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YUKON KUSKOKWIM DELTA ALASKA FEDERAL
SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING

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VOLUME IV

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Bethel, Alaska

12

March 22, 2002

13

9:00 o'clock a.m.

14

15 COUNCIL MEMBERS PRESENT:

16

17 Harry O. Wilde, Sr., Chairman

18 Nick Andrew, Sr.

19 James A. Charles

20 Mary Gregory

21 Billy McCann

22 Philip Moses

23 Robert Nick

24 Raymond Oney

25 John B. Thompson, Sr.

26 Lester Wilde

27

28 Regional Council Coordinator, Alex Nick

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1 PROCEEDINGS

2

3 (Bethel, Alaska - 3/22/2002)

4

5 (On record)

6

7 CHAIRMAN WILDE: Ready?

8

9 REPORTER: Ready.

10

11 CHAIRMAN WILDE: Meeting called to order.

12 Roll call.

13

14 MR. NICK: Harry Wilde.

15

16 CHAIRMAN WILDE: Yeah.

17

18 MR. NICK: John Hanson.

19

20 MR. A. NICK: Mr. Chairman.

21

22 CHAIRMAN WILDE: Yeah.

23

24 MR. A. NICK: John Hanson and Mary Gregory
25 need to be excused because they have other commitments.

26

27 MR. NICK: Nick Andrew.

28

29 MR. ANDREW: Here.

30

31 MR. NICK: Raymond Oney.

32

33 MR. ONEY: Here.

34

35 MR. NICK: Robert Nick myself, here. Billy
36 McCann.

37

38 MR. McCANN: Yes.

39

40 MR. NICK: James Charles.

41

42 MR. CHARLES: Here.

43

44 MR. NICK: Mike Savage.

45

46 MR. A. NICK: Mr. Chairman, Mike Savage
47 also asked to be excused because he of the work demands.

48

49 MR. NICK: Philip Moses.

50

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1 MR. MOSES: Yeah.

2

3 MR. NICK: Lester Wilde.

4

5 MR. L. WILDE: Here.

6

7 MR. NICK: John Thompson.

8

9 MR. THOMPSON: Here.

10

11 CHAIRMAN WILDE: (In Yup'ik)

12

13 MR. NICK: We have nine members present, we
14 have a quorum.

15

16 CHAIRMAN WILDE: Okay. This morning I ask
17 Nick Andrew, (In Yup'ik)

18

19 MR. ANDREW: (Prayer - The Lord's Prayer)

20

21 CHAIRMAN WILDE: Thank you. We welcome you
22 this morning to our continuation meeting from Tuntutuliak.
23 We had to make sure that there's a continuation of this
24 meeting. We had to stop, we didn't want to make a decision
25 over in Tuntutuliak, mostly some of these on the agenda
26 that you see, mostly that we want to hear AVCP on customary
27 trade first before we make a decision because that is the
28 most important thing that was on our agenda. So this
29 morning we going to go ahead and go over our agenda, what
30 we have in front of us right now. You could see there is
31 two agendas. What I did is I make it longer and tape on
32 together and make sure that I didn't lose the Yukon-
33 Kuskokwim Delta Regional Council of March 6 and 7, 2002,
34 Council meeting and I make sure that the draft March 22,
35 2002, it's -- I use that, me and Nick we worked this out
36 and not left over this morning, public comments on each
37 agenda, you are welcome to have comments on each agenda.
38 So if you going to testify we use these this morning.

39

40 So I think it's most important thing for
41 each of you to know when this testify or you have to work
42 with our coordinator right there. Yeah, it says that
43 public comments are welcome for each agenda item throughout
44 the meeting. Please feel out comment forms for testifying

45 but we use these here will be recognized by the Chair if
46 you wish to testify. The Regional Council is flexible on
47 accommodating travel, work schedule, special time to
48 testify, arrange by the contact of the Chair or one of the
49 Office of Subsistence Management Staff. So this morning
50 we're on and I see again, we welcome you on our

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1 continuation meeting.

2

3 And we could go over our agenda in front of
4 us here. Draft customary trade regulations, discussion and
5 recommendation. A, briefing on customary trade issue. B,
6 public comments. 1, summary of Regional Advisory Council
7 recommendation. 2, Associated Village Council President's
8 comment and position. 3, summary of written comments
9 received. 4, public testimony. C, Regional Council
10 discussion and recommendation. 6, special action request.
11 A, restrict fishing for chinook and chum salmon to
12 Federally-qualified subsistence users on Federal water of
13 the Yukon and Kuskokwim drainage. 1, briefing and special
14 action regulations and process. 2, in-season management
15 overview Federal and State. 3, ADF&G sportfishing
16 comments. 4, public testimony. 5, Regional Council
17 discussion. 7, is 2001 annual report. A, annual report
18 cycle, see Page 26 and 27 in your Regional Council
19 Operational Manual. B, development of topics. C, finalize
20 the process of written review and approve annual report.
21 8, date and place of fall 2002 meeting. A, meeting window
22 and neighboring Regional Council meeting dates. B,
23 location and the date, first and second choice. 9, closing
24 comments and adjourn.

25

26 So that's our agenda this morning.

27

28 MR. A. NICK: Mr. Chairman. For the
29 record, what Harry Wilde is reading off is a guide to the
30 agenda so we will have a public record how these issues are
31 taken up during this meeting. As Mr. Wilde pointed out
32 earlier, this meeting was supposed to be a special meeting,
33 well, actually it's a special meeting but it's labeled as
34 a continuation of the Tuntutuliak meeting because of lack
35 of time to notify public. In order to make this legal we
36 had to make it a continuation of the Tuntutuliak meeting.
37 If I'm incorrect Don could explain that.

38

39 CHAIRMAN WILDE: Thank you. On the first,
40 draft customary trade regulatory discussion and
41 recommendation now.

42

43 MR. A. NICK: Mr. Chairman, maybe Don could
44 help us out on this one, how we can deal with it following

45 the procedures.

46

47 MR. RIVARD: Good morning, Mr. Chair,
48 members of the Council. My name is Don Rivard. I'm with
49 the Office of Subsistence Management. First of all, as a
50 point of order you may want to, I don't know if you need to

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1 -- adopt your agenda.

2

3 MR. CHARLES: Mr. Chairman, I move to adopt
4 the agenda this morning.

5

6 CHAIRMAN WILDE: There's a motion on the
7 floor to adopt the agenda.

8

9 MR. ANDREW: Second.

10

11 MR. McCANN: Question.

12

13 CHAIRMAN WILDE: All in favor of motion,
14 say aye.

15

16 IN UNISON: Aye.

17

18 CHAIRMAN WILDE: Opposed, say no.

19

20 (No opposing votes)

21

22 CHAIRMAN WILDE: Motion carried. Go
23 ahead, Don.

24

25 MR. RIVARD: Thank you, Mr. Chair. You're
26 starting out with the customary trade topic; is that
27 correct?

28

29 CHAIRMAN WILDE: (Nods affirmatively)

30

31 MR. RIVARD: Okay. As you know, at your
32 meeting in Tuntutuliak two weeks ago you were given a
33 briefing on the customary trade, kind of development of it
34 and a little bit of a history and briefing. And then what
35 is expected of the Council now, do you need to hear any or
36 all of that?

37

38 MR. A. NICK: Mr. Chairman, the customary
39 trade issue the briefing was presented to the Council more
40 than twice I think. And I think everything just about
41 remains the same with the exception of AVCP convention's
42 recommendations from yesterday's convention.

43

44 MR. RIVARD: For those of you who have your

45 Council books from two weeks ago, again, customary trade is
46 under Tab D, there's a briefing there. And then the actual
47 proposed rule is on Page 5 under Tab D. So that's where we
48 want to be looking at, we want to be looking at that
49 proposed rule. Now, there's a couple of ways that.....
50

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1 MR. ONEY: Yeah, excuse me, Mr. Chairman.
2 Do we have a translator for our respected elders over here
3 that might want to know what's going on here?

4

5 MR. A. NICK: Mr. Chairman, we were
6 supposed to have two translators this morning.
7 Unfortunately, one of them has family emergency and he's on
8 emergency leave. And another one is also on a sick leave
9 today. So the Chair decided that we could go ahead and
10 continue this meeting without translators.

11

12 CHAIRMAN WILDE: We were saying earlier
13 that our elder over there who don't understand, we're going
14 to translate the highlights, just the highlights for him.
15 Okay, continue.

16

17 MR. RIVARD: Thank you, Mr. Chair. Again,
18 we're in Tab D, Page 5. This is the proposed rule that the
19 Federal Subsistence Board has put out for the public
20 comment and for the recommendations of the Councils, all
21 10. There's been a number of recommendations have come in
22 already. In front of you, you'll see two different
23 handouts that were given, that were put out there in front
24 of you today. One is called the summary of Regional
25 Council recommendations on customary trade. And then the
26 Western Interior finished their meeting this week and so
27 there's another one with just the Western Interior Region.
28 So if you see those in front of you. So there's an
29 opportunity to look at what other regions have done as
30 well, if you so choose.

31

32 What the other Councils have done, and this
33 is an option for your Council as well, is to look at the
34 three different sections under subpart D here in your book
35 and make recommendations on each separate section. In
36 other words, Section 11, transactions between rural
37 residents. Section 12, transactions between a rural
38 resident and others. And Section 13, no purchase by
39 fisheries businesses. So they've been making their
40 recommendations no each individual section. That is one
41 option you have.

42

43 You also have the option of just coming up
44 with your own recommendation for the overall regulation

45 here.

46

47 Thank you, Mr. Chair.

48

49 MR. A. NICK: Mr. Chair, maybe at this time

50 we can hear from AVCP representatives what their position

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1 is on customary trade, their position.

2

3 CHAIRMAN WILDE: AVCP.

4

5 MR. JOHNSON: Good afternoon, gentlemen.
6 some of you were at the RAC meeting yesterday and the RAC
7 meeting -- I mean the AVCP meeting yesterday and the day
8 before. So I think some of you have heard the discussion
9 as it's gone around. My understanding is that the place
10 where the discussion ended yesterday was that the full
11 board of AVCP has recommended that there be no cash sales
12 allowed to non-rural residents but that there be no
13 restrictions on cash sales to rural residents.

14

15 A copy of the resolution that was discussed
16 at the AVCP convention yesterday is being passed around to
17 you. This has been changed from the resolution that was on
18 the table yesterday that would have prevented all cash
19 sales of subsistence caught fish, eggs and their parts.
20 It's been reworded so that it only applies to -- it only
21 prevents cash sales to non-rural residents.

22

23 If anybody has any questions I'd be happy
24 to answer them or if anybody has a different recollection
25 of what was discussed or decided at yesterday's meeting,
26 too, I'd be happy to answer them.

27

28 MR. A. NICK: Mr. Chair, with your
29 permission, either myself or Robert translate for Mr. Eric.

30

31 CHAIRMAN WILDE: Yeah, go ahead, Robert.

32

33 MR. NICK: Philip. (In Yup'ik)

34

35 CHAIRMAN WILDE: Thank you.

36

37 MR. MOSES: (In Yup'ik)

38

39 CHAIRMAN WILDE: Thank you. Arthur Lake,
40 president of AVCP. (In Yup'ik)

41

42 MR. LAKE: Good morning, Mr. Chair. Thank
43 you. (In Yup'ik)

44

45 CHAIRMAN WILDE: Thank you. Will you go
46 over, for you, customary trade, how you guys, your
47 position. I think some of us over here are.....

48

49 MR. LAMONT: Mr. Chairman, could I get
50 these two gentlemen's name?

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1 CHAIRMAN WILDE: Yeah, okay.

2

3 MR. JOHNSON: My name is Eric Johnson and
4 I'm the natural resources attorney with AVCP.

5

6 MR. LAKE: My name's Arthur Lake. I'm the
7 president of AVCP.

8

9 MR. JOHNSON: The position that AVCP's full
10 board took yesterday concerns Section 12 that's before you.
11 On Section 11, the full board decided -- basically agreed
12 with that that there shouldn't be any limits put on sales
13 of subsistence caught fish and eggs and parts between rural
14 residents. But the full board did believe that there
15 should be a complete ban on sales of subsistence fish eggs
16 and parts to non-rural residents and non-rural businesses.
17 So as far as Section 12, sales from rural residents to non-
18 rural residents, the full board of AVCP resolved that there
19 should not be sales to non-rural parts of the state or
20 outside the State.

21

22 MR. A. NICK: Mr. Chairman, could I
23 summarize that in Yup'ik?

24

25 CHAIRMAN WILDE: Uh-huh.

26

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

28

29 Mr. Chairman. Art, for the record, could
30 you summarize what you said, in English -- Yup'ik to
31 English, rather, for the record, just highlights?

32

33 MR. LAKE: Into English, thank you. Mr.
34 Chairman. It is -- into English what I said earlier, okay.
35 Thank you, Mr. Chairman, Mr. Nick. The convention
36 discussion about the customary trade and cash sales was
37 pretty lengthy. It was set back a couple times, but
38 yesterday at the very end is when the convention -- and I
39 would like to appreciate the fact that our tribes gave it
40 a lot of discussion and thought a lot about it. And I
41 appreciate the fact that they spent a lot of time looking
42 it over and trying to be careful about what they say and
43 what they wanted.

44

45 And I believe -- not believe, but they said
46 that they do not approve of cash sales to non-rural
47 residents and others. And that cash sales is okay between
48 rural residents. But they didn't indicate how much, they
49 couldn't, even if it's not very much. And that's the
50 position that they took yesterday and we'll have the

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1 resolution -- signed resolution presented to you after they
2 have been signed, mine and Mr. Chairman's signature from
3 Akiak.

4

5 Thank you, Mr. Chairman.

6

7 CHAIRMAN WILDE: Do we have a question for
8 -- Council, do you guys have a question for AVCP on
9 customary trade.

10

11 MR. NICK: Mr. Chairman.

12

13 CHAIRMAN WILDE: Go ahead, Robert.

14

15 MR. NICK: I'll do it in English and then
16 I'll translate it, because I could do it shorter in Yup'ik,
17 in English you use a lot of words.

18

19 I was there during the discussion of
20 customary trade yesterday. I appreciate the fact that you
21 chose to spend time and allow time to discuss this even
22 though the hour was late. The RAC members, as you recall,
23 in Tuntutuliak could not make any comment any way on the
24 proposed rule that is before us. It is a comment that we
25 have to make to the Federal Board. We are an advisory to
26 the Federal process, the consultation. And citizen's
27 input, I think you attempted to find that yesterday in your
28 meeting.

29

30 I heard people talking about how they
31 bought, purchased a little food from other subsistence
32 users. And there was some concerns expressed by others, I
33 think -- so I think it was a broad viewpoint and will give
34 us a real guidance today, this morning because we do have
35 to make a comment on the proposed rule.

36

37 In talking to your delegates yesterday, one
38 by one, whenever I had a chance, a lot of them had already
39 expressed their position in their resolutions and their
40 letters to Mitch Demientieff and the Federal Subsistence
41 Board. So I think the consultation that you allowed is
42 good and I have promoted it in my efforts to have the input
43 of the users, especially.

44

45 And I want to thank AVCP for giving the
46 avenue that we -- we're fortunate that these meetings
47 occurred close together, otherwise I think we would have
48 had a difficult time -- a difficult task of making a
49 recommendation on something that our ancestors have
50 practiced for years. So I think we'll have a -- we'll be

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1 more at east today, this morning when we come out with a
2 recommendation on the proposed rule. We know that this
3 proposed rule will be taken up by the Federal Subsistence
4 Board in May and it will be, I think incumbent, you know,
5 it would behoove AVCP to carry the voice of those delegates
6 yesterday to the Federal Subsistence Board in May along
7 with our Chairman who will be there to carry our
8 recommendation, along with the villages that have already
9 commented, you know, your voice will be heard by members of
10 the Federal Subsistence Board.

11

12 And one thing that we need to understand
13 here is that there are 10 -- Alaska is a big state, we have
14 other regions that would like to see Section 12, you know,
15 to allow for cash sales and in some regions that want to
16 see unlimited cash sales, so the opinions and
17 recommendations to the Federal Subsistence Board in May may
18 not be the same as ours. So I think for the reasons
19 subsistence users, which are the most in the state of
20 Alaska, I think the people in the Y-K region rely on
21 subsistence more than any other region in the state of
22 Alaska and, for that, you know, asking that the AVCP march
23 to the Federal Subsistence Board in May and also carry the
24 torch of the people that spoke very loudly to us yesterday.

25

26 Thank you.

27

28 CHAIRMAN WILDE: Thank you. We got one
29 here, public comment by John Lamont, customary trade.
30 John. And I say again if you want to testify on anything
31 on the agenda, we got some testifier green sheets of paper
32 -- part of a sheet of paper here you could use. Go ahead,
33 John.

34

35 MR. LAMONT: Mr. Chairman, members of the
36 Regional Advisory Council. I'd like to thank you for
37 allowing me to testify on this customary trade issue. If
38 you supported it as a Regional Council, how -- you know, my
39 question is how would it be regulated? Do we have that?
40 Would it be strung out? Would it be detailed in a
41 regulation? Those were some of the questions before I go
42 into my testimony.

43

44 I don't know if a lot of our people even on

45 the lower river even understand what customary trade is.
46 When they hear the word, customary trade, they were
47 thinking of bartering, rather than trading. Very few
48 people in the past, my dad used to customary trade his dog
49 fish for credit at Sheppard Trading in Mountain Village,
50 but that was back in the 30s and 40s. Over the years

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1 people have exchanged resources, natural resources with
2 others, seals for moose and white whales, you know, along
3 the river as bartering. But they're getting barter and
4 customary trade mixed up.

5

6 What will happen is if this really is
7 adopted, I think --this is my own personal point of view,
8 it will open a whole new commercial entity if you allow
9 customary trade. It will destroy the resource, it really
10 would. A lot of people would focus in on selling even --
11 if I have 10 family members, I can sell \$10,000 worth of
12 fish or more if there's no limit on it. Whether I'm from
13 Southeastern Alaska or, you know, the mouth of the Yukon or
14 up North, I'd be able to sell an unlimited amount of
15 resources.

16

17 It will be wide open to all the residents,
18 you know, of the state. And that's another -- I know
19 there's people in here that wouldn't agree with me.

20

21 But anyway, to start off, Mr. Chairman, my
22 name is John Lamont. I'm from the lower Yukon River
23 village of Alakanuk. I grew up at my family's camp located
24 up at the mouth of Lamont Slough which is just off of the
25 south mouth of the Yukon. Customary trade in Alaska,
26 definition of commerce, exchange of product for money. The
27 North Pacific Fisheries Council meeting back in December,
28 public testimony did not support the exchange of
29 subsistence caught fish, it was halibut, they were talking
30 about for money. The North Pacific Fisheries Management
31 Council heard from young and old alike. That exchange in
32 natural fishery resource for money wasn't customary in
33 nature and the majority of them opposed it.

34

35 If you are deciding -- not only the
36 Regional Advisory Council but the Department -- Subsistence
37 Department is deciding too quick in making these
38 detrimental decisions with these Federal regulations. I
39 mean I just got wind of this back in November, look how
40 much it grew since November to now. We certainly can't
41 have people who are not from our region, you know, like
42 from the lower Yukon region make decisions for us, such as
43 paid consultants coming in and telling you -- maybe not
44 giving you the full extent of what customary trade is and

45 brushing it under the table or slyly letting you try to
46 understand it.

47

48 What this regulation will do is shift the
49 focus from our traditional commercial fishery to a new
50 commercial fishery with higher harvest levels open to

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1 everybody in the state, in turn, this will eliminate the
2 traditional commercial fishery on the Yukon and Kuskokwim
3 Rivers alike and will have a substantial impact on the
4 salmon resources. Especially in this time of conservation
5 of those same resources.

6

7 Our traditional commercial fishery has
8 supported my family, relatives, members of our villages and
9 my own traditional and cultural way of gathering fish,
10 berries, greens, woods, for eating and other sustaining
11 ways of life. I've depended on my commercial fishery and
12 my family has to support the way we live, you know, our
13 subsistence way -- I don't want to say subsistence, I want
14 to say our traditional way of living, supporting ourselves.

15

16 We used to purchase stuff on credit and
17 then pay for them during the commercial season.

18

19 I strongly oppose any exchange of a
20 subsistence -- or sustenance, natural resource for money.
21 I believe in bartering, but not in trade, customary trade.
22 I, again, would like to reiterate that at no time in the
23 history of the people in Alaska, has trading a resource for
24 money been customary. I don't know where you all came up
25 with -- or the Federal Subsistence Board came up with the
26 term customary trade in exchanging. Customary trade was
27 bartering, not exchanging resources for cash. I don't
28 think there's anyone in most of our villages that exchange
29 fisheries for money, there might be a few people still, you
30 know, put seal oil or white whale or dry fish up for sale
31 but very limited.

32

33 This regulation, if approved, will open the
34 sales of the fisheries and other natural resources for
35 sales if you don't put a stop to it now. You'll be charged
36 with difficult decisions in the future and probably
37 litigation or lawsuits by, you know, people who don't
38 understand it or people are very upset about it. Currently
39 if you take subsistence caught salmon and exchange the roe
40 for money, dry the fish and exchange that with a dog musher
41 who races for cash prizes for money, you're involved in a
42 substantial commercial enterprise. Just think what you're
43 going to -- you know, you're going to do when you open up
44 to everyone in the state, the sales of a resource for

45 money. And I just want you guys, you know, to think about
46 that.

47

48 And if you'd like to consider trapping with
49 a dog team a subsistence way of life, we need to think that
50 again. When did commercial trapping ever become a non-

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1 commercial enterprise, we always had to buy a commercial
2 permit to sell our pelts from our trapping.

