICK: Harry Wilde.

CHAIRMAN WILDE: Yeah.

MR. NICK: Mary Gregory.

MS. GREGORY: yes.

MR. NICK: John Hanson.

MR. HANSON: Yeah.

MR. NICK: Raymond Oney.

MR. ONEY: Yes.

MR. NICK: Billy McCann.

MR. McCANN: Yes.

MR. NICK: James Charles.

MR. CHARLES: Yes.

MR. NICK: Mike Savage.

MR. SAVAGE: Yes.

MR. NICK: Robert Nick, yes. Lester Wilde.

MR. L. WILDE: Yes.

MR. NICK: Unanimous.

CHAIRMAN WILDE: (In Yup'ik)

INTERPRETER: Now, the amendment passed, now for the main motion.

MR. NICK: Roll call?

CHAIRMAN WILDE: Yeah.

MR. NICK: Harry Wilde.

CHAIRMAN WILDE: Yeah.

MR. NICK: John Hanson.

MR. HANSON: Yeah.

MR. NICK: Mary Gregory.

MS. GREGORY: Yes.

MR. NICK: Nick Andrew.

MR. ANDREW: Yes.

MR. NICK: Raymond Oney.

MR. ONEY: Yes.

MR. NICK: Robert Nick, yes. Billy McCann.

MR. McCANN: Yes.

MR. NICK: James Charles.

MR. CHARLES: Yes.

MR. NICK: Mike Savage.

MR. SAVAGE: Yes.

MR. NICK: Philip Moses.

MR. MOSES: Yes.

MR. NICK: Lester Wilde.

MR. L. WILDE: Yes.

MR. NICK: Unanimous.

CHAIRMAN WILDE: (In Yup'ik) Pete.

MR. DeMATTEO: Mr. Chair, at this time it would probably be good for Staff to read your proposed amendment into the record for clarification.

CHAIRMAN WILDE: Okay. Next on our agenda.

MS. GREGORY: (In Yup'ik)

CHAIRMAN WILDE: (In Yup'ik)

MR. DeMATTEO: Mr. Chair, your amendment would read as follows: Unit 18 caribou, that portion south of the Yukon River, five caribou, the season will be August 1 through March 31; special provision, all edible meat from caribou harvested in that portion of Unit 18 south of the Yukon River must remain on the bones of the front quarters and hind quarters until the meat is removed from the field where it's processed for human consumption.

MR. L. WILDE: As long as it says what we said it's okay.

(Laughter)

CHAIRMAN WILDE: Okay, let's go to the next proposal, 29, Unit 18 moose, open hunting season early. Introduction on proposal.

MR. DeMATTEO: Mr. Chair, the analysis begins on Page 92 of your book. Proposal 29 was submitted by Pete Peterson of Mountain Village and he requests a change in the existing moose season for Unit 18 remainder.

The proposed regulation would change the existing September 1 through 30 season to the proposed August 20 through September 20 season.

In his proposal, the one antlered bull harvest limit would remain the same. That would not change, it's just a season change. If you look on Page 93 there's a map. The area affected by the proposal is the remainder of Unit 18. Essentially there's a line there that goes from Scammon Bay to Mountain Village and it goes along the west boundary of the Andreafsky Drainage. And then on the bottom of the area is the bottom of that grey shaded area, which is essentially the lower boundary of the Yukon River Drainage. That's the area that would be affected, Unit 18 remainder.

The Federal lands affected by this proposal would be the Yukon-Delta National Wildlife Refuge and Bureau of Land Management lands. Currently in Unit 18, residents of Unit 18 and residents of Upper and Lower Kalskag are eligible to harvest moose in the remainder of Unit 18.

In 1990 the Federal Board established the September 1 through 30 season. And that continued through 1994, when at the recommendation of the Village of Kwethluk, the Federal Board changed the September 1 through 30 season to August 25 to September 25. One year later at the request of the Lower Yukon River Moose Management Committee and this Council, the Board changed the season back to the September 1 through 30 season.

The proposal was basically put in because of Mr. Peterson's concerns that at the end of the summer people didn't harvest enough salmon to feed their families so he wanted to make a moose season available earlier than September 1st to help those people out.

Currently the winter population for moose in that area is between 2,000 and 2,500 animals. Current estimates of the carrying capacity of this habitat reflects that there's room for herd growth. The current estimate of the total bulls for this population is 400 to 625 bulls. I mention this because area resource managers

are concerned that the actual fall population available to hunters could be substantially smaller than the total winter population and that's because the moose are surveyed during the winter months and that number reflects the winter population. Because the actual fall population could be lower than the total population

estimate it is possible that many of the wintering moose are not part of the fall population that are available to hunters. We bring this up because it's important to realize that it could be that a higher percentage of bull moose are taken than the estimated maximum harvest level for that area and that is a conservation concern.

So one concern is that making the season opening earlier could adversely affect the bull population.

Results from harvest data collected between 1983 and 1999 reflect the highest levels of hunter success occurred during the month of September and we see this in many parts of the state. The hunter success rate for rural hunters who hunt within the proposal area is reported to be 90 percent for the rural hunters.

The proposal, it's important to consider that the proposal does not consider -- that the existing season dates, September 1 through 30, do not take into consideration the practical -- that the practical needs of the people and that the season dates evolved from those needs and the preferences of people. The majority of the residents are reported to favor the existing seasons for the simple reason that the cooler temperatures that exist, say the latter half of September, tend to favor hunter success and also because the leaves have fallen off the trees and it's easier to see moose and also --- it also helps in reducing spoilage.

So if this proposal is adopted, the latter portion of September would be eliminated as far as the season. And the people that prefer to hunt during that season would have to hunt earlier.

This September 1 through 30th season is the result of considerable effort that was made by the Moose Management Committee, this Council, local residents, State and Federal agencies and also the Federal and State Boards that worked hard to align the seasons to support the management and harvest guidelines.

Adoption of the proposal as written would also require Federal users to determine jurisdictional boundaries. In other words, where Federal lands begin and stop in order to access Federal lands during the Federal, August only season if this was adopted.

The preliminary conclusion is to oppose the proposal, and Mr. Chair, I'll stop there.

Thank you.

CHAIRMAN WILDE: Okay. Agency comments. Do we have agencies here that could comment on this proposal? If there's no agencies.....

MR. A. NICK: Mr. Chairman.

CHAIRMAN WILDE: Yeah, go ahead Alex.

MR. A. NICK: Again, I don't know if Fish and Game -- if Fish and Game Staff arrived here yet but there's -- the ADF&G comment is to oppose the proposal. And part of the reasons they gave, I'm just going to try to summarize what they say here. The proposed 32 day season would add two days to the current Federal season and is not warranted to do the current harvest rates unless the State season, September 1 to 30 is modified. The fall moose season would effectively lasted 42 days. If the Federal season were open 12 days before the State season the Department probably would close the State season above Mountain Village 12 days earlier and below Mountain Village seven days earlier by emergency order.

The moose population in the area affected by this proposal is currently estimated to be 2,000 to 2,500 animals and lower than its potential sustainable size. Based on bull cow ratio of 25 bulls per 100 cows there are an estimated 400 to 625 bulls in this population. During the past four years the animal reported harvest of bull moose in the drainage portion of Unit 18 has averaged 106 representing from 17 percent to 27 percent of the available bulls in the population.

The State and Federal season currently are the same, changing the Federal season would result in confusion over land status and hunters not knowing which areas were open and closed to hunting. In April 1994, the Federal Board established an August 25 to September 25 moose season on Federal public lands in Unit 18. Shortly thereafter the Yukon-Kuskokwim Delta Regional

Advisory Council formally requested that the Federal Board reinstate the September 1 to 30 season in that portion of the Yukon River Drainage in Unit 18 upstream of Mountain Village, the same area addressed in Proposal 29.

Mr. Chairman, I won't go into the rest of their comments. It's in your booklet, Page 98.

CHAIRMAN WILDE: Mike.

MR. REARDEN: Thank you, Mr. Chairman. Mike Rearden, Fish and Wildlife Service. There's a lot of writing in here but there's several reasons why I would not recommend that this be passed. I think ultimately that this is going to reduce subsistence opportunity. It's much easier to get moose in the last 10 days of September than it is the last 10 days in August and the results of the harvest tickets show that. So I believe that -- and I truly believe that if we establish this season up to the 20th of September that the State would close the remainder of September to moose hunting when a lot of people go out. So I think that's enough reason to do it right there.

But another concern is that you got to remember that the regulations that we pass on Federal lands are only on Federal lands unless there's also a State regulation that allows it. So if it was open in the last 10 days of August it would only be open to Federal lands. And if you look at a map and look at the areas where people hunt on the Yukon River and on the tributaries that go in there, a lot of the lands that people hunt on are private lands, Native selected lands. Those would not be open for this hunt. So I think that's something you really need to strongly consider.

The other thing that I wanted to underline is that the season that we have now down there is a result of a lot of years of work with the lower Yukon people and Yukon people all along that stretch, talking about what would be the best time for a moose hunt to occur and -- and you know, there were a lot of people involved in that process and I don't think it would be appropriate to ignore what they came up with several years ago. And as a result of a lot of their actions is one of the reasons why there is so many moose on the Lower Yukon now.

CHAIRMAN WILDE: Thank you, Mike.

MR. REARDEN: Thank you.

CHAIRMAN WILDE: I am trying to follow the procedures. Now then we get into public comment. Pat, Jr., of Andreafsky

MR. BEANS: Thank you, Mr. Chairman. My name is Patrick Bean, Jr., and I represent the Yupit of Andreafsky. I'm in favor of this early opening August 20th to September 20th. To my knowledge, I didn't -- I didn't really study on the facts of what Mike said but once before it used to be open the 20th -- some time back until they said there was meat spoilage, I don't know, maybe then in the early days when there weren't that many freezers but right now everybody's got freezers. You go out there, you bring one home, you put whatever, if -- if you got -- whatever meat you got you pass it around and whatever you put away you put them in the freezer, nothing spoils. If you got no room you -- I mean after you fill up whatever space you got, if you got no room, we're all Natives, we always do that, we give everybody, especially old people we pass it around.

And not only do I like the earlier hunt -- i mean I like the earlier hunt due to the fact the meat are -- the moose is fatter, the meat is more tender and later in the fall they're rutting, you know, they're in rut season and they got that taste, that strong taste. Not only that, by the end of September and weather starting getting rough and weather's bad, but earlier in the season the weather's pretty much on your side. And by opening the season earlier, it wouldn't affect the population because you're allowed one bull anyway.

So for that reason I -- I'm in favor of opening the season earlier like 20th -- like the proposal asked for. And I ask the Council to consider that.

Thank you.

CHAIRMAN WILDE: Thank you, Pat. Any one else.....

MR. NICK: Mr. Chairman.

CHAIRMAN WILDE: .....from the public?

MR. NICK: Mr. Chairman.

CHAIRMAN WILDE: (In Yup'ik)

MS. GREGORY: (In Yup'ik)

CHAIRMAN WILDE: Harry's trying to hold back the Council's comments. At this time there is public comments being accepted. Go sit over in the

corner and state your name first.

(Laughter)

MR. BERLIN: Again, my name is Dan Berlin. (In Yup'ik)

INTERPRETER: I am in favor of the early season opening on August 20 because in the earlier -- in the early season meat is tender and fat and later on in the fall the bulls start to rut and the meat gets to be tough and the cow moose and both the bull are starting to -- the meat are starting to stink because of the rut season. And he's saying that the wolves also have affect of the population of the moose and the people and the Natives -- and just for the subsistence use of this animal and the people from the out -- out -- outside come in and don't want to -- wanting to buy moose antlers and these people that come out from the outside, like the Lower 48 come into hunt, what do they do with the meat, and he would like an answer. How the agencies are working on these issues -- where are the Alaska Department of Fish and Game because there are no representatives from that Department and I think Alex happens to be the middle man for those guys.

Later on when we do later in the season, we hunt -- but when we hunt -- when we catch moose we haul it from way out in the -- not by the river but we haul it for two or three -- haul one moose two to three days to the boat but in the winter we kill it and then we just park our snowmachine by the catch and, you know, we take everything, every part of the animal home instead of having to haul it -- one moose to the boat in two or three days.

And I have heard that the airplanes have chased moose away from hunters and he doesn't like people or the airplanes coming in and buzzing around over our head during the hunts. And I would appreciate if they would keep from flying during the hunting seasons and do their flying around after the season.

CHAIRMAN WILDE: Do we have summary of

45 written comments?
46
47 MR. A. NICK: Mr. Chairman, there are no
48 written comments.
49
50 CHAIRMAN WILDE: Okay, I didn't quite

understand what were you saying? I was talking to Mary.

MR. A. NICK: Mr. Chairman, there are no written comments.

CHAIRMAN WILDE: Okay, thank you. Now, before we get into Regional Council deliberation and recommendation, I would like to have a chance to ask Alex Nick, Unit 18 and Yukon is started right there Piamute Portage, Piamute -- the other side of Twelvemile, that that's where the most people hunt down before -- before the upper open. I would like to ask you, is there any land allotments from Russian Mission in those areas like Twelvemile and other side, what they call that place, that slough.

MR. NICK: Tucker.

CHAIRMAN WILDE: Tucker Slough.

MR. NICK: Tucker Slough.

MR. A. NICK: Mr. Chairman, yes there are several land allotments in Twelvemile Slough. Also up and down the Yukon, some of the private lands are corporation lands and there is a land status in our Yukon-Delta, our Refuge office in Bethel that identifies the private lands within Unit 18, at least near the Piamute Slough area.

CHAIRMAN WILDE: I think the reason I ask you is you see this map here, you see it, this coming fall you cannot hunt inside of Piamute Slough, you cannot. There's land allotments in that area where the Lower Yukon people, especially from all over down there they go up. As soon as they see that there's a proposal here and they take that out, right away allotments covers inside the Piamute Slough. Only thing is open now is Fish and Game -- a little bit above Fish and Game Portages -- where the Fish and Game always stands.

These allotments are notified to the hunters from Holy Cross area and to -- and also that hunters and sporthunters from those land owners. That's

why I ask you, in Unit 18 upper end in that Twelvemile area Russian Mission, if they have land there or not.

MR. A. NICK: Mr. Chairman, in the Twelvemile area, there's not that many Native allotments, correct me if I'm wrong, Mike, but in Piamute Slough,

close to the mouth of the Piamute Slough there are some Native allotments and corporation lands -- a lot of the area we talk about is part of this National -- Yukon-Delta National Wildlife Refuge land and also there's some BLM lands in Piamute Slough.

CHAIRMAN WILDE: Thank you. John Hanson.

MR. HANSON: Yeah, thank you, Mr. Chairman. I have a question I want to ask, this proposal, does it mean the whole Unit 18 or is that from Mountain Village on up?

MR. DeMATTEO: Mr. Chair.

CHAIRMAN WILDE: Yeah, Pete.

MR. DeMATTEO: Yes, Mr. Chair. I'll direct everyone to the map on Page 93 in your book. This pertains to just Unit 18, remainder. And it pertains to that line that you see that goes from Scammon Bay to Mountain Village and then it goes up the western boundary of the Andreafsky drainage to the top of Unit 18. That's the northern boundary of Unit 18 remainder. The southern boundary is the end of that -- the bottom of the grey shaded area which happens to be the southern boundary of the Yukon Drainages. The Yukon Drainage. Does that make sense?

MR. HANSON: So that's what this proposal is talking about, the lower part of Unit 18 or is the proposal talking about from Mountain Village on up to Piamute to the end of the mark?

MR. DeMATTEO: Yes. From Mountain Village -- along the Yukon from Mountain Village all the way up to Piamute.

MR. HANSON: Because I was thinking, if it was even below Mountain Village, that wouldn't go because my people, they close that area and then now we got the moose back and they still want to keep the September 5 to the 25th season.

CHAIRMAN WILDE: Lester.

MR. L. WILDE: Mr. Chairman, I guess you know that in that area when we do have a fall chum season most of the people that are -- or some of the people that are in that area go fall chum fishing just so they could

support their hunt to go moose hunting up in the upper end and that fall chum season doesn't close until around the end of August. If that season was opened earlier than September 1st, that would be taking a lot of days away from some of the people that aren't able to go up there because of lack of funds to fish. And the people in my area oppose this proposal because of the climate -- the weather at that time. We'd rather hunt where it -- when it's a little bit cooler than when it's warmer because we have up in the -- along the coastal area we have a long distance to carry that meat under cover and we all know that when moose's meat is covered under that tarp it tends to spoil real fast. So we would oppose this from the Hooper, Scammon, Chevak area.

We're opposing this proposal.

CHAIRMAN WILDE: Any Regional Council comments. Yeah.

MR. ANDREW: (In Yup'ik)

INTERPRETER: The open season for the moose and I know that there was regulations made to push the season to let -- to include the latter part of September. I remember when it used to be open in the latter part of August the 20th. I, myself, believe if -- if it goes back to the original early season then I think it would be okay.

These moose spoil very easily. Thank you.

CHAIRMAN WILDE: Any more -- Mike.