3

4 I agree that traditional commercial
5 trapping supports a customary gathering lifestyle the same
6 as my relatives, friends, neighbors and family have
7 depended upon a traditional commercial fishery, salmon
8 fishery. Without our commercial salmon fishery we are not
9 able to sufficiently maintain a customary way of gathering.

10

11 If you open up customary trade you will
12 further restrict our people from our cultural way of life.
13 Please don't adopt or even consider any regulations that
14 allow so-called customary trade.

15

16 In conclusion if you really are wanting to
17 help all the people of our great state, support not
18 allowing so-called customary trade regulation to interfere
19 with our people's way of life because it -- I think it will
20 really -- it will probably mess things up. You know, this
21 is my opinion and my experience.

22

23 So I'd like to thank you for allowing me to
24 come up here and testify.

25

26 MR. L. WILDE: Give your testimony to her.

27

28 MR. LAMONT: What?

29

30 REPORTER: I'll get it for the record.

31

32 MR. LAMONT: That's all I have, Mr.

33 Chairman. Any questions.

34

35 CHAIRMAN WILDE: Do you have a question,
36 Robert?

37

38 MR. NICK: I just have a comment. I want
39 to thank you for being frank and telling us your thoughts
40 there. And they're shared by other people besides you.
41 And I just wanted to close with are you getting better luck
42 in flushing your toilets in your school?

43

44 MR. LAMONT: Yeah, we have a little more

45 pressure over there in Mountain Village.

46

47 (Laughter)

48

49 MR. LAMONT: I don't know if Harry has

50 water yet. Thank you.

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1 (Laughter)

2

3 CHAIRMAN WILDE: Thank you, John. Next is
4 Alexie Walter, Mountain Village.

5

6 MR. WALTER: These past two days I've been
7 hearing a lot of things. My main concern -- Mr. Lamont
8 covered most of what I wanted to say. My main concern at
9 the moment is I have some relatives living down in the
10 Lower 48 and I know two of them have been down there more
11 than 25 years, maybe 30. And when we say non-rural
12 residents, when we don't have enough fish they buy it
13 elsewhere. When you can't come up here to put up your --
14 what you've been eating all your life and subsistence, you
15 know, they have to go elsewhere and buy it if we can't
16 afford to give it to them free or whichever.

17

18 And I'm kind of uncomfortable with this
19 word, non-residents. Because they're Native and to me, I'm
20 discriminating other relatives -- that maybe I'm not the
21 only one with relatives in the Lower 48 or maybe in Japan.
22 We're forgetting our Native relatives that was born and
23 raised in Alaska and moved elsewhere. And when we put this
24 non-rural resident or non-resident, it kind of bothers me.

25

26 Another thing that bothers me is when you
27 talk about eggs. Does that include herring eggs?

28

29 MR. L. WILDE: (Shakes head negatively)

30

31 MR. WALTER: That doesn't, so we're clear
32 on that. So most of what I wanted to say was already said
33 but this is one concern I got, of our own people that have
34 left the state of Alaska and are living elsewhere but yet,
35 up to today they have gotten subsistence food from us in
36 the past, either by cash or a gift.

37

38 That's all I have.

39

40 CHAIRMAN WILDE: Thank you, Alexie. John.

41

42 MR. THOMPSON: My name is John Thompson
43 from St. Mary's. And we all know about this roe fishery.
44 It's something to look into all the fisheries. And one

45 time there was a proposal and I think we should mention --

46 see herring fishery is a different fishery, roe fishery.

47 I think this should be only in the river.

48

49 CHAIRMAN WILDE: Thank you.

50

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1 MR. L. WILDE: Mr. Chairman, are the
2 highlights going to be translated for our elder here?

3

4 CHAIRMAN WILDE: Robert.

5

6 MR. NICK: Philip. (In Yup'ik)

7

8 MR. MOSES: (In Yup'ik)

9

10 CHAIRMAN WILDE: (In Yup'ik)

11

12 MR. MOSES: (In Yup'ik)

13

14 CHAIRMAN WILDE: (In Yup'ik)

15

16 We're going to try to start our agenda.

17 From now on I'm going to start stopping out of order, if
18 you don't follow our agenda. If there's any more customary
19 trade from public?

20

21 MR. L. WILDE: Mr. Chairman, can I request,
22 at this time, have Robert, for the record interpret what he
23 said?

24

25 CHAIRMAN WILDE: Yeah. Robert.

26

27 MR. NICK: Thank you. Mr. Moses has seen
28 more years than anybody in this room and probably almost
29 double the number of years I've been on this earth. And he
30 said as far as he could remember, nobody ever complained of
31 what the Natives of the region did. You know, some gave
32 away food, some sold a little bit, you know, to help pay
33 for necessities like food for their kids, gas for their
34 motors, heat for their homes. And then all that has been
35 going on for years, nobody ever complained. He said the
36 last two years, this customary trade issue came about and
37 then everybody started complaining and then everybody
38 started saying who didn't or who what, you know.

39

40 And then he said our people, in the earlier
41 days helped each other. If they -- sometimes had more than
42 they could use then they shared it to the people in the
43 communities. And then others, from time to time that
44 didn't have the opportunity would purchase, for a small

45 amount of cash, you know, some fish resources. So he
46 wanted to express that.

47

48 And then the other thing that he wanted to
49 express is that in those days when he was a young person
50 and able to hunt and fish for his family, to provide for

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1 his family nobody watched him, you know, nobody was --
2 people weren't their neighbors keepers, you know, they
3 didn't watch what the others were doing and then they did
4 what they could to provide for their families and hunted
5 and fished and caught their fish, caught their animals,
6 furbearing, sea mammals and he wishes that everybody would
7 do it like the way they used to do it, even Fish and Game
8 and Fish and Wildlife. He hears things. He wished they
9 would leave us alone, that we're simply trying to provide
10 for our families.

11

12 CHAIRMAN WILDE: Thank you. Let me ask one
13 more time, public, do you have a comment towards customary
14 trade? Frank.

15

16 MR. CHARLES: Thank you, Mr. Chairman,
17 members of the RAC. I really didn't want to speak directly
18 to this.....

19

20 CHAIRMAN WILDE: Could you say your name
21 for her for the record.

22

23 MR. CHARLES: My name is Frank Charles, I'm
24 a resident of Bethel, life long. I also serve along with a
25 couple of your members here on the Kuskokwim River Salmon
26 Management Working Group. But I appreciate the work that
27 the AVCP convention did yesterday in respect o wrestling
28 with this question of customary trade and barter. From my
29 recollection, this issue had been around for about as long
30 as I have, or at least as I started getting involved in the
31 resource issues.

32

33 The reason why I speak this morning is that
34 I make it a regular practice to tell my children, you live
35 in extraordinary times without saying why. Now, I think I
36 have a good reason to tell them why they live in
37 extraordinary times because we're asked to do extraordinary
38 stuff.

39

40 We're asked to define, as Mr. Philip
41 pointed out -- or Mr. Moses pointed out, aspects of our way
42 of life that are hard and difficult to translate. I think,
43 Robert, you were there, James, you were there, Johnny, you
44 were there for part of the discussion about the resolution

45 that AVCP attempted to pass. There was a great deal of
46 confusion. It's an issue that we have a hard time
47 understanding, defining and trying to make sense of in a
48 good way so that we can be Yup'ik, Yupiat. And I'm a
49 little disturbed that we're attempting to define further
50 and the way I look at it and my (In Yup'ik) look at it, is

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1 further restrictions on what we've been doing and taught to
2 do and to make us feel better about ourself.

3

4 Customary trade and barter for small cash
5 sales has been an aspect of my life as far as I can
6 remember. We never really weren't -- we weren't interested
7 in making money from this, you know. People ask us because
8 we have relatives in Toksook Bay and other areas where they
9 don't get very many salmon or their parts to give them some
10 and they would give us cash because they recognized that we
11 had to spend the money to go out and get the fish, for gas,
12 mending our nets and whatever. And that's all we were
13 concerned about.

14

15 I have a sister who lives in California and
16 what keeps her going there, you know, she has -- that's her
17 home because her family chose to live there, but her heart
18 is here. Part of her heart is defined by what she also
19 chooses to eat and what makes her feel good and it's
20 salmon. She gives my mother some cash in return for the
21 gas money and whatever effort it took for her to get the
22 salmon and it's very important for her. WE're not looking
23 to make any money.

24

25 What I see here, I think, is another good
26 attempt to define our way of life and to keep it in
27 context. But I really think that what you need to tell the
28 Federal Subsistence Board is that, as I told you, along
29 with your two other advisory groups or Councils last
30 October, we live in extraordinary times and I think we need
31 to do things very differently.

32

33 What I see us attempting to do here is
34 playing their game. I applaud the efforts that we made to
35 provide input and to provide some protection for our way of
36 life. But I think we've gotten it a little wrong here.
37 I've been involved in this stuff for a long time and it's
38 been my observation that there hasn't been a meeting or any
39 one time that I've been asked to show up or be there where
40 we've had some aspect of our way of life further
41 degraded. There's been one more nick at it. It seems
42 innocuous. It seems like this is a good thing to do, you
43 know.

44

45 I would hate to wake up tomorrow and say,
46 again, to my children you live in extraordinary times and
47 say, you know, why because you're asked to do things that
48 our ancestors had never even had to bother with. I don't
49 know how to deal with this stuff. I ask my elders, how do
50 I translate our way of life, your philosophy, your beliefs

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1 into these words that even lawyers are confused over? I
2 think it sounds good, you know, I've dealt with Board of
3 Fisheries issues which is my primary interest with
4 fisheries and my experience there is that they further
5 degredate our way of life and this is another attempt at
6 that.

7

8 And I'm, on this point, speaking on behalf
9 of my family and I think we all feel this way. We've
10 talked about this before because we want to maintain our
11 way of life. I want to have my children have that same
12 experience that I was fortunate and grateful for. I was
13 told as I was being raised that I lived in extraordinary
14 times without being told why. Sometimes I was but I do the
15 same for my children so that they can enjoy life, have joy,
16 peace, happiness. And part of the reason why we are able
17 to do that is because we're able to practice a way of life
18 that's unique in the world and I see this as another nick
19 at what's happening out here.

20

21 Really, if I was to conclude this, I would
22 say, I think, you know, we need to make our recommendations
23 to these people but really, what we need to do, I think, if
24 I really understand my elders and what they've been telling
25 me after all this time because this is alarming to me, it's
26 scary. I think we need to take control. We need to take
27 responsibility for ourselves. What happens here, is that
28 as Mr. Philip -- or Mr. Moses pointed out, we're going to
29 be watching one another. That's extraordinary to me.

30

31 We're going to have people saying, you
32 can't do that, well, we've already been told that many
33 times but you know what's going to happen is that we're
34 going to have our own people doing that and that's
35 frightening. If you do this or continue this process that
36 we're' under, I would hate to wake up tomorrow morning and
37 say to my children, especially to my youngest boy who is
38 right at the age where he has such a wonder about the world
39 and appreciation -- beginning to appreciate it. I'm going
40 to have to tell him, no, you can't do that. You know,
41 that's alien to me. So really, I think you need to go
42 through the process but at some time we need to put our
43 foot down and say, enough, why more? Why should we have to
44 play your game? Because it's been my experience every time

45 we've played their game we lose.

46

47 Look how much time we spent yesterday on
48 the AVCP resolution? My own delegate, who I appreciate and
49 respect I had some disagreement with. You know, that's how
50 decisive this thing can be and will be in the future. I

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1 believe this could be a flash point for the Yupiat people,
2 because as Mr. Moses pointed out and a number -- you have
3 pointed out, that we've done this for years, now we're --
4 every time I see this stuff put into words or regulation,
5 I start to get alarmed because I know that one door's
6 opened and we're going to be further restricted and we're
7 going to be watching one another and that, to me, is the
8 alarming thing. And I think you need to be aware of this
9 when you go through this process.

10

11 Yes, I recommend you do the best you can
12 but at some time or another we need to put the brakes on,
13 enough. I don't want to wake up tomorrow, again, like I
14 said, and tell me children you live in extraordinary times
15 but I'm sad to say these aren't quite as good as what I
16 experienced.

17

18 Real briefly, I don't know how your process
19 works with respect to the next agenda item, you have a
20 special action request and my comments that I relate to
21 this customary trade are pretty much the same with that
22 one. Why should we always have to fight and beat at the
23 door to make our voices heard. That's another thing I
24 think you need to understand.

25

26 You know, we've spent, I don't know,
27 millions in dealing with these issues and how far have we
28 gotten, we're playing their game. I'm tired of that, you
29 know. But anyway, I pray you well. I wish you well in
30 finding these words that can express our way of life.

31

32 Thank you, Mr. Chairman.

33

34 CHAIRMAN WILDE: Yeah, thank you, Frank.

35

36 MR. L. WILDE: Mr. Chairman, Frank speaks
37 Yup'ik. Could you can.....

38

39 MR. CHARLES: No, Robert can, I don't
40 translate technical terms very well.

41

42 CHAIRMAN WILDE: I think we're going to
43 give public and Council chance to testimony or during
44 discussion -- I think right now, comment, we're not closing

45 it but we're moving it -- continue moving down and before
46 Regional Council discussion and recommendation, we're going
47 to do public again for testimony and recommendation. So at
48 this time I'm going to ask summary of Regional Council
49 recommendations.

50

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1 MR. L. WILDE: Mr. Chairman. Lester Wilde
2 from Hooper Bay. I must disclose that I have been
3 appointed Chairman or co-Chair of YRDFA and being in that
4 position, for the record, since Western Interior and
5 Eastern Interior are members of the Yukon River Drainage
6 Fishermen's Association; can I read what they discussed in
7 -- or what they came up with as far as customary trade in
8 their Eastern and Western Region?

9

10 CHAIRMAN WILDE: Yeah, you could do that,
11 go ahead.

12

13 MR. L. WILDE: Mr. Chairman. Eastern
14 Interior Region Advisory Council, on Section 11(C) under
15 transaction -- before I go through that, Mr. Chairman, I'd
16 like to clarify the reason why the discussion of customary
17 trade came up was because it is in Section VIII of ANILCA.
18 It allows customary trade.

19

20 But the problem that they had --
21 enforcement had was that customary trade was allowed as
22 long as it does not constitute a commercial enterprise --
23 significant commercial enterprise. And the definition for
24 the enforcement of significant commercial enterprise wasn't
25 clear. So that's the reason why it is -- even though it is
26 allowed, they came to the Regional Councils for their
27 comments.

28

29 Aside from that Region 9, Eastern Interior
30 Regional Advisory Council, on Section 11, their discussion
31 at the time was that transaction between rural residents,
32 the exchange between rural residents in customary trade of
33 subsistence harvested fish, their parts, except eggs, is
34 underlined, except eggs, legally taken under the
35 regulations in this part unprocessed or processed using
36 customary and traditional methods is permitted.

37

38 The egg exception does not apply to whole
39 fish.

40

41 Under 12, transactions, Eastern Interior
42 decided that transactions between rural residents and
43 others, customary trade for fish and their parts, except
44 eggs is underlined, and is that shaded area deleted, Mr.

45 Rivard, could you -- what does that shaded area where it
46 underlines, excepts eggs?

47

48 MR. RIVARD: Mr. Chair. That shaded area
49 is just showing how the original language was changed.
50 That shaded area like that is an addition and then anything

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1 that's got a line through it is something that's struck out
2 of the language according to what Eastern Interior wanted.

3

4 MR. L. WILDE: Okay, thank you for the
5 clarification. Except eggs legally taken under the
6 regulations in this part from a rural resident to
7 individuals other than rural residents is permitted as long
8 as it is used for personal or family consumption of the
9 individual who purchases the fish. In italics, I mean in
10 -- I don't know the squiggly, what do you call that?

11

12 MR. RIVARD: Mr. Chair, if I may, that is
13 italics. And these are just comments that were -- so
14 they're not part of the official language that the Eastern
15 Interior wanted but it's some of the thinking they had
16 behind what language they came up with.

17

18 MR. L. WILDE: So thank you for the
19 clarification. But I think the comments should be
20 important also so I'm going to go ahead and read them,
21 they're not very long.

22

23 No consensus on dollar value, does not
24 exceed \$200 per person per year in sales. If a higher
25 dollar value is allowed under Section 12 then a permitting
26 system similar to a catch or seller permit in the State
27 system should be in place. Virgil thought there might be
28 a possibility that the level of customary trade allowed may
29 exceed the value from some commercial fisheries. Virgil
30 Umphenour is the Virgil that's mentioned in this. This is
31 not the intent for allowing for customary trade. It may be
32 better to use a number of fish for the allowed level of
33 customary trade rather than a dollar value.

34

35 The Council also discussed the idea that
36 the harvest for customary trade should not be primary goal
37 of subsistence harvest. Fish exchange in customary trade
38 should be incidental part of the total harvest of a
39 household. There was discussion of thresholds, 50 to 25
40 percent to identify incidental level.

41

42 The Council also discussed when the
43 preseason forecast indicates that a run will not provide
44 for escapement and full subsistence harvest, even with

45 restrictions on non-subsistence users, then customary trade
46 on that run will be prohibited as with the Yukon River chum
47 runs for 2002. This can be modified based on in-season run
48 assessment. However, some problems were identified with
49 this language. The Council discussed, at length, the idea
50 that a certain particular low levels of run strength,

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1 customary trade should be prohibited and now subsistence
2 harvest is reserved for family consumption. It is
3 recognized that the terminology for this is not easily
4 identified. Stock of concern, in parenthesis, yield
5 concern, et cetera. It was also recognized that assessment
6 of run strength, parenthesis, pre-season, early season,
7 mid-season posed a technical problem for applying this
8 idea.

9

10 Sue, whoever that was, wanted to make sure
11 that preamble of the Federal regulations ensures that if
12 the level of subsistence harvest increases dramatically
13 then some action should be taken to then restrict customary
14 trade so it does not expand subsistence harvest into a type
15 of commercial fishery.

16

17 The Council also discussed the idea that
18 the prohibition on purchase by fisheries businesses should
19 apply to those outside of Alaska as well.

20

21 In Paragraph 12, the Council deleted
22 reference to non-fisheries businesses in order to eliminate
23 all customary trade to businesses. The Council also
24 discussed the idea that the prohibition should equally
25 limit sales to a business as well as purchased by a
26 business.

27

28 On 13, under the title, no purchase by a
29 fisheries business. They stated that, if you are required
30 to be licensed as a fisheries business under the Alaska
31 Statute 43.75.011, you may not purchase or receive for
32 commercial purposes or barter or solicit to barter for
33 subsistence taken fish, their parts or their eggs. And in
34 the shaded, any person with an Alaskan State business
35 license who runs commercial dog teams is not allowed to buy
36 and feed subsistence caught fish to dogs, also applies to
37 non-Alaska businesses.

38

39 Definition. Commercial dog team. A
40 business that leases, rents, races or otherwise provides
41 service with their dogs or dog team for money or
42 enumeration services, other than money, excluding amateur
43 events.

44

45 That was the position that Eastern Interior
46 took.

47

48 The Western Interior's position on 11,
49 transactions between rural residents. The exchange between
50 rural residents in customary trade of subsistence harvested

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1 fish, their parts, parenthesis, except eggs, legally taken
2 under the regulations in this part unprocessed and
3 processed using customary and traditional methods is
4 permitted. Parenthesis, the egg exception does not apply
5 to whole fish.

6

7 Under 12, for the Yukon and Kuskokwim areas
8 only, their position was -- number 12 titled, transactions
9 between a rural resident and others, the customary trade
10 for salmon, their parts except eggs, in parenthesis,
11 legally taken under the regulations in this part from
12 residents to individuals other than rural residents is
13 permitted as long as it is used for personal or family
14 consumption of the individual who purchases the fish and
15 cannot be resold. At least 50 percent of each fish species
16 taken under Federal Subsistence regulations must be used
17 for personal and family consumption. If in-season
18 subsistence restrictions have been imposed on a salmon
19 species or escapement goal thresholds have not been met in
20 the majority of Yukon and Kuskokwim River drainages, sale
21 to the others shall be eliminated for that purpose. If a
22 rural resident engages in customary trade of subsistence
23 harvested fish, they shall maintain a subsistence harvest
24 record to track the harvest level as a record keeping
25 system. Anyone selling subsistence harvested salmon must
26 have their harvest record in their possession when engaged
27 in sales with others. If a person sells more than a total
28 of 100 pounds of processed salmon it would constitute a
29 significant commercial enterprise, which should then be
30 looked at more closely.

31

32 Under Item 13, titled no purchase by
33 fisheries business, they stated -- or they recommended, if
34 you are required to be licensed as a fisheries business
35 under the Alaska Statute 43.75.011, you may not purchase or
36 receive for commercial purchases or barter or solicit to
37 barter for subsistence taken fish, their parts or their
38 eggs.

39

40 Under deliberation, the Regional Council,
41 after receiving a briefing on the customary trade issue
42 formed a subcommittee to review the proposed rule and other
43 Regional Advisory Council recommendation and develop
44 language for the full Regional Council review. The draft

45 language was reviewed and modified during the public
46 meeting of the Regional Council.

47

48 The Regional Council discussion focused on
49 the part 12 portion addressing trade between rural
50 residents and others. Their understanding was that others

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1 meant urban residents as well as non-Alaskans. The
2 Regional Council was aware that annually they have the
3 opportunity to review and request modification of the
4 regulations to address needed changes.

5

6 The Regional Council requested Staff work
7 with the Tanana Chief conference with a subregional meeting
8 to share their recommendations with villages. Also Staff
9 would mail their recommendations to villages within the
10 Western Interior.

11

12 That's it, Mr. Chairman.

13

14 CHAIRMAN WILDE: Thank you, Lester. I
15 think we'll go through all these recommendations from
16 Western Interior and also other Regional Councils. My
17 understanding is there's some people coming in so I think
18 we're going to take a break so we could give them a chance
19 to make a comment on public comment. We're going to take
20 10 minutes break right now.