MR. SAVAGE: Yeah, I'm from Lower Kalskag and I live right up by Aniak there and they do a lot of sportshunting up there. But I met my dad up there at the airport and he said just smelling that moose meat out of one of the terminals there, he said that's dog food and that's during moose season and most of them are those sporthunters, just trophy hunters. And he say, how many people can that meat feed? And if they do something about sportshunting I think we could like open the

45 season. I agree with this 100 percent, this proposal.
46 Because, I don't know, you know, them sportshunters take --
47 they just go out just for the trophy and that's
48 embarrassing. My grandpa gets mad when he sees somebody
49 playing around with meat.
50

CHAIRMAN WILDE: Any more comments from the Council. If nothing else we're ready for -- we'll open the floor for a motion.

MS. GREGORY: Mr. Chairman, I move that we accept Proposal 29.

CHAIRMAN WILDE: There's a motion on the floor to accept Proposal 29. Is there any second to the motion?

MR. SAVAGE: I second.

CHAIRMAN WILDE: Mike Savage seconded it. Discussion.

MR. NICK: Mr. Chairman.

CHAIRMAN WILDE: Robert.

MR. NICK: (In Yup'ik)

INTERPRETER: I don't hunt very much. But I know who hunts and last fall lots of hunters, when some of them left early and those early hunters were catching moose but the later hunters didn't catch any moose in Holitna and the upper part of the Kuskokwim, same thing happened to those hunters. When I don't catch anything I have an excuse -- and sometimes I see some hunter chase my moose away from me. Some people have set that -- this was due to our warmer weather last fall. And these hunters that go back and forth and I think we're going to be wrong if we pass this proposal.

CHAIRMAN WILDE: (In Yup'ik) We're ready for a vote. I request a roll call.

MR. NICK: Mr. Chairman, the motion is to adopt?

MS. GREGORY: Yes.

MR. NICK: Harry Wilde.

CHAIRMAN WILDE: I abstain.

MR. L. WILDE: Don't abstain.

MR. NICK: John Hanson.

MR. HANSON: No.

MR. NICK: Mary Gregory.

MS. GREGORY: Yes.

MR. NICK: Nick Andrew.

MR. ANDREW: No.

MR. NICK: Yes?

MR. ANDREW: No.

MR. NICK: Raymond Oney.

MR. ONEY: Yes.

MR. NICK: Robert Nick, no. Billy McCann.

MR. McCANN: Yes.

MR. NICK: James Charles.

MR. CHARLES: No.

MR. NICK: Mike Savage.

MR. SAVAGE: Yes.

MR. NICK: Philip Moses.

MR. MOSES: Yes.

MR. NICK: Lester Wilde.

MR. L. WILDE: No.

MR. NICK: Five yes, five no, one abstain.

(Laughter)

MR. A. NICK: Mr. Chairman. Mr. Chairman, I don't know if my tally is wrong but my tally says six yes and one abstain and five no.

MS. GREGORY: (In Yup'ik)

MR. NICK: There's 11 members, five yes, five no, one abstain, that's 11. We have a tie, Mr. Chairman.

MR. L. WILDE: Mr. Chairman.

CHAIRMAN WILDE: Lester.

MR. L. WILDE: Mr. Chairman, I need some parliamentarian advice here. How -- Mr. Native Liaison person. In the event of a tie is it possible to reintroduce an opposing motion to the proposal?

MR. JACK: I think at some point it can be reconsidered to do the others but if the minds are pretty well made up, I don't -- I mean it's going to be pretty hard to change that.

MR. L. WILDE: Then would it be possible to introduce a tabling motion?

MR. JACK: It would be in order.

MR. L. WILDE: Mr. Chairman.

CHAIRMAN WILDE: Lester.

MR. L. WILDE: Move to table Proposal 29.

MS. GREGORY: Second.

MR. JACK: Mr. Chairman, a tabling motion is non-debatable, it does not have to go for a vote.

MS. GREGORY: Second.

CHAIRMAN WILDE: Second the motion by Mary. (In Yup'ik)

INTERPRETER: Proposal 29 is.....

MS. GREGORY: That is what the tabling motion is about.

CHAIRMAN WILDE: (In Yup'ik)

INTERPRETER: What are we going to do?

MS. GREGORY: (In Yup'ik)

CHAIRMAN WILDE: (In Yup'ik) Secretary.....

MR. McCANN: Excuse me. (In Yup'ik)

INTERPRETER: I didn't understand what are you guys going to do now? There was a tabled -- I didn't understand -- quite understand. Before we vote for the motion again, I would like to ask if we're going to vote on the issue again, I think a motion has to be withdrawn.

MR. McCANN: We're going to vote back again, the same time, same way.

MS. GREGORY: Mr. McCann, (In Yup'ik)

INTERPRETER: Because Proposal 29 didn't -- it -- we -- the motion to be tabled.

CHAIRMAN WILDE: Carl. (In Yup'ik)

INTERPRETER: Tabling motion, if you guys call for a table, you guys are going to vote for that tabling motion we will reconsider this proposal at a later date. Do you all understand how we're going to vote at this time.

MR. NICK: Harry Wilde.

CHAIRMAN WILDE: Yes.

MR. NICK: John Hanson.

MR. HANSON: Yes.

MR. NICK: Mary Gregory.

MS. GREGORY: Yes.

MR. NICK: Nick Andrew.

MR. ANDREW: Yes.

MR. NICK: Raymond Oney.

MR. ONEY: Yes.

MR. NICK: Robert Nick, yes. Billy McCann.

MR. McCANN: Yes.

MR. NICK: James Charles.

MR. CHARLES: Yes.

MR. NICK: Mike Savage.

MR. SAVAGE: Yes.

MR. NICK: Philip Moses.

MR. MOSES: Yes.

MR. NICK: Lester Wilde.

MR. L. WILDE: Yes.

MR. NICK: Unanimous.

CHAIRMAN WILDE: (In Yup'ik)

MS. GREGORY: Mr. Chairman.

CHAIRMAN WILDE: Mary.

MS. GREGORY: (In Yup'ik)

INTERPRETER: Mr. Chairman, I appreciate those testimonies that were presented before us concerning this proposal. It is not the last time we will be able to work on this proposal and I invite people for their testimonies.

CHAIRMAN WILDE: (In Yup'ik)

MS. GREGORY: Proposal 30, Units 21 and 24 establish harvest opportunity of wildlife for funerary, mortuary, potluck or potlatch. Unit 21 and 24 (In Yup'ik).

INTERPRETER: Unit 21 and 24 -- this Proposal 30 is -- this Proposal 30 concerns.....

CHAIRMAN WILDE: Introduction of proposal.

MR. MATHEWS: Yes, Mr. Chairman.

CHAIRMAN WILDE: Vince.

MR. MATHEWS: I'll just slow down a little bit here because the analysis is being passed out to you. It's dealing with Proposal 30. This was submitted by the Western Interior Regional Advisory Council. It's requesting establishing a Federal subsistence potlatch provision for Units 21 and 24 similar to the ones that are in State law.

MS. GREGORY: Vince.

MR. MATHEWS: Yes.

MS. GREGORY: I can't find my number, page number for Proposal 30?

CHAIRMAN WILDE: It's the one they just gave you Mary.

MS. GREGORY: Oh, okay.

MR. MATHEWS: Yes, Mary brings up a good point. I need to apologize, you didn't get this analysis earlier. You have a positive C&T determination, customary and traditional use determination in Unit 21 which is Russian Mission so then this analysis should have been in your booklet but it did not so we're going to make it as best we can before you at this time.

MS. GREGORY: Okay.

MR. MATHEWS: Okay. So if you look at the proposal, it's dealing with Unit 21 and 24. It's asking to establish a potlatch provision. Ron Sam will probably share some of his reasonings as to why his Council submitted this and hopefully during deliberations he'll have the opportunity to do that.

But the way we understand it is that they wanted recognition and protection of their traditional religious ceremonies in Federal Subsistence Regulations. Okay, these regulations exist under State regulations as we speak right now but starting on March 8th, the Board of Game is taking up several proposals that want to change funerary and mortuary regulations in the State

45 regulations so that was one of the reasons that they
46 wanted recognition and protection. They also felt that
47 Federal Staff in some areas are more readily available
48 than possibly Fish and Game Staff so it makes reporting
49 less burdensome. And they felt that adopting or
50 incorporating or aligning with State regulations, I

suppose is the best term, would not increase the amount of moose harvested because it's an ongoing practice.

Okay, I've already explained to you that the people who qualify in Unit 21(E) are the residents of Unit 21(E) and the residents of Russian Mission. If you'd like to know the residents of Unit 24 I can cover that but it's pretty far out of your area.

We pretty much know the Federal land in the area. There's a patchwork of Federal land in Unit 21. Some of it is Innoko National Wildlife Refuge. Other portions of it are Bureau of Land Management lands. And then a major -- I shouldn't say a major but a large portion of it is State land. If you'd like to see the breakdown by lands, it's on Page 4 of your fax.

I won't go through the regulatory history behind communal or cultural or ceremonial harvest regulations. I really would like you to focus on the fact that this is a request to allow for food for traditional religious ceremonies that are practiced by the Interior Athabascans and that is reflected through the regulatory history.

So the recommendation of the -- the preliminary conclusion I should say, is to support with modification the proposal to have in Federal regulation funerary and mortuary regulations which are on the last page of your handout. And so I'll just kind of summarize that because you can see it in front of you on the last page. But basically it's giving you where you would find it in the regulation. If this were to pass as the Staff recommends with modification, it would allow you to take wildlife outside the seasons or harvest limits provided for this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches. And that would be for Unit 21 and 24.

It would require -- no permit or harvest ticket is required. The person who takes the wildlife under this regulation shall, as soon as possible, after taking it, but not more than 20 days after the ceremony,

45 would submit or ensure submission of a written report to
46 the nearest Federal office specifying the person's name
47 and address who harvested the number and sex of the
48 wildlife harvested, dates and location of harvesting and
49 the identity of the decedent who is being honored at this
50 village's ceremony and that's pretty much that.

And then the harvest was used in a customary and traditional and Native religious ceremony. That matches directly with what State regulations -- Staff is adding -- requesting to modify that and add on No. 4, which is the taking -- well, we got a spelling error there but, anyway, the taking does not violate recognized principles of wildlife conservation.

So Mr. Chairman, that is a real brief summary of it. Partially the reason I'm doing it briefly because it's dealing with religious ceremonies for Interior Athabascans and we do have a representative of that area and I'd rather defer to him on the importance of -- the traditional importance of this activity. So with that I'll stop unless there's questions.

CHAIRMAN WILDE: Is there any questions to Vince? (In Yup'ik)

INTERPRETER: Any questions or comments to Vince's presentation?

MR. NICK: (In Yup'ik)

INTERPRETER: In the season -- in time of the ceremonial and death -- when a child is named after the one that has just perished or died, at one time they did that in the home but this was at the time of antlerless season and they went out and hunt -- they couldn't tell which was a bull or a cow so when they go -- so there are seasons that get moose are antlerless, when one happens to hit that season how are we -- when the rifle does not have a scope, which to tell the -- a cow be harvested for that particular occasion so -- the high powered binoculars would also be recommended for the hunters for that purpose.

CHAIRMAN WILDE: (In Yup'ik)

INTERPRETER: This particular proposal, 30, potluck and potlatch, I would like to ask the public -- any of the people in the public has any comments relating to this particular proposal?

If there is no comments, is there any written comments, Vince?

MR. MATHEWS: Yes, Mr. Chairman, I apologize again. All my materials are in Fairbanks. I didn't know this proposal would come up here. I don't

believe there are any written comments submitted on Proposal 30 and you're also going to ask for agency comments, I assume.

I will go on record based on my memory, not having it in front of me, that I believe the State supports this proposal. I'm not sure they support the modification on No. 4. Because essentially it's aligning with their existing regulations. I'm not sure they've actually come forward with their recommendation due to the fact that there's four proposals -- three or four before the Board of Game starting next week. So that would be no written comments to my knowledge, and I believe Fish and Game supports the proposal but I don't have the documentation here.

CHAIRMAN WILDE: Mary.

MS. GREGORY: Mr. Chairman, (In Yup'ik)

INTERPRETER: Mary Andrew [sic] want to spell out this proposal, doesn't say -- anyone that harvests the animal but will have to make a report of the catch within the 20 days of the harvest and the name be there but the sex of the animal is not in State -- she's going to translate herself.

MS. GREGORY: The proposal states there's no restriction on sex because it requires that after 20 days report is to be written, the person's name address, the number and sex of wildlife harvested.

CHAIRMAN WILDE: Alex Nick.

MR. A. NICK: Mr. Chairman, just to remind the Council last year in March 2000, you were discussing this funerary and you could find the responses that Mr. Rearden gave you on Page 8 of your -- I believe it's on Page 8 of your March 2000 minutes. At that time Mr. Rearden explained to you that permission needs to be obtained from ADF&G big game management and then he explained to you the requirements of State harvest system for funerary.

MS. GREGORY: Mr. Chairman.

CHAIRMAN WILDE: Mary.

MS. GREGORY: The proposal doesn't speak to that. It says No. 1, no permit or harvest ticket

required for taking under this section. The harvester must be an Alaskan rural resident. The new proposal states that.

CHAIRMAN WILDE: Vince.

MR. MATHEWS: Mr. Chairman, these regulations have not changed too much but there have been some changes. To clear this up, if you look at Page 2 of your fax, on the bottom of the page is the existing State regulation and obviously we can ask Mr. Rearden up here. He may have dealt with it, Ron Sam may have dealt with this with the Kanuti National Wildlife Refuge. But it says there on the bottom of the page, a written permit from the Department is not required for taking game under this section. So there is no requirement, to my knowledge, unless there's a correction from other Staff, with the State to get ahead of time -- get a permit ahead of time from the State for funerary or mortuary, religious ceremonies. And part of that, my understanding is, to show respect to the community and the families that are grieving at that time.

So maybe Ron can clear that up or others can. But based on what I have in front of me, the State does not require a permit.

CHAIRMAN WILDE: Ron Sam. I give Ron Sam -- talk about it more in Yup'ik.

MR. SAM: IT will be a few more days Mr. Chairman.

(Laughter)

MR. SAM: I'm slow in Anchorage but trying to keep up with the translation, I'm even slower, I'm a good five minutes behind now.

(Laughter)

MR. SAM: But anyway, we've had this in the books for quite some time on the State's side. It was an oversight on our part not to have it included

under the Federal Subsistence Management. But it started quite some time ago, someone passed away and we had a great influx of people and we had to feed them something. And we harvest whatever's around, caribou, any number we can get back there and moose, it doesn't matter if it's a yearling, cow or bull, we've got to feed these people

that come to our village. This has been going on for some time and this proposal is -- more or less aligns it with what the State has on the books plus we are -- our moose population is declining up in our area and we don't know how long this will stay on the State books so we'd like to just cover it under the Federal Office of Subsistence Management and under Federal subsistence rules.

We do have a lot of Federal land up there so we just really wanted your support on this proposal and hopefully the Eastern already passed this -- I'm not sure. But we do want your support and Eastern's support to get it on the Federal subsistence registry.

Thank you.

CHAIRMAN WILDE: If there's any more discussion -- yes.

MR. SAM: Sorry, Mr. Chairman. But they forgot to inform you that Western Interior is meeting in McGrath the 19th and 20th and that's why I can't tell you -- I'm pretty sure it will go through unanimously because it's going to align it with State regs so we haven't taken any action. It's quite apparent that Eastern Interior did discuss this too, so that's just for your information.

Thank you, Mr. Chair.

CHAIRMAN WILDE: Robert.

MR. NICK: Thank you, Mr. Chairman. (In Yup'ik)

INTERPRETER: It's short he's going to speak it in English and probably translate it himself.

MR. NICK: A parable taught by our biblical teacher, Jesus, you know, he was talking about, you know, the son that was lost and found and then in that parable, when the son came back he saw him at a distance and he was so happy -- this is a biblical

45 occasion, he was s o happy that he told his servants to
46 kill a fattened calf, that they were going to have a
47 feast and be merry because a son was lost and now he has
48 come back. So which is kind of liken to this funerary
49 occasion, ceremonial occasion and then I think we should --
50 I support this, you know, effort and I think it should

also include other villages in our Lower Yukon and Kuskokwim area. So with that hope in mind down the road that we'll have other villages that have customary and traditional use of whatever game that is available for their ceremonial foods, that this will occur down the road for us, too.

So with that, I move that we approve Proposal 30, Mr. Chairman.

MS. GREGORY: Second.

CHAIRMAN WILDE: There's a motion and a second.

MR. NICK: Question.

CHAIRMAN WILDE: Question's been called for. All in favor say aye.

IN UNISON: Aye.

CHAIRMAN WILDE: Oppose, say no.

(No opposing votes)

CHAIRMAN WILDE: Motion carried.

MR. MATHEWS: Mr. Chairman, can I clarify for the record then what transpired.

CHAIRMAN WILDE: Yeah, go ahead, Vince.

MR. MATHEWS: Okay. Mr. Chairman, then if I understand correctly, the Council just supported the proposal as written and that would mean on the last page of your fax, that they agreed to the items that are numbered there, No. 1, no permit; No, 2 shall report as soon as -- 20 days after the ceremony; and No. 3 that the meat was harvested in a customary and traditional Alaska Native religious ceremony; and that you did not support No. 4; is that the mover of the motion's.....

MR. NICK: Yes.

MR. MATHEWS: Thank you, that clarifies the record.

MR. NICK: Yes.

MR. MATHEWS: Mr. Chairman, I have one other request for you if you would like, it's jumping off your agenda though.

CHAIRMAN WILDE: Go ahead, Vince.