21

22 (Off record)

23

24 (On record)

25

26 CHAIRMAN WILDE: This morning I'm going to
27 go over what we go through. We didn't do very much time of
28 draft of customary trade regulatory -- we have been doing
29 this, I don't know how many times, so -- and the customary
30 trade issue, we go through that and right now that we are
31 going summary of Regional Advisory Council recommendations.
32 Next we will get into summary of written comments received
33 and public testimony on customary trade before Regional
34 Advisory Council discussion and recommendation.

35

36 I think right now Yukon Kuskokwim Council,
37 where they are -- we have been going through rush, rush all
38 the time and we had teleconference while the customary
39 trade was still worked on, so when we went over to
40 Anchorage at the fall meeting, the Yukon-Kuskokwim Council,
41 that time they were supporting Section 11 and Section 13
42 but have many concerns about impact of the language in
43 Section 12.

44

45 The Council has decided -- the Council has
46 decided to reconsider the entire customary trade issue
47 including the draft language at their winter meeting.
48 Right now that it's supposed to be here in Bethel, that is
49 -- it's on the record so going to work on that one. That's
50 the way that our -- we never really make a recommendation

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1 yet on customary trade. We have been waiting and
2 listening. AVCP Council President and their position
3 because our duty and our responsibility as a Regional
4 Council, we have to abide what you call manual, in our
5 manual it requires, we must listen to our people, we must.
6 And we had -- we should go not only on Council meeting
7 itself but also go to others, where they talk about the
8 certain things that requires to be like public comments and
9 public testimony and so this morning, we're now on summary
10 of written comments received, so we received this morning
11 recommendations from public and I think I'm going to go
12 ahead and ask Nick Tucker, go ahead and go over your
13 written comment.

14

15 MR. A. NICK: Mr. Chairman, before Nick
16 Tucker gives his testimony. For the record, we have not
17 received a written comments from the public on customary
18 trade here in our office in Bethel. I understand from AVCP
19 convention that a summary of the -- summary of written
20 comments on customary trade were directly sent to Federal
21 Subsistence Board, that's my understanding from the
22 convention; is that right? Is that correct, Mr. Johnson?

23

24 MR. JOHNSON: We have not directly.....

25

26 MR. A. NICK: I mean from the tribes. From
27 the tribes, villages.

28

29 MR. JOHNSON: For the record my name is
30 Eric Johnson with AVCP. AVCP, yesterday, the full board of
31 AVCP passed the resolution that was handed out earlier this
32 morning. That resolution has still to be signed by
33 Chairman Ivan and President Lake, at which point it will
34 probably be sent to the Federal Subsistence Board along
35 with AVCP's written comments.

36

37 MR. A. NICK: Yesterday during the
38 convention I thought I heard one of the delegates stated
39 that there were several comments directly sent to the
40 Federal Subsistence Board from their villages.

41

42 MR. JOHNSON: There may have been. I'm not
43 sure which villages which have directly commented to the
44 Federal Subsistence Board or not.

45

46

MR. A. NICK: Thank you.

47

48

MR. L. WILDE: Mr. Chairman.

49

50

CHAIRMAN WILDE: Go ahead, Lester.

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1 MR. L. WILDE: Nick, I apologize for taking
2 up your time but just for -- it might save some time if I
3 explained something a little bit. In ANILCA it states,
4 that there is customary trade allowed and because of that,
5 the Federal Subsistence Board formed a Task Force, to
6 define that portion which states, significant amount. And
7 at the meeting there they decided that this issue must be
8 decided region by region because they could not come up
9 with a proposed or a rule that would cover the whole state
10 of Alaska because each region is different and that is the
11 reason why this Regional Advisory Council is taking up this
12 customary trade, because we were instructed by the Federal
13 Subsistence Board to address this problem.

14

15 CHAIRMAN WILDE: Yeah. Right now we're
16 going to ignore, like the Western Interior or the -- we
17 have to start thinking to ourself and work to ourself, to
18 you, as we represent the people of Yukon-Kuskokwim, we're
19 not representing, even though we work with them, like
20 Western Interior or Eastern Interior or Kodiak area and all
21 that, but those people are not going to help us no matter
22 what we do. Go ahead, Nick.

23

24 MR. TUCKER: Thank you, Mr. Chairman.
25 Please be patient with me and I'm going to present this
26 testimony in the way I understand the issue and the way
27 that I feel for my people. And there are two things that
28 I would like to make a quick point on. One on the
29 customary trade and the other one on the special request by
30 Mr. Robert Nick.

31

32 Mr. Chairman.

33

34 CHAIRMAN WILDE: Nick. Special action (In
35 Yup'ik).

36

37 MR. TUCKER: (In Yup'ik)

38

39 I guess first of all, I'd like to take my
40 cap off to you. Even as a former military wartime veteran,
41 I have the honor of talking before you here. I'd like to
42 first thank you to my opportunity to talk on the customary
43 trade, but please look at the quotation marks on the
44 customary trade.

45

46 From what I know, the customary trade or
47 the way we lived it never existed in our Yup'ik culture
48 until White man came. I was never taught by my parents or
49 my grandparents on customary trade. And this customary
50 trade is unknown in our Yup'ik culture. One important

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1 thing is that sharing has always been a way of life. You
2 have to understand in clarity that you are dealing with our
3 children's children and much further down the road.

4

5 I'm glad to hear that you're going to
6 reconsider the entire customary trade. You have to be
7 very, very careful and conscious on the approach of this
8 matter. Keep in mind that our ancestors took care to
9 develop our values, customs, traditions, heritages, dances,
10 rituals and our subsequent beliefs and it took them over
11 10,000 years. My understanding of customary trade, it did
12 not deal with value for value until westerners came to
13 introduce it, quite different and contrary to our Yup'ik
14 subsistence way of life. Bartering branched into our
15 subsistence life in recent years and it will never be the
16 whole of subsistence. Neither will it ever replace our
17 subsistence way of life. It will never be compared to
18 commercial fishing which favorably intertwined,
19 supplemented and reconciled with our subsistence way of
20 life. Commercial fishing upheld and enriched our efforts
21 in reviving our dying culture. Sharing always existed first
22 and foremost in our Yup'ik subsistence way of life.

23

24 If any value is to be put onto bartering,
25 it will only take care of a very small part of our
26 subsistence activities. It will be only good if it will
27 support and enrich our subsistence way of life. Bear in
28 mind that adopted is to resolve only small part of our
29 subsistence way of life, not our entire subsistence way of
30 life. It's value will take care of a small part of our
31 yearly need for survival from our land, river and sea. And
32 also you know that there are 600,000 plus people in the
33 state of Alaska. I don't know where they came from, they
34 can't even eat our food, they'd probably puke if they tried
35 to eat our food but they have a right to that subsistence
36 and they're going to make a misuse of it. If they say
37 \$1,000 cap on subsistence, somebody's going to be hungry
38 enough in Anchorage or another city, they will pay \$600 to
39 earn \$400 in our village.

40

41 We got to be careful on how we open up
42 this, this something that might destroy our way that we are
43 really trying to survive.

44

45 That's all I have and I'd like to welcome
46 any questions if you have them. (ATTACHED)

47

48 MR. McCANN: Mr. Chairman.

49

50 CHAIRMAN WILDE: Billy, go ahead.

00028

1 MR. McCANN: (In Yup'ik)

2

3 A few minutes ago I talked to the AVCP
4 lawyer about carrying that torch, what do you want to call
5 it (In Yup'ik). Maybe he can clear it up for me in
6 English, will you do that, the one that we can send to our
7 family at the Lower 48 or whatever, if we got that chance
8 -- clear it up for me.

9

10 MR. L. WILDE: Mr. Chairman, before we go
11 into that, Mr. Nick has been -- Mr. Tucker just got done
12 with his testimony and he was asking for questions, if
13 you're done with him, could excuse him or otherwise if he
14 wants to sit there, he could, but I think I feel it's just
15 a courtesy that his testimony be addressed before we go
16 into anything else.

17

18 MR. TUCKER: (In Yup'ik)

19

20 CHAIRMAN WILDE: Thank you. Go ahead,
21 Robert.

22

23 MR. NICK: Thank you. Mr. Tucker, I'd like
24 to make a short comment. I appreciate your testimonies,
25 you know, throughout these proceedings of the efforts of
26 defining customary trade in our meetings and I've always
27 respected your thoughts and comments, you know, throughout
28 the years because I know that you have -- you understand
29 the situation of both the commercial and subsistence uses
30 of our resources. So I thank you for this testimony again,
31 it's in written form. Thank you.

32

33 MR. TUCKER: Yeah, and thank you for your
34 respect to respectfully listening to me. Thank you, Mr.
35 Chairman.

36

37 CHAIRMAN WILDE: Thank you. Nick, will you
38 give your written testimony to our recorder over there?
39 Oh, she got it already, thank you, Tina. Robert Nick, will
40 you translate Billy McCann's what he say in Yup'ik,
41 translate it to English so our recorder could catch on.

42

43 MR. NICK: (In Yup'ik)

44

45 MR. McCANN: (In Yup'ik)

46

47 MR. NICK: Yeah, okay.

48

49 (Laughter)

50

00029

1 MR. NICK: Yeah, I try to think ahead, you
2 know, when I'm -- when I sit up here in any capacity. But
3 Mr. McCann's comment is that he would like everybody to
4 understand, you know, the nature or the things that we are
5 discussing as we discuss customary trade. And he indicated
6 that he asked Eric Johnson because of the testimony this
7 morning by Alexie Walters that he was worried about sending
8 food to his relatives who live outside of the state and he
9 said he asked Eric, you know, if that can be done and he
10 said that Eric responded that it could be done, you know,
11 barter is not addressed in this proposal. He wanted to --
12 your response to him to be expressed by you -- to the body.

13

14 MR. JOHNSON: Thank you. That's correct,
15 the AVCP proposal that was passed by the full board
16 yesterday would only prohibit cash sales of subsistence
17 fish, eggs and parts to people who live in non-rural areas
18 of the state or outside the state. So under the proposal
19 that AVCP has put forth in front of you today, it would
20 still be okay to share fish eggs and parts with people we
21 live outside of rural areas of Alaska and it would still be
22 okay to barter as well. It's just the exchange of fish,
23 eggs and parts for cash to people who live in non-rural
24 parts of the state or outside the state that AVCP is
25 proposing not be allowed.

26

27 CHAIRMAN WILDE: Thank you.

28

29 MR. A. NICK: Mr. Chairman. For the record
30 and for the new audience we have -- we apologize, we don't
31 have interpreters at the moment. We were originally
32 scheduled to have two translators, interpreters working
33 with us today. Unfortunately one of them had a family
34 emergency and the other was, rather is on a sick leave, so
35 we don't have a translator or an interpreters today.

36

37 Thank you.

38

39 CHAIRMAN WILDE: Is there any more written
40 summary comments on customary trade. If there's not, do we
41 have public who wants to comment on customary trade? Alan
42 Joseph.

43

44 MR. JOSEPH: I'm Alan Joseph from Bethel.

45 I'll wear two hats in my testimony today. One is to
46 represent myself, not who I work for AVCP. I'm also very
47 concerned about customary trade and as I have been looking
48 over the documents, especially the proposed rule for
49 Regional Advisory Council, tribal governments and public
50 review. I only want to ask that the Council add to the

00030

1 proposed rule, I guess it's number 11, that after the two
2 words, after the word, permitted, there's a period, that
3 there be a comma inserted and say as long as the customary
4 trade does not constitute a significant commercial
5 enterprise.

6

7 I am also aware that there are -- there
8 might be people in our region that might abuse this
9 unlimited cash sale of subsistence caught fish, their eggs
10 and their parts. And there should be -- I believe that
11 should be included.

12

13 My second part of the testimony, as
14 representative of AVCP, I have permission from Arthur Lake,
15 president of AVCP, to invite you, the Regional Advisory
16 Council to conduct presentations at AVCP conventions, as
17 necessary, this fall to report on your progress concerning
18 the discussions of the proposed rule. And if you need to,
19 you can seek recommendations as you have in the last three
20 days. There seems to be a spirit of cooperation among the
21 agencies and Native corporations, non-profits as well, to
22 work together cooperatively and we're willing to work as
23 AVCP with Federal Subsistence Board and the Regional
24 Advisory Councils in a sort of partnership to resolve these
25 things.

26

27 Thank you.

28

29 MR. McCANN: Will you translate that
30 yourself to this old man here.

31

32 MR. JOSEPH: Okay. (In Yup'ik)

33

34 CHAIRMAN WILDE: Thank you Alan.

35

36 MR. JOSEPH: Thank you.

37

38 CHAIRMAN WILDE: Next on customary trade
39 Bill Charles.

40

41 MR. CHARLES: Thank you, Mr. Chairman. (In
42 Yup'ik)

43

44 CHAIRMAN WILDE: (In Yup'ik)

45

46 MR. CHARLES: Yeah, thank you. I'm Bill
47 Charles, Emmonak. (In Yup'ik)

48

49 MR. L. WILDE: Bill, we do have a special
50 action on our agenda, we'll get to it after awhile.

00031

1 MR. CHARLES: Okay, thank you. I have a
2 problem with -- myself, Section 12 on the transactions
3 between the rural residents. Mr. Chairman, I believe we
4 should take that and reconsider it more thoroughly. Many
5 times I believe we make some rules and regulations with no
6 consideration of how we're going to enforce it.

7

8 I think if we don't have an enforcement
9 rule, maybe you do and maybe that's another subject. But
10 if we don't have it, I don't think there's any way that we
11 can have exactly what Mr. Alan Joseph's concern.

12

13 In that language it says 100 pounds per
14 person. In my family I have four children and my wife,
15 does that mean 99 pounds each can be sent to my younger
16 brother in Fairbanks and no -- there's no telling what my
17 younger brother in Fairbanks is going to do with that
18 product? So I think we need to seriously consider
19 that rule and how we're going to -- how we would enforce
20 that rule. I've always been supportive of maybe a
21 household can utilize customary trade for maybe a certain
22 amount of -- to a certain amount.

23

24 But Mr. Chairman, I have trouble with that
25 language. And if our communities were forced to resort to
26 other means of supporting their economic means, everybody
27 in their community, their brother, their sister, their
28 babies are all going to be subsistence users and they all
29 are going to be allocated 99 pounds legally. And there's
30 no telling what they'll do with that 99 pounds when they
31 get it.

32

33 Thank you, Mr. Chairman.

34

35 CHAIRMAN WILDE: Thank you. Council, do
36 you have a question to Bill?

37

38 MR. L. WILDE: Just one comment Mr.
39 Chairman.

40

41 CHAIRMAN WILDE: Go ahead, Lester.

42

43 MR. L. WILDE: There is no limit. The
44 proposed rule is just language. It is not law. What we're

45 doing right now is discussing customary trade which we will
46 forward to the Board from our region.

47

48 MR. CHARLES: Yeah, Mr. Chairman, I
49 understand that. And, you know, it was written in as a
50 proposed rule and that should be considered before it's

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1 brought back to the main Board.

2

3 Thank you.

4

5 MR. L. WILDE: Thank you.

6

7 CHAIRMAN WILDE: Yeah, thank you. Next is
8 Andrew Kelley, customary trade.

9

10 MR. KELLEY: Yeah, my name is Andrew Kelley
11 from Emmonak. This is just coming from me as an observer.

12

13 To me, the customary trade is something
14 that goes on in the villages. And I'm thinking about those
15 people who are -- who can't help themselves to, you know,
16 get what they want. I think for me that's okay, as long as
17 it's not -- it doesn't go out of control. I'm thinking
18 about the elders, as well as those who are working, trying
19 to support their families with steady jobs and they can't
20 fish or put up fish for themselves. I think that should be
21 done. I don't have any problem with that as long as the
22 businesses do not get involved in that area.

23

24 I know this in the villages, even that I
25 travel to, there are people, a number of people who just
26 cannot do the subsistence themselves, they have to depend
27 on other people. So my only suggestion would be to -- we
28 need to keep that -- monitor that very close and not let it
29 get out of control.

30

31 Thank you.

32

33 MR. L. WILDE: I have one question Mr.
34 Chairman.

35

36 CHAIRMAN WILDE: Go ahead, Les.

37

38 MR. L. WILDE: Would you advocate an
39 unlimited amount within the region as long as it stays
40 within the region?

41

42 MR. KELLEY: Yes.

43

44 MR. L. WILDE: You would advocate that?

45

46

MR. KELLEY: Uh-huh.

47

48

MR. L. WILDE: Thank you.

49

50

MR. KELLEY: Thank you.

00033

1 CHAIRMAN WILDE: Yeah, thank you. Next is
2 customary trade Robert Moore.

3

4 MR. MOORE: Thank you, Mr. Chairman and
5 thank you members of the Regional Board here. My name is
6 Robert Moore and I'm from Emmonak, Alaska. I serve as the
7 president for our cooperation and I also sit as our
8 chairman for our lower Yukon Fish and Game Advisory Board.

9

10 Customary trade, as far as I know has been
11 within families or -- an example I want to use -- what I
12 did one time, I didn't have enough cash to go moose hunting
13 so I brought some seals and some (In Yup'ik) and traded
14 that out for cash so I could buy some gas to do my moose
15 hunting. And I think if something is adopted or a
16 conclusion is reached on customary trade, I think it's got
17 to be uniform. Especially when we're talking about salmon,
18 I think we cannot go region by region, I think it's got to
19 be riverwide. Because our river -- our salmon are in
20 trouble. And that should be highly considered until we can
21 rebuilt our stocks of salmon.

22

23 To me, customary trade has never been -- I
24 put up as much fish as I can and I go to Anchorage or
25 Fairbanks or those bigger cities and just sell with no
26 limit and I'm pretty sure there'll be loopholes that will
27 probably be there where people can use the loopholes to
28 probably utilize getting cash for their fish.

29

30 And customary trade has always been, as far
31 as I know, we take what we need. Maybe we'll take a little
32 extra if we need a little cash to do some of the other
33 subsistence gatherings that we all do. I'm kind of afraid
34 if each region adopts their own customary trade we'll be
35 heading for trouble and we'll be trying to resolve it for
36 years. So that's the reason I think it should be uniform,
37 same within the -- should be the same really in the Yukon.
38 The Yukon is very long. And each region probably has
39 beaver, caribou or stuff they use for customary trade but
40 on salmon, on salmon it should be the same for all regions.
41 And any -- I think it's just salmon that should just go all
42 the way up the river.

43

44 Other like berries and stuff will stay

45 probably as they are and as they have been for years. But
46 the potential of salmon going way out of control is too
47 great so that's the main reason I think it should be
48 uniform throughout the river and salmon species not region
49 by region.
50

00034

1 That's all I got.

2

3 CHAIRMAN WILDE: Council, do you have a
4 question?

5

6 MR. NICK: Mr. Chairman.

7

8 CHAIRMAN WILDE: Robert.

9

10 MR. NICK: Robert, and Robert.

11

12 MR. MOORE: Hey, glad to meet you, you got
13 a good name.

14

15 MR. NICK: Yeah, we have good names.

16

17 (Laughter)

18

19 MR. NICK: I just want to make a comment on
20 what you just brought out. It entered my mind once but I
21 didn't think about it enough to consider it, you know,
22 longer. You know the Yukon River from the mouth to the
23 Canadian border is very long and the Kuskokwim River from
24 the mouth almost to Anchorage -- almost to Mt. McKinley.
25 In fact tributaries go up to Mt. McKinley, I think. And we
26 have three regions within that entire river system, both
27 rivers and we have what we call overlapping issues and I
28 think your comment to me makes sense.

29

30 Because we have a migratory bird treaty
31 with Mexico, United States, Canada, Russia, Germany for
32 birds, all through there. And then they have one set of
33 regulations for the harvest of migratory birds.

34

35 And then salmon, I think it makes sense if
36 we had uniform guidelines, rules on how we use those
37 salmon. Especially for us that are subsistence users and
38 also -- you know, we're also commercial fishermen, too, so
39 we have two users who are living right here and I think you
40 made a good point I'll think about in the future.

41

42 Because we meet with the western region and
43 eastern region to discuss our differences.

44

45 And another point I'd like to express here,
46 customary trade, you know, we talk about the subsistence
47 issue with Katie John, you know, going back almost 15
48 years, I consider customary trade to be a more serious
49 problem than the subsistence issue under ANILCA as a rural
50 priority. Because we have 10 regions and each one of them

00035

1 have different positions on customary trade.

2

3 Thank you.

4

5 MR. MOORE: Any species that comes under
6 customary trade that has a conservation problem, it should
7 be uniform between all the regions.

8

9 Thank you.

10

11 CHAIRMAN WILDE: Thank you. Next time I'll
12 recognize Martin Moore.

13

14 (In Yup'ik)

15

16 MR. MOORE: My name is Martin B. Moore, I'm
17 from Emmonak, Alaska. I am a subsistence user. I'm a
18 commercial fisherman. Both, which in my opinion are
19 related to my being and I have to pay for my living by
20 commercial fishing, do my subsistence fishing from
21 commercial money that I get to catch my moose, to catch my
22 salmon.

23

24 (In Yup'ik)

25

26 Commercial fishing is very much a part of
27 my life, where I come from, part of subsistence. And
28 that's the way the lower Yukon people make their living.
29 That's their cash economy.

30

31 I've been looking at commercial fishing the
32 last year and how devastating the commercial fishery has
33 been to my people. How so fastly it's depleting.

34

35 On the customary concern of mine, it's the
36 same as my brothers. We have to make how we regulate the
37 subsistence use up and down the river the same. No, we
38 could -- you know, to make it easy for you to determine
39 would be to say like this.

40

41 (In Yup'ik)

42

43 If you make a ruling in the final rule and
44 if you consider how much can one person eat in one year to

45 survive, that's the basic, the most interesting point that
46 you must come to and not abuse it either down or up. It's
47 -- you could ask people, how much -- you know, how much can
48 you eat, can you eat a thousand fish all by yourself, that
49 way you'll be protecting the subsistence person to live
50 without starving. That's how important it's going to be.

00036

1 Not -- that wouldn't put anyone down or say you couldn't or
2 you could, but Native food is important to Native people.

3

4 (In Yup'ik)

5

6 If you make the final ruling that will be
7 a rule of thumb, how a person depend on that and who really
8 depends on that and cannot survive as a Native person that
9 for -- for centuries and thousands and thousands and
10 thousands and thousands of years got used to it and cannot
11 live without it. It's not somebody that -- that Native
12 couldn't live without fish it's our -- it's a part our way,
13 we cannot lose it. And we got to make both the Federal
14 government and the State government understand it and
15 protect it. That's why we say, hey, what's the
16 constitutional issue about? We are not prejudice against
17 anyone, other cultures, we are protecting our way of life
18 by speaking like this as I am.

19

20 I'm not trying to hurt somebody or trying
21 to put somebody down. We're trying to protect our way of
22 life when we say subsistence. And for somebody to have
23 better more use of subsistence won't do anybody any good.
24 There should be no loopholes left in the regulation that
25 you're going to come up with when it's finally on the
26 table.

27

28 (In Yup'ik)

29

30 If you make a regulation and controlling
31 subsistence, you know, subsistence use fishery food, you
32 could make up to 5,000, you could make up to 10,000, you
33 could make up to 20,000, if you do that you'll destroy the
34 whole subsistence issue and maybe the commercial issue on
35 top of that. So when it cast -- sometime illegal, hiding,
36 under the table, Native issue and Native food is never
37 illegal. And the older people never abused it to make
38 something over what they need.

39

40 (In Yup'ik)

41

42 When I look at the subsistence, it's the
43 top priority for the Native people because today, this
44 modern day they still need that subsistence food to make --

45 to go through the year.

46

47 (In Yup'ik)

48

49 When you finally find that they don't let

50 the Native people abuse subsistence -- the Native people

00037

1 never abuse subsistence but the young generation they have
2 to be trained again to not to abuse it. To make money, buy
3 it, to try to make money by it. And on all of this,
4 especially in the Yukon River, subsistence got to be all
5 uniform, no hidden regulations to hiddenly -- illegally
6 make money from subsistence users. Too important to let
7 anyone abuse our subsistence food.

8

9 I am a commercial fisherman. That is
10 subject to Federal government, State government and I don't
11 mind how they control that because it's open, it's not
12 secretive, it's controlled by people that understand the
13 fishery so I'm not too concerned about that.

14

15 (In Yup'ik)

16

17 I am a commercial fisherman. I am proud to
18 be a commercial fisherman. I make my living by being a
19 commercial fisherman for most of my life. Commercial
20 fishing is an open subject. I buy license to do it. It's
21 controlled by the Fish and Game Board, it's controlled by
22 the Federal government. The rules are open. I could live
23 with them. I don't agree with them because I want to get
24 more money for my family but it's good that the commercial
25 fishing side is controlled.

26

27 This new issue about subsistence controlled
28 is something we must do very carefully. Don't let anyone
29 -- don't let them put some ruling there that anyone could
30 abuse. I'm not against my Native people, you know, for
31 complete control over subsistence but don't overdo it and
32 make sure that they're happy. You know, you want a happy
33 family that has a lot of food -- that's one thing that's
34 got to be considered the highest priority.

35

36 Thank you.

37

38 CHAIRMAN WILDE: Martin, there's a question
39 here.

40

41 MR. MOORE: Yeah.

42

43 CHAIRMAN WILDE: Lester.

44

45 MR. L. WILDE: Mr. Moore, I've always
46 respected your opinion and I know that before you form your
47 opinion you've always consulted people that are affected by
48 your opinion. So what I'm going to ask you is what, in
49 your belief is the status quo of customary trade within the
50 region as defined by ANILCA?

00038

1 MR. MOORE: I really haven't thought of --
2 when the customary trade question comes about it's
3 something like trading with cash, something like buying for
4 my daughter. Let me -- I think you have a good important
5 question that I didn't cover.

6
7 I have daughters that don't live in Emmonak
8 and sometimes I don't -- because I'm a worker, I'm at work
9 all the time, in some years I don't get to go make dry fish
10 so I have nothing but I need dry fish. I have 17
11 grandchildren and their children like dry fish. I have to
12 buy. I work and that's when customary trade becomes very
13 important. So my daughters, they say, dad, can you make
14 dry fish, I need some dry fish, so I look for the best
15 fisherman, the best person that make the best dry fish, I
16 -- how much for your bucket of dry fish, whatever it cost,
17 I'll buy it and send it. And I think that's subsistence,
18 that's also got to be remembered in these regulations. To
19 how that is going to be measured is again going to be
20 something different because of the different locations.

21
22 It's easier to identify when all the
23 villagers are living in the community and how many live
24 outside of Alaska, 20,000. 30,000, 50,000, they're Natives,
25 remember, right? And they don't make dry fish in Seattle
26 and they don't make dry fish in Anchorage in town, they
27 have to go outside to make their dry fish.

28
29 So that's a big area, I'm glad you brought
30 it out. That's a big concern also and I don't really have
31 an immediate answer because of the control. The only thing
32 that I worry about is the control and that could be a big
33 loophole for someone to make money from subsistence. And
34 all of us are aware of that. And how we deal with it at
35 the end is going to have to be manufactured pretty
36 carefully, not to hinder a person that know his Native food
37 all his 30 years of life, eat dry fish with me and now he's
38 away and needs 100 dog salmon -- go through 100 dog salmon
39 -- he live in Seattle and if he got children, you know, or
40 Nome -- the one that lives in Nome, he's got four children
41 over there, they always ask for dry fish and if I don't I
42 have to buy it or their grandmother has to buy it. Those
43 are real cash exchanges, right. Customary, you know, a
44 person no days, sometimes, that works every day can't go

45 out and hunt. So he's got to buy it. That's when cash
46 become important and how to control that is going to be
47 pretty important.

48

49 Again, people that eat Native food have to
50 sometimes use cash because we're in a changing world to a

00039

1 new Western world. So that becomes very, very important.
2 You can't forget those people, even if they're not in
3 Emmonak, they still want to eat (In Yup'ik) or geese,
4 salmon berries.

5

6 (In Yup'ik)

7

8 Those are important considerations that the
9 Federal government and the State government will recognize
10 and therefore the cash trade, to feed someone outside
11 becomes very important and you got to make room for those
12 Native people who live outside, to eat what they know --
13 have been eating for centuries a chance and opportunity and
14 leave them within the law so that they could also satisfy
15 and live with their own Native food until they don't want
16 it anymore and probably they'll live on wanting it.

17

18 MR. L. WILDE: Mr. Chairman, I have one
19 more question. In your opinion, what do you feel of
20 unlimited amounts within the region, within the region
21 itself and not going outside of the region, do you feel
22 there should be a cap of customary trade within the region
23 or do you feel that it should be -- I guess, that's my
24 question, do you feel there should be a cap of customary
25 trade within the region itself and not dealing with regions
26 outside of us?

27

28 MR. MOORE: I think probably the most
29 reasonable way to deal with that, because each one has
30 different luck sometimes, you're pretty lucky, sometimes
31 you're not pretty lucky, but if you put, hey, \$100,000 for
32 everybody, if you're unlucky you didn't catch it, you had
33 a chance but it wasn't completely put outright.

34

35 (In Yup'ik)

36

37 How much do they eat? Like I said,
38 remember, use the measurements of a person's stomach to
39 find out how many people live there -- kind of get an idea
40 to deal with that real number. So when you do that you
41 come up with an answer, whether people could live with or
42 not live with but you got to come up with that number. And
43 when you do -- when you do then it's got to be a regulation
44 that you could try out and it didn't work then you could

45 always amend it.

46

47 (In Yup'ik)

48

49 How many fish have to go to the spawning

50 places, right, you have to put some kind of a number.

00040

1 (In Yup'ik)

2

3 MR. L. WILDE: Martin, what I was trying to
4 get at, I think my question, I should clarify it a little
5 bit more. What do you think of the idea of having an
6 unlimited amount of customary sales of fish within the
7 region as long as it remains within the region of the
8 Yukon-Kuskokwim Delta or within the river system?

9

10 MR. MOORE: Region, meaning from the mouth
11 of the Yukon River to Canada?

12

13 MR. L. WILDE: In the areas that covers,
14 that we're concerned with, you know?

15

16 MR. MOORE: Yeah.

17

18 MR. L. WILDE: The region being the AVCP
19 region is what I'm trying.....

20

21 MR. MOORE: Unlimited amount of what?

22 What?

23

24 MR. L. WILDE: Unlimited amount of salmon
25 to residents of the region as long as it does not leave the
26 region. What I'm asking you is do you feel it's all right
27 for you to sell me \$1,000 worth of fish if I don't get --
28 a \$1,000 of dry fish as long as I eat it within my area and
29 not send it to my -- or sell it to somebody else outside
30 the region? If I'm going to keep it within the region, I'm
31 going to eat it with my -- eat it within my family.

32

33 MR. MOORE: Well, the -- my concern is the
34 sustained yield and right now the fish are down. They're
35 having sicknesses and we have to make sure that the -- it's
36 escapement. To say unlimited is something I can't live
37 with just now. But a certain amount would be something I
38 could live with, 60,000 -- let anybody -- all the
39 subsistence users try to catch it. Whatever they can in
40 the amount of six hour period, 12 hour period. You can't
41 control that but you could control the amount and whatever
42 that Native is allowed to catch, you could, to me could --
43 you could use it to his own benefit for cash and trade.

44

45 (In Yup'ik)

46

47 If I got 400, you could buy 100 for cash.

48 I think that kind of an issue should be open.

49

50 MR. McCANN: Mr. Chairman.

00041

1 CHAIRMAN WILDE: Yeah, go ahead.

2

3 MR. McCANN: (In Yup'ik)

4

5 MR. MOORE: Yeah.

6

7 MR. McCANN: (In Yup'ik)

8

9 MR. MOORE: (In Yup'ik) Don't monkey
10 around with it.

11

12 MR. McCANN: Thank you, good answer.

13

14 CHAIRMAN WILDE: Yeah, Martin, and those of
15 you that come in late, what we are doing right now, we are
16 working on customary trade only on fish. So right now
17 we're doing a question subsistence catch of fish shall be
18 traded into cash. When you say subsistence, there's a lot
19 of ways of subsistence way of life, but we are working on
20 right now, customary trade on fish, shall we sell it or how
21 much we should take it from our subsistence catch and sell
22 it to cash. That's what we're trying to figure -- that's
23 right now what we've been working on. AVCP convention has
24 been working on. So those of you who want to testify, not
25 subsistence way -- we are working on right now, customary
26 trade.

27

28 MR. L. WILDE: Mr. Chairman, I got one more
29 question.

30

31 CHAIRMAN WILDE: Yeah, go ahead.

32

33 MR. MOORE: Yeah.

34

35 MR. L. WILDE: If there was a cap within
36 the region on subsistence caught fish to your (In Yup'ik),
37 sell, what do you think -- what do you feel is a realistic
38 figure, should there be cap on the amount of fish you sell
39 to your (In Yup'ik)?

40

41 MR. MOSES: (In Yup'ik)

42

43 CHAIRMAN WILDE: Yeah, (In Yup'ik)

44

45 MR. MOSES: (In Yup'ik)
46
47 (Laughter)
48
49 (Applause)
50

00042

1 MR. MOORE: One selling parts of fish --
2 before I forget, no one should be allowed to sell fish
3 eggs, no one. No subsistence commercial salmon, chum
4 salmon, king salmon, no one should be allowed to do that.
5 But like I say, Lester, let's say the limit, whatever it
6 is, the 60,000, let that be the control to how many fish
7 you could sell. If I were to sell my 400 fish I caught on
8 the time period allowed me, I have that right, let everyone
9 else have that right. We are under the American Flag and
10 we could sell all of our fish and leave nothing for us so
11 long as you caught it on a time base allotted to you by the
12 Federal government and State government. Don't let
13 anything else get in the way for you to sell it, even if
14 you don't have one fish left.

15

16 MR. L. WILDE: Martin, I was addressing
17 subsistence, the fish you caught for your subsistence.

18

19 MR. MOORE: Well, I never thought of that
20 because I've always -- when my smokehouse is filled, that's
21 when I quit. Sometimes people fill their smokehouse twice
22 and I don't know what -- I have no comment. I've always
23 wanted to sell as much as I want and I always want the
24 other people to sell as much as they want so as provided
25 that they got their fish legally to sell to the other (In
26 Yup'ik).

27

28 So what I mean is (In Yup'ik). So how can
29 I control that is -- is -- no ways to control, then if he
30 get 300 he dries them up -- you know, maybe he's supposed
31 to only catch 200 and his net got 300, so I don't want
32 people to be arrested in jail and that's got to be that --
33 so my people wouldn't get jailed and incarcerated for
34 catching 400 fish when they're supposed to be only catching
35 300. That control should be by the escapement goal level
36 to protect the sustained yield and to protect the
37 subsistence user.

38

39 CHAIRMAN WILDE: Yeah, thank you, Martin.
40 I think the people that come in, they should have an agenda
41 so they know what we're talking about. We're going to have
42 a five minute break and make sure these -- make sure they
43 know what we're talking about. We're going to have five
44 minutes break and then come back.

45

46 (Off record)

47

48 (On record)

49

50 CHAIRMAN WILDE: I think we're going to

00043

1 start now. I think some of our Councils, they going to --
2 when it comes to be voting we're going to have a problem.
3 For the voting we're going to have a problem if we're not
4 a quorum anymore. We're losing two persons already and I
5 think right now that seems to me that most of the people
6 that are coming in, they don't really understand what we're
7 talking about and let me elaborate a little bit.

8

9 We're talking about a customary trade, only
10 on the Federal waters, not State. You got to know that,
11 it's only Federal waters. It's in the Yukon-Kuskokwim,
12 lower Yukon and Kuskokwim-Yukon. We're not talking about
13 water that's controlled by the State. Only the water
14 controlled by the Federal.

15

16 (In Yup'ik)

17

18 I'm going to recognize Alec Bird from
19 Emmonak. (In Yup'ik)

20

21 Robert.

22

23 MR. MOORE: Mr. Chairman, understanding
24 that, can I add a little bit more to my testimony?

25

26 CHAIRMAN WILDE: Yeah.

27

28 MR. MOORE: I could?

29

30 CHAIRMAN WILDE: (In Yup'ik)

31

32 MR. MOORE: Mr. Chairman. I didn't
33 understand that was the case. But if that is the case, if
34 the State does not follow what the Federal does, we're
35 opening up a bag of worms and it's going to be ongoing and
36 ongoing. I think whatever the Federal -- whatever is
37 decided on a Federal level should also be the same on the
38 State level or it's just going to be fighting, fighting,
39 fighting that's going to be ongoing and ongoing.

40

41 So understanding that, I wanted to add that
42 portion to my testimony.

43

44 It wouldn't do no good to adopt rules for

45 certain portions of the river and leave the rest of the
46 river wide open. That's all I wanted to add.

47

48 CHAIRMAN WILDE: Go ahead, Robert.

49

50 MR. NICK: Thank you. Robert, Robert.

00044

1 Yeah. (In Yup'ik)

2

3 In the years that I've been on the Advisory
4 Council, between State regulation and Federal regulation of
5 subsistence management, when there are non-conformities or
6 differences, they meet to align them, to make them alike,
7 they do that so they don't have two sets of rules for most
8 subsistence activity. They align.

9

10 In fact, in the co-management agreement
11 that they entered, I think it was 1999, we were a part of
12 that process. They have to have -- where differences
13 occur, they have to meet to align the regulations. But you
14 brought up a good point.

15

16 MR. MOORE: So in a sense it's not going to
17 be enforceable until both the State and the Federal agree
18 on something? Where's our Federal people?

19

20 CHAIRMAN WILDE: Right now we are working
21 on customary trade that's just come out from the Federal
22 side, river.

23

24 MR. MOORE: Once you adopt it, it will
25 become regulations for -- it will become, even if the State
26 does not?

27

28 CHAIRMAN WILDE: I don't know what the
29 State is -- we are -- I want you to understand this.

30

31 MR. MOORE: Yeah.

32

33 CHAIRMAN WILDE: If these.....

34

35 MR. MOORE: If that's going to be the case
36 you're probably going to open World War III.

37

38 CHAIRMAN WILDE: This Subsistence Council
39 is a Federal Subsistence Regional Advisory Council.

40

41 MR. L. WILDE: Advisory Council.

42

43 CHAIRMAN WILDE: Advisory Council.

44

45 MR. MOORE: Uh-huh.

46

47 CHAIRMAN WILDE: So we're only working on
48 this customary trade with the Federal, under Federal
49 regulations.

50

00045

1 MR. L. WILDE: And we only advise the
2 Federal Subsistence Board.

3

4 MR. MOORE: You know, I think it works okay
5 on moose, caribou and stuff but when you get down to fish
6 it's a totally different issue. It's not.....

7

8 CHAIRMAN WILDE: Well, this is only king
9 salmon, dog salmon, fish. (In Yup'ik)

10

11 MR. MOORE: (In Yup'ik)

12

13 CHAIRMAN WILDE: Okay, Alec.

14

15 MR. BIRD: Yeah, my name is Alec Bird from
16 Emmonak.

17

18 (In Yup'ik)

19

20 CHAIRMAN WILDE: (In Yup'ik)

21

22 MR. BIRD: (In Yup'ik)

23

24 CHAIRMAN WILDE: (In Yup'ik)

25

26 MR. BIRD: (In Yup'ik)

27

28 CHAIRMAN WILDE: (In Yup'ik)

29

30 MR. BIRD: (In Yup'ik)

31

32 MR. KELLEY: Mr. Bird was confused about
33 this certain issue is being discussed but when explained by
34 Mr. Wilde. And he states that some people practice that
35 because sometimes you can't catch what you need to catch
36 for your family to eat and therefore some families are
37 forced to buy whatever is available to feed their family.

38

39 MR. BIRD: (In Yup'ik)

40

41 MR. KELLEY: In those days people fished as
42 he was growing up and they used their own nets, own
43 homemade nets. One type was made by hand to catch chums
44 the other type of fish net was made by hand to catch king

45 salmon. And the families would be fishing and quit when
46 they have enough. Every part of the fish was utilized.
47 The only part that was thrown away was the guts. And
48 nothing was ever thrown away. But now a days, people are
49 getting careless and even though we tell them not to waste,
50 that's being practiced too.

00046

1 MR. BIRD: (In Yup'ik)

2

3 MR. KELLEY: This issue of subsistence is
4 getting to be loud, it's getting noisy and people are
5 constantly starting to talk about it. This subsistence
6 issue is supposed to be ours. And he knows that this fish
7 goes all the way up to Canada because when he went to
8 Canada he had a salmon and he also had smelts.

9

10 MR. BIRD: (In Yup'ik)

11

12 MR. KELLEY: He found out that the fish
13 goes up there too and it's being utilized by people up
14 river and it takes a long time for the fish to get there.
15 He was in that area and the fish were finally hitting
16 there. And those people up river are not any different
17 from us. We didn't have store bought food, only Native
18 food.

19

20 MR. BIRD: (In Yup'ik)

21

22 MR. KELLEY: He say that last summer was
23 kind of an unusual summer even though there was a lot of
24 fish, he was hungry and really craved for fresh fish
25 because of the closures of the river. And the fish are --
26 the Department of Fish and Game had their nets in the water
27 but there were enough -- they weren't catching enough to
28 let the community to have fresh fish that they usually get
29 every year. And that part was not used to by the locals.
30 And he lets his sons and daughters fish and shows them how
31 and when they have enough he let them stop.

32

33 MR. BIRD: (In Yup'ik)

34

35 MR. KELLEY: He say that all his children,
36 they're all grown up. He uses one smokehouse. His sons
37 and daughters, and they fish and he tells them to fill up
38 the smokehouse as much as they want if they have enough to
39 quit and they put up fish and they make strips and dry fish
40 and he would tell them to get as much as they could to make
41 sure that they get enough for the winter. And if he would
42 ask them if they have enough or not and he tells them it's
43 your decision. It's up to you. And he say that ever since
44 he was a little boy he has been eating that fish and he

45 can't go without that fish. That's his life.

46

47 MR. BIRD: (In Yup'ik)

48

49 MR. KELLEY: This fish is very vitally

50 important to my children and when they go anywhere, maybe

00047

1 when they go out hunting or berry picking or any kind of
2 outdoor activity they have to have fish with them, even
3 their children, the same as they are, can't go without
4 that.

5

6 MR. BIRD: (In Yup'ik)

7

8 MR. KELLEY: Commercial fishing has been
9 closed and that really hurts. And some people do not have
10 jobs. And that is really something that the people are not
11 used to. And sometimes he, out of his pocket, what he gets
12 probably from old age and Social Security and all that, he
13 gives them a little bit hoping that they will catch
14 subsistence items to feed the family. And even that is
15 really bad.

16

17 MR. BIRD: (In Yup'ik)

18

19 MR. KELLEY: He wants to stop for now but
20 unless he is asked to say something, he will be glad to
21 say.

22

23 CHAIRMAN WILDE: (In Yup'ik)

24

25 You guys want to eat or go without eat,
26 what you guys want?

27

28 MR. L. WILDE: Mr. Chairman, are the
29 testimonies, are they done on customary trade, public
30 customary trade?

31

32 CHAIRMAN WILDE: I do have two more here,
33 customary trade.

34

35 MR. L. WILDE: Yeah, Mr. Chairman, may I
36 suggest that we hear all the testimony on customary trade
37 because I think I have a motion for recommendation to the
38 Federal Subsistence Board that I would like you to consider
39 before we leave for lunch.