MR. MATHEWS: Okay, Mr. Chairman, now, I'm doing this out of respect because of your long-term diplomacy with the Bristol Bay region. And I hope Peter is still here, if not, maybe we'll do this tomorrow. I consulted with the Togiak National Wildlife Refuge, I've consulted with our Staff in Anchorage and our Staff here present that deal with the Bristol Bay region and I think we may not have given you all of the information that you needed when you were talking about Proposal 28(A). Not (B), (A). And so at that -- with that, I would like to know when -- one, if you would allow us to provide that information and, two, when you would like us to discuss Proposal 28(A). And I realize it's off the agenda but I -- I and others have concerns of the impacts of your action on 28(A).

MS. GREGORY: Mr. Chairman.

CHAIRMAN WILDE: Go ahead, Mary.

MS. GREGORY: (In Yup'ik)

INTERPRETER: This particular region -- on the Togiak area reports.....

MS. GREGORY: Would it be agreeable if you guys do that under the Togiak National Wildlife Refuge reports, agency reports?

MR. MATHEWS: Well, Mr. Chairman, I don't know if Togiak's going to be here. I was bringing up 28(A) now or requesting it now because you're dealing with proposals and that's the only reason I would be bringing it up at this time.

CHAIRMAN WILDE: Alex Nick.

MR. A. NICK: Mr. Chairman, Togiak Refuge

45 representatives will not come to this meeting. We have a
46 bulletin that's distributed from them that's on the table
47 -- information table out here.
48
49 MS. GREGORY: Mr. Chairman, was Pete
50 supposed to be here for this discussion as well, Mr.

Vince?

MR. MATHEWS: I haven't had a chance to talk to Pete on this because as you noticed I've been walking in and out of the meeting because I've been trying to get people on the phone. Yeah, it would be wise to have him here because we have the recommendation from his Council, we just got it faxed in and it would be good to have him here to discuss 28(A).

CHAIRMAN WILDE: We still have one more last proposal. We could take this at this time, uh?

MR. MATHEWS: Yes, Mr. Chairman. I just know that 28(A) was kind of a difficult proposal and I just thought we could do it after Proposal 31 if that's decided. Now, what I mean by doing it is we would provide you information and then you could decide to take the information and maybe reconsider or just take the information and stay where you're at. That's all I mean by my request.

CHAIRMAN WILDE: Lester and Philip.

MS. GREGORY: Yeah, thank you Vince.

MR. MATHEWS: Thank you.

MS. GREGORY: We will now go into Proposal 31, Unit 21(E) moose, revised customary and traditional moose. Proposal 31.

MS. JURGENSEN: Yes, thank you, Madame Chair. I'm Laura Jurgensen, Staff anthropologist with Office of Subsistence Management. Proposal 31 was submitted by Mr. Pete Peterson of Mountain Village and it seeks to revise the customary and traditional use determination for moose in Unit 21(E). Currently the determination is for residents of Unit 21(E) and Russian Mission.

Russian Mission is the sole community in Unit 18 to have a positive customary and traditional use determination for moose in Unit 21(E). Between the years

1983 to 1999 many communities on the Delta reported harvesting moose during the State moose hunting season in Unit 21(E). The communities being proposed for inclusion by the proponent are the lower Yukon River villages of Kotlik, Emmonak, Nunomiqua, Pitka's Point, Pilot Station, St. Mary's, Marshall and Mountain Village. So the

proponent is requesting the remaining lower Yukon Villages be added to Unit 21(E).

For my Staff recommendation, I'm actually going beyond -- I just want to announce this now, including all of those villages and also there appears to be a lot of evidence that some Kuskokwim area villages also have a tradition of harvesting moose in 21(E) and those would be Bethel, Kasegaluk, Nunapitchuk, Lower Kalskag and Quinhagak also and on Nunavak Island, as far away as that is, Nukoriak has subsistence land use harvest maps reported by elders in 1985 that show that they also harvest moose up in the Piamute Slough and into Unit 21(E).

MR. L. WILDE: Mr. Chairman.

CHAIRMAN WILDE: Lester.

MR. L. WILDE: Ma'am, if you're going to include Nukoriak, I think there's also a history of people using that -- or utilizing that resource from Hooper Bay, Scammon Bay and Chevak. Could you include those also, please?

MS. JURGENSEN: I could and you could obvious -- as you know, you can make a motion to adopt to add those on in.

MR. L. WILDE: I would like to include those because there is historical practice there.

MS. JURGENSEN: Okay.

MR. L. WILDE: There are residents of those areas that utilize that resource from that area.

MS. JURGENSEN: Okay. So add Hooper Bay, Chevak and Scammon Bay?

MR. L. WILDE: (Nods affirmatively)

MS. JURGENSEN: Okay. In 1993, the Yukon-Kuskokwim Delta Regional Advisory Council requested that

all residents of Unit 18 be given a positive customary and traditional use determination for moose in Unit 21(E). And one reason cited by the Council at that time was that the Kuskokwim River Drainage people have hunted moose in Unit 21(E) for generations and should have been included in the original Federal regulations.

The Federal Subsistence Board deferred this issue at the request of both the Yukon-Kuskokwim and the Western Interior Councils at that time. In addition to the Council other agencies and villages have also requested to be given a positive customary and traditional use determination for moose in Unit 21(E).

The analysis I did, I looked at subsistence land use maps, Alaska Department of Fish and Game Technical reports, any local knowledge that has been documented, some personal communication and again it appears that there has been a lot of use and it's very consistent. And at least within the past 50 years, the villages besides the lower Yukon River villages show a very strong pattern of harvesting moose in Unit 21(E).

The effect of the proposal, if adopted, would be to add 16 more villages and actually 19 more villages if we included Hooper Bay, Chevak and Scammon Bay for a positive customary and traditional use determination in Unit 21(E).

Many communities have been mapped, though, the data is approximately between 10 and 20 years old and absence of the subsistence land use harvest maps should not in, itself, deny a village a positive determination for moose in Unit 21(E).

My recommendation, again, was to support the proposal with modification to add the additional communities. In addition it is recommended that both the Yukon-Kuskokwim and Western Interior Regional Council discuss and cooperatively seek solutions for this long-term situation between the regions. The current Grayling, Anvik, Shageluk, Holy Cross Cooperative Working Group is a potential avenue for the two Regional Councils to resolve this issue. Another option is a separate meeting or other venue bringing together leaders from the affected regions to discuss their viewpoints and to work towards a solution that addresses concerns of both regions.

Thank you. And any information you have I'd like, I appreciate.

CHAIRMAN WILDE: Do we have agency comment? Alex. Alex Nick.

MR. A. NICK: Again, looking around I don't think I see Fish and Game people so I'm going to

tell you what ADF&G comment is, to defer pending review of the Staff analysis. Their comments are defer pending their review of the Staff analysis.

CHAIRMAN WILDE: Public comment. Pat Beans, Jr.

MR. BEANS: Thank you, Mr. Chairman. My name is Pat Beans, Jr. I represent Yupit of Andreafsky. I'm in favor of this proposal due to the fact that it mentions all the villages that hunt in 21(E). To my understanding it would benefit all of us in the future in an event that we have any complications with the other people when we -- if we try to strive for some -- or some proposal or for some rights, they -- this -- I think, to my knowledge, this proposal will help us from -- for them denying that we never did hunt there before. But with this proposal, with all the village names on it, I feel that it will give us strength saying that we have been there before, 40 or 50 years. So to my understanding, that's how I -- that's my understanding of this proposal and therefore, I ask the Council to follow-up or go with the proposal.

Thank you.

CHAIRMAN WILDE: Thank you, Pat. Other public comment. Any other public comment?

MR. L. WILDE: Mr. Chairman, Ron had his hand up.

CHAIRMAN WILDE: Okay. Ron Sam.

MR. SAM: Thank you, Mr. Chairman.

CHAIRMAN WILDE: In Yup'ik.

(Laughter)

MR. SAM: Still not there yet, thank you, Mr. Chairman. I just had a question for Laura. That working group that you alluded to, was that the new one that's still being formed or still trying to be formed

45 for the GASH area?
46
47 MS. JURGENSEN: Yes. And I believe it
48 had -- the group had met at least one time but I'm not --
49 in its infancy -- yes.
50

CHAIRMAN WILDE: Any other public comment?

MR. L. WILDE: Mr. Chairman.

CHAIRMAN WILDE: Although you may have misunderstood -- just a second -- just a second, the Advisory Council is not -- he's trying to follow the agenda and he wants to hear the public.

MR. NICHOLAS: (In Yup'ik)

INTERPRETER: My name is John Nicholas from Kasegaluk and I need to go along with the Yukon people because they're part of our people. I like this proposal for that reason, thank you.

CHAIRMAN WILDE: Mr. Philip Moses.

INTERPRETER: Mr. Philip Moses. If I don't -- if I didn't misunderstand the proposed regulation, our ancestors came to my mind because back when they used to hunt from a long ways off and all the land belonged to all the people and they shared everything from the land and they were not told that they cannot hunt from this area because all the land belonged to all the people of this region. And listening to the proposal reminded me of what our ancestor used to do and I understand that this proposal would open up people to hunt for customary uses. And he used to hear that the earth has no other human beings -- all human beings are one family or related to each other as our ancestors used to say.

CHAIRMAN WILDE: (In Yup'ik) Lester.

MR. L. WILDE: Mr. Chairman, I'd like to move that we accept Proposal 31 with modification.

CHAIRMAN WILDE: There's a motion on the floor to accept the Proposal 31, is there any second?

MR. McCANN: Second it.

CHAIRMAN WILDE: Billy McCann -- second by Billy McCann. Discussion. Discussion.

MS. GREGORY: Mr. Chairman, (In Yup'ik)

MR. L. WILDE: Yes, ma'am.

MS. GREGORY: Thank you.

CHAIRMAN WILDE: (In Yup'ik)

INTERPRETER: Mr. Harry Wilde is restating what Mary just said.

MR. A. NICK: Mr. Chairman.

CHAIRMAN WILDE: Alex. Alex.

MR. A. NICK: We need clarification as to if you want to include villages of Hooper Bay, Chevak and Scammon Bay in this C&T proposal?

MR. L. WILDE: That was part of the modification. My motion was to include with modification.

MR. A. NICK: Okay.

MS. GREGORY: (In Yup'ik) Mr. Chairman.

CHAIRMAN WILDE: Yeah, it's called for a question. Roll call.

MR. NICK: Harry Wilde.

CHAIRMAN WILDE: Yes.

MR. NICK: John Hanson.

MR. HANSON: Yeah.

MR. NICK: Mary Gregory.

MS. GREGORY: Yes.

MR. NICK: Nick Andrew.

MR. ANDREW: Yes.

MR. NICK: Raymond Oney.

MR. ONEY: Yes.

MR. NICK: Me, yes. Billy McCann.

MR. McCANN: Yes.

MR. NICK: James Charles.

MR. CHARLES: Yes.

MR. NICK: Mike Savage.

MR. SAVAGE: Abstain.

MR. NICK: Philip Moses.

MR. MOSES: Yes.

MR. NICK: Lester Wilde.

MR. L. WILDE: Yes.

MR. NICK: Ten yes, one abstain. Motion passes.

CHAIRMAN WILDE: Motion carried. That's all the proposals that we have. However, we have a very important on our agenda, customary trade. We're going to take.....

MS. GREGORY: I'm sorry, Mr. Chairman, we just made a decision to hear Mr. Vince and Pete Abraham before we move onto the proposal.

CHAIRMAN WILDE: Yeah, okay, Vince.

MR. MATHEWS: Mr. Chairman, on 28(A), the Bristol Bay Regional Advisory Council, which I got records from from Anchorage on, they supported the Staff recommendation. Now, 28(A) deals with the caribou determination of who qualifies to hunt for caribou in Unit 18 so I'm trying to find the pages for that. They supported the Staff recommendation which Laura can help me on but basically eliminated the geographic descriptions that broke the unit up into three areas and it eliminated the determinations, who qualifies by herd.

Now, your action which we asked on the record and you were told, that you supported the proposal as written. The proposal as written would maintain, what

45 two geographic areas, Laura, if they went with as
46 written?
47
48 MS. JURGENSEN: (Nods affirmatively)
49
50 MR. MATHEWS: And the real reason I did a

lot of homework on this is because I don't think, but I could be wrong, you wanted to tell Bristol Bay that Togiak and Twin Hills could not hunt caribou in Unit 18. If your recommendation was passed by the Federal Subsistence Board, Togiak and Twin Hills would not qualify to hunt in Unit 18. So that's the evidence -- or information that we may have failed to provide you in the earlier discussion and that's why I requested that you may want to consider revisiting your action on Proposal 28(A).

Mr. Chairman, when I talked to Robert Nick, when the motion was called for question, he indicated, but he can correct me if I misunderstood, that his motion was to adopt the Staff recommendation but you guys were already voting so that's why we couldn't -- we couldn't do something.

CHAIRMAN WILDE: Yeah, Vince, I think from now on to make sure that proposals when they come up are going to be coming up, we should at least -- let the Council be understand on the proposal because we have been moving so much around and that's what -- now we've accepted this the way it's written, of this proposal, and I find out there's another different way of.....

MS. GREGORY: (In Yup'ik)

MR. NICK: Mr. Chairman.

CHAIRMAN WILDE: Go ahead, Robert.

MR. NICK: When we sat down they gave us a map, take a look at it, Togiak, Twin Hills, Kilbuk Mountains, Kotlik -- mountains, I guess, in this map -- these mountains here. What happens on my motion, when Vince came to see me, on Page 67 on preliminary conclusion, Unit 18 it says, including residents of Unit 18, residents of Togiak, Twin Hills, Manakotak, Lower Kalskag right there, Stebbins and my -- my mo -- my indicated, my motion includes these because Lower Kalskag in this so my motion included Togiak, Twin Hills, Manakotak, it's in the body of the motion.

MR. MATHEWS: Mr. Chairman.

CHAIRMAN WILDE: Vince.

MR. MATHEWS: Mr. Chairman, does the second of that motion understand that that was what

Robert Nick meant?

CHAIRMAN WILDE: Les.

MR. L. WILDE: I don't remember who second that but the motion I was voting on was the motion that he just stated.

MR. MATHEWS: Okay. Okay, I don't think we have to get so technical on this. I think someone will correct me from the Council that it is now clear on the record that the Council supported the preliminary conclusion on Page 67 as stated by Robert Nick and that was the intent of the earlier motion and I stand corrected.

Mr. Chair, the way we've tried to get around this problem in the past in other Councils and you don't have to do this but it's worked in other Councils, is that, the Council then moves to adopt the preliminary conclusion presented by Staff and then they work from there. And that's one way we've gotten around this problem in other regions and then that way you can -- it's clear to the Staff what you're adopting or not adopting by the vote.

Okay, thank you for your patience on that and I think that will work out well with Bristol Bay because it aligns with Bristol Bay's action.

MR. ABRAHAM: Mr. Chair.

CHAIRMAN WILDE: Yeah.

MR. ABRAHAM: (In Yup'ik)

INTERPRETER: I didn't say anything because I didn't see anything wrong with this proposal. If I had found anything wrong or heard anything wrong with this proposal I would have said something about that. If you didn't include us in the -- as part of this proposal I would have told you so already.

MR. NICK: Mr. Chair.

CHAIRMAN WILDE: Yeah.

MR. NICK: I just want to make -- I guess reaffirm my intent. I am glad that Peter is here. He was under the understanding too that this preliminary

conclusion was also included -- because Lower Kalskag was right in there included in their conclusion. So it was included.

CHAIRMAN WILDE: (In Yup'ik)

MS. GREGORY: (In Yup'ik)

CHAIRMAN WILDE: But we're still glad to have you around Vince.

(Laughter)

MR. MATHEWS: Well, Mr. Chairman, when we asked you adopted the proposal as written, we take that to mean as it was submitted and we asked twice on that and both times you told us you adopt it as written and that's when I started working with Laura and others to say, what does that mean. So anyways, we'll -- we got to learn and we're going to keep learning what you're saying so I appreciate the extra time and we'll get this all straight.

MR. NICK: Mr. Chair.

CHAIRMAN WILDE: Robert.

MR. NICK: Vince, I just want to make one quick comment. I took your suggestion of your motion to indicate adopting the preliminary conclusions but we may not always agree with the preliminary conclusions and we may adopt a proposal as presented. So I think what's getting clear here is good. Thank you.

CHAIRMAN WILDE: Yeah, before we break and come back tonight, I'm going to recognize Arthur Lake, AVCP concerning customary trade. (In Yup'ik)

INTERPRETER: Come here to that corner.

MR. LAKE: Thank you, Mr. Chairman. (In Yup'ik)

INTERPRETER: Talking about customary

45 trade, we have a lot of things to talk about referring to
46 the customary trade and I would like to refer back to
47 what happens at.....
48
49
50 CHAIRMAN WILDE: (In Yup'ik)

MR. LAKE: Thank you, Mr. Chairman. I just want to express an observation, ladies and gentlemen about the proposals and the processes in place. The decisions and discussions that are made by Federal and State managers affect the people of my region. The very heart of their existence lies within their subsistence uses of resources. And when the discussions and communications are made affecting these uses by my people, I have to make an expression to you as Regional Advisory Council, to the Federal managers and to the State managers.

I believe in this process right now that we just went through, that my people are denied opportunities to question, to ask and to discuss some of these things with the State managers. Whatever decision that the State makes affects the Federal regulatory process. Whatever the Federal government may decide on regulatory issues affects the State. Both of them affect us as Native subsistence users and yet they're not at the table.

I don't know if there is any memorandum of agreement that exists, and the interim agreements or any kind of agreement. But when the opportunities and the ability of my people to harvest renewable resources, then all those people should be at the table. To me, personally, I think it's a slap in the face of my people when they do that.

They have opposition to some of your proposals. They have deferrals. They have approvals. But there's no way to clarify. There's no way for our people, other than later on to ask and to have clarification on a lot of these things. And I just wanted to make that expression.

Thank you very much.

MR. McCANN: (In Yup'ik)

MR. LAKE: Thank you, Mr. McCann.

MR. McCANN: That's important.

MR. LAKE: (In Yup'ik)

INTERPRETER: Might as well go.....

MR. RIVARD: You have to translate so we

can get this on the record.

INTERPRETER: He told me that he was going to translate it himself.

MR. LAKE: (In Yup'ik)

INTERPRETER: He's now translating what he said earlier in English.

He's now to the point of making a statement as to the Federal government agencies not being here is just like a slap in the face for the people of this region. If you are going to be working together with the Federals and the people of the region and Federal government -- whatever the Federal government does affects the State agencies and whatever the State agencies, the decisions that they do affects the Federal governments or -- or whatever the laws and either both State and Federal, whatever they do affects the people of the region and all of the Natives of the State of Alaska and why they are not here is just like a slap in the face for the Natives. And therefore, that's the feeling that he had and there might be some questions to the Federal people or Department of Fish and Game people but they're not here to answer those questions. Like earlier, Alex has looked all over the place here trying to find a source where the answers could be coming from. The agency representatives are not here, though, to answer those valuable questions.

MR. LAKE: Thank you.

CHAIRMAN WILDE: Thank you. Right now we going to take a break. We'll come back 6:30, 7:00 o'clock. This next on our agenda is very important because it's so important we going to start out with introduction of customary trade. We got here the people that are capable to do this. So it's up to the Council here, if they want to approve customary trade, the wording tonight or tomorrow, because it's very important. We want to make sure our elders understand this. They never have this kind of experience before. So we're going to have a break right now and come back at 7:00

o'clock and we start with customary trade introduction.
We break right now.

(Off record)

(On record)

CHAIRMAN WILDE: (In Yup'ik)

INTERPRETER: We're now in the agenda where customary trade is to be under discussion.

CHAIRMAN WILDE: Carl Jack, Tim Jennings, Robert Nick. Where's Robert, you should go over there and I'm going to sit back here and we would like to start with introduction of this customary trade. Carl.

MR. ABRAHAM: Mr. Chair.

CHAIRMAN WILDE: Peter.

MR. ABRAHAM: (In Yup'ik)

CHAIRMAN WILDE: Go ahead and you start customary trade introduction right now.

MR. JACK: (In Yup'ik)

INTERPRETER: Carl Jack. Thank you Council members and people that have come here to participate in this particular issue. This is an important subject that's going to be coming up. He is going to introduce and give it to -- he'll give it to Tim Johnson [sic]. He works under BIA, Office of Subsistence Management, he's -- that's where he works. He works as Senior advisory to the Federal Subsistence Board. He oversees how we are affected by the works that the -- and how the Chairman of the -- and he acts as a representative as well when they are in session so that's where he sits. When the discussion of subsistence comes before any meetings, he being a Native, he likes to be among those who are among discussing the issues and all of the tribes in this region so that's the main purpose that he always plays a close -- Mr. Jennings.

MR. JENNINGS: Thank you, Carl, Mr. Chair and Council members. For the record my name is Tim Jennings and as Carl mentioned I work in the Office of Subsistence Management. Our briefing tonight to you is on customary trade and you can find this in your book under Tab D. This briefing is being given to all the 10

Regional Councils at the meetings that are occurring at this time over the last few weeks and there's still few meetings yet to come.

As you know the customary trade as an issue has been before you for about a year now and so

some of what I will cover and Carl will also address will be some history for you and help you recall some of the issues with customary trade and then we will also bring you some new information to bring you up to date on what has happened since your last meeting.

This is an action item at this meeting for your Council. Specifically, the Federal Subsistence Board is looking to you and your Council for your recommendations on customary trade. Our presentation will cover several areas. Number 1, we'll discuss briefly the history and the background of customary trade and why the issue is before you. We will summarize the Board actions taken at the December meeting and we will discuss specifically the proposed regulatory language. Carl will address tribal consultation that has occurred and that is ongoing. And then we will discuss the schedule of the timeline that the Federal Subsistence Board is working under to finalize this proposed rule. And then lastly we will focus on the importance of the Regional Council input. And as I mentioned the Federal Board is looking to each region and specifically to each Council for their input on how best to refine the customary trade regulations.

So on Page 1 of your briefing there's a section on purpose and background and I'll just summarize for you some of the key highlights here. Title VIII of ANILCA specifically identifies customary trade as a recognized part of subsistence uses. And the term customary trade is defined in regulation as the exchange of cash for fish and wildlife resources to support personal and family needs so long as it does not constitute a significant commercial enterprise. There is a distinction in our regulations between customary trade and barter. And barter, as you know is also provided for in Title VIII of ANILCA. Barter is the exchange of fish and wild resources for something other than cash. For instance, exchanging fish for moose or fish for some other resource other than cash. That's what barter is defined as.

This proposed rule before you does not address barter. It is the customary trade so we are

discussing and talking about the exchange for cash. And this proposed rule only focuses on fish. It does not deal with wildlife resources. It does not deal with marine mammals. It does not deal with migratory birds. Only fish.

1 What led to the Federal Board looking at
2 refining the customary trade regulations, I mentioned
3 that it's authorized in our regulations so long as it
4 does not constitute a significant commercial enterprise.
5 In our regulations there's no definition for the term
6 significant commercial enterprise and because there is a
7 lack of definition there, there is uncertainty about what
8 would be an allowable limit. And so it's seen as a
9 potential loophole for very large exchanges of cash. So
10 there's a concern that customary trade be allowed in
11 accordance with Title VIII of ANILCA but also be
12 appropriate in terms of traditional subsistence uses and
13 practices.
14
15 If you turn to Page 2, this is a summary
16 of the Customary Trade Task Force. In late 2000, a
17 little over a year ago, the Federal Board established a
18 Customary Trade Task Force composed of representatives
19 from each of the 10 Regional Advisory Councils and also
20 agency Staff personnel from both Federal and State
21 agencies. From your Council, Mr. Lester Wilde and Mr.
22 Robert Nick attended and served on the task force. Mr.
23 Pete Abraham, who's here tonight from the Bristol Bay
24 Regional Advisory Council also was on the task force.
25 Other people in attendance on the task force is Fred
26 Andersen with the National Park Service and then Carl
27 Jack and myself attended most of the meetings. This task
28 force was given a charge by the Federal Board with
29 developing refined regulation on customary trade. And
30 you will recall that the task force met several times
31 over the last year.
32
33 And at your fall meeting, the tri-Council
34 meeting in Anchorage. There was a recommendation brought
35 to you for your consideration from the task force. The
36 task force identified three different types of customary
37 trade for consideration.
38
39 One was the transaction between rural
40 residents. The second was a transaction between rural
41 residents and others where others are defined as
42 individuals who are not rural residents that live in
43 urban areas such as Anchorage or Fairbanks or out of
44 state. And also others is defined as commercial entities

other than fisheries businesses. So it would be like restaurants or stores or commercial entities like that. And the third type of transaction the task force identified was exchanges with fisheries businesses.

This proposed language from the task

1 force, as I mentioned was brought before all 10 Regional
2 Councils at the fall meetings and also at that time Carl
3 had initiated tribal consultation with all the tribes in
4 Alaska, the 229 Federally-recognized tribes. After the
5 fall Council meetings were concluded, the task force met
6 one more time in November of last year and they developed
7 a final recommendation to the Board. One difference that
8 was included in that meeting that you did not see at the
9 fall meeting was the task force recommended a thousand
10 dollar cap on the exchange of salmon to others. And in
11 that $1,000 cap there was a recommendation to have a
12 permitting requirement to keep track of the $1,000 cap on
13 exchange to others for salmon.
14
15 If you look in your book on Page 2
16 through 4, there are six options that are summarized.
17 These are the options that the Federal Board considered
18 at its December meeting. Option No. 1 represents the
19 task force recommendation. The full text of the options
20 considered by the Board is in your book, Pages 7 through
21 13. It's entitled the appendix. And so if you want the
22 full background of all of those options that were
23 considered by the Board in December, you can find that on
24 Pages 7 through 13.
25
26 And I think at this time I'll mention
27 Option 4. If you look on Page 10 and 11 and 12, this was
28 the language developed through input from the Regional
29 Councils and it's reflected in Option 4. And the
30 different areas you see here listed are in our
31 regulations, they're fisheries areas, so they don't
32 correspond exactly to the Regional Council boundaries in
33 all cases. So you can see your area would be on Page 11
34 included in the Yukon Northern area and also in the
35 Kuskokwim area.
36
37 During the review of the draft task force
38 recommendations by the Regional Councils, seven of the 10
39 Regional Councils last fall make specific regional
40 recommendations. Generally the Regional Councils, last
41 fall, agreed with the monetary cap as a starting point
42 for discussion but there's also a strong indication that
43 there needed to be additional discussion at the regional
44 level to determine what was appropriate on a regional

basis. Some Councils thought that the $1,000 was too high, others thought it was too low. Several Council members expressed concern about allowing sales of subsistence taken salmon in areas experiencing subsistence shortages and limited fishing opportunities, specifically in your area, in your region in the Yukon

and Kuskokwim areas. That in these times of shortages that it might not be appropriate to have customary trade with subsistence caught fish. Some Councils also expressed concern that the draft language could restrict barter between rural residents and others.

So all of this input from the Councils, the draft task force recommendation and the options paper that was put together by Staff was presented to the Federal Board at its December meeting. And the Federal Subsistence Board did take an action to begin the process of refining the customary trade regulations and that they choose to move ahead with a proposed regulation. The way that the Federal Subsistence Board, through the Federal process develops regulations is we send out a proposed set of regulations. We have public comment, we come to the Regional Councils for input and then the Federal Board deliberates again and we issue a final regulation. So at the point in December, the Board decided to move forward with a proposed regulation.

In your book, the option that the Board selected was Option 5 and that's on Page 3 at the bottom. Generally what Option 5 summarizes is that there was general agreement on Paragraph 11, the exchange between rural residents as being unlimited. And with Paragraph 13, the prohibition of the exchange of cash with fisheries businesses. And the Board moved forward with a proposed rule for those two paragraphs, those two parts of the task force recommendation. However, because there was concerns expressed about the transactions between rural residents and others and there was not consensus from the Regional Councils and there was some concern expressed about needing additional time to come back to the Councils to decide on a regional basis what was appropriate, for the time being, in December the Board chose to leave the regulation in place. Basically it said it was allowed as long as it didn't constitute a significant commercial enterprise. So there's still that troubling language in Paragraph 12 because the Board is waiting for additional input from the Councils.

The Board moved forward with the exchanges among rural residents as being unlimited

because it was generally felt and there was testimony given that these exchanges between rural residents are typically with local users and typically involved only small amounts of fish. And at this time, unless the Board hears otherwise through your input and others from the public, the Board does not believe that the exchange

between rural residents will create an incentive for additional harvest for resources, nor result in additional fish being sold into commercial markets.

As I mentioned under Paragraph 13, the prohibition of exchanges with fisheries businesses there was general consensus there from all Councils that this was a limitation and needed to be in place, that it wasn't appropriate for subsistence caught fish to end up in the hands of fish processors in a commercial kind of a market. So if you look at Page 5, under Tab D, this is the proposed rule under Option 5 that the Board went forward with that is now out for public review. It's before the Councils for your input.

And I'll briefly just summarize it again for you. Paragraph 11 is the transactions between rural residents, basically the exchange is permitted with no limitations. Paragraph 12 is the transaction between a rural resident and others where other are commercial entities other than fisheries businesses or individuals other than rural residents. And again, this is permitted as long as it does not constitute a significant commercial enterprise. The Board recognizes that that term still has not been defined. So as this currently stands, the Board is looking to you, as Regional Councils, to help appropriately refine the language in Paragraph 12. And then Paragraph 13, is the prohibition of sales with the fisheries businesses licensed under the Alaska Statute.

I'll go ahead and cover the schedule that the Board is currently working under for the final rule. If you turn to Page 6 of your book, this is the current schedule that the Board is working under towards a final regulation. And there are some adjustments here since this was published that I want to bring to your attention. The Federal Register publication of this proposed rule was delayed and it wasn't published until last week and I have copies of the official Federal Register notice here for you and I'll have Jerry help distribute that. And there's extra copies that can be placed on the table for interested members of the public. So the proposed rule reviewed by the Regional Councils is

45 occurring February/March of 2002, that's the first
46 bullet. That's currently where we are. Carl will talk
47 about tribal consultation in a moment. There the
48 deadline has been extended for tribal consultation and
49 for public comment. It's because the proposed rule was
50 delayed, the deadline for comment -- for tribal

consultation and public comment is April 30th. Instead of March 29th it should be April 30th now. And what that results in is the rest of the schedule gets bumped by about a month. The Federal Subsistence Board will not deliberate the proposed rule in June at a special meeting. They will meet in May at their regular meeting where they will discuss and take action on the wildlife proposals that you discussed earlier today. Originally the Board was also going to take up customary trade at this May meeting but with the delay they are going to have a special meeting in June to deliberate customary trade. And then publication of the final rule will be delayed about a month.

Should the Board decide to move forward, I'll mention that the Board has three options before it in June when it deliberates. It could -- number 1, it could decide that it needs more time to deliberate on customary trade and they could delay or defer action at their June meeting to some later date. They could decide to take an action and to revise the regulation or they could just decide to take no action and leave the current regulation in place with the admittedly flawed language of significant commercial enterprise not being defined and still in regulation. Should the Board take an action to revise and publish a new final rule, that final rule would be published in July and would take effect in August.

And at this time I'll turn to Carl and if he wants to add any comments on what I've covered and he'll also address tribal consultation and then we can see if Mr. Nick would like to add anything to our briefing.

Thank you, Mr. Chair.

CHAIRMAN WILDE: Carl.

MR. JACK: Thank you. Before I get into tribal consultation, I will stress on some of these issues that I talk about, when you fish and sell your catch and get money for them, but when you fish and cut up your fish into strips or some other form and if you

take those to another person and sell them to another
person and sell those, that's called customary trade and
when you go out to fish and when you come back to your
catch to a relative or some person, they give you some
money for your catch, that's also is defined as customary
trade. And at that proposed regulation is recognized to

this point.

This commercialized use of the customary trade is not but not including significant commercial enterprise. The existing regulation -- and the people that regulates these existing regulations -- they define it as not a real customary trade because there is no cut off point, cut off dollar value. And the law enforcement officers cannot enforce this rule because -- and take it to court because it's not really defined because they will lose, it is not enforceable. To that point, this regulation that is written in paper is trying to be defined to where it will have a top cut off point and with that, these regulations will be enforceable. And as he says -- those people that are fishing unlawfully will be cited and taken to court and that will become enforceable.

And you heard awhile ago that the Federal Board took over these actions. And Mr. Nick will touch on these issues. And what the Federal Board had worked on earlier, they put this into formal rulemaking to do a final rule at a later date, this becoming written regulation. I just touched on the important issues that were brought up earlier.

The Federal government recognizes the tribal governments here in Alaska. And when the Federal government is going to put out a regulation it will -- the Federal government will converse with the tribes at. The June date that was mentioned, even though it is not in the public law, in the Federal government laws, the Federal government Staff will put this into effect as government to government relations with the Alaska tribes because the Federal government recognizes the tribes before consulting with the tribes. You all know that all tribes have tribal councils, the IRA and traditional councils, those are the tribal governments of the small villages in Alaska. This policy was renewed back in January 2001. And the Federal Staff have been trying to consult with the tribes before making any changes or making regulations to where the tribes will be affected. The Fish and Wildlife, BLM, U.S. Geological survey -- the agencies that are being mentioned will consult with the

45 tribes before they do any regulations that will affect
46 these tribes. The Federal Board have started tribal
47 consultation service in talking with the tribes on the
48 proposed rules and asked them to review the proposed
49 rules and if they think anything's wrong or going to
50 affect their tribes that they should write back to the

Federal Staff to bring up their concerns. And after that the proposed regulation will be sent out to the 229 tribes here in Alaska.

It was published last Wednesday in the Federal Register. It will be published towards the end of April -- who can speak on these issues, they -- the Staff have and the tribes have been given some time to make any concerns known to the Staff who are working on these regulations. And these tri -- it is because of these -- because of the importance of this paper, it has been sent out to the tribal governments to review before it becomes a final rule.

Thank you, Mr. Chairman.

MR. JENNINGS: Robert, did you want to address anything?

CHAIRMAN WILDE: Robert.

MR. NICK: Thank you.