40

41 CHAIRMAN WILDE: Okay, we'll do that. Next
42 person is Benedict Tucker from Emmonak, customary trade.
43 Benedict.

44

45 MR. McCANN: Mr. Chairman, can I say a
46 little bit, maybe fasten it a little bit.

47

48 CHAIRMAN WILDE: Bill.

49

50 MR. McCANN: (In Yup'ik)

00048

1 Because we know how to fish and what tool
2 we use, how much we get. We point this out only for trade
3 or not to trade, we want to hear that. I might be wrong
4 but I think (In Yup'ik) too long of testimony telling us
5 how he gets it, how much he get, we know that.

6

7 CHAIRMAN WILDE: Okay, Benedict, your turn.

8

9 MR. TUCKER: (In Yup'ik)

10

11 CHAIRMAN WILDE: Thank you. Last one on
12 customary trade, Andy Brown.

13

14 MR. BROWN: Good morning. (In Yup'ik)

15

16 CHAIRMAN WILDE: Thank you. Lester.

17

18 MR. L. WILDE: Mr. Chairman. Since a
19 decision of a recommendation must be reached to be forward
20 to the Federal Subsistence Board, I would like to make a
21 motion to recommend to the Federal Subsistence Board that
22 no sale of parts of salmon to non-rural residents be sold
23 and that a limit of \$500 to rural residents within Region
24 5, that a cap of \$500 be placed on the sale within our
25 Region 5.

26

27 MR. ANDREW: I second the motion.

28

29 MR. L. WILDE: Since there's a second on
30 that motion, Mr. Chairman, I figured out using \$15 a pound
31 as my figure, I figured \$15 divided into \$1,000 would equal
32 to approximately 60 pounds of dried fish. \$500 at \$15 a
33 pound would equate to approximately 30 pounds of dried fish
34 and 250 pounds, I guess, you know would equate to \$500.

35

36 And the reason why this motion was in place
37 was because of a discussion we've had at one time where
38 actual sales of discussions that eyewitnessed was an offer
39 of \$500 for a five gallon bucket of processed fish. And
40 that is the reason why I put a limit of \$500 and it's only
41 for this region, Region 5.

42

43 CHAIRMAN WILDE: There's a motion on the
44 floor to limit customary trade, \$500.

45

46 MR. L. WILDE: Within the region.

47

48 CHAIRMAN WILDE: \$500 within the region.

49 And it was second. Now is discussion, Council you could

50 discuss this. But me, I'm going to say this, right now

00049

1 that we are opening a can of worm. We got to have a permit
2 in order to go out and sell subsistence, catch salmon and
3 call customary trade, you cannot just sell \$500 worth of
4 strips. Law enforcement will want some kind of control so
5 there will have to be some kind of permit system or
6 something. If this thing is passed by this Advisory Board
7 for recommendation to the Subsistence Board.

8

9 (In Yup'ik)

10

11 Go ahead, Lester.

12

13 MR. L. WILDE: Mr. Chairman. The AVCP
14 convention did not have a cap on the amount of sales,
15 that's what I'm afraid of. If we were not to put a limit
16 of -- a cap on the sales within the region we're going to
17 have more trouble than we have right now. Even if we do
18 allow subsistence caught fish to be sold within our region,
19 we have to have a cap. Because it's -- we're talking about
20 a species of concern within the river. The subsistence --
21 the problem that we might have with subsistence could
22 easily become a commercial enterprise even though if it
23 does not -- sold for a significant amount, we have to have
24 a cap even if we do have no limit within the -- we have to
25 have a limit within the region if we're going to sell from
26 me to you. If I want to sell a bucket of fish to you --
27 it's being done, we realize that. We have to realize that
28 it's being done. If you wanted to pay me \$500 for a bucket
29 of fish and you don't have any fish I think you should be
30 allowed to buy the fish that you don't have as long as it
31 is within the region and it doesn't go outside of the
32 region.

33

34 That would take care of selling unlimited
35 amount of fish to not just non-rural areas. Non-rural
36 covers too much territory. I think we should take care of
37 our region.

38

39 CHAIRMAN WILDE: Bill.

40

41 MR. McCANN: (In Yup'ik)

42

43 No ceiling at all.

44

45 Even somebody coming from Lower 48 do this
46 and do that, when, they're not going to stop. The people
47 in the villages are going to live on subsistence anyway.

48

49 (In Yup'ik)

50

00050

1 That's our chance. We can see what we want
2 to do. We can see what we'd like to do. We got that
3 chance. We can do anything we want to do about this.
4 Money-wise, no money-wise. We got all our chance.

5

6 (In Yup'ik)

7

8 Thank you.

9

10 CHAIRMAN WILDE: Alex Nick, will you
11 translate that.

12

13 MR. A. NICK: Billy McCann was having
14 problems with the motion in placing cap on the customary
15 trade because the fact that the AVCP convention's position
16 yesterday through resolution was that there would be no
17 sale of subsistence caught food. And Mr. McCann thought
18 that there would be a lot of problems arising from that if
19 a dollar cap is being placed on the issue.

20

21 MR. L. WILDE: Mr. Chairman, can I answer
22 that?

23

24 CHAIRMAN WILDE: Yeah, go ahead, Lester.

25

26 MR. L. WILDE: According to the AVCP
27 resolution as I read it, it states, that request the Yukon-
28 Kuskokwim Regional Advisory Council consider these comments
29 inform the Federal Board that cash sales of subsistence
30 caught fish, their eggs, their parts to non-rural residents
31 of businesses are not consistent with their customs and
32 traditions. It didn't say anything about rural residents.
33 There's nothing in here that states, unless I'm wrong,
34 legal counsel of AVCP, AVCP resolution as I read it,
35 states, there will be no sales of subsistence caught fish
36 to non-rural residents and they leave it wide open for
37 rural residents. But I feel that there should be a cap on
38 the rural residents within our area because of our
39 livelihood. If we don't put a cap of our people, within
40 ourselves, if we don't police ourselves this is going to go
41 way out of hand. So we've got to have a limit for our
42 people. At least for consideration, it's not going to make
43 it law but at least we can have the Board consider that.

44

45 CHAIRMAN WILDE: Yeah, before I recognize
46 -- what we're doing right now is Regional Advisory Council
47 discussion and recommendation. I'm going to give you this
48 opportunity, what do you want?

49

50 MR. CHARLES: I want to make a statement on

00051

1 the motion.

2

3 CHAIRMAN WILDE: Go ahead and go on, I give
4 you this -- I recognize you for that.

5

6 MR. CHARLES: Thank you, Mr. Chairman. The
7 legislature it got out of hand.

8

9 (In Yup'ik)

10

11 I think I agree Mr. Chairman, I think we
12 need to have a monitoring system in place and identify
13 subsistence, what is subsistence? Earlier on I mentioned,
14 you know, I could, if it means, the number of people in my
15 family as subsistence users and cap each one of those
16 immediate family members \$500 each, that will bring me
17 \$3,000. And if everybody in Emmonak did that, that's a lot
18 of fish. So I would recommend that we -- I mean the Board
19 vote against this and not put a cap on it until we've
20 really identified what is subsistence and who is the user
21 and put a limit on that before you put a limit on the
22 customary trade. I think we need to work from subsistence,
23 identify that, and then make a determination on what the
24 customary trade is going to be.

25

26 Thank you.

27

28 MR. RIVARD: Could you state your name for
29 the record?

30

31 MR. CHARLES: I'm sorry, Bill Charles from
32 Emmonak.

33

34 CHAIRMAN WILDE: Go ahead, Robert.

35

36 MR. NICK: Thank you. I'll do it in
37 English because I don't think we need translation to
38 Yup'ik. I was involved in the discussions, you know, of
39 what language this proposal should contain. The
40 discussions began over a year ago. I missed the first two
41 meetings but Lester was able to attend the first two
42 meetings but from there on, I attended the meetings
43 throughout the summer. And one thing was made clear to us
44 by the enforcement people of Fish and Wildlife, is that, if

45 we put a monetary cap on the regulation then we will have
46 to have record keeping or maybe a permit system in order to
47 be -- have that privilege. And I believe at one point, you
48 know, the question of IRS came up, you know. One of the
49 people brought it up. The IRS with miscellaneous income,
50 anything you earn -- any money that you earn through, like

00052

1 I said, in this case would be by selling fish that's over
2 600 you have to report it to IRS. It's the law. We will
3 become lawbreakers, I guess if we do -- so there is that
4 possibility if there was a cap established that enforcement
5 will require us to keep records of all of our sales.

6

7 CHAIRMAN WILDE: (In Yup'ik)

8

9 I'm going to give you guys three minutes if
10 you guys want to talk about that thing, three minutes not
11 more than that. Not more than three minutes.

12

13 MR. L. WILDE: On the motion.

14

15 CHAIRMAN WILDE: On the motion. It has to
16 be on the motion. Go ahead, Don.

17

18 MR. RIVARD: Mr. Chair. Don Rivard with
19 the Office of Subsistence Management. I just wanted for
20 the record to clarify what Lester said just so that I
21 understand your motion.

22

23 My understanding is you want to limit or
24 cap to \$500 the sale of fish between residents for Region
25 5. And that there would be no sales permitted to other
26 rural residents outside of Region 5; is that correct?

27

28 MR. L. WILDE: That's correct, Don.

29

30 MR. RIVARD: Okay. And then that there
31 would be no sales to non-rural residents or businesses?

32

33 MR. L. WILDE: That's what I tried to
34 incorporate into the motion.

35

36 MR. RIVARD: Okay, thank you.

37

38 CHAIRMAN WILDE: Okay, Martin, I'm giving
39 you guys three minutes because we are breaking our own
40 agenda here.

41

42 MR. MOORE: Thank you very much. (In
43 Yup'ik)

44

45 Traditional values. That is something we
46 shouldn't neglect and forget.

47

48 (In Yup'ik)

49

50 Dry fish and other stuff, that's a

00053

1 tradition that we practice every day.

2

3 (In Yup'ik)

4

5 I'm a working person. Sometimes I don't
6 have time to make dry fish but I want to buy it because
7 that's my food. I didn't have a chance to make dry fish
8 and I wanted to buy a couple of buckets. That's tradition.
9 And I know that person works so hard, he's got to go buy
10 his gas, he's got to clean the fish, he's got to cut and
11 smoke the fish, so why should I ask for free fish when
12 somebody works so hard on it? In tradition, we realize
13 that. We don't ask things for free for a person who works
14 so hard on dry fish but we need that food. And that should
15 be allowed.

16

17 It's our tradition, leave it alone. Don't
18 make it into a commercial issue. Just make it a Native
19 issue, it's a Native food, Native issue. Leave it that
20 way. And once you start putting it into a cap or
21 something, I think it will say you're permitted now to go
22 in commercial. Stay away from the commercial part, stay
23 with the traditional regional -- I think nobody's going to
24 become a millionaire, they're just going to eat what they
25 want to eat.

26

27 (In Yup'ik)

28

29 The Federal government knows that.
30 Everybody knows that.

31

32 Thank you.

33

34 CHAIRMAN WILDE: Thank you, Martin. Go
35 ahead Ray.

36

37 MR. ONEY: Yeah, thank you, Mr. Chairman.
38 I'm due to leave here in about 10 or 15 minutes but I'd
39 like to make a little comment if I may. This customary
40 trade, I think, you know, I'm new on the board, I've been
41 attending my first meeting in Tuntutuliak, this was like a
42 couple weeks ago. I've practiced traditional customary
43 trade for a long time, I grew up that way and that's in my
44 life. I've traveled from camp to camp from season to

45 season.

46

47 And this customary trade, you know, there's
48 a chosen few that have abused the system that has brought
49 us to this table to hear testimony from the public to get
50 the best advice so that we could make recommendation to the

00054

1 Board. And, you know, what I've been hearing from AVCP
2 convention and hearing here today, it seems like there
3 needs to be more education on this issue. It seems if we
4 go into different villages we'll get different points of
5 view. It seems like everyone in this YK region aren't in
6 tune with the customary trade issue.

7

8 That's the only comment I'd like to make,
9 thank you. I'm ready to leave here shortly.

10

11 CHAIRMAN WILDE: Lester.

12

13 MR. L. WILDE: Mr. Chairman, with the
14 consent of my motion maker, second, I would like to
15 withdraw this motion and instead advise the Federal
16 Subsistence Board, since they have to work on a deadline,
17 because they have a certain deadline that they're going to
18 be discussing this, let's recommend to the Board after what
19 we've heard that they extend the proposed rule for
20 approximately another year. Now, that this is out in the
21 open, maybe more people will discuss it. It's been out in
22 the open for a number of months and the people are just now
23 hearing about it. The excuses we've heard is that their --
24 they haven't been sent the particulars on this discussion.

25

26 I think we should, instead of coming up
27 with a recommendation to the Federal Subsistence Board,
28 that we recommend to them that we do need at least another
29 six months to a year of the public discussion on this.

30

31 CHAIRMAN WILDE: Go ahead, Robert.

32

33 MR. NICK: Thank you. Having been a part
34 of this for almost two years, I think I agree. When we
35 first made the call for comment on the proposed language to
36 the Federal Subsistence Board last fall 227 requests were
37 made to 227 tribal governments in the state of Alaska
38 asking for them to make a comment. If you look at the
39 Federal regulation, the proposed rule is Section 11,
40 Section 12, Section 13 and they're very short. Each tribe
41 was asked to review it, meet, discuss it and respond to the
42 Federal Subsistence Board before their meeting in December.
43 Out of 227 tribes three villages responded, three tribes.
44 Two of them commented on this proposed regulation language,

45 their recommendation and one responded, not even talking
46 about this. So the Federal Subsistence Board in their
47 December meeting said, let's give them more time and
48 they're going to meet in May to make a decision on the
49 proposed rule and I think we need -- I agree it is
50 difficult for me, as a subsistence fisherman to come out

00055

1 with any language at this time without the people out there
2 understanding what is happening.

3

4 I have tried, throughout the year, February
5 20th in this newspaper, February 20th I wrote a long
6 article about customary trade and two more times I wrote an
7 article about customary trade because I know it's
8 important. It's going to put me against other people in
9 the region.

10

11 (In Yup'ik)

12

13 Thank you.

14

15 MR. L. WILDE: Mr. Chairman, just for the
16 record, the Board estimated schedule working toward the
17 final rule, I just want to make sure that it's understood,
18 that the Regional Council's meeting's comments on proposed
19 rule was in February and March of 2000 [sic], additional
20 tribal consultation on proposed rule was February and March
21 2000 [sic], public comment period ends on proposed rule.
22 This will end on April of 2000 [sic]. That's why this is
23 before us right now.

24

25 The Federal Subsistence Board deliberation
26 and will act on the proposed rule in June of this year.
27 And the publication of the final rule will be in July. The
28 final rule will be in effect August of this year. So if
29 you feel that we should -- we need some more, I could tell
30 right now from the discussions we've had during AVCP, the
31 discussions we've had wherever we go, that even though the
32 people that those mailings were sent out, may have received
33 those, the people that were responsible to get it out to
34 the public, i.e., the tribal councils, the city councils,
35 the Regional Councils did not do what they were supposed to
36 do. So I think the best thing for us to do would be to ask
37 the Board if they would delay the publication or the
38 deliberation of the final rule until a later time so it can
39 go out.

40

41 I don't know, Mr. Rivard, do you have any
42 comments on it?

43

44 CHAIRMAN WILDE: Let me say, talking about

45 this customary trade send out. My understanding is 229
46 [sic] tribes they send it out to, only tribal. I don't
47 know what the tribes in Alaska do with that, 229 tribal,
48 it's one sheet of paper, one side, other side. That's my
49 understanding, 229 was sent out. Go ahead, Don.
50

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1 MR. RIVARD: Yes, Mr. Chair. Don Rivard,
2 Office of Subsistence Management, that is correct. Our
3 office as well as consulting and getting recommendations
4 from the 10 Regional Councils, we also do government to
5 government consultation with the 229 Federally recognized
6 tribes within the state of Alaska. So they were sent out
7 a letter along with the proposed rule asking for their
8 comments as well and they have until the end of April, I
9 believe, too, to get their comments back to our office.

10

11 The Federal Subsistence Board is also going
12 to consider any and all comments that they get from these
13 tribes. So there's still the opportunity for tribes to
14 comment.

15

16 I also -- a couple of other things I just
17 want to remind the Council here, is that, one option you
18 have is just to say that you want to keep the present
19 customary trade regulation in place. And that's not the
20 one proposed, it's the one that's current that says
21 customary trade is allowed except to significant commercial
22 enterprises. But another option -- well, not an option,
23 but I just want to remind everybody that this will be a
24 regulation that can be looked at each year and amended each
25 year or changed each year. It's not like it's going to be
26 one regulation that will stay in place forever and ever.
27 If there's something that doesn't appear to be working or
28 there's some unanticipated things that happen because of
29 this regulation, those issues can be addressed and the
30 regulation can be changed or a proposal can be made to
31 change and the Board will look at those proposed changes
32 and possibly make changes just like you do with fisheries
33 regulations on a year to year basis.

34

35 Thank you, Mr. Chair.

36

37 CHAIRMAN WILDE: Thank you.

38

39 MR. L. WILDE: Mr. Chair, one more comment.
40 One thing I'm afraid of is that the Federal Subsistence
41 Board make their final rule without our comments, without
42 the comments of this Regional Council. As long as there is
43 no agreement within our region on customary trade, it's
44 just going to be in limbo. There's got to be some decision

45 made, some recommendations made to that Board. If we do
46 not make recommendations to that Board our region will not
47 be heard if they decide to go with their estimated work
48 towards a final rule.

49

50 CHAIRMAN WILDE: Go ahead, Robert. Three

00057

1 minutes now.

2

3 MR. MOORE: Mr. Chairman, the way bodies
4 usually make decisions is with data. Right now there's no
5 data on what you're talking, customary and traditional.
6 That's exactly the two words, what is customary and
7 traditional? There's no data to back up whatever decisions
8 are going to be made. You got to go to each village and
9 ask them, what is customary and traditional? We're talking
10 about money on that. And then what -- and there's no
11 finding on what -- how many fish does it take for your
12 subsistence needs? There's no finding on that. Those
13 things need to fall in place and I think that's what you
14 can use to the Federal Subsistence Board, that we do need
15 the data to make the right decision. And it sounds like
16 there's none right now. So I think you can use that -- the
17 Alaska Game Board will not make a decision without data and
18 I think the Federal Subsistence Board should do the same
19 thing. But the way it sounds there's no data available,
20 you're just going to make a decision in the blind and it's
21 just not going to work.

22

23 CHAIRMAN WILDE: (In Yup'ik)

24

25 Well, it will not be done so make sure, I'm
26 going to give you three minutes.

27

28 MR. TUCKER: Mr. Chairman, most of you are
29 older than I am. I know I was told to listen and work
30 together. If you know anything then that's what you need
31 to do and that comes from elders like Alec Bird, my uncle,
32 84 years old. And they tell us, don't hurry. And it took
33 them 10,000 years to build -- to come to this customary
34 trade way of life. It's just like living 24 hours in three
35 seconds, change the whole darn system and that is what the
36 Federal government want us to do, change your whole way of
37 life in three seconds of the last 24 hours and the last
38 three seconds of that 24 hour day.

39

40 Think well. Maybe those 229 villages do
41 not want it and in no way Federal government should change
42 this or make any decisions for us if we don't want it.

43

44 If you heard me earlier, you are dealing

45 with our children's children and much further down the
46 road. If you have ears and you know you do and you have
47 your grandparents, listen and work together. None of us
48 are too smart to change this in even a year from now. Tell
49 the Federal Subsistence Board we need 20 more years to work
50 on it because it took 10,000 years to build up our

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1 subsistence way of life. We're having a hard enough time
2 thinking it.

3

4 CHAIRMAN WILDE: Thank you, Nick. Johnny
5 Thompson.

6

7 MR. THOMPSON: (In Yup'ik) My name is
8 John Thompson from St. Mary's.

9

10 (In Yup'ik)

11

12 There's no evidence. Nothing.

13

14 (In Yup'ik)

15

16 Thank you.

17

18 CHAIRMAN WILDE: Go ahead, Nick.

19

20 MR. A. NICK: Thank you, Mr. Chairman.

21 I'll highlight what Mr. Thompson said in English and then

22 I'd like to make a very short comment.

23

24 What Mr. Thompson said is that we've been
25 dealing with the customary trade issue about, you know,
26 before time now and he said he is not going to leave this
27 place even with a resolution. My understanding from what
28 he said was, you know, we have to be very careful and we
29 don't have a verification of why we're dealing with the
30 issue.

31

32 I've asked, Mr. Chairman, I'd like to make
33 a very short comment. The concern that the Fish and
34 Wildlife Service has is the term, customary trade, in
35 ANILCA. The definition of customary trade in ANILCA. And
36 I listen to the AVCP convention and also as I listen to the
37 Council deliberation and public comments here in this room
38 again, the second day, I mean yesterday at the convention
39 and at this continuation of Council meeting, we're dealing
40 with something that will be good and bad for our Native
41 people. Some people want to leave the customary trade as
42 is today, meaning, that the customary trade definition
43 rural means -- rural residents mean both (In Yup'ik) or
44 Korean or anyone who lives here in rural Alaska. The

45 problem we're going to be running into if we don't come up
46 with some kind of a decision or recommendation to Federal
47 Board is this, suppose in village of Emmonak, somebody
48 comes in as a rural resident and then if a person sells big
49 number of fish after they process them, there is not enough
50 definition in the ANILCA regulation to stop that person.