INTERPRETER: Thank you. I will add a little bit to what has been said already. The most important date, January -- meeting came up in January -- at our meeting in January. The Western Region, the Eastern Region and this Advisory Council, at their meeting came up -- this regulation came up at that meeting. But we didn't want to talk about it at that time but said we wanted to form a task force. In January Customary Trade Task Force came into being and Carl talked about why it was being done as it was -- back in May -- the task force held a meeting discussion this proposed regulation during that meeting. I wasn't at that meeting but Mr. Wilde was at that meeting. And when I was reading the minutes of the last meeting, I read the minutes and I saw that this same issue was being discussed at that meeting. There were 10 of us in that task force including Peter Abraham and other Staff members. And back in November when we had the meeting, the region -- the different regions here in Alaska brought up some comments which we reviewed closely along with the Department of Fish and Game Commissioner Frank

45 Rue told us -- and the Department of the Environmental --
46 got a letter from the Department of Environmental
47 Conservation, as Mr. Carl -- when at their April and May
48 meeting came up with three -- three options that who we
49 use the subsistence we catch.
50

The first -- the first being in the small villages. Sometimes the people, the Natives in the small villages want to buy fish they don't have and the people that have a certain fish that the other people don't -- they sell a little bit of fish to that person and sometimes trade for some other Native foods. And at that point we didn't want to do anything about that. And the third -- everybody agreed that the fish buyers sometimes buy -- or sometimes the people sell their subsistence caught fish to commercial fish buyers and even in some closed -- closed -- we didn't want that to happen in the future and that was proposed. And if these people -- business license from the State as commercial fish buyers, we didn't want them within this customary trade rule and that they're finding -- that the small villages -- non-rural, like Anchorage -- into a community called non-rural like a big city in Anchorage or some other business or restaurants or small villages or to some other grocery stores at -- proposed rule was not -- they didn't want that to happen and different Regional Advisory Council had some different feelings about that.

But the first finding that -- the first finding that they talked about, that's the rule that they really pushed forward with, trade -- trading with a limited -- a limited amount of monetary value source for the amount of subsistence catch being sold to other -- other Natives. Because these -- the 10 regions had different feelings about the $1,000 cap and some regions mentioned -- brought up the $400 limit and some regions wanted the unlimited cap because they were for the subsistence catch being sold to big grocery stores or people in big cities. And the task force wanted to listen to comments from the people and for the Subsistence Board didn't accept -- didn't approve the proposed change that came about in January 8, 1999. That's where -- that's how they wanted the rule to be the -- following the January 1999 rule -- proposed rule. But they wanted the rule to be from village to village but with the cap limit to the amount of fish that can be sold to another community.

The 10 Regional Advisory Council are going to be talking about and we are discussing this

45 issue tonight also. This certain language on Section 12
46 on how this rule is going to be placed. And these two
47 people, Carl and Tim, talked about making it very
48 understandable language. Tonight we are using this time
49 schedule, time line and we are starting on discussing the
50 customary trade and the Federal Board is behind us with

Section 11 but not Section 12.

They wanted us to readdress that Section 12. That's why the Federal Board sent the proposed rules back to us to talk -- to discuss as we know when we are working on something that is going to benefit our way of life a very few people that goes against this -- that goes against that -- something that's -- some rule that's going to benefit the people and that breaks all proposed rules -- and with this tribal consultation here in Alaska along with Federal Subsistence Board there are 229 small village or recognized tribes. And out of -- and the 200 [sic] tribes that are recognized can comment in writing to the Federal Subsistence Board on what their comments on what's most important to them.

And that's all I have got from all these meetings that I have attended. And I would ask Mr. Lester Wilde to talk on these issues.

CHAIRMAN WILDE: Lester or Pete. We're going to take -- like we have Council -- Yukon-Kuskokwim also have a position. I could say about that, what our position is now after Lester -- go ahead and say what you have to do and before (In Yup'ik).

MR. L. WILDE: Mr. Chairman. Everything that I needed or was going to say is already right in the options. When we first started this we needed to put some kind of figure out there to be discussed and the figure that we came up with after discussing this with the people in the area that I come up with was the existence of a cap of a thousand dollars. And that's the reason why you see that $1,000 cap amount on all these discussions. That's how that $1,000 amount came to be.

CHAIRMAN WILDE: Thank you. The Yukon-Kuskokwim Regional Advisory Council, they do have on the record our position. (In Yup'ik)

INTERPRETER: Regional Council members put into the record on how we are going to put the language which is in the proposed rule. And Mary and I went to the meeting and the two proposals.....

CHAIRMAN WILDE: We may reconsider our position that we are on the record on Kuskokwim -- Yukon-Kuskokwim. That decision is still there today. We may reconsider what we recommend. We may reconsider the whole wording of customary trade. The reason for this is

why we were thinking to reconsider -- we -- Council, we have a responsibility in our manual that we have to hear from our people. We don't never hear. The time that we were working on this customary trade, there was some people that were working on at the same time and we don't know what was going on. That's what the problem. We do, me and my vice-Chair here, we tried to bring this customary trade to our people. I think we pursued that talking to chair and rest of the Board members.

We wasn't really comfortable with the decision we make without doing nothing behind of our people. Our people, I think is young people, elders and our people are more important than we are. We were put here by our people to do what we have to do. But according to the manual, we must hear from the people. All we have is two hours or three hours of teleconference before we go over to Anchorage. So today, that's what our position is.

Mary, you want to say something because you were there and (In Yup'ik) and what our position.

MS. GREGORY: Thank you, Mr. Chairman. Mary Gregory. (In Yup'ik)

INTERPRETER: What we did just me and Harry Wilde were there, we didn't want to talk on behalf of you people before letting you know and we have tried public notices through KYAK Radio. Even I wanted to, I couldn't do it myself because I work in the KYAK department and they wanted somebody to -- some other person, other than Mary, to talk about this customary trade proposal on the radio talk shows. And the public, some people from the public had told me that we people out here live by what they said was not by paper and as Mr. -- and as it was mentioned earlier, I am glad that even when it was placed in the Federal Register that it was following that same -- that same language and it will be talked about in July in 2002 before it becomes final -- a final rule.

And as Mr. Wilde said, because we were alone at that time we weren't comfortable about placing

the $1,000 that some people have said the $1,000 is way too low. But them people that know what we are talking about have pushed us toward making this rule effective.

Thank you.

CHAIRMAN WILDE: (In Yup'ik)

INTERPRETER: They'd like to know from AVCP when their meeting is going to be, what month and what date relating to this customary trade.

MS. GREGORY: (In Yup'ik)

MR. JENNINGS: Mr. Chair, after Mr. Lake finishes, if it's okay, there's a couple other items I need to.....

CHAIRMAN WILDE: Yeah, you will.

MR. JENNINGS: .....convey to summarize.

CHAIRMAN WILDE: You will.

MR. JENNINGS: Thank you.

MR. LAKE: Thank you, Mr. Chairman. (In Yup'ik)

INTERPRETER: There are a lot of things that he would like to discuss but in light of -- his name is Arthur Lake, he's also the AVCP president and what he's about to -- what you are discussing right now, it is -- he's glad to see that this particular topic has come up in front of you and your reluctance to take action relating to this topic is appreciated because you cannot -- behind the people that you serve. And how much the effort -- how much effort you put into the subsistence activities is -- as well. And they would like to see -- want the Council to know AVCP is going to have their special convention on March 19th in Bethel at which time -- and the topic of that also will be how the future is going to be built for our younger generation and the customary trade will be one of the topics that will be discussed at that meeting.

There are people and elders as well invited to attend for that meeting so they can have their input as to which direction the AVCP wants to go at that

45 meeting. And he appreciates the fact that this tribal
46 consultation is pushing forward regarding -- wonderful as
47 well. Whether he's president of AVCP, either tonight or
48 tomorrow, he does not wish for you to make a concrete
49 decision regarding this issue but it would be very
50 worthwhile to discuss this special topic to the greater

majority of the people and raise -- and how the Federal Subsistence Board will be accepting this topic and how it will be worded as well. A special topic on that would be also non-rural relationship with how much the trading will be done from rural to urban.

In this AVCP -- relating to this topic has not made a concrete statement relating to this topic. But he would like to hear from the tribal councils throughout the region, their feelings and focus on this particular topic. At that special convention, that's from every region in the whole region, they are asking at least no less than five people to attend from the villages at Bethel and the tribes will point out how -- there'll be elders -- there'll be ladies, elders and the young will be included. We have a sound mind that can make a clear focus to which direction this needs to be understood relating to customary tradition. Each and every one of you are asked to participate in that convention, special convention.

The documents that they handed out earlier, how they had derived this customary traditional -- what is being taken to clearly understand which direction this is going.

All of the things that the people gather for the purpose of subsistence is a very delicate issue. Be it be salmon, be it be fish, be it be eggs, be it be anything else that the people use to subsist on. So the AVCP does not want to make a concrete statement in those directions. All of the villages are more important to be -- to know what is going on and how much effect it will be for them, how much money -- it is okay to trade with a limited amount for this customary tradition.

All of the customs of the people of the region and the Regional Councils need to hear about all of these concerns and which direction they need to go and how the wording is going to be when it's going to be presented to the Federal Subsistence Board. All of the villages in our area, if they make up their own minds under their own discussions what they -- how much effect it's going to be in their livelihood. And he would like

to see all of you and all of the people in the region to really think it out how this is going to affect all of the people, not only them but the people that are to come in the future. And if you put a cap on how much money is to be the limit when we give out how much money is to be the limit.

All of our members from the village, there are a lot of people from our family members that have gone out to the urban areas to make their living and livelihood out in those big towns. Because we care about them, they are members of our family members, we do give them as well from what we catch without relating to have to trade for money or anything. And at times -- and when you -- when we are at home, we know how much to give our family members or extended family members, those that don't have any people that are hunting for them and sometimes people without having to be asked for money, they just voluntarily give so much for who -- that gives them some subsistence caught food in appreciation for the other guys have done, looking at how much money that they have used and how much time they have spent in order to obtain all of what they get. There are families that can't hunt for themselves in the villages.

When we hunt we don't think of ourselves. We are thinking about everybody in the village that has a family as a community. So therefore, we have to think of the people that cannot hunt for themselves as well.

And if there is a part that might be -- a different subject -- we might be under a clearer focus as to how much money we have to receive for subsistence caught -- for money. No matter how you look at this customary trade it's been going on -- if they put a cap on how many dollars the trade is going to be limited then perhaps in the future the limit -- the dollar value might be up in the air in the future.

Our customary trade has been alive and long activity among the Natives here, whether it be in Anchorage or elsewhere. One goes out to venture -- you know to make a few bucks elsewhere. And sometimes a guy has to stay out for an extended period of time in order to make a few bucks so they can feed the family with their necessities. And there are people that go to AFN Convention to sell a few of their products and stuff, whether it be artifacts or whatever and there are -- there are people that stand out in front of the entrances trying to make a trade for whatever amount he can get from what they have gotten for subsistence activities.

Will those people be all right or will it be okay to look at the people that come from outside of Alaska to come into Alaska and -- in hopes of finding or trading for what they need to bring back to their families and they will have extended families outside of Alaska as well, too.

We all know what and how much effort we put into subsistence activities for our families. And there are a lot of people that feel this subsistence way of life -- and if we don't mind -- when one sells products such as maybe eggs or whatever, our methodology or method of doing business or just trading, will it become a law that might prevent us from continuing to have been doing for what we have been doing for years and years, will it become against the law? So no matter how you look at it, in trying to make a buck with whatever you got is a commercial activity.

So we all know that there are individuals that don't like to see us doing this activity of customary and traditional trade.

If we don't put a limit on how much money to be -- if we put a cap on it, either we will certainly hurt ourselves or whatever. How about looking at permit system for those that want to do that. The people that don't live here. And for those who -- for enforcement division -- who might want to take a closer look at what to do about enforcement of the activity. If there is no permit, how will they know who is doing all the activity for the people that don't live here, like maybe (In Yup'ik) from somewhere.

Our commercial fishery is now closed at this time and when it is going to open it is in limbo. It's in a -- it's -- so whatever the activities we do is always subsistence activities, subsistence effort.

MR. LAKE: Does this betray our traditions and the value we place on our subsistence way of life?

(In Yup'ik)

INTERPRETER: Will it be okay, how much money to put on our own livelihood? (In Yup'ik) All of these questions need to be answered and all of our regional people need to hear about what's going on relating to this customary and traditional activities. We all know that if we don't say anything upon our return

45 to our communities we have failed our community members.
46 They're not here so it's our responsibility to address
47 the issues of the people that we've left behind for the
48 people that have entrusted us to do our job. Regional
49 Advisory Council, you -- when you go home, talk to your
50 people and perhaps you will be there at the March 19

meeting, special convention in Bethel.

And he appreciates the fact that he was given an opportunity to bring up all these views related to this subject.

It is a very important subject that needs to be addressed by everyone in your villages. If you don't understand the consultation process, so it is very important that -- to thereby you'll certainly exercise your responsibility to carry this particular issue out to your villages. And as he was growing up he knew how the other people were doing and how much effort are they putting -- when he was growing up -- his groups, how much they wanted to trade a little bit for what they got and sometimes when you don't have a few bucks it's always a joy to treat a little of what you got for a few bucks. But to put the limit on how much to gain from what you have gotten for subsistence is going to be a big issue.

MR. LAKE: Thank you, Mr. Chairman.

CHAIRMAN WILDE: Thank you, Arthur. I just find out that your special convention in Bethel will be on March 19th to 21?

MR. LAKE: Uh-huh.

CHAIRMAN WILDE: So.....

MR. LAKE: (In Yup'ik)

INTERPRETER: Special convention of AVCP.

CHAIRMAN WILDE: Yeah, thank you.

MR. LAKE: Thank you.

CHAIRMAN WILDE: Tim, will you go back and continue your summary.

MR. JENNINGS: Thank you, Mr. Chairman. There's just a couple of items to summarize for your benefit. I just wanted to reconfirm what you had

mentioned, that you can, as a Council, reconsider your position here at this meeting. Also I mentioned that at the fall meeting, the $1,000 cap was before you to consider, but the task force, after the meetings in the fall, talked about a record keeping or a permitting requirement and that was also mentioned by Mr. Lake. If

the Council recommends a dollar limit, the Federal Board would also like your input in terms of how best to keep track of the dollar limit. And Mr. Lake raised some questions that were important there. Is permitting best or is it record keeping, what is best for your people in terms of how to keep track of a dollar limit if you would suggest that.

Additionally, there has been some discussion that perhaps pounds of fish or numbers of fish would be a better way to keep track rather than dollars. And so I would just bring that before you as something you may want to consider.

And then there have been four Regional Councils that have met prior to this meeting. The Bristol Bay Council, the Seward Peninsula Council, the Eastern Interior Council and the North Slope Council. And I have a summary of what each of those Councils did in terms of their recommendation. I'd like Jerry to hand those out to the Council members here and then there's additional copies available for other members of the public and agencies. And I want to cover these just briefly for you so that you'll understand the summary as it's written here.

If you turn to Page 5 under Tab D, again, this is the proposed rule that the Councils were working from. Bristol Bay, under Section 11, Paragraph 11, they modified the language so that the total cash value per household -- notice that's household instead of member. So it's on a household basis of salmon in the Bristol Bay area exchanged in customary trade or barter between rural residents may not exceed $500 annually. So so far they have been the only region to suggest a limit on rural to rural exchanges. In Paragraph 12 they also recommended a cash cap for the exchange between rural residents and others, again, on a per household basis instead of a per individual basis for salmon to not exceed $400 annually. And then the language you see underneath those two paragraphs, you see that they also stated that without a tracking system, such as permits, the Bristol Bay Regional Advisory Council does not support their actions on 11 and 12. In other words, they thought it was

important to have some sort of record keeping to keep track of these suggested caps of 500 and $400. And then finally, the Bristol Bay Council voted to adopt Paragraph 13, the prohibition to fisheries businesses as written.

For the Seward Peninsula Regional

Advisory Council, they adopted Sections 11 and 13. And then they recommended adopting Section 12 with basically no regional limitation. If you look on Page 11, Option 4, regional limitations, the total cash value under North Sound, Port Clarence, it indicates, would not be limited. And so that's what is meant by adopting Section 12 in accordance with the regional limitations. Basically they would suggest no limitations.

For Eastern Interior Council, this meeting occurred just recently, last week, and there was a long and productive discussion at that Council meeting about customary trade and some limitations that they would propose. If you look at Paragraph 11, the first one there, they would eliminate the exchange of eggs between rural residents, however, the egg exception would not apply if it was a whole fish. In other words, this Council, the Eastern Interior Council was very concerned about subsistence harvest of fish, stripping the eggs, just exchanging the eggs for cash and having unnecessary waste of the remaining part of the fish. So the way they thought to address this was to exclude eggs from the transaction unless it was a whole fish. Under Paragraph 12, again, they had the same concern about eggs so you'll see the same exception there that they would delete eggs from the transaction between a rural resident and others. And they would also limit others to only individuals and only individuals that would be using the fish for personal or family consumption of the individual and not for resale so that is fairly limited. They would eliminate transactions between rural residents and other commercial entities like stores and restaurants but continue to allow transactions to individuals as long as it's for personal or family consumption. At the bottom of the first page there you'll see some italicized language, this is not anything that they formally took action on but they had discussion on. They wanted to bring this forward to your Council for consideration, they also wanted to bring this forward to Western Interior for its consideration. They did not reach a consensus on any dollar value or cap. One member thought that $200 per year would be an appropriate cap. Another Council member thought if a dollar limit is allowed under Paragraph then a permitting system, similar to a catch or

seller permit should be in place. Again, these are just ideas that they had that they wanted to convey. There was concern by one Council member that there's a possibility if left unlimited that some customary trade could exceed the value from some commercial fisheries and this would not be the intent of customary trade. There

was also a lot of discussion at the Eastern Interior Council about using the number of fish rather than a dollar value as I've already mentioned. And that they also expressed a concern that the harvesting of fish for customary trade should not be the primary goal of subsistence. That there would be a potential danger of commercializing subsistence fisheries and thereby harming subsistence fisheries. Fish and exchange for customary trade on Page 2 should be an incidental part of the total -- of the household harvest. In other words, there was a discussion that customary trade, people catching subsistence fish just for customary trade and not for personal use was not seen as being appropriate and that they thought that -- there was some discussion that maybe a maximum of 50 percent of the catch by a subsistence fisherman or 25 percent could go into customary trade or some other level. That was another idea that they wanted to put forward. And then another important idea, again, these are just ideas that they put forward, they didn't formally take an action, the Council discussed that when the pre-season forecast indicates that a run will not provide for escapement and for full subsistence harvest, even with restrictions on non-subsistence uses, then the customary trade on that run would be prohibited. And as an example, the Council was using the Yukon River chum run forecast for this upcoming year. There was a lot of discussion about this particular idea. They didn't formally adopt this but they wanted to bring this forward to your Council and the Western Interior Council and ultimately to the Board for consideration.