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1 There is no way we could stop that person. There's no way
2 that our enforcement people will be able to do something
3 about it. That's the reason why the Federal Board is
4 seeking comments and recommendations from the Regional
5 Councils and the regions, what kind of rules should we have
6 in order to stop someone who's making -- let's use an
7 example of maybe \$100,000 worth of processed fish. If
8 somebody sells \$100,000 worth of processed fish this
9 summer, there is no way our enforcement people can do
10 anything about that under ANILCA regulations. The
11 definition does not define customary trade very well under
12 ANILCA for us to do something about it.

13

14 It's something that needs to be considered.

15

16 Thank you, Mr. Chairman.

17

18 CHAIRMAN WILDE: Yeah, go ahead and come
19 over here.

20

21 MR. LAMONT: 30 seconds. John Lamont,
22 Alakanuk. A question for the gentleman back here, he said
23 April 29th, according to this working towards the final
24 rule, the deadline for public comments and tribal
25 consultation is next week, next Friday. I would like you
26 guys to make a motion to extend this date until the last
27 Friday in March of 2003.

28

29 Thanks.

30

31 CHAIRMAN WILDE: James, go ahead.

32

33 MR. CHARLES: Mr. Chairman. I, myself,
34 agree with that resolution that AVCP made because when we
35 had the meeting at Tuntutuliak, we decided to stop talking
36 about it there at Tuntutuliak and bring it to AVCP
37 convention and they have long talk about this customary
38 trade yesterday. They started out with it and stop and
39 think about it and picked it up again at the end. And
40 Mitch Demientieff when he was here, he told us the public
41 comment was extended to April 30. So even public now has
42 time to make comments until April 30. If that's passed out
43 to other people they still have time to think about it now.

44

45 But, me, I'm like John Thompson, there was
46 convention talking about it there and I agree with AVCP
47 resolution because that's what we were waiting for.

48

49 Thank you.

50

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1 CHAIRMAN WILDE: Go ahead, Lester, do
2 whatever.

3

4 MR. L. WILDE: As long as we're discussing
5 (microphone went off) pardon me, name is Lester Wilde, I'm
6 from Hooper Bay, do you want to know my age?

7

8 (Laughter)

9

10 MR. L. WILDE: Anyway, as long as this is
11 going to be discussed there's a lot of things that need to
12 be worked out that haven't been worked out. We don't have
13 a full understanding. Our people don't have -- the people
14 we represent don't have a full understanding of this issue.
15 The people within our region don't have a full
16 understanding, there is just a select few members of the
17 AVCP and a couple more besides those maybe, and I think it
18 -- since we are here to take comment and since we are to
19 protect the subsistence interests of the people within our
20 region and since it seems like the rule hasn't gotten out
21 to where it should be, Mr. Chairman, I think as John
22 suggested, John -- Mr. John Lamont suggested, that we ask
23 the Board to extend the comment period on the proposed rule
24 for six months to a year. I mean if that's what we agree
25 upon, let's make an -- let's agree on it, if we agree on it
26 then we can make a motion as to how long we need to extend
27 it for comment.

28

29 CHAIRMAN WILDE: Lester, if you want to
30 make that recommendation, you have made a motion already,
31 you have to do something about your motion.

32

33 MR. L. WILDE: Mr. Chairman, my motion was
34 rescinded. It was rescinded.

35

36 CHAIRMAN WILDE: We need a legal person
37 here.

38

39 MR. L. WILDE: It's already pulled. It's
40 already pulled. It's moot.

41

42 CHAIRMAN WILDE: Don, come over, sit down.

43

44 MR. RIVARD: Yes, Mr. Chair, Don Rivard.

45 I wasn't in the room but I'm assuming that you.....

46

47 MR. L. WILDE: With approval of my second.

48

49 MR. RIVARD:rescinded and it was

50 seconded so it's off for consideration, it's no longer on

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1 the table for consideration. So now the Council's free to
2 make whatever other recommendations or motions they so
3 choose.

4

5 CHAIRMAN WILDE: Yeah, go ahead, John.

6

7 MR. THOMPSON: To make a good decision --
8 my name is John Thompson. To make a good decision, the
9 Federal has to show a chart or document that we could look
10 into for the past 20 years what's happened, where's all the
11 documents? And it's not shown over here. And we're
12 blindfolded, guessing. The State gives catches, documents,
13 everything to verify what is happening.

14

15 CHAIRMAN WILDE: Yeah, John, I think
16 there's a recommendation on the floor right now with the
17 Council.

18

19 MR. L. WILDE: Mr. Chairman.

20

21 CHAIRMAN WILDE: Go ahead Les.

22

23 MR. L. WILDE: Since we're going to be
24 stuck on this all day long I -- since I seem to be the
25 motion maker in this outfit.

26

27 (Laughter)

28

29 MR. L. WILDE: I would like to move, Mr.
30 Chairman, that the Federal Subsistence deliberation and
31 action on the proposed rule and that the public comment
32 period of the proposed rule be extended until April 2002
33 [sic], at which time we direct our Staff, meaning our
34 anthropologist, to go out and collect the historical,
35 customary and traditional data....

36

37 MR. NICK: 2003.

38

39 MR. L. WILDE: 2003. At which time we can
40 make a full and informed decision. That's my motion.

41

42 MR. NICK: I second it.

43

44 CHAIRMAN WILDE: There's a motion on the

45 floor to extend customary trade hearing until.....

46

47 MR. L. WILDE: April 2003.

48

49 CHAIRMAN WILDE:until 2003 -- yeah,

50 April.....

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1 MR. L. WILDE: A year from now.

2

3 CHAIRMAN WILDE: Yeah, April 2003 and it
4 has been seconded by Robert, any discussion.

5

6 MR. THOMPSON: question.

7

8 CHAIRMAN WILDE: Question has been called
9 for. I'm going to request roll call.

10

11 MR. NICK: John Thompson.

12

13 MR. THOMPSON: Yes.

14

15 MR. NICK: Lester Wilde.

16

17 MR. L. WILDE: Yes.

18

19 MR. NICK: James Charles.

20

21 MR. CHARLES: Yes.

22

23 MR. NICK: Billy McCann. How do you vote,
24 yes or no?

25

26 MR. McCANN: Yes.

27

28 MR. NICK: Robert Nick, yes. Nick Andrew.

29

30 MR. ANDREW: Yes.

31

32 MR. NICK: Harry Wilde.

33

34 CHAIRMAN WILDE: Yes.

35

36 MR. NICK: Seven yes, no nays.

37

38 CHAIRMAN WILDE: Motion is accepted. This
39 is a motion that we extend, we request extend customary
40 trade hearing until March 2003, one more year.

41

42 MR. L. WILDE: April.

43

44 CHAIRMAN WILDE: I mean April, one more

45 year, so the understand that we represent could understand
46 more. I think when you look at this is the way we supposed
47 to operate, like when you fix up the motor you got to have
48 operation manual, that's what the operation manual
49 requires, we have to make sure that our people that we
50 represent understand what we're doing.

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1 So Yukon-Kuskokwim Regional area Delta,
2 those people we represent, not only the people, our
3 village, we have to represent the whole area, Yukon-
4 Kuskokwim.

5

6 MR. L. WILDE: Mr. Chairman.

7

8 CHAIRMAN WILDE: Go ahead, Les.

9

10 MR. L. WILDE: I hope everybody understands
11 and I hope Staff understands that we would like to have a
12 collection of data as to what is customary and traditional
13 within our area.

14

15 CHAIRMAN WILDE: (In Yup'ik)

16

17 I think at this time, I don't know.....

18

19 MR. A. NICK: Mr. Chairman, there are some
20 Council members that are scheduled to leave about 3:00
21 o'clock this afternoon and some of them about maybe 4:00 or
22 5:00, so I don't know if you want to work through lunch.

23

24 CHAIRMAN WILDE: I think I want to go home.
25 I'm going to work through the lunch. I want to make sure
26 our coordinator go down and buy us some sandwich or
27 something.

28

29 (Laughter)

30

31 CHAIRMAN WILDE: We continue our agenda.
32 Number 6 on our agenda is special action request. Go
33 ahead.

34

35 MR. A. NICK: Mr. Chairman, I think Jerry
36 Berg or Don Rivard would be appropriate people to bring up
37 the special action request.

38

39 MR. BERG: Yes, Mr. Chairman. For the
40 record, my name is Jerry Berg and I work in the Federal
41 Subsistence Office. I'm just going to give a broad
42 overview of the special actions that have been submitted.
43 You have copies in front of you, copies of the special
44 action. There's actually two of them now. As you remember

45 down in the meeting in Tuntutuliak, there was just the one
46 special action and that's now been revised into doing two
47 separate special actions. One for the Kuskokwim and one
48 for the Yukon. We also passed around information packets
49 on the outlooks for the Yukon and Kuskokwim which were all
50 presented to you down in Tuntutuliak. So we don't intend

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1 to go over that information unless you have questions
2 today.

3

4 But I did want to go over a little bit of
5 information about the special action process. I know Nick
6 Andrew is one of our new members and basically special
7 actions are similar to emergency orders on the State side
8 and usually are covering issues that cannot be addressed
9 through the regulatory process. It's basically an issue
10 that needs to be addressed in a more urgent manner. And so
11 anybody can submit a special action at any time, in-season
12 or preseason. And then when special actions are acted on
13 by the Board or the in-season manager, they are in effect
14 for 60 days. So I just wanted to go over that process,
15 that you can submit a special action at any time and it can
16 be a group that submits it or it can be just one person.
17 Just like a regulation proposal.

18

19 So just to go over and kind of briefly
20 summarize the background, you know, we went over the 2001
21 fishing schedule from last year, that there was a fishing
22 schedule in place, of course, and the rebuilding plan all
23 you are aware of the conservation concerns that everybody
24 is concerned about at this time with the salmon runs. The
25 schedules that were in place last year, I think everybody
26 agrees, helped get fish up the river for escapement and for
27 to help spread the harvest to the up river users.

28

29 You know there were special actions
30 submitted last year as well and I think those were
31 submitted in light of the conservation concerns, especially
32 coming out of the Board of Fish meetings that some of you
33 attended last year. And the Federal Subsistence Board took
34 action on those special actions last year to assure the
35 continued viability of fish and wildlife populations and to
36 provide for subsistence uses as a priority over other
37 consumptive uses. That's why they took action on those
38 last year in light of the concerns that we had last year.

39

40 Now, this year, obviously is a different
41 year and as you guys know the management outlooks are
42 different every year. And everyone always hopes for a
43 better run the coming year. I think the eternal fisherman
44 in everybody kind of hopes for a better run with the coming

45 year. And there is some data to suggest that this year's
46 run may be as good as it was last year, last years run
47 turned out to be better than we expected. They're still
48 not categorized, I guess, as good runs but they were better
49 than we expected and there's some data to suggest that this
50 years run may be as good.

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1 But there's also a lack of total run
2 assessment, especially for the Kuskokwim anyway. And so
3 like all years we won't really know until in-season so
4 there is some, I guess, words of caution going into the
5 season that we really don't know what's going to come up
6 but we certainly hope for a good run.

7
8 We still don't have the subsistence data of
9 the subsistence harvest for last year for the Kuskokwim so
10 we don't have all the information in front of us. We do
11 have the draft outlooks for the Yukon and the Kuskokwim
12 that are in front of you and those are still being
13 finalized. A lot of the details are still being worked out
14 for exactly how those will be worked out prior to the
15 season. For the Kuskokwim, that draft outlook will go
16 before the Kuskokwim Working Group in April and, of course
17 for the Yukon, the meeting next week it will be presented
18 to the YRDFA meeting next week in Nenana. So there's still
19 some details being worked out.

20
21 For this year the special actions are a
22 little bit different than what you saw in Tuntutuliak. The
23 special action submitted for the Kuskokwim would mostly
24 affect sportfishing even though it is directed at the
25 tributaries and the main stem Kuskokwim, within the
26 Kuskokwim area. But it would mostly affect sportfishing
27 because there's really no -- very little expectation, if
28 any, of a commercial fishery in June and July.

29
30 For the Yukon, the special action was
31 changed somewhat to specify that it would only restrict use
32 in the tributaries and so that also would mostly target the
33 sportfisheries. But it would also alleviate concerns last
34 year with the special actions where people from the
35 Kuskokwim could not go over and harvest fish in the Yukon
36 because of the customary and traditional use determinations
37 and the restriction to only Federally qualified users. And
38 restricting the special action to the tributaries where it
39 would alleviate that concern.

40
41 I guess just to summarize, you know, for a
42 special action you could certainly adopt the special
43 actions in front of you, you can modify them, you can also
44 wait until you have more information later in the season

45 and submit a special action at that time, any person,
46 individual or group or village can submit a special action.

47

48 So that's all I have unless you have any
49 questions on the special action process or we also have
50 Fish and Game Staff here or other Staff that can help

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1 answer questions on the outlooks or biological information.

2

3 Thank you, Mr. Chair.

4

5 CHAIRMAN WILDE: State of Alaska.

6

7 MR. SANDONE: Mr. Chairman. My name is
8 Gene Sandone, the regional supervisor for the Arctic Yukon-
9 Kuskokwim region Commercial Fisheries Division, Alaska
10 Department of Fish and Game.

11

12 I just wanted to agree with what Jerry said
13 and one thing that wasn't brought out was the outlooks, the
14 preseason outlooks for last year for the Kuskokwim and the
15 Yukon. On the Yukon, based on a similar relationship on
16 the Canadian stock we expected an extremely poor run of
17 chinook, in fact, one of the poorest on record and to meet
18 minimal escapement goals we said, well, we -- we went to
19 the Yukon panel with this projection of a very poor run and
20 convinced the panel to set an escapement goal of 18,000
21 fish into Canada and the escapement goal into Canada,
22 according to the JTC should be between 33 and 43,000 fish
23 so you can imagine how dire the preseason outlook was last
24 year. And to reach the 18,000 fish into Canada we
25 suspected that we would have to cut our subsistence harvest
26 in half on the Alaskan side so it was a very dire preseason
27 outlook last year. And that's some of the actions we took
28 preseason as the State of Alaska.

29

30 However, the run came in much better than
31 anticipated, we do have the subsistence harvest numbers for
32 the Yukon and it was 5,000 fish above the recent average,
33 recent 10 year average, so there was 57,000 fish taken in
34 the subsistence fishery last year. We had a record
35 escapement into Canada, since we've been keeping records in
36 '82 of, I think it was 47,000, 44,000 fish, sorry. And
37 escapements in all tributaries except maybe the Andreafsky
38 were met or exceeded.

39

40 On the Kuskokwim, we again had a poor
41 outlook last year, a very poor outlook. We didn't think we
42 were going to meet many escapement goals at all and
43 considered having to restrict subsistence fisheries also in
44 the Kuskokwim. As it turned out, the chinook salmon run

45 into the Kuskokwim appeared quite better than anticipated.
46 Escapement objectives throughout the drainage or escapement
47 targets throughout the drainage were met everywhere except
48 maybe in the George River where we don't have a hard and
49 fast target and we might have had some problems meeting the
50 escapement goals in the George River.

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1 Chum, and I said, we don't have the
2 subsistence numbers yet. But we feel that the run was
3 definitely adequate to meet escapement objectives -- or
4 escapement goals. As far as chum goes, the chum salmon run
5 into the Kuskokwim was good for escapement and hopefully
6 for subsistence, we don't have those subsistence numbers.
7 However, on the Yukon it was extremely poor. On the Anvik
8 River we only got about -- just a little more than half of
9 what we needed to reach the minimum escapement goal. We
10 had a little over 400,000 pass the Yukon sonar and our
11 minimum escapement goal for the whole Yukon is 800,000, so
12 it was extremely poor.

13

14 Fall chum followed suit, it was extremely
15 poor also.

16

17 And I could tell you a little bit about
18 what the panel did this year if you're interested.

19

20 Thank you, Mr. Chairman.

21

22 CHAIRMAN WILDE: Yeah, Gene, I got a
23 question for you. This Canadian area, they had commercial
24 last year?

25

26 MR. SANDONE: Mr. Chairman, they did have
27 a very small commercial fishery. But nothing was sold as
28 I understand it. It was basically taken home by the
29 commercial fishers.

30

31 Mr. Chairman.

32

33 MR. McCANN: Mr. Chairman.

34

35 CHAIRMAN WILDE: Go ahead, Billy.

36

37 MR. McCANN: I have a question. I might be
38 off the subject but I'm going to ask anyway. Every time I
39 hear a report of escapement of minimum of something, I like
40 to hear that number of -- have to escape number to the up
41 river, how much is that to -- how much escapement we have
42 to have to order it to open on a commercial fishing?
43 That's not a question for subsistence but commercially, we
44 always open the subsistence all the time anyway, but

45 escapement -- as far as escapement, we're under limit --
46 minimum or something, but I'd like to hear that, exactly
47 how much of this we have to have escapement to open
48 commercial wise?

49

50 MR. SANDONE: Mr. Chair, Mr. McCann. It's

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1 -- we open the fishery before we have the escapement
2 because the Yukon and the Kuskokwim are very long rivers.
3 And by the time the fish -- say for instance, the fish in
4 the Yukon, it may take them a month in some cases to get
5 from the mouth to the spawning grounds. So what we do is
6 we gage the run at the mouth through our tools. On the
7 Yukon we have test nets, driftnets that we gage, we use
8 subsistence fishers catch information and we also have
9 Yukon sonar. So we gage the strength of the run through
10 those tools and determine whether we have enough fish to go
11 commercial fishing or not and if we determine to go
12 commercial fishing we're also assuming that we have enough
13 for subsistence which is the priority as far as consumptive
14 uses go and we have enough for escapement which is the
15 primary priority. So that's how we're going to do it this
16 year and that's how we've done it in the past. Although we
17 haven't always at meeting escapement goals.

18

19 MR. McCANN: Thank you.

20

21 CHAIRMAN WILDE: We're going to go ahead
22 and continue one, two, three on our agenda here. We are
23 going next agencies and management, who is overview Federal
24 and State?

25

26 MR. SANDONE: In-season management, the
27 State and the Feds will coordinate their efforts. We're
28 going to look at all available data and the State primarily
29 manages in-season. And we'll go into the season in both
30 the Yukon and the Kuskokwim with the subsistence fishing
31 schedule and that starts, I believe, on June 1st. And for
32 the Yukon, it's two 36 hour periods in Districts 1, 2 and
33 3, and for the Kuskokwim it's four days of consecutive
34 fishing and then three days consecutive closed for the
35 subsistence. That's the Board of Fish schedule that was
36 enacted in January of 2000 and the Federal managers
37 implemented this year and we're going to continue with that
38 schedule.

39

40 I just want to let you know that this
41 schedule basically cannot be liberalized. We cannot add
42 more time to it. According to the Board of Fish it can
43 only be done for conservation purposes. In other words, if
44 we see the run that doesn't come in as good and we think

45 that we're not going to make escapement goals, we may cut
46 back on the fishing time. We cannot add fishing time to
47 it.

48

49 I'm going to have to touch on the panel,
50 Mr. Chairman, if that's okay, the Yukon panel. In Canada,

00069

1 on the Yukon, we just had a panel meeting, Yukon panel
2 meeting, we had an agreement between Canada and US to share
3 the fish and what we decided in Canada, we know that if we
4 try for the escapement goal of 33 to 43,000, we may have to
5 further restrict or restrict our subsistence efforts in the
6 Yukon. And we really don't want to disrupt our subsistence
7 fisheries. So we talked about it in the panel and decided
8 that we would target 25,000 fish into Canada on the
9 spawning grounds. Below this, if we felt the run was
10 insufficient to meet subsistence needs on our side of the
11 border and provide for the Canadian harvest that they're
12 allowed and also for escapement then we would further
13 restrict our subsistence fisheries to meet that escapement
14 goal. However, in case the run does come back, as expected
15 or better, we said that before considering a commercial
16 fishery on the Alaskan side is that we would target 28,000
17 escapement into Canada. So that's a big jump. If you're
18 considering a small commercial harvest on the Alaska side
19 say of maybe 10,000 to 15,000 Canadian fish that means you
20 would have to put -- you would have to have a run of maybe
21 15 to 20,000 more fish coming in for the river just from
22 Canada so that we can put 28,000 on the grounds.

23

24 Because you have to consider Alaska harvest
25 and the Canadian share of the harvest of the Canadian
26 stock. So that's how we're managing in-season.

27

28 And we plan on if there are enough fish for
29 a commercial fishery in the Yukon for chinook, we plan on
30 delaying the opening towards the mid-point or possibly even
31 later of the run so that maybe we could stay off the
32 Canadian stock that far and be more assured that the run is
33 as good as we think it is.

34

35 Mr. Chairman.

36

37 CHAIRMAN WILDE: Federal in-season
38 management overview.

39

40 MR. BERG: Yeah, Mr. Chair, I don't really
41 have anything more to add other than, you know, Gene said
42 that we're going to be working in cooperation with the
43 State through this season and, of course, we work with the
44 working group on the Kuskokwim and through YRDFA on the

45 Yukon so I don't really have anything more to add.

46

47 I guess, I think we did talk about it in
48 Tuntutuliak, that the schedule to be set on the Kuskokwim
49 is still yet to be worked out and we'll be working with the
50 villages and the working group on that. But I don't have

00070

1 any more to add other than that.

2

3 CHAIRMAN WILDE: Okay. We're going to
4 continue, ADF&G Sportfishing comment. Sportfishing
5 comment.

6

7 MR. SWANTON: Mr. Chairman and members of
8 the Council. The reason why I have this on is because my
9 dad always told me to wear one of these when I was showing
10 respect. It'd probably surprise him to know that this is
11 probably one of the one things that he did get across to me
12 when I was a young man.