Let's see, anything else on this one, you can see the rest of the write up there on Eastern Interior.

Under Paragraph 13, no purchases by fisheries businesses. There was a discussion -- you can see, first of all, the language they adopted was to adopt Paragraph 13, to prohibit exchanges to fisheries businesses and in addition, they wanted to specifically prohibit any person with an Alaska State business license who runs a commercial dog team is not allowed to buy or feed subsistence caught fish to dogs, also applies to non-Alaska businesses. And then they provided a

definition for commercial dog team. They had a discussion about prohibition on the purchaser, i.e., the fisheries business as well as the seller, the subsistence fisherman.

And finally, you'll see the North Slope

Regional Advisory Council Region 10, the recommended adopting Sections 11 and 13 as written. And then if you look at Page 5 in your book under Section 12, they recommended adopting that language and deleting the words, as long as the customary trade does not constitute a significant commercial enterprise. Basically what that leaves, for their region, as a recommendation is that transactions between rural residents and others would be permitted and not be limited in any way.

And Mr. Chair, that concludes the summary of the Regional Advisory Council recommendations.

And I just wanted to make one final comment that the AVCP issue paper on customary trade was very well written and raised some important questions and I just wanted to indicate that I had reviewed that and it was a very well written document. And Mr. Chair, that concludes our briefing. If there are any questions or Carl might have something else.

MR. JACK: Mr. Chairman, (In Yup'ik)

INTERPRETER: Mr. Chairman, as this is being discussed or worked on we would -- I closely consulted with the Alaska Inter-Tribal Council Staff and talked to them about how this customary trade issue was being worked on. And AFN, the Alaska Federation of Natives haven't brought any comments towards this issue. But also from the policy standpoint some people have mentioned that Title VIII should be -- or the language in Title VIII, ANILCA should be redone to include or define better the customary trade language to mention that there would be no adverse impact to subsistence issue [sic]. That the Federal Board will watch closely on how this issue is being worked on or.....

CHAIRMAN WILDE: Mary.

MS. GREGORY: Yeah. (In Yup'ik)

INTERPRETER: This question just came to mind on Paragraph 13, the language which states anybody who in Alaska commercial dog team business that leases,

rents, races or otherwise provides service through their dogs or dog team for money or enumeration service, excluding amateur events.

MS. GREGORY: In and around Bethel area who hunt -- who go after chum salmon and the bag bones

sometimes are fed to the dogs, what does that -- how does that affect our Kusko 300? That's a big event in our area and it draws a lot of money?

MR. JENNINGS: Mr. Chair, Ms. Gregory, this is a recommendation from the Eastern Interior Council that you mentioned, that I had brought to your attention. You may -- this Council may have a different view or recommendation regarding dog teams in the terms of exchange for cash to sell fish to a commercial dog team. One thing I would note the recommendation by the Eastern Interior Council would not change the ability to barter fish to a dog team. But again, in your region you may find that it's appropriate to make a different recommendation and I don't know the kinds of practices here in your region in terms of the event that you mentioned, if there is exchange for cash for subsistence caught fish to commercial dog teams. If there are then if this kind of language were adopted, it would have an effect. So that would be up to you to decide if it's appropriate in your region.

MS. GREGORY: Thank you.

CHAIRMAN WILDE: Thank you. Public comment, customary trade. (In Yup'ik)

INTERPRETER: Before he makes the call, he would like to have comment from Peter Abraham.

MR. ABRAHAM: Mr. Chairman, (In Yup'ik)

INTERPRETER: Yeah, all of the kind of decisions that have been said before him have virtually run him out of anything to say.

(Laughter)

INTERPRETER: There's a lot of things that were boiling in his mind but he's left with nothing to say.

(Laughter)

45 INTERPRETER: When he brought home this
46 topic -- when he brought this message back to his home
47 area, he didn't stay idle, he went over to the villages
48 and how -- he asked them how they feel about this and he
49 points out what it's all about and what their activities
50 from time and memorial, a lot of the people responded and

saying that they would never like to see this custom to be altered in any way. And there was one man that he never thought of receiving any -- very -- and how much he was told -- and our counterparts are now looking for a way to start regulating our subsistence activity. If it becomes a regulation then it will be a tool for our counterparts or the agencies to control our subsistence activity.

So looking at commercial fishery, when commercial fishermen when they violate a certain law and regulation they have fine -- they get fined. So as he looked at this direction, if this becomes part of the regulation then it will be a tool and a leeway to start controlling how Native groups are controlled in their activities for subsistence. So the best thing for -- the best advice he got from the regional people there was to leave this topic alone. Just let it stay status quo. Leave it alone as is. Don't bother it.

Thank you.

CHAIRMAN WILDE: (In Yup'ik)

INTERPRETER: In looking at the people before you, all of the recommendations that you have before you and if you want to make comments relating to customary and traditional activities, those of you need to address some of these issues, Peter Miller from Tuntutuliak.

MR. MILLER: (In Yup'ik)

INTERPRETER: How do you turn on the contraption? Oh, he's got it.

(Laughter)

MR. MILLER: (In Yup'ik)

INTERPRETER: Peter Miller. And if this was the only way of thinking or feeling about this idea they would just stand up and go out because they don't like the idea of having -- and a lot of the things that

they took for granted without any regulatory things,
rather than trying to put regulations into one's mind now
it become -- it comes to the point that it is now in our
midst how our livelihood is going to be regulated.

And there are a lot of Natives in our

regions, in the villages that have any inkling idea of what is being under discussion right now. And what kind of a decision are we going to make for our people and the people to come after them? This subsistence activity need not be altered in any way, so now we have come to the point and we have something before us that's really going to touch our livelihood.

Fish and Wildlife Game Wardens, it seems that you like.....

MS. GREGORY: (In Yup'ik)

MR. MILLER: He's fairly young. He's come to realize all of our subsistence activities are beginning to be a focus how it's going to be a handled and the changes are starting to come about relating to our subsistence activities. Something that they have been practicing all their lives without having to be turned down by certain regulations is sort of rather a shock for it to become regulated. But the idea of having to share with other members of the community is an ideal thing. In many times -- sometimes there are families that call him and tell him that there are certain food items that's needed and he's never sold any fish or dried fish and he's never told anyone to give him any money for what he has given to them. And up to this time he has never sold anything that he caught subsistence -- for subsistence.

So when this becomes a law it's going to hurt a lot of people if we start selling to our fellow members in the villages.

The people that lived long before us were helping one another without having to look at the dollar figure in their mind.

So he don't have much to say but in light of that that's how much he has to offer.

CHAIRMAN WILDE: Yeah, thank you. (In Yup'ik) Rick Johnson, AVCP. Will you go over to that corner.

MR. JOHNSON: Good evening members of the Council. My name is Eric Johnson, I am the attorney at AVCP who works on natural resources issues. And as Art Lake mentioned earlier, AVCP has declined to take a formal position on this issue at this time until the

tribes of the region can more fully discuss and decide this issue at the special convention later this month.

But AVCP does have serious concerns about where things are headed with this issue. It is clearly established that ANILCA protects some sorts of cash sales of subsistence foods, at least, somewhere in Alaska so long as those sales are a part of customary and traditional trade. But there's a lot of questions. What sorts of sales? Where? And to whom? And what amounts and for how much money? And the basic question for you and for the tribes of the region is what, if any, sales of subsistence fish, parts and eggs are customary and traditional right here in this region?

You all know the answer to this question and the tribes know the answer to this question in a way that I certainly don't and in a way that the Federal people who are here today can't know either. You know what your cultural values say about this issue on this important question.

There's another question, though, that you may want to ask yourself as well and, that, I think is a question about political realities. What effect will your decision have on the future of subsistence and on the future of subsistence protections here in Alaska? If large amounts of subsistence caught fish or eggs are sold out of the region, will there be enough fish and eggs to meet village subsistence needs? And on a political level, if the enemies of your subsistence rights see that some rural people, whether they're Native or non-Native are making thousands of dollars and basically becoming professional subsistence fish sellers, how long will it be before these opponents of subsistence start saying that subsistence is no difference than any other commercial activity? And once they've argued that, how long will it be before they start arguing that subsistence therefore should not have a priority over commercial fisheries, over professional sportfish guiding and other money making activities involving fish? If it just looks like another way that people are making money, will you and will your people lose the moral high ground in the debate that's going on in subsistence right now in

45 a way that will come back and haunt people in this
46 region? Is the $1,000 per household member that's been
47 proposed on sales to outsiders, is that too high? One
48 point I wanted to point out is that that proposed $1,000
49 cap would only apply to sales of salmon. It wouldn't
50 apply to other fish products which would basically be

unlimited in sales to outsiders.

Along these lines, I think two of the proposals from the other RACs are perhaps of particular concern. The Southeast RAC has proposed that there be no cash limits on subsistence sales to non-rural residents. and the Arctic Slope RAC, as was just summarized to you doesn't believe that sales to non-rural residents should be prohibited, even when it's a significant commercial enterprise. And the question I have for you this evening is, where would these sorts of proposals take subsistence in the state, where would these sorts or proposals take your subsistence rights if it was okay to sell any dollar amount of subsistence fish or eggs to anybody, even a business operating in some entirely different part of the state or the country? How would you then be able to defend your subsistence rights and the legal protections that your rights have when the critics of subsistence come back and basically try to argue that subsistence is just another big business.

If people are marketing subsistence salmon commercially, how long will it be before the Federal Food and Drug Administration decides it has to regulate subsistence fish preparation before the day comes when they look at their own legal mandates and say if subsistence fish are being sold in large numbers, that they need to go out to people's fishcamps, they need to check out how you're drying fish out there, check out the sanitary conditions, et cetera.

Fish eggs are a very valuable commercial product, as all of you know. Will unethical people engage in roe stripping because of the financial incentive that they would have to try to make money selling fish eggs. Along those lines it was pointed out to you that the Eastern Interior RAC did recommend that there be no cash sales of subsistence caught eggs.

Finally, will large companies that are not fisheries businesses in Anchorage, Seattle or elsewhere buy unlimited amounts of subsistence fish for company events to give to employees and guests to give them a taste of an authentic Alaska experience. Will it

be okay for British Petroleum in Anchorage to buy
whatever amount of subsistence caught salmon strips they
might want to sell to -- to -- they wouldn't be able to
sell them but to give away at company picnics to use for
company events. And where would all this end, when would
these sales to non-rural, non-subsistence people finally

have gone so far that Congress would step in or the State would succeed in basically ending Federal management of subsistence and perhaps even the rural subsistence priority completely.

These are serious considerations, I think, and I think these are important questions for the members of this RAC to be asking themselves and for the tribes of the region to be asking. I don't pretend to have an answer to any of these questions. I think these are the kinds of issues, though that have been raised by all of this discussion about subsistence cash sales particularly to people who aren't rural residents.

I just wanted to mention briefly that even though the issue that's been put on the table sort of the most directly and that's been forwarded to the regions is the issue of subsistence, cash sales to non-rural residents that I think this RAC is certainly entitled to make whatever comments or suggestions that it wants to make on the other two sections as well, Section 11 that deals with sales between rural residents and Section 13 that deals with sales to fishery businesses.

And that's about all I have to say. As I mentioned, AVCP has not taken a formal position. We're waiting to hear from the member tribes and we hope that all of you RAC members will be able to attend the special convention in Bethel later this month. Thank you. If there aren't any questions, that's all I have to say.

CHAIRMAN WILDE: Thank you. We'll have five minutes break after Norby. Norby Beans.

MR. BEANS: Thank you, Mr. Chairman. My name is Norbert Beans with the Algaaciq Tribal Government representing the Algaaciq Tribal Governments in St. Mary's. At this time without consulting the Council will not agree or disagree with the dollar cap put on customary trade.

However, I have several questions, what would stop a person from Lower 48 or urban areas that come up like May 1st with his family, 30 days later they

45 declare residency and they apply for permits to sell and
46 say they're subsistence or commercially caught -- or
47 subsistence caught fish? What's going to -- how are we
48 going to watch that or control that? Everybody in their
49 family is eligible for a permit or is it just head of
50 household, has that been determined?

And you know, I'm very uncomfortable on seeing a dollar sign put in front of our subsistence caught food. I don't like seeing that at all, you know, this is just going to open -- putting a dollar sign in front of our subsistence caught food is just going to open just a bunch -- another can of worms. And you know, if we do that, then what's next, you know, what part of our culture or what part of our lifestyle are we going to put a dollar sign on next?

That's all I have for now, thank you.

CHAIRMAN WILDE: Yeah, thank you. We going to have five minutes break.

(Off record)

(On record)

CHAIRMAN WILDE: (In Yup'ik) We are still on public comments on customary and traditional, Kuv Andrew, Tuntutuliak. (In Yup'ik)

INTERPRETER: You know, whoever you are that's called on.....

MS. GREGORY: (In Yup'ik)

MR. L. WILDE: (In Yup'ik)

MR. ANDREW: My name is Kuv Andrew for the record or.....

MR. L. WILDE: Mr. Chairman.

MR. ANDREW: .....actually my full name is Kuvel Andrew and I'm from Tuntutuliak.

MR. L. WILDE: Mr. Chairman. We'd like to have some quiet in this room, please, so we can hear the people that are here to -- thank you. I think you all understand what I was going to say.

MR. ANDREW: (In Yup'ik)

INTERPRETER: My name is Kuv Andrew from Tuntutuliak. And on the issue of customary trade, as Natives our subsistence way of life is from time and memorial. Before I start I want to tell you that we use our walking stick to look for danger -- danger areas when

we're traveling. That's how this issue you're talking about is the same thing as we're -- this issue is just like traveling on thin ice.

This saying, the raven, because it's wise it's something and that there's a saying that to live wisely because that's how this -- this issue that you are -- the issue in front of you today is -- the issue is setting a tool for the Federal and State agencies to regulate our subsistence way of life. And this issue is like ANCSA, which placed before us hardships, like it's in the Lower 48. I'm asking you to work on this wisely, and this $1,000 limit you are talking about, and I am urging you not to put a dollar value on our subsistence way of life. And if I want to make some money, I carve ivory.

And our modes of travel are getting expensive, like the snowmachines. And if I want to buy a snowmachine, because I -- if I want to buy a snowmachne, I can trade food or sell food to other people and my carvings and if I trade these with money I can buy a snowmachine buy a snowmachine what I have trade with a dollar value. If I do that -- and if I go over that $1,000 up to $7,000 will I land in jail for that. I want to tell you that because customary trade is passed on from time and memorial. And this customary trade is like trading food for other foods that people don't have. And today we live with dollar values, our economy today is dollar value, based on dollar value and I don't want anybody to tell me how -- how much I -- money I could use for subsistence activities.

Thank you.

CHAIRMAN WILDE: Yeah, thank you. Teddy Kugtsum. (In Yup'ik)

INTERPRETER: Teddy Kugtsum, go to the mike and state your name.

MR. KUGTSUM: (In Yup'ik)

INTERPRETER: I am Teddy Kugtsum. I came

in from Kipnuk, Alaska, I came from Kipnuk. They told be
before I left kipnuk, they told me this morning, I told
them I didn't want to come to this meeting with my own
money but I will be traveling to Kipnuk and I am talking
for the people of Kipnuk at this time.

And I feel very uncomfortable about hearing our customary lifestyle -- customary trade lifestyle, they used to trade without the dollar value placed in front of them. And in 1958 I was just a boy and at that time in 1958 I was very poor. My first cousin, Carl Jack, was very poor at that time. We didn't have anything at that time but we used to eat fish during that time and I think today my cousin's pockets are deeper than mine because I don't have a job now and my dad used to tell me -- what he used to tell me, I try to take care of what I earn and I live like that today. And even if I don't have a job, I am -- when it's time to eat I eat and I don't worry about money when I'm going to eat because of my subsistence way of life.

If this customary trade rule comes into place, how are our children going to live? These things are coming up in the horizon. What they weren't -- before us -- the people before us, the ancestors who were living, they didn't use to worry about these regulations and that $1,000 that are in front of us today is not even enough for one day's living and for, example, a thousand dollar.....

MR. KUGTSUM: I had a thousand dollars in my pocket that time, I went to lumber company, there was wood lumber company (In Yup'ik)

INTERPRETER: For my subsistence activities, I -- when I bought materials for my sled it was over $700. How are we going to handle this customary trade as it comes into directly our way of life and our children's way of life who are working for people -- let us not forget our customary lifestyle and subsistence way of life.

If we live like our ancestors used to live, let us just trade not put a dollar value on our customary trade customs. And customary trades and when my son asks for money I give them not all of what I have but leave some for my subsistence activities and today they -- the airfares are climbing and the thousand dollars is not even enough for half day's life or not even for a half an hour. But customary trade like

trading for other foods that we don't have, like our ancestors used to live is not going to make any trouble for us in the future.

Let us remember our ancestors way of life and hold onto it and if we keep saying -- accepting these

papers that are placed before us, let us think about our children and their children's future about our customary or subsistence lifestyle.

Thank you.

CHAIRMAN WILDE: Thank you.

MS. GREGORY: Dario Notti. He's going to speak on behalf of himself.

MR. NOTTI: Now, Title VIII of ANILCA says that any rural Alaskan or rural resident is a recognized users and many of those recognized users have quite different customs and traditions than you or I. Without a cap on sales, trade or barter, especially to outside interests, their customs and traditions could ruin subsistence for all of us.

Some ancestors came here during the Gold Rush or early missionaries offspring could possibly get a judge to rule that they had established a customary and traditional use. The traditions that you and I talk about are thousands of years old, but that isn't necessarily everyone's traditions.

A cap of some level is needed to protect the Native traditional uses from some wrong-minded judge, it must be a level low enough to stop people from trying to exploit subsistence to get rich. And that cap is needed to protect subsistence for our grandchildren.

Thank you.

CHAIRMAN WILDE: Yeah, thank you. Mike Coffing, Dan Bergstrom, ADF&G

MR. COFFING: Mr. Chairman and members of the Council, my name is Michael Coffing and I'm with the Department of Fish and Game, Subsistence Office in Bethel. It's good to sit on this side and see the faces of these gentlemen here who, sitting behind them I've just seen their backs for awhile so it's good to see your faces now. I appreciate the opportunity to be here and

45 good to see all of you.
46
47 I'd just like to offer a few comments and
48 then I'll pass it over to Dan Bergstrom here. You know,
49 both State and Federal regulations recognize customary
50 trade as legitimate part of subsistence use. It's in

both State regulations and Federal regulations. And one advantage of this proposed regulation that we're looking at now and talking about is it gives all of us an opportunity to discuss what's good about it and what's bad about it. Thing that concern us and issues. And so for that reason it's good that we have it in front of us.

The Department of Fish and Game has collected subsistence salmon harvest information from families in much of rural Alaska for many years and we've always thought that the subsistence harvest numbers that we've collected included some part of that that's going into customary trade. So in other words, we thought the harvest information for subsistence use includes what people eat as well as what they trade or barter. However, we don't -- we don't know what level of that harvest or how much of that harvest has been specifically for customary trade, we've not asked those questions. It's something we know has existed, we know it's out there but we don't know how much of the salmon harvested has gone into customary trade. With the proposed regulation, when it's adopted, you know, we won't know whether the amount of harvest -- amount of salmon being harvested for subsistence and going into customary trade is increasing or not because we don't have a baseline. We don't know what's happened right now.

Some of the households that I'm familiar with in the area that I do surveys in the Kuskokwim Drainage, some of those households harvest many more salmon than other households. There are instances where a few, not a lot, but a few households in several communities on the Kuskokwim harvest between 200 and 600 king salmon for subsistence use now. That's occurring now. In a few communities there are a few households, three or four households that are high harvesters that may harvest 25 percent or 30 percent of a total community's subsistence harvest of king salmon. So there are a few households that are very large harvesters that take a big percentage of the overall community's harvest for some salmon species. We don't know if those households put a lot of those fish into the customary trade network. I guess another question is with the regulation, if it's adopted, when it is adopted, will

more households begin to harvest more salmon because of the opportunity to sell those salmon as customary trade? Questions that we don't have answers to now.

Not all households in the river drainages will have the same opportunity to participate in

1 customary trade as other households in some other
2 communities. The regulation that's being proposed is for
3 fish harvested in Federal waters. Much of the Kuskokwim
4 above Aniak on up above Aniak, with the exception of the
5 Lake Clark area, much of the Upper Kuskokwim and Middle
6 Kuskokwim is not Federal waters. Salmon harvested in
7 those waters would not be allowed to be sold under
8 Federal customary trade regulations.
9
10 Conversely -- or opposite to that, much
11 of the lower river area, the Lower Kuskokwim, the Lower
12 Yukon are within the Yukon-Delta Refuge. Families that
13 live down here fish that are harvested in Federal waters
14 down here would be allowed to enter that Federal
15 customary trade network through those regulations. So
16 you see, the regulations being proposed doesn't apply
17 equally to everybody throughout the drainage where the
18 fish exist. It depends on whether you're harvesting fish
19 in Federal waters or not. Will that change where people
20 fish? Will people that live not on Federal waters want
21 to come to Federal waters to fish? We don't know. We
22 don't know how this regulation might effect where people
23 fish.
24
25 You know, over the years there has been
26 some interest in commercial fishing for non-salmon
27 species, pike, whitefish, burbot, sheefish and the way
28 the Department has handled requests for commercial
29 fishing for what we call other freshwater fish is we do
30 that sort of on an individual basis. A person would
31 apply for a commercial fishing person, would fill out an
32 application and submit it to the Department Staff in
33 Bethel, typically for Lower Kuskokwim area, and we would
34 review that and we would look to see where does that
35 person want to fish, what kind of gear do they want to
36 use and how much are they talking about catching and what
37 species? Commercial fisheries Staff review that,
38 subsistence Staff, I would review that and I would review
39 that having in mind that we don't want people commercial
40 fishing in a place we know there's a lot of subsistence
41 fishing going on. Some specific examples are the Johnson
42 River Drainage. It's always been a standard practice
43 method with the Department of Fish and Game, is that we
44 do not allow commercial fishing for whitefish and other

species in the Johnson River Drainage because it's so important for subsistence, we've not allowed that.

When an application would come in for commercial fishing in an area that I don't know too much about, I would get on the phone and call people in

Marshall or Pilot Station or Akiakchuk and say, well, we've got an application for someone that wants to commercial fish for whitefish at this location, is that going to impact subsistence? Is it in an area where there's a lot of subsistence fishing going on? It might be open water time, people are drifting or it might be nets under the ice, and that community -- people in that community, if I learn from them that that's a very important subsistence fishing area for people that live there to get fish for food then sometimes we make provisions, either we may not allow that person to commercial fish there, we might ask them to go someplace else or we may not allow them to harvest a certain species of fish there because we want to be sure we provide what's needed for people that live there for subsistence.

Under what's being proposed, people that want to harvest fish, either whitefish, sheefish, anything to sell that live out here, they're all subsistence. You could have people fishing in the Johnson River Drainage where before we didn't allow commercial fishing, now you have people harvesting fish there to sell them next to their neighbors who are trying to harvest fish because they need fish to eat. So it's a little bit more difficult to regulate that sort of thing because now everybody's a subsistence fisher that lives out here and they can all fish and sell the fish.

I think with those examples, I'll stop. You know, it raises a lot of questions. I guess as we've heard from some of the folks that have testified and we'll perhaps hear in Bethel later on this month and maybe from many of you, the discussion's good but it just raises questions that we all are wondering about, how it will impact us? I guess the bottom line in my mind is are we still going to be able to provide fish for subsistence that people need in the region and provide fish that need to get up to the spawning grounds and spawn so we have fish for our children and grandchildren and how will -- or will harvesting fish to sell effect that? Those are questions that we have now.

Thank you very much.

CHAIRMAN WILDE: Dan Bergstrom.

MR. BERGSTROM: Hi. My name is Dan Bergstrom. Good evening. And just a little background, I'm with the Department of Fish and Game, AYK Regional

Management biologists. And I've been involved with the management of salmon fisheries on the Yukon River for almost 20 years and I just had a couple of points to consider. Kind of somewhat on the management side of things.

One of the issues that's very important when dealing with customary trade is the possibility of -- and we've heard, I think, some of that earlier, is blurring the lines between commercial and subsistence fisheries. The priority for use works very well now. Subsistence is the priority use above commercial fishing for cash income.

During years when little commercial fishing is expected, fishers who are Federally-qualified subsistence users could increase their subsistence harvest of say king salmon so they could sell their fish for cash. With large numbers of subsistence fishing households, a large increase in the harvest by a few households or a small increase of harvest by many households can result in a much larger harvest than historically taken. In the Kuskokwim there is not a directed commercial fishery for king salmon because of the large subsistence fishery. If the subsistence harvest were to increase, there may not be enough for all subsistence uses.

One of the other points we have is that reporting may be very important to monitor sales of subsistence fish. Consideration should be given for a method of monitoring customary trade sales and harvest.

Finally, I think there should be some consideration of the rural to rural trade should be made. There are enough rural residents in the region, in the state, that large amounts of fish and cash could be involved. So there's questions of what is a significant commercial enterprise between rural users and what is the customary and traditional sales?

In summary, the main management issue is for the customary trade regulations is if it results in larger harvest that have historically taken then there's

going to be impacts on other fisheries, other subsistence users and that is why there should be full consideration of the proposed rules.

Thank you.

CHAIRMAN WILDE: Thank you.

MR. THOMPSON: I have a question for Dan Bergstrom.

CHAIRMAN WILDE: Johnny Thompson.

MR. THOMPSON: I just wanted to ask you about quite a while back we had problems with Tanana that they put a limit to each permit holder, 2,000, is it still existing?

MR. BERGSTROM: Johnny, if I got the question right, the only place where there's a limit on harvest in the Yukon is in the personal use area right by Fairbanks. There wasn't any limit put on it outside of that non-subsistence area.

MR. THOMPSON: Because during that time each -- each permit holder, even the storekeepers have that permit, wife and the husband, that's what I'm concerned.

MR. BERGSTROM: Yeah, I'm not sure what your question is.

MR. THOMPSON: Well, there was some problems during that time on the Tanana River and they recalled for the Board of Fish and they had to go through Fairbanks and take care of that recall. Harry and I, we were present at that time and they put the limitation to each person that's fishing in the Tanana River.

MR. BERGSTROM: Okay, now, I got the question, is -- that was back in 1987 and there was a bunch of sales of, primarily fall chum and some coho salmon roe sales in District 5 and 6. But what the Board did at that time to kind of address that issue is they put in regulations for buyers so it made it harder for them to buy, that's where the fish were sold, to actual fisheries businesses and the roe that was sold. And what they did for the subsistence fisheries, instead of being, I think it was two 48-hour periods in a week it went to two 42-hour periods a week and they also had to weekly

report their subsistence harvest but their actual harvest was not limited.

CHAIRMAN WILDE: Yeah, I'm going to urge Council try to stick with agenda. Right now we are talking about customary trade. Peter Lupie.

MS. GREGORY: Peter Lupie.

CHAIRMAN WILDE: Lupie.

MR. LUPIE: (In Yup'ik)

MS. GREGORY: Somebody turn that thing for him.

MR. LUPIE: (In Yup'ik)

INTERPRETER: He's from here and his name is Peter Lupie. He's got a lot of family members in this community that go by that name. He will not take up a lot of your time because he realizes there's a limit to how much you can do before your body gives out and a lot of you or a lot of the issues that come up regarding this subject have stated something about $1,000 limit.

And years ago there was a lot of fish caught just to get the roe and where all of that roe go and how much money the roe bring in. All of the things that you have discussed under this particular topic is very encouraging for all of us to be able to have a share in knowing what's being done about our way of life here.

I don't want to take too much of your time but he wants to encourage you that when you think about this particular topic, think of the people and those that have overharvested salmon in the name of roe. When those things surface match how much you can catch for yourselves and how much salmon is being wasted in the way of commercial use.

So that's the extent of his presentation or testimony or whatever.

CHAIRMAN WILDE: At this time, summary of Regional Council comments. Alex Nick, Regional Council coordinator, do you have written comments?

MR. A. NICK: Mr. Chairman, with your permission Mr. Jennings will present the summary of the written comments.

CHAIRMAN WILDE: Okay.

MR. JENNINGS: Mr. Chair, I've already presented those to you and they're summarized on the information sheet that says summary of Regional Council

recommendations and I discussed the four Councils that have already taken a recommendation prior to your meeting. So I don't have anything more to add, Mr. Chairman.

CHAIRMAN WILDE: Yeah, thank you.

MR. A. NICK: (In Yup'ik)

INTERPRETER: Is that all?

CHAIRMAN WILDE: Yeah. (In Yup'ik)

INTERPRETER: Open public comment so it has been practiced -- it states open -- he has been going down the.....

CHAIRMAN WILDE: Regional Advisory Council comments on customary trade. John Hanson.

MR. HANSON: Yeah, thank you, Mr. Chairman. (In Yup'ik)

INTERPRETER: All of the conversations that went on earlier have touched his heart and stirred his mind and it's a very touching history and he has seen himself, like his parents and his grandparents and how they survived in the way of assisting themselves and the days when he first noticed that this trade thing there, there was no money involved in that practice.

And all of the elders at this time and those of us that are -- there are some middle aged or getting near elder, he don't consider himself as a very elderly adult, there are elders among the audience here in this place and some of them are perhaps a little older and wiser than he is. This particular issue customary trade is a very touchy subject. When the dollar sign is in view in light of what you get, subsistence, and consider the tribes, all of the tribes while you picture the customary and traditional trade with the focus of a dollar sign.

So each and everyone of the RAC members

45 need to be very careful how they address this issue to
46 the elders back in their homes. The people, when he was
47 growing up and some of the elders are still there, when
48 the subject was -- the topic was very touchy subject when
49 it first came about in the month of December when the
50 Chairman called him on the phone. When he delivered that

information to the elders in the village -- in his village. He knows now that the response he gets, agencies are making some kind of a leeway or some kind of a channel to touch the livelihood and activities of the Native groups in the region trying to find a away or perhaps all of the people that are sitting here did not create this thing. And ever since he had gotten into serve on the State Board of Fish and Game, he got on in 1985, the Game Board have tackled this issue. And in 1988 he got into the Fish Board and again, this particular touchy item was still debated over and over again.

This issue of customary trade and barter could not be -- it should -- into the focus -- really a focus to fit into the regulatory documents. And when a Native goes out to subsistence hunt, people say it is -- they're going to be touched or they're going to be hurt or why the dollar sign has to do -- why the dollar sign has to be mixed with the idea that customary and traditional trade.

And so that's the extent of my comment.

CHAIRMAN WILDE: Thank you, John. (In Yup'ik)

INTERPRETER: Thank you, John. At this time Philip Moses and Billy McCann. Philip, you go first.

MR. MOSES: (In Yup'ik)

INTERPRETER: You are now under discussion of the age old tradition is the elderly people at the time there was no dollar mixed in with subsistence activities for the people in the earlier times, in his young days.

And a lot of times, sometimes when a gentleman who is more successful that most brings home a lot more than he catches, he will ask one of the community members who could be provided in excess of what he caught and this was community sharing. And there was

one individual who came in from (In Yup'ik), he got into
the community, he had had a nag and the need to please
others in another village so he had a sled load, he was
very glad to share what he had gotten with the whole
community to share. And many of the people in the
communities, even the food may be aged and it had smell

to it, but the people that uses it haven't had it for some period of time would be very delighted to accept the gift of another. But the dollar sign to this figure is beginning to -- or sounding disturbing.

Perhaps in the time when he was growing up the dollar wasn't even around at the time. And at times periodically some villages usually come to the community for -- perhaps they bring a number -- such and such an amount of food into the village asking to trade for something they haven't had for some time. It's a trade not a dollar, it wasn't even under discussion in those activities of trading among the villages.

And this is a very touchy item and also dollar sign and also permit system or licensing, what they call it, that wasn't the system that our ancestral people lived under. It wasn't the method that they used, it was a non-existence.

And those people that were able to hunt knew and respected their elders, year after year, the documentations and regulations have changed from time to time and.....

(Laughter)

And it has come to his attention, too, that the documents of this nature next year these documents will become easier and be easier to follow just like the time earlier today when he talked about the number of pages he had to sign in order to make next year better.

(Laughter)

So we have to look at it very, very closely and compare it with how our ancestral people practiced this customary and traditional trade.

In the early days of his childhood he has not faced and stand up to the U.S. Fish and Wildlife personnel or Alaska Department of Fish and Game personnel nor all of the agencies who are in existence. So if they

make the wrong decision in relation to this trade, we hurt the feelings of our community members in our villages as well as those people that are to come in the future. And this permit system is another thing that they will be disappointed about or licensing.

So customary and traditional -- perhaps this -- not too many people have traded a lot. There are a few that practice diligently to please others or to please themselves in the way of food.

But the dollar value that came about from our counterparts or what kind of a limit are they going to impose on what they can get.

So those are the topics that I -- it's something that isn't nice to be talking about currently is the dollar sign. So he doesn't have much to offer but it's kind of very touchy issue, if you make a ruling to make the law of that nature regarding subsistence activities and it's scary -- a scary thing for a subsistence user to have a license to subsist. And he's no fisherman but it will be closed out or phased out from fishing because it's not going to be a very popular subject in the village when it comes about. He doesn't even fish himself. He probably will have to need the license to barter.