13

14 CHAIRMAN WILDE: Did you state your name?

15

16 MR. SWANTON: No, not yet. Mr. Chairman,
17 Council members. My name is Charlie Swanton and I work for
18 the Alaska Department of Fish and Game as a regional
19 sportfisheries management supervisor for the AYK region.
20 I'm here to appeal to you on behalf of the anglers that
21 participate in the sportfishery for the Kuskokwim River
22 drainage. The actions taken by the Federal Subsistence
23 Board during 2001 acting upon a proposal from this
24 committee closed fishing for chinook and chum salmon in
25 both the Yukon and Kuskokwim Rivers for all but Federally-
26 qualified users was in the eyes of the State of Alaska
27 unnecessary.

28

29 There are numerous sportfishing lodges,
30 guides and sport businesses that are attempting to survive
31 living within the local communities along the Kuskokwim
32 River. Similar actions on behalf of this committee and the
33 Federal Subsistence Board for the 2000 fishing season are
34 likely to further erode the ability of these businesses to
35 survive and subsequently provide income into the local
36 communities.

37

38 Please recognize that the harvest of
39 chinook salmon that occur because of these operations are
40 small regardless of what measuring stick is used. A week
41 ago today, representatives from ADF&G and Federal fisheries
42 management staff met in Bethel in an attempt to exchange
43 points of view, educate one another and above all else to
44 fully recognize that subsistence fish of salmon resources

45 i the priority regardless of agency or user affiliation.

46

47 The fear is for the overall health of the
48 same resources along the Yukon and the Kuskokwim Rivers is
49 real and a concern to all. To some extent I'm here to
50 communicate that given the opportunity to conduct fisheries

00071

1 management under the guidance of the current management
2 plans we can accomplish the task without any intervention
3 prior to the season.

4

5 In this vein, the area management
6 biologists prior to the beginning of the season for the
7 2002 will issue a preseason emergency order, that, similar
8 to last year, will reduce the bag limit from three to one
9 fish, that's for chinook. Additionally, as a result of the
10 meetings last week, we have committed to contact as many of
11 the sportfishing operations along these rivers as possible
12 and implore them to recognize the subsistence priority and
13 to minimize harvest in whatever means that they can within
14 their operations.

15

16 Additional to that, we are considering
17 moving the starting date for the sportfisheries from it's
18 current May 1 starting date to the 15th of June. We are
19 also committed to take whatever in-season actions are
20 necessary within the sportfisheries for assuring
21 escapements and subsistence needs are met as we have done
22 in the past. The delay of the starting date for the
23 sportfishery will be for the 2000 [sic] fishing season
24 whereas other measures will continue as long as the salmon
25 runs are governed by the rebuilding plan.

26

27 Mr. Chairman, the movement of that date was
28 largely a response to concerns that we have heard relative
29 to subsistence users being, I guess to characterize it,
30 upset over the fact that sportfishermen could fish seven
31 days a week whereas subsistence fishermen were on a
32 schedule. And recognizing the fact that the date of the
33 15th of June we don't have a lot of good quality data to
34 define that any further than that. It will likely impact
35 sportfishing lower in the drainages than it will in
36 drainages up above. I just wanted to make that clear.

37

38 Thank you, Mr. Chairman.

39

40 CHAIRMAN WILDE: Thank you.

41

42 MR. RIVARD: This is Don Rivard with Fish
43 and Wildlife Service. Just a reminder to the Council here
44 is that the Federal government does not regulate

45 sportfishing on Federal lands, Federal waters. So our only
46 options are to -- if we go any route it's we would have to
47 close all non-subsistence uses on Federal lands. That's
48 our options. Not -- let me clarify that. We would have to
49 restrict non-Federally-qualified users. So we don't
50 regulate sportfishing at all.

00072

1 CHAIRMAN WILDE: Thank you. You be
2 prepared to respond to some questions, we're going to have
3 public testimony at this time. The first one is Redner
4 Olestrom, special action request.

5

6 MR. OLESTROM: Mr. Chairman. My name is
7 Redner Olestrom. I'm from Alakanuk. I'm the executive
8 director of the Yukon Delta Fisheries Development
9 Association, a community developed quota group. And I'd
10 like to speak in opposition to the Yukon River special
11 action request that would restrict fishing for chinook on
12 the Yukon River only to Federally-qualified subsistence
13 users.

14

15 Basically what this would do, from our
16 understanding, it would close the commercial fishery until
17 another action is taken to open it.

18

19 Mr. Chairman, you heard from Gene Sandone,
20 the ADF&G manager on the Yukon and I want to make it clear
21 my comment is only on the Yukon. I don't have nothing on
22 the Kuskokwim. You heard from Gene Sandone, the ADF&G
23 manager that they intend, the State intends to manage the
24 fishery very conservatively and if the run looks strong
25 enough, maybe sometime late in the season they'd consider
26 maybe allowing for other uses besides Canadian treaty
27 obligations, escapement and subsistence activities.

28

29 What that means on the Yukon River is the
30 peak of the run is June 25th and by the 4th of July,
31 there's basically no chinook on the river. And earlier I
32 heard this special action request characterized as similar
33 to an emergency order that the State uses. It's similar
34 but it's not the same. If it was the same, you, as a
35 Council wouldn't be considering it. And you know, I heard
36 testimony that a person or an entity or a group of
37 communities can request a special action. But, you know,
38 realistically if June came around and the Federal manager
39 did not request a special action to open it indications
40 were good that the return was strong enough to support an
41 opportunity to commercial fish. If the Federal manager
42 didn't request a special action to reopen, realistically if
43 I requested one, I doubt if you guys would meet tomorrow or
44 the day after that to consider it. Maybe if I got a group

45 of villages together, maybe you guys would meet three or
46 four days later.

47

48 But the point I want to make is the way the
49 fisheries are going to be managed for the next few years,
50 we just don't have time at the lower river to sit around

00073

1 and wait. Once the fish are passing the mouth of the
2 river, you know, unless you guys allow us to run up river
3 and try catching them up there, they're gone. And you
4 know, from the 25th, which is about the peak of the run to
5 the 4th of July where there's basically no fish we just
6 don't have time. The decision has to be made quickly.

7

8 I just would like to advise the Council to
9 trust and have confidence in your managers to manage that
10 fishery in-season. Have confidence in them that they'll
11 make the decision in-season without this restriction
12 hanging over their heads. Have confidence in your managers
13 to do that. And please do not send the Yukon River portion
14 forward.

15

16 Thank you.

17

18 CHAIRMAN WILDE: Thank you. Matthew
19 Waskey, special action.

20

21 MR. WASKEY: Yeah, good afternoon. I had
22 nothing prepared but you know, I....

23

24 CHAIRMAN WILDE: (In Yup'ik)

25

26 MR. WASKEY: I'm Matt Waskey, Mountain
27 Village. I had nothing prepared and I didn't know what I
28 was going to come here for but, you know, I -- the only
29 thing that I had was, you know, I've -- for restricted to
30 -- or if any of our chinook is closed it would be hard for
31 us to get back on line to go commercial fishing again and
32 if ever, you know, if our subsistence is limited here.

33

34 And I don't see why there should be any
35 sportfishing, you know, if -- if a guy puts a hook on you
36 and, you know, you get hurt, you know, you won't be healthy
37 after that. You know, it could turn to sore or something,
38 you know, later.

39

40 (In Yup'ik)

41

42 CHAIRMAN WILDE: (In Yup'ik) Thank you.
43 Next on the line is Frank Charles, special action.

44

45 MR. CHARLES: Thank you, Mr. Chairman. For
46 the record my name is Frank Charles I'm from across the
47 slough here in Bethel.

48

49 And I'd like to speak with respect to the
50 special action submitted by Mr. Robert Nick -- and for the

00074

1 record I need to state that I am the co-chair of the
2 Kuskokwim River Salmon Management Working Group, however,
3 my comments today are my own. Our working group has not
4 had an opportunity to take up this item, although, I'm
5 certain they will at our upcoming meeting which will be
6 held on the 15th of April and at that time we're scheduled
7 to take up (In Yup'ik) for this coming year and what
8 considerations we need to take into account for maintaining
9 our schedule and management for the river. And I'd like to
10 speak specifically to the Kuskokwim in deference to my
11 fellow fishers from the Yukon, I will not comment on
12 anything that was brought up or that was submitted by Mr.
13 Robert Nick.

14

15 You heard the sportfishing director make an
16 appeal to you on behalf of guided sportfish operations here
17 on the Kuskokwim and sportfisheries in general. But you
18 need to understand that the way I see it, is that, it's not
19 just sportfishers going out there, it's a commercial guided
20 operation that's making money seven days a week while we're
21 sitting on the grounds here not even fishing to feed
22 ourselves, much less making any money commercially. I have
23 a problem with that in two ways.

24

25 I am not fishing commercially in June and
26 July at all. In addition, I'm asked to only fish certain
27 days of the week and then I also have to bear in mind that
28 there's a possibility that we'll be restricted even
29 further, it happened last year. And the report that was
30 given to you for the draft -- the Kuskokwim River outlook,
31 it summarized this last season, it points out in there that
32 we restricted subsistence fishing to two days a week based
33 on their assessment of the run at the time. It turned out
34 that we were fortunate that we had a good run. The run
35 came in a lot stronger than anybody expected, even the
36 Department. And their outlook for this year is such that
37 they don't want to go into the season without making an
38 appeal to everybody as is pointed out in that draft report.
39 I have a problem with that.

40

41 We are in the second year of the Board of
42 Fisheries adopted Kuskokwim River Salmon Rebuilding Plan.
43 I anticipate that that plan, from my estimation and from
44 reviewing the data that I've been given, that that plan

45 will likely be in place for at least three or four cycles
46 of fish. And by that, I mean it's anywhere from 12 to 20
47 years. I am committed to that, personally. And I think
48 most every fisher here on the Kusko is committed to that
49 because we, you know, we understand how serious and we
50 value our salmon very much.

00075

1 The reason I say that is that and the
2 reason why I support this is we are committed to rebuilding
3 these salmon. We've voluntarily, through the Board of
4 Fisheries given up our commercial fishery in June and July
5 so as not to target those stocks of concern that the Board
6 identified. And because we're committed to it, I strongly
7 urge you to adopt at least for the Kuskokwim or recommend
8 that this special action be taken.

9

10 I think you understand that we'll never
11 understand sportfishing. We'll never agree to it. We've
12 been debating this as a region for as long as I can
13 remember. We've never come to any kind of understanding or
14 agreement or concession for that matter with these people
15 and I don't anticipate we'll do so in the future. I'll
16 grudgingly accept some of the things that go on out here
17 because that's reality. But I'm not about to stand by as
18 a subsistence fisher while guided sport outfitters are out
19 there making money on fish that are identified as stocks of
20 concern that I'm also concerned about.

21

22 So I strongly urge you to adopt this, at
23 least for the Kuskokwim and I think I can speak on behalf
24 of many fishers of both subsistence and commercial fishers
25 here on the Kuskokwim.

26

27 Thank you, Mr. Chairman. I'll take any
28 questions if you have any.

29

30 CHAIRMAN WILDE: Council, do you have a
31 question? Thank you.

32

33 MR. CHARLES: Thank you, Mr. Chairman.

34

35 CHAIRMAN WILDE: Next on the line is Bill
36 Charles.

37

38 MR. CHARLES: Thank you, Mr. Chairman. I'm
39 Bill Charles from Emmonak.

40

41 I'm opposed to the special action to the
42 Federal Subsistence Board submitted by Robert Nick from the
43 Kuskokwim. I'm going to speak specific to the Yukon only.

44

45 I'm a commercial fisherman and I've been a
46 lifelong resident of Emmonak and my family, my father and
47 my grandfather before me are dependent on the fishing and
48 fish resources in the area. We do a limited commercial
49 fisheries and the commercial fisheries that we have there
50 is a form of value at. We take a limited amount and value

00076

1 at that. And when I say value at, I mean employing people
2 and for the past couple of years now we've had a disaster
3 season and I don't anticipate anybody getting disaster
4 relief this year. Last year I was fortunate to get \$500,
5 that got me a couple months -- got by a couple months with
6 \$500 out of the disaster relief. This year we're not going
7 to get any.

8

9 Let me step back a little bit and maybe
10 recommend to consider cut backs on other users before you
11 consider shutting out the Yukon-Delta which incorporated a
12 fisheries coop, the oldest fish company, Native owned in
13 the lower Yukon that employs some members of our community
14 and they're fisheries dependent. I would suggest that we
15 restrict maybe the first -- I'm in favor of the
16 conservative measures that the existing managers are using
17 at the State level. I think those tools are very
18 conservative in the past and they claim they want to be a
19 little bit more conservative, I'm in favor of subsistence
20 overall. You know, if there was no sale. And I think
21 that we need to look at that and make sure that there is no
22 sale of subsistence fish -- subsistence caught fish in the
23 river. And I'm not in favor of the sportsfishing. I think
24 I'm in favor -- and the first priority of the commercial
25 fishery, if they had an opportunity with the new management
26 -- or the existing management tools that they have, I
27 believe they're conservative. And I think you should
28 consider the priority of the lower river as first priority
29 because it was established as a sustained fisheries before
30 any other fisheries in river were open. I think we need to
31 revert back to where this fishery started and it started at
32 the lower river as a sustained fisheries and other fishing
33 was allowed based on the -- claiming that it was
34 sustainable fisheries. I think we should work back and cut
35 those other commercial or sportfishing back to where we
36 started again, Yukon-Delta is the commercial fisheries and
37 I think -- I believe it's very conservative management tool
38 and I oppose the special action to the Federal Subsistence
39 Board.

40

41 Thank you, Mr. Chairman.

42

43 CHAIRMAN WILDE: Robert.

44

45 MR. NICK: Bill, I'd like to ask you a
46 question from your testimony. How do you feel if the main
47 Yukon River was not affected by the special action, just
48 the tributaries where sports activity occurs mostly?

49

50 MR. CHARLES: Mr. Chairman, like I said,

00077

1 you know, I think we need to look back where the fisheries
2 started and go from there and start cutting off areas that
3 were developed after the lower river was declared a
4 sustained fisheries and then work those -- maybe the
5 sportsfisheries were cut and then the other users of --
6 they -- on the river were shut down before you completely
7 shut down -- like, Mr. Olestrom mentioned, you know, we
8 just have a small window, an opportunity of harvest and
9 we've been declared disaster and we're in the area and I
10 think those other alternatives should be considered first
11 before you shut down the lower river.

12

13 CHAIRMAN WILDE: Thank you.

14

15 MR. CHARLES: Thank you.

16

17 CHAIRMAN WILDE: We got some of our
18 Advisory Councils who are going to be checking in and go
19 home. Lester, you want to say anything before you go?
20 it's going to be another hour here.

21

22 MR. L. WILDE: No, Mr. Chairman, I was just
23 reminding you that I have to leave at 3:00. I could stay
24 until then.

25

26 CHAIRMAN WILDE: Okay. Special action
27 request, Nick Tucker.

28

29 MR. TUCKER: Yeah, Mr. Chairman, my name's
30 Nick Tucker from Emmonak. I have a wife and 12 children.
31 I think you understand that you and I can talk with each
32 other, one of us has to listen and work from there.

33

34 Our commercial -- I'll paraphrase my
35 testimony. When you feel the pain -- our neighbor in the
36 villages feel the pain with us and you know that from going
37 from village to village, you experience the same pain. You
38 can understand why I can ask for our people, give them the
39 opportunity to a fair access to commercial fishing which is
40 intertwined with our subsistence way of life. It's not
41 going to be wise to shut down fishing even before the fish
42 begin to return into our rivers, springtime. I think we
43 should make use of our elders advice, observe first and
44 then take action. I think that's best for both the Federal

45 government and the State to do that.

46

47 I don't think anyone, none of us can

48 pretend any longer that commercial fishing has become our

49 Yup'ik way of life. We can't take that away anymore.

50

00078

1 I'd like to quote one elder in Emmonak last
2 week. He said that we were lost in spirit and mind. We
3 were sad, lonely and as though grieving at our love one's
4 death. He talked about the loss of our Yup'ik dances and
5 these were disappearing right before our eyes. Today they
6 are full swing again because we listened and took care of
7 our elders. It's no different with subsistence way of
8 life. And we can't pretend school and Western government
9 and people had a serious and dramatic impact on our
10 subsistence way of life. In some respect that, too, will
11 make us lonely and grieve as though we are losing our loved
12 ones if in any way we continue to diminish the importance
13 way of life.

14

15 I don't think I need to express to you our
16 spirit that goes into our subsistence way of life. I don't
17 need to preach to you, you are older than I am. I cannot
18 explain that to Mr. Tucker, my uncle, 84 years old, or Mr.
19 Alec Bird or any of our people in the village.

20

21 I think it's something that gives us hope
22 that the Federal government is willing to work with the
23 State government in some of these management areas so that
24 we can continue our subsistence way of life with commercial
25 fishing. I think the Federal Subsistence Board has an
26 obligation to work with each tribe, government to
27 government, so that doesn't leave out the district which is
28 the very poorest part of the state of Alaska, we can't
29 pretend it's not there.

30

31 Just last week our own people, one of our
32 own people broke into the school to eat -- to get some
33 food. If you can tell me otherwise to comfort and lift us
34 up and the family of that individual, I should expect that
35 from Federal Subsistence Board and this Council.

36

37 Also the hope that I see, the Federal
38 government willing to work with the State, when we are not
39 as wise we think we are, we look to somebody that's wiser
40 to give us some stability in life. And one example of that
41 we can say that our State government has almost a century
42 of in-season management and they have the tools to predict
43 the run of the fish. I don't think I need to tell you that
44 we were given a special gift to predict through natural

45 science. We are also given the gifts of ability to project
46 the run of the fish with modern language and tools which
47 have been developed over a course of almost a century.
48 These tools help us to save the fish for our children's
49 children.

50

00079

1 One thing that you and the Federal
2 Subsistence Board and those representing the Board like the
3 attorney in here, have to come to grips with it's not the
4 importance of the subsistence fishery that has become
5 reconciled with our -- or rather commercial fishery that
6 has become intertwined with our subsistence way of life
7 through commercial fishing, it supplements our subsistence
8 way of life.

9

10 I don't think it's the importance of
11 subsistence as we know it, as we have lived it but the
12 importance of how we have adapted a traditional way of life
13 as I look back. We were given no choice because each one
14 of you understands that we used to go from -- as a family
15 unit, go from camp to camp, season to season, that is no
16 longer the case because the very government that you're
17 working for forced me and my children to be educated,
18 taking me away from our seasonal camps. I have no choice
19 but to subsistence through -- and with -- and through and
20 by and in commercial fishing. We can't pretend that's not
21 happening. It's a very core of our life now. And that is
22 happening because Mr. Alec Bird, Mr. Ben Tucker, 84 years
23 old, were taken away from their camps so that me and my
24 children will have that education that the government is
25 forcing us to do. Snatched away from our land that we
26 originally hunted and fished, right now the distances are
27 so far it takes -- we have to come right back to go to --
28 back to our children that are right in our villages here
29 that are going to school.

30

31 I don't know of any other way that I can
32 make a point, our culture depends on survival of our
33 subsistence way of life and today, with no pretence,
34 commercial fishing is just like it's needed to -- our
35 subsistence way of life, I can't explain it in the spirit
36 that each one of us understands, the White man will never
37 understand it but you and I do.

38

39 So I hope that those of you that hear me
40 and the Federal government, the Federal Subsistence Board
41 will be able to look to the experience and the record of
42 the -- our State managers on the in-season management plan.

43

44 And also one more point is that I respect

45 Robert Nick. We are also been taught to respect each other
46 and I also hear the Federal Subsistence Board and you
47 understanding that we have to respect each others region.
48 Your region is not the same as mine, some of our dialect is
49 different. Some of the way that we accept our ancestors
50 are different through our Eskimo dancing. I expect respect

00080

1 from you that I'm not going to say anything about the way
2 you run your Kuskokwim River, let our people that know
3 about our Yukon River take care of that. I don't want to
4 infringe upon another region, the way they're trying to
5 survive. And I expect this Council to pass onto the
6 Subsistence Board that they should not infringe upon the
7 very life that has given us the spirit to continue our way
8 of life that cannot be explained in words.

9

10 When we have lived this pain and suffering,
11 when we have tried -- not being accepted by the Western
12 government after they expect us to be educated, you come
13 right back to the pain of trying to live a subsistence way
14 of life. There's no words to express that. There's no
15 words to express the pain and the struggle of our children.
16 It only shows in the things that are happening. One
17 activity, especially subsistence affects the entire
18 community and the family units.

19

20 Thank you very much. (ATTACHED)

21

22 CHAIRMAN WILDE: Robert, do you have any?

23

24 MR. NICK: Thank you. Thank you, Nick. As
25 I stated earlier, I respect your comments, you know, that
26 you've done through this process of guaranteeing our right
27 to fish in the region. And the many years along with
28 Harold Spark, the work that you've done to preserve our
29 culture and our way of life and your testimony here is a
30 good example of what we all experience in our villages.
31 And I think we understand -- I understand, I live that life
32 too and I live in the village and I see my family that
33 lives that life and I'd like to thank you for your
34 testimony. And some of those things that you've indicated
35 in your testimony, I may use them again in my future
36 testimonies to protect our way of life.

37

38 Thank you.

39

40 MR. TUCKER: Yeah, and as far as tributaries
41 on the Yukon, we'll deal with that, like Koyukuk, we'll
42 deal with them in our own region. And I'm in the same line
43 with one more comment with Mr. Charles, that I, too, cannot
44 understand someone getting money by playing with our fish

45 when our very own people are breaking into -- going into
46 the woman's shelter trying to get something to eat. That
47 doesn't make any sense to me.

48

49 Thank you.

50

00081

1 CHAIRMAN WILDE: Thank you. We got about
2 another five more on our agenda. I'd like to -- over this
3 meeting by 4:00 o'clock or otherwise we going to stay
4 overnight. I think some of us, we also have a family to
5 take care of. If you guys could go a little bit faster on
6 your doing, we would appreciate it.

7

8 MR. NICK: Mr. Chairman.

9

10 CHAIRMAN WILDE: Robert.

11

12 MR. NICK: Thank you, Mr. Chairman. In
13 Tuntutuliak, when we had reports from Federal and State
14 managers, there was no clear indication of what, how the
15 subsistence harvests were last summer. And if I heard
16 correctly Yukon did 5,000 more than last summer in their
17 subsistence, they met their needs and the escapement goals
18 were met in all tributaries in the Yukon. And the command
19 that was given by the Board of Fisheries in January of 2001
20 to the Federal and State managers is to manage on two
21 places that escapement is met and that subsistence users
22 meet their needs. And I think the indication by Mr.
23 Sandone in his remarks indicated that those were met and
24 that the outlook that was given in Tuntutuliak and at a
25 later meeting last Friday, the offices of AVCP have
26 indicated that for the coming summer the outlook is not as
27 it looked last year as we approach the fishing season.

28

29 And I guess with that understanding, the
30 life that we live today, I agree with Mr. Tucker, that
31 commercial fishing has become our way of survival. That is
32 why for the last three years in a row the Governor of our
33 state has declared a disaster for the region. For that one
34 reason, that commercial fishing -- through commercial
35 fishing, the people that live in the Yukon and Kuskokwim
36 were not able to provide for their sustenance, their
37 livelihood.

38

39 So with that I don't know what the
40 procedure is but, you know, for the Yukon, I will withdraw
41 my proposal.

42

43 MR. SANDONE: Mr. Chair, just a point of
44 clarification. The subsistence harvest last year on the

45 Yukon was 57,000 and that was 12 percent above the recent
46 10 year average of 52,000. On the chum salmon harvest, the
47 harvest was 68,600 and that was 40 percent below the recent
48 10 year average. So it wasn't good for chum. And on fall
49 chum it was 31,600, 68 percent below the recent 10 year
50 average. So it wasn't good on chums but it was definitely

00082

1 -- appears to be adequate on chinook. And I just want to
2 point out that this -- I have information sheets available
3 for the Yukon and Kuskokwim salmon fisheries and they are
4 joint publications. They're draft right now by ADF&G and
5 United States Fish and Wildlife Service.

6

7 And if I may, I made one really bad
8 omission when I was talking about in-season management.
9 Our YRDFA teleconferences, we gain information from the
10 fishers and we also provide information to the fishers of
11 basically what we're doing. But on the Kuskokwim we work
12 hand in hand with the working group, that is our decision-
13 making platform with the working group and the working
14 group is very important in the decision-making process on
15 the Kuskokwim. I just wanted to clear up that omission.

16

17 Thank you.

18

19 MR. NICK: I have one comment, Mr. Sandone.
20 Considering the emergency orders, the special actions over
21 the summer, it doesn't take long for that to happen when
22 the need occurs.

23

24 MR. SANDONE: The special actions on the
25 Kuskokwim, I believe, dealt with, if I'm not mistaken, chum
26 and it was later on in the season. And the manager here is
27 very, very quick to act. On the Yukon, it takes a little
28 more time. And that's about as much as I want to say on
29 that.

30

31 CHAIRMAN WILDE: Yeah, thank you. Because
32 Robert remove his special action request, I think we're
33 going to close this special action testimony at this time.
34 Don.

35

36 MR. RIVARD: Mr. Chair. Don Rivard with
37 the Office of Subsistence Management. Just for
38 clarification I would like to ask Mr. Nick, has he formally
39 sent this to the Federal Subsistence Board for -- because
40 I'm not clear on whether our office has ever received this
41 as a formal request.

42

43 MR. NICK: No.

44

45 MR. RIVARD: So at this point then this is
46 a proposed to send this in and you're just looking for
47 input and comments at this time?

48

49 MR. NICK: Right.

50

00083

1 MR. RIVARD: Okay, thank you very much.

2

3 CHAIRMAN WILDE: The presenter requests
4 that we not make a decision on this special action.

5

6 MR. NICK: Understanding that Federal
7 managers and State managers, based on the returns could act
8 to something like this to restrict harvest to subsistence
9 fishermen. And I say that because of Title VIII of ANILCA
10 and that is why we are here. Do I make myself clear,
11 Federal and State managers?

12

13 MR. L. WILDE: Robert, it's not clear to
14 me. What you're stating is in the event that we do not get
15 sufficient amount of salmon.....

16

17 MR. NICK: Returns, right.

18

19 MR. L. WILDE: Okay.

20

21 MR. NICK: Right. That's what I meant.

22

23 MR. SANDONE: We'll do the best of our
24 ability. In-season, again, we look at the run as it comes
25 in. We've got a certain amount of tools that we use
26 including subsistence fishers catch and that could be one
27 of the indications that the run is coming in poorly -- more
28 poorly than anticipated. We saw that in 2000, especially
29 in the up river on the Yukon River, that people just were
30 not getting their fish and now we know what that means.

31

32 CHAIRMAN WILDE: Mike.

33

34 MR. REARDEN: Mr. Chairman. My name is
35 Mike Rearden, the Federal in-season manager for the
36 Kuskokwim. We intend to operate by the same standard that
37 Gene just talked about, looking at in-season numbers that
38 are coming into the river and making decisions based on
39 that in cooperation with the Department of Fish and Game.

40

41 MR. NICK: I just want to make one comment
42 here. In the Yukon, the coordination of in-season
43 management is done through YRDFa and we have some members
44 here of YRDFa. Also on the Kuskokwim, I just want to make

45 this information out. We have James and I are on the
46 Kuskokwim Salmon Management Working Group which is the
47 coordinating in-season management group so we would have,
48 I guess, in-sight to the same information that you'll be
49 getting so our efforts here for any action that is needed,
50 we will know and we will request them.

00084

1 CHAIRMAN WILDE: Yeah, because of presenter
2 pull his special action request we are not going to discuss
3 on this special action but we will go to the next on our
4 agenda, 2001 annual report.

5

6 MR. A. NICK: Mr. Chairman. Your Council
7 need to come up with topics that need to be presented to
8 the Federal Subsistence Board as your annual report.
9 Usually the annual report is something that is not taken up
10 by proposals, something you ask for, something that you've
11 asked for. I think example would be, you know, if a
12 proposal didn't go through or if it was withdrawn then if
13 your Council feels that you need to do something about then
14 it would be part of your annual report. Or subsistence
15 uses for the fish and wildlife, is also part of the annual
16 report that you need to submit to Federal Board.

17

18 We don't have very much time, when is the
19 deadline Don -- we don't have very much time to develop
20 your annual report. I will need from your Regional Council
21 members, topics that you want me to draft for you and we
22 have one or two experts here, one of them is Jerry Berg and
23 the other is Don Rivard, they will assist me in putting
24 your comments or topics together before it's submitted to
25 the Federal Subsistence Board as your annual report.

26

27 You know, all it takes is for you to submit
28 your topics to us, what concerns you got, your comments
29 could be some of them. And I think Jerry could help us out
30 on this.

31

32 MR. BERG: Yes, Mr. Chairman, just to
33 clarify on the annual report process, annual reports are
34 not required by the Council but you may submit an annual
35 report every year if the Council wishes on issues that are
36 outside of the regulatory process. So any kind of
37 subsistence issues that you'd like to raise before the
38 Board to get them to address an issue in your area that is
39 outside the regulatory process you can submit that in an
40 annual report. And it's usually drafted up by the
41 coordinator from direction from the Council and then the
42 Chair usually signs that letter in late spring or early
43 summer and then it goes before the Federal Board for their
44 response.

45

46 Thank you.

47

48 MR. A. NICK: Mr. Chairman, one good
49 example probably would be beaver issue. Robert Nick
50 brought the beaver issue, what, was it two years ago

00085

1 Robert, up in Nunapitchuk.

2

3 MR. NICK: The beaver issue has been around
4 for a long time.

5

6 MR. A. NICK: Yeah. And then the Federal
7 Board responded to those issues in their response to your
8 annual report. But then the Regional Council brought up
9 the issue again and, you know, that's one example that
10 could be part of your annual report, too, I think.

11

12 CHAIRMAN WILDE: Bill.

13

14 MR. CHARLES: I understood that Robert only
15 withdrew the -- for the record again my name is Frank
16 Charles. Thank you, Mr. Chairman, for your indulgence.
17 But I understand that Mr. Robert Nick only withdrew the
18 special action request for the Yukon. That still leaves
19 you with the special action request for the Kuskokwim. And
20 if I may, I would like to ask what your plans are as a
21 Council to deal with that?

22

23 MR. L. WILDE: Mr. Chairman.

24

25 CHAIRMAN WILDE: Lester.

26

27 MR. L. WILDE: We've always been told by
28 the people, in fact, there's always been some dissention
29 within this Council when the cart or the sled is put in
30 front of the dog team. So I think since you are a part of
31 the working group on the Kuskokwim River and we work
32 directly with the in-season managers, would it be possible
33 for you to withdraw your consideration for the Kuskokwim
34 also? I don't know if your working group had an
35 opportunity to look at this or not, but addressing the
36 concern of Mr. Charles.

37

38 Thank you.

39

40 CHAIRMAN WILDE: Robert.

41

42 MR. NICK: Frank, is essentially correct.
43 My intent of withdrawing the two proposals, the special
44 action requests were separated and the Kuskokwim was a

45 separate request and Frank is correct, my request for
46 withdrawal was on the Yukon proposal. So I will ask the
47 Chair if I could comment on the Kuskokwim.

48

49 CHAIRMAN WILDE: Yeah, if you want to .

50

00086

1 MR. NICK: Thank you. We have two members
2 of the coordinating committee for the Kuskokwim and Frank
3 is also a member so I guess for a matter of dispensing with
4 the Kuskokwim special action request, I would like the RAC
5 members to decide whether we proceed. Discussion, Mr.
6 Chair.

7
8 CHAIRMAN WILDE: I don't know, Robert, if
9 you do pull out Yukon and Kuskokwim, maybe you could work
10 with organization of the Kuskokwim. The reason I'm saying
11 this, we have agenda more than we expected, not only that,
12 we got about half hour or hour and we have to pay ourself
13 our full and place to stay, sleep, we don't want to spend
14 another day just to do our -- because we didn't even
15 approve our agenda, we just used as a guideline. Go ahead,
16 Robert, do whatever you want to.

17
18 MR. NICK: Knowing that the Kuskokwim
19 Salmon Management Working Group will be meeting here in
20 about two and a half weeks, I would like to have the Salmon
21 Management Working Group an opportunity to discuss the
22 Kuskokwim River also. So with that thought and in respect
23 to ourselves that sit here, I'd like to withdraw the
24 Kuskokwim portion too, at this time?

25
26 MS. GREGORY: (In Yup'ik)

27
28 MR. NICK: Mary, we've been here through
29 8:30 this morning. We've been talking about the special
30 action for the last hour and a half and we all understood
31 it. It is good to -- I shouldn't say this, but, you know,
32 sometimes it is good to be in attendance from the beginning
33 in a meeting. Sometimes we come back and repeat things.

34
35 MS. GREGORY: I was in the hospital this
36 morning going through a procedure.

37
38 MR. NICK: Oh, okay, thank you.

39
40 MS. GREGORY: I came as soon as I could
41 walk.

42
43 MR. NICK: Thank you, Mary. What we
44 discussed was the special action proposals for the

45 Kuskokwim and Yukon that I submitted.

46

47 MS. GREGORY: In regards to what?

48

49 MR. NICK: Pardon?

50

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1 MS. GREGORY: In regards to what?

2

3 MR. NICK: The special action request was
4 to have the subsistence users to be the only harvesters of
5 salmon this summer for a preseason special action.

6

7 MS. GREGORY: Okay. (In Yup'ik)

8

9 MR. NICK: (In Yup'ik)

10

11 MS. GREGORY: (In Yup'ik)

12

13 MR. NICK: Yeah.

14

15 MS. GREGORY: Okay.

16

17 CHAIRMAN WILDE: Okay, it's been withdrawn
18 so we will continue on our agenda. We were talking about
19 annual report cycle. Coordinator, will you take care of
20 it?

21

22 MR. A. NICK: Yes, Mr. Chairman. All the
23 Council members have to do when you return is to give me
24 topics for me to work on. Just send me, call me or fax me
25 a copy of your concerns or topics and we will try to put
26 those together and then before I submit them for review I
27 will make a copy available to the Chair.

28

29 CHAIRMAN WILDE: Yeah. If you make it
30 available and the Council sends their recommendation maybe
31 we could approve annual report after you send it to
32 Council.

33

34 MR. A. NICK: Excuse me, Don, it does not
35 need approval, does it, just annual report signed by Chair
36 -- approved by Chair?

37

38 MR. RIVARD: Mr. Chair.

39

40 CHAIRMAN WILDE: Don.

41

42 MR. RIVARD: Don Rivard, Office of
43 Subsistence Management. I just wanted to remind the
44 Council, as Jerry pointed out already, that annual reports

45 are not a requirement. They're something that if there are
46 issues that your Council members want to address to the
47 Federal Board that are outside the regulatory process but
48 still are related to some extent to subsistence issues,
49 then you can go ahead and submit those concerns, issues to
50 Alex and he'll write that up in the form of a letter that

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1 will be signed by the Chair. Now, you have the option of
2 allowing all your other Council to see that letter before
3 it goes out under your signature, Mr. Chair, but again,
4 just the Council doesn't have to come up with topics just
5 to have them. That's your option. Maybe this year you
6 don't have an annual report, just so you know.

7

8 Thank you.

9

10 CHAIRMAN WILDE: Okay. We will continue
11 our agenda then. We're down to date and place of fall
12 meeting.

13

14 MR. L. WILDE: Mr. Chairman, we have been
15 invited by the Chevak traditional council to hold the next
16 meeting in Chevak. And they instructed that if we do pick
17 Chevak, that they would like to have it on the first part
18 of October within the window.

19

20 MR. A. NICK: Mr. Chairman.

21

22 CHAIRMAN WILDE: Go ahead.

23

24 MR. A. NICK: The calendar that I -- the
25 meeting window I passed out earlier indicates that the only
26 open window we have is a very small window between 8 and 9.
27 And it has a conflict with Eastern Interior. The reason is
28 because Eastern Interior Staff usually attends YK RAC
29 meetings, rather OSM Staff that attends the Eastern
30 Interior meetings also attends YK meetings as well. So
31 what Jerry Berg pointed out earlier, you know, if we ask
32 Eastern Interior to move their meeting date back one day
33 then we would have enough window there to cover both -- to
34 allow Staff to cover both or to attend both meetings,
35 Regional Council meetings.

36

37 MR. RIVARD: Mr. Chair, Don Rivard. Just
38 to reiterate a little bit what Alex said. In other words,
39 on your schedule that you have in front of you, we're going
40 to ask the Eastern Interior region if they will move their
41 meeting dates to October 7th and 8th and that would
42 possibly allow your Council then to meet on the latter part
43 of that week. As Alex pointed out, there's a number of
44 Staff that I supervise that attend all three regions,

45 Eastern, Western and YK and we want to get the Staff that
46 need to be at your meeting there because it's very
47 difficult to try to overlap any meetings and have all the
48 Staff there that should be there.

49

50 So that week of September 30th through

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1 October 4th, which I think is the week that Lester just
2 mentioned, there's already four Councils that are scheduled
3 in that week and we try our best not to have more than two.
4 We're allowing four for that one week. We can't really fit
5 any more in there. It's just impossible for us as a Staff
6 to get everything done we need to do for four meetings in
7 one week. So the alternatives right now for your Council
8 is to meet some other week other than that September 30th
9 through October 4th.

10

11 CHAIRMAN WILDE: Yeah, only the problem we
12 have is on this window, we will never quorum if we try to
13 have a meeting in month of September due to moose hunting
14 and everyone will not want to meet in September.

15

16 MR. RIVARD: I understand that, sir.

17

18 MR. L. WILDE: Mr. Chairman.

19

20 CHAIRMAN WILDE: Go ahead, Les.

21

22 MR. L. WILDE: What are the chances of
23 Eastern Interior working [sic] their meetings to the 7th
24 and 8th, is that a pretty good chance that they would move
25 it?

26

27 MR. RIVARD: Mr. Chair, Lester. I believe
28 so. We've got plenty of time. I think one day will not
29 make a big difference. We'll just let them know what the
30 situation is and they're pretty cooperative, I think it
31 will happen.

32

33 MR. L. WILDE: Mr. Chairman. Another
34 question, Mr. Rivard, the Seward Peninsula, does our Staff
35 attend that meeting, the Seward Peninsula?

36

37 MR. RIVARD: Mr. Chair, Lester. Our office
38 is divided into two divisions and the one division handles
39 Eastern, Western and Yukon-Kuskokwim Councils so there
40 would be no problem with having it at the same time as the
41 Seward Penn.

42

43 MR. L. WILDE: Okay. With that in mind,
44 Mr. Chairman, I would like to move that the next meeting of

45 the Yukon-Kuskokwim Federal Subsistence Advisory Council be
46 held the 9th and 10th at Chevak.

47

48 MS. GREGORY: Second.

49

50 MR. CHARLES: Question, Mr. Chair.

00090

1 CHAIRMAN WILDE: Motion's been made, it's
2 been seconded. Mary, you second it?

3

4 MS. GREGORY: Yes.

5

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

8

9 IN UNISON: Aye.

10

11 CHAIRMAN WILDE: Opposed say no.

12

13 (No opposing votes)

14

15 CHAIRMAN WILDE: Motion carried. October
16 9 and 10 we'll have meeting at Chevak. We always request
17 location of date, first and second, second always be in
18 Bethel. So we have been doing this for, I don't know, ever
19 since we been starting, if we have a weather problem in
20 Chevak we would always come over here to Bethel.

21

22 Thank you, Don.

23

24 MR. NICK: Mr. Chair.

25

26 CHAIRMAN WILDE: Jerry, go ahead.

27

28 MR. BERG: I know you guys already took
29 action on this issue but there is the concern of getting
30 Staff from the Eastern Interior Council meeting in Beaver
31 to Chevak, basically the meeting ends in Beaver on the
32 Tuesday and they would have to be in Chevak on Wednesday
33 and I just don't think that's going to be physically
34 possible. So we're probably going to have to get the
35 Regional Council coordinators together to try and work out
36 and then maybe get back with the Council to work out the
37 exact dates. Because I'm not sure if physically that's
38 going to be possible. So I just wanted to let you know
39 that, that I don't know what's going to happen just so
40 you're aware of that. There might have to be some
41 adjustment somewhere.

42

43 CHAIRMAN WILDE: Okay, we put the
44 coordinators to work.

45

46

(Laughter)

47

48

CHAIRMAN WILDE: Yeah, go ahead.

49

50

MR. ANDREW: My name is Nick Andrew, Sr.

00091

1 I'm newly elected. I want to thank every one of these
2 Board -- this is second time I've been with them. I want
3 to thank them that they work together and I want to thank
4 these people that attended this special meeting. They're
5 putting brain in our head. That's all I have to say today.

6

7 Thank you.

8

9 CHAIRMAN WILDE: Yeah, I think this time
10 that closing comments and adjourn. You notice how large of
11 an agenda we suppose to have. It's half of this sheet but
12 then we ended up getting into whole sheet of agenda. I
13 hope this kind of thing will never happen again. Because
14 we hopefully will try to stay on what we're doing instead
15 of adding more, especially when we're continuation of our
16 meeting.

17

18 MR. CHARLES: Can I make a comment, Mr.
19 Chairman?

20

21 CHAIRMAN WILDE: Yeah, go ahead.

22

23 MR. CHARLES: (In Yup'ik)

24

25 Maybe this is the forum to request if there
26 is going to be some action regarding that beaver dam impact
27 in the area. Some of our species, small species of fish
28 are getting to a point of extinction.

29

30 CHAIRMAN WILDE: I think it will be good to
31 put on our next meeting agenda.

32

33 MR. L. WILDE: Mr. Chairman, I'll include
34 that in my written statement from our area.

35

36 CHAIRMAN WILDE: John.

37

38 MR. LAMONT: Mr. Chairman, thanks. For the
39 record, I'd like to turn in my written testimony regarding
40 that special action just so they'll have it, if that's okay
41 with the Board.

42

43 Thank you.

44

45 CHAIRMAN WILDE: Okay. Where I'm at, I
46 lost my -- any more closing comments from the Council?

47

48 MR. L. WILDE: Mr. Chairman, I refuse to
49 make a motion for adjournment.

50

00092

1 (Laughter)

2

3 CHAIRMAN WILDE: The motion is to adjourn.

4

5 (Laughter)

6

7 (END OF PROCEEDINGS)

8

9

* * * * *

00093

1 CERTIFICATE

2

3 UNITED STATES OF AMERICA)

4)ss.

5 State OF ALASKA)

6

7 I, Joseph P. Kolasinski, Notary Public in and for
8 the State of Alaska and reporter for Computer Matrix Court
9 Reporters, LLC, do hereby certify:

10

11 THAT the foregoing pages numbered 02 through 92
12 contain a full, true and correct Transcript of the YUKON-
13 KUSKOKWIM DELTA FEDERAL SUBSISTENCE REGIONAL ADVISORY
14 COUNCIL SPECIAL MEETING, taken electronically by Salena
15 Hile on the 22nd day of March 2002, beginning at the hour
16 of 9:00 o'clock a.m. in Bethel, Alaska;

17

18 THAT the transcript is a true and correct
19 transcript requested to be transcribed and thereafter
20 transcribed by under my direction and reduced to print to
21 the best of our knowledge and ability;

22

23 THAT I am not an employee, attorney, or party
24 interested in any way in this action.

25

26 DATED at Anchorage, Alaska, this 1st day of April
27 2002.

28

29

30

31

32 _____
33 Joseph P. Kolasinski
34 Notary Public in and for Alaska
My Commission Expires: 04/17/04