Commercial fisheries is enough to have a license but the activity for subsistence need not have a license. So when we take on the ways of someone that's able offers you some food but the part of their subsistence catch, offers you, what a joy to receive something from a family member or a distant family member from another village. The only thing you can do rather than giving him money is to wish him very, very good luck in his endeavor to do better in his lifetime. And when he watches the people that catch fish much so when they catch enough they always think about their wives or whoever is going to be taking care of the catch, there's got to be a limit to how much they can endure before they get exhausted and letting the rest go to waste. So all of the hunters are consciousness about how much they can bring home for their wives to be able to handle them without getting exhausted. So people -- they have to consider the endurance that their wives can handle.

So those of us that are sitting here, he doesn't like this to go through but to leave it the way they have been doing it for years and years, don't even

45 bother it. Leave it alone. Keep on -- let it keep --
46 keep letting us do what we have to do.
47
48 Thank you.
49
50 CHAIRMAN WILDE: Thank you, Philip.

Billy McCann.

MR. McCANN: Thank you, Mr. Chairman.
(In Yup'ik)

INTERPRETER: A lot of the things that he's thought about bringing up has already been under discussion so he's appreciating the fact that the RAC members are invited to AVCP special convention in March. Ever since he got on this Advisory Council he has always favored to think to protect the subsistence uses in our region. He didn't think about the store.....

(Laughter)

And a lot of the people they go -- even they talk about subsistence, a lot of people go subsisting in the AC Company, either in Anchorage or Bethel or elsewhere. And the food source that have been abused or overcaught that Lupie has brought about -- one time there was that roe that was being sold around in the Napakiak area, even the elderly people, they -- all they took was the roe but the remaining parts of the salmon just -- just to get a dollar. This day and age we are short of salmon. We are short of salmon. Even if the commercial period, we are locked in because of the closure.

And again, sometimes he wonders when Alaska was sold how -- he has heard the subsistence way of life should not be a topic of any relation to the Native's activities. Why is it now that all of this has to alter. He appreciates the fact that this topic that Bethel when they have a big convention in Bethel and the Board members and from there, after they have heard enough -- all of the people that gathered there, as I understand, there will be five people from every community that need to come into Bethel to address the issue. Not only this topic but also the future of the young.

He is very happy to see that this is going a certain direction and the time frame you have been under or how well you take care of this and the time

line for this is extended for the people to take part and
a lot of times he has asked to have this topic to be
addressed through KYAK radio but Mary has stated also
earlier that she has difficulty in bring about the
subject through the KYAK radio. He, sometimes would like
to do it but he doesn't like to do it because he might

make the wrong statement and make people misunderstand. He feels that each and every one of us, including the people in our villages need to understand this particular issue and think about it very clearly which direction are we going to take with this particular issue.

If it's acceptable and put down on black and white how is it going to be.

MR. McCANN: They're the ones that's going to do it.

INTERPRETER: Fish and Game are the ones who are going to enforce it.

MR. McCANN: Once the law is done somebody has to enforce it, that's what they are. (In Yup'ik)

INTERPRETER: Once they start enforcing it after they have yes you cannot go back right away. It cannot be amended right away. There has to be -- it will come up again.

MR. McCANN: You got to do it right. (In Yup'ik)

INTERPRETER: Because it's the future for the Natives. It's ours. And it is all -- and it is done from time and memorial. He knows when he was young looking at the furbearers and the buyers, they didn't buy -- they didn't trade for money but trade for the -- for what they have in the store. No money was used. If a guy brings in mink, he didn't trade it for cash, he traded it for food products from the store. Yeah, all of these guys knows, they never trade money only trade for the goods in the store.

All of this -- this particular issue is being used to buy -- people from as far back as he can remember. He appreciates the fact now that all of this has gotten into his heart and his mind and it's going to go down to the level of the people in the villages and so, in turn, they will understand it and start to focus

in the right direction.

MR. McCANN: Thank you very much. I really appreciate it.

CHAIRMAN WILDE: Thank you, Bill McCann.

Robert Nick and John Thompson. Robert Nick.

MR. BERLIN: (In Yup'ik)

INTERPRETER: He's referring to Billy McCann mentioning Robert Nick's father.

CHAIRMAN WILDE: Robert Nick.

MR. NICK: Yeah, thank you. (In Yup'ik)

INTERPRETER: Since we were talking about the fish -- at this point in time we have been talking about this thing for 2001 so Lester Wilde and -- at that time I didn't have much to say but listening to the people who are talking about this -- but when -- since I have heard even the things I don't know. And all the testimonies that came about were all true. We here that the Staff from Fish and Game -- Fish and Wildlife have said the Natives catch too much -- too much fish but there's extended families that fish together to catch as much fish. I know of a family that six households strong that fish together and after they fish they split those fish to those six families, the extended families. I know of people that -- people who has eight families -- eight households extended families fishing together and over a hundred grandchildren fishing together and after they catch fish -- catch all that fish they split all the fish they catch into those eight families.

I am glad that Mr. Lake has invited us to the AVCP subsistence special convention. And we have heard that these regions here in Alaska are not all the same or they don't -- or their customs are not the same.

The families that subsist share their catch with family members like other regions. This issue in front of us is a very important touchy issue and since Billy McCann mentioned my father about trading for bear and animals many times even from Kasegaluk and other villages used to come to my father's store and now after -- the store to sell -- sell sometimes -- when they want something from my store I give them food and when they bring me fur I use that as their form of payment and that

45 was the form -- barter that we used to do.
46
47 And Philip Moses mentioned earlier about
48 our subsistence way of life and our customary trade,
49 sometimes -- like sometimes the family, if he has
50 something that the other family doesn't have they will

trade -- trade -- we're not talking about many people selling for customary use but very few does that in my place. I know of only one family that does this but they don't do it for business but as customary trade. But I, myself, many times have fished but I -- when I fish I think about my wife that's going to be working on the fish I catch and I use her as my limit -- as I limit my catch because she gets tired and without the few fish we have that is extra, when a person -- another family asks for some fish we give them a little extra we have and that's how we use subsistence and customary use.

Thank you.

CHAIRMAN WILDE: Thank you, Robert Nick. Johnny Thompson and Lester Wilde.

INTERPRETER: Johnny Thompson and Lester Wilde.

MR. THOMPSON: Thank you, Mr. Chairman. (In Yup'ik)

INTERPRETER: When I was put into when I asked how the permit system in those days -- since that time there has been some hardships up to this date that we know -- that we know now today have on monetary economy -- stairway of subsistence but they cannot look at us or see us like themselves. And I know even my neighbor, we fish together helping each family and me and my kids fish together. Even my neighbor who's -- I know they fish together and I know Harry Wilde does the same thing.

And that's our way of subsistence and it's been mentioned already and discussed it in a very understandable way. And I cannot add any more to what has been said already. Mr. Bergstrom, when I fish I -- I always let them know how many fish I catch each day trying to help my people. Even so there's been lots of hardships to our subsistence way of life and -- and we should try to straighten out all these problems and hardships that our on our subsistence way of life.

And I thank AVCP, our subsistence way of life and customary trade is going to be one of their agenda items. I would appreciate if AVCP would invite formally the people and I think AVCP's special convention would be a very good time to really talk about this touchy issue, customary trade. If we do not straighten

the language in this proposal on the monetary value that's being put into the customary trade, is it just for one person or a family? If the language is broad it's going to be a problem later on and will cause hardships later on to the families.

Peter Abraham's home region, this lesser dollar amount I think would be a good -- I urge you to think about this very touchy issue before acting on it.

Thank you.

CHAIRMAN WILDE: Lester Wilde.

MR. L. WILDE: Mr. Chairman, I would like to hold of on my statements until Mr. Savage has an opportunity to say his peace.

MR. CHARLES: Mr. Chairman, thank you. (In Yup'ik)

INTERPRETER: This issue like Johnny Thompson, if it has a limit to the amount even not up to the thousand dollar limit would be good. Today we are having a -- in a dollar economy and our bodies are covered what we got with the money. And we go home after this meeting we will go home using gas and a snowmachine on what we have bought with the money and the light share -- and this light we have now even has a dollar value and when we drink tea and coffee at the house we have gotten with the money we earn. At this point in time we are not living -- not in a dollar -- dollar economy. But I think it would be good to put a limit to the customary trade issue. But these are things we need to talk more and keep an eye on.

The last few years there has been few fish on the Kuskokwim and the Yukon and we have heard that there are fewer and fewer fish each year and last summer we were limited to our subsistence activities on the Yukon and on the Kuskokwim. And today with this issue in front of us is telling or the language in it is saying there will be dollar value to the customary trade and I have seen some people fishing even on Saturdays and

Sundays even they don't have smokehouses or caches like us, what do they use with the catch, what do they do with the fish that they catch? And I have seen fish boxes full of fish being sent to out of the region or is it because they have smokehouses or caches at where they come from.

And this issue -- and this customary trade issue in front of us here would be a tool for us to keep an eye closer to those people that come in and misuse our resources. If the fish price is low there are just a few commercial fishermen fishing, if the fish price is high there are more commercial fishing. If this price of fish or the limit to the customary trade is high, there will be more subsistence fishers for this purpose. But if the limit is lower, it would be less fishing for the customary trade.

Thank you.

CHAIRMAN WILDE: Mike.

MR. SAVAGE: Thank you, Mr. Chairman. I'm probably the youngest member of the committee here and I watch my dad and my mom fish all their lives. They trade, they bargain their fish, whatever they get for food for us kids. And it's something that I see is going away. I subsistence for my children. I got five children. I work hard. These three weeks during the summer just for kings. I don't fish as hard as I used to like my parents did. We were always short at the end of the year no matter how much fish we got, whatever, we were always short.

Now, I think of my mom because of this fishing. She said in her last few years there, she said, the more you complain about animals they will disappear. I am seeing it now. I fish with my dad right now, he's alive yet, and he tells me how to fish. When people cannot catch fish, he tells me what to do when we can't catch any fish and I do what he tells me. And when we get our limit he cuts it off. But all my life I've been doing this, just paying attention to him. And it's going to get worse, it's not going to get any better. And the more we complain, the more we listen to the Fish and Game things are going to get bad.

My mom said one year, a long time ago, she was telling me a story her grandma told her. One year there was no fish in this river. I don't know if it's true or not but when she takes care of fish she

makes sure we take good care of them. I travel all around the state the past five years. I eat different people's food, different communities. They all taste the same but everybody's got different ways of taking care of their foods. And that's something I really respect when I go to villages.

The more I hear about this, the sadder I feel. I'm not sad for myself, I'm sad for my grandkids. I got four grandkids. I think about them very hard. It hurts my feelings. I respect these elders, when they say something I pay attention. I understand their language, but I cannot speak it. When they say something I pay attention. I don't care what they talk about, I listen.

Thank you, Mr. Chairman.

CHAIRMAN WILDE: Thank you, Mike. Lester Wilde.

MR. L. WILDE: Mr. Chairman, we all volunteered for this Council because we thought that we could make a difference in the subsistence lifestyle of our people in every -- in any way that we could. We have a unique opportunity with the AVCP convention on the 19th, 20th and 21 to have those people whom we want to help help themselves and help us make the recommendations on customary trade to the Board.

With that in mind, Mr. Chairman, I would like to move that this Regional Council hold a special meeting during AVCP convention to formulate recommendations in line with the recommendations of the tribes that are going to be attending on customary trade to be forwarded to the Federal Subsistence Board.

MS. GREGORY: Second.

CHAIRMAN WILDE: There's a motion on the floor to have a special meeting with Regional Council after AVCP convention. This motion has been second.

MR. SAVAGE: Question.

CHAIRMAN WILDE: Question has been made. All who favor say aye.

IN UNISON: Aye.

CHAIRMAN WILDE: Opposed, same sign.

(No opposing votes)

CHAIRMAN WILDE: Motion carried.

MR. L. WILDE: Now, Mr. Chairman, I would like to direct Staff to please find some money to bring

us in.

CHAIRMAN WILDE: Staff we would like to make sure that we will be able to have special meeting after AVCP convention. I think we have a special meeting once a year or something. If there's any way that we could get a response from the Staff right now.

MR. RIVARD: Mr. Chair, this is Don Rivard. I'm the Division Chief for this region. And I will need to speak with Tom Boyd and Peggy Fox at our office for the particulars on this that this is the wish of the Council to meet in a special session. I just want to clarify, are you proposing to, as a Council, to also attend the meeting, the AVCP meeting and then meet directly after that formally to come up with your own recommendations.

(Council Nods affirmatively)

CHAIRMAN WILDE: That's right.

MR. RIVARD: Okay. This will be something that needs to be discussed with my supervisors in the office to see how this can be done and if it can be done. But I will relay your request to them.

CHAIRMAN WILDE: Okay.

MR. A. NICK: Mr. Chairman. (In Yup'ik)

INTERPRETER: Mr. Chairman, even though for records, even if it's translated just for record purposes I will translate what he said and he said he was the Division Chief and he will relay this message to his boss -- to Tom Boyd and Tom's -- in the Anchorage office that your wishes are to attend the AVCP special convention to come up with a recommendation right after that meeting. And he will relay that to his boss and come up with the answer after that.

After that special convention he understands that there will be recommendations towards this issue right after the.....

CHAIRMAN WILDE: Yeah, go ahead.

MR. RIVARD: Yes, Mr. Chair. I will make a phone call tomorrow morning and hopefully I can get an answer to you before the day is out tomorrow on this

question.

CHAIRMAN WILDE: Yeah. It is also our manual, it says that as a Council we have to give opportunity to public that we could listen to them before we have any kind of decision. That's what our manual requires. So if we don't do that what use is it to have a manual with us? We will except answer from what -- we would like to have an answer as soon as possible.

MR. RIVARD: Understood.

CHAIRMAN WILDE: Okay.

MR. L. WILDE: Mr. Chairman, Mr. Rivard would it be possible instead of adjourning, to strengthen our position and our request to recess to the AVCP convention instead of adjourning this meeting, just to recess it until after the AVCP session so we can reconvene this meeting?

MR. RIVARD: I don't have the answer to that. I don't know enough about parliamentary procedure to answer that, sir.

MR. L. WILDE: Mr. Parliamentarian.

MR. JACK: (In Yup'ik)

INTERPRETER: That is how you can do that. You can recess until the next meeting. You already have this quorum established today you can recess and carry your quorum to the next meeting even if there are a few people here who can carry the quorum established to the next meeting.

CHAIRMAN WILDE: (In Yup'ik)

INTERPRETER: We can put this customary trade issue to that special meeting. But the agenda is different from the customary trade.

MR. L. WILDE: Mr. Chairman, I didn't mean to forego the rest of the discussion on the rest of

the meeting. We continue the meeting as we're going but to recess this meeting until then instead of adjourn.

MR. McCANN: Mr. Chairman, recess (In Yup'ik)

INTERPRETER: I think we will have a better chance if we recess this meeting. We are directed by these people to get things done and it would be better for us to recess this meeting until then.

CHAIRMAN WILDE: Go ahead, Robert.

MR. NICK: I just want to give some thought to Mr. Rivard, in your conversation with Mr. Boyd or your supervisors, the plan I think we're discussing now by the motion is to do it right, tribal consultation at the AVCP convention and then for the Council to act accordingly afterwards. And my sense is that whatever position that we come with will be in line with what the tribes decide at the convention. So I think for once the Federal process of the Federal government for subsistence fishermen of Alaska will be done properly. So if you could relate that message to Mr. Boyd.

Thank you.

MR. RIVARD: Yes, Mr. Chair, Mr. Nick, I will relay that message. I don't have the authority to make a decision like this. It has to do with a certain amount of funds and so those decisions are made by Tom Boyd and Peggy Fox in our office. So that's why they need to be brought into this and make the decision on whether this can be done or not. But I think you have a strong case and we'll relay that to them.

CHAIRMAN WILDE: Carl.

MR. JACK: Mr. Chairman, what we have going with the tribes and the Regional Councils are parallel tracks. Regional Council by their recommending authority to the Federal Board will follow that track subject to FACA procedures. The track that the tribes will take is on a different track. Because of the special relationship that exists between the Federal government and the tribes, that will be on government to government. And the tribal officials are not subject to FACA. They can deal one on one with the government.

(In Yup'ik)

45
46 INTERPRETER: That's something that they
47 will have.....
48
49 MR. JACK: So from that standpoint, any
50 position taken by the tribes and you, if they're

consistent will have at least, to my thinking, will have more weight as you go forth with your work.

I just wanted to make that point clear. Thank you.

CHAIRMAN WILDE: So we're going to have a recess until tomorrow morning. Tomorrow morning we going to talk about subsistence fish and wildlife issues. 8:00 o'clock in the morning.

MS. GREGORY: No, 9:00.

CHAIRMAN WILDE: 9:00 o'clock.

MS. GREGORY: Yeah. (In Yup'ik)

INTERPRETER: The students eat at 8:30 here, thereby we have to honor.

MS. GREGORY: So we had to move our meeting this morning to 9:00.

CHAIRMAN WILDE: Okay, 9:00 o'clock.

(PROCEEDINGS TO BE CONTINUED)

* * * * * *

C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

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THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

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DATED at Anchorage, Alaska, this 20th day of March 2001.

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Joseph P. Kolasinski
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My Commission Expires: 04/17/04