

1 NORTH SLOPE FEDERAL SUBSISTENCE REGIONAL

2

3 ADVISORY COUNCIL MEETING

4

5 PUBLIC MEETING (TELEPHONIC)

6

7

8 December 7, 2012

9 9:00 a.m.

10

11

12 COUNCIL MEMBERS PRESENT:

13

14 Harry Brower, Chair

15 Rosemary Ahtuanguaruak

16 Gordon Brower

17 Lee Kayotuk

18 Robert Shears

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23 Regional Council Coordinator, Eva Patton

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1 P R O C E E D I N G S
2
3 (Anchorage, Alaska - 12/7/2012)
4
5 (On record)
6
7 MS. PATTON: Good morning, everyone.
8 Okay, so we are gathered now. Maybe if we can do
9 introductions here again. We have Harry Brower, RAC
10 Chair, in person here now.
11
12 CHAIRMAN BROWER: Good morning,
13 everyone. Call the meeting to order of the North Slope
14 Regional Advisory Council. The time is 9:19. Can I
15 have a roll call, please.
16
17 MS. PATTON: Rosemary Ahtuanguaruk.
18
19 MS. AHTUANGARUAK: Here.
20
21 MS. PATTON: Gordon R. Brower.
22
23 (No response)
24
25 REPORTER: Gordon, are you on there?
26
27 MR. G. BROWER: Yeah, I'm here. I just
28 had a plane fly over.
29
30 MS. PATTON: Okay, that's what that
31 noise was. Good morning, Gordon. Harry K. Brower, Jr.
32 here.
33
34 CHAIRMAN BROWER: Here.
35
36 MS. PATTON: Lee Kayotuk.
37
38 MR. KAYOTUK: Here.
39
40 MS. PATTON: Lloyd Leavitt.
41
42 (No response)
43
44 MS. PATTON: Lloyd might be calling in
45 later then. James Nageak.
46
47 (No response)
48
49 MS. PATTON: James may be able to call
50 in later as well. He's on travel, but has a cell

1 phone. Robert Shears.

2

3 MR. SHEARS: Here.

4

5 MS. PATTON: So we have five in
6 attendance. We have a quorum.

7

8 CHAIRMAN BROWER: Thank you. I'd just
9 thank you all to be able to be here this morning on
10 this briefing for the Regional Advisory Councils on
11 this draft Memorandum of Understanding for coordinated
12 interagency fish and wildlife management for
13 subsistence uses on Federal public lands in Alaska.

14

15 Maybe just go through the introductions
16 even though we did the roll call. I'm Harry Brower,
17 the Chairman of the Regional Advisory Council and I'm
18 situated in Barrow. I'm here in Anchorage, but I was
19 participating and attending other meetings here in
20 regard to marine mammals, so that's the only reason why
21 I'm here in Anchorage. I'll have the other
22 participants introduce themselves.

23

24 MR. KAYOTUK: Good morning. Lee
25 Kayotuk from Kaktovik. I was on the Council for quite
26 some time and I'm glad I could call in. Thank you.

27

28 MS. AHTUANGARUAK: Rosemary from
29 Barrow.

30

31 MS. PATTON: Rosemary, was that you?

32

33 MS. AHTUANGARUAK: Yes. Rosemary
34 Ahtuanguaruak in Barrow.

35

36 MR. G. BROWER: Good morning. This is
37 Gordon Brower from Barrow. I'm online.

38

39 CHAIRMAN BROWER: Good morning, Gordon.
40 Thank you. Any others?

41

42 MR. SHEARS: Robert Shears here. I'm
43 calling in from Anchorage. I'm at the Embassy Suites.

44

45 CHAIRMAN BROWER: Good morning, Robert.
46 Thank you. Do we have any other attendees online?

47

48 MS. PATTON: We had a couple other
49 participants online. Perhaps you could introduce
50 yourselves again for the record.

1 MS. BRYANT: Hello. This is Joanne
2 Bryant. I'm with Arctic Refuge.
3
4 MR. MATHEWS: Vince Mathews with Arctic
5 Refuge.
6
7 CHAIRMAN BROWER: Thank you.
8
9 MS. PATTON: Do we still have -- there
10 was a John Boyle on this morning from North Slope
11 Borough.
12
13 (No response)
14
15 MS. PATTON: Maybe he stepped away
16 there.
17
18 CHAIRMAN BROWER: Thank you for the
19 introductions. Maybe we'll have our Staff here
20 introduce themselves as well for the record. Starting
21 with you.
22
23 MS. PATTON: Good morning. Eva Patton,
24 Office of Subsistence Management, North Slope RAC
25 Council Coordinator.
26
27 MS. ARMSTRONG: Helen Armstrong. I'm
28 the Chief of Anthropology here at the Office of
29 Subsistence Management and long time supporter of the
30 North Slope Council.
31
32 MS. O'REILLY-DOYLE: I'm Kathy
33 O'Reilly-Doyle. I'm the Deputy Assistant Regional
34 Director for the Office of Subsistence Management.
35
36 MR. JOHNSON: Carl Johnson, council
37 coordination, the Division Chief here at OSM and I was
38 pleased to meet all of you in person for the fall
39 meeting back in August.
40
41 MR. KESSLER: I'm Steve Kessler. I'm a
42 member of the Interagency Staff Committee. I work for
43 the U.S. Forest Service. I'm a fisheries biologist and
44 I participated about maybe four years ago in one of
45 your meetings up in Barrow, so I'm somewhat familiar
46 with your area.
47
48 MS. PATTON: I might just follow up
49 again, Mr. Chair.
50

1 CHAIRMAN BROWER: Yes.
2
3 MS. PATTON: Steve has been working
4 with the other Council with review of the MOU, so he's
5 here to help assist in both the history and the
6 process.
7
8 CHAIRMAN BROWER: Okay. Thank you,
9 Eva. I think for the Council members we have our
10 review and adoption of the agenda. I'll just review
11 what's listed there. Review and adoption of the
12 agenda, old business, 6(A) is complete review of the
13 draft Memorandum of Understanding between Federal
14 Subsistence Board and the State of Alaska. 7 is
15 closing comments. 8 is adjournment. What's the wish of
16 the Council.
17
18 MR. SHEARS: Mr. Chairman. Motion to
19 approve the agenda.
20
21 CHAIRMAN BROWER: Thank you, Bob. We
22 have a motion on the floor.
23
24 MR. KAYOTUK: I second it, Lee in
25 Kaktovik.
26
27 CHAIRMAN BROWER: Any other discussions
28 or additions or modifications to the agenda.
29
30 MS. PATTON: Mr. Chair, if I may.
31
32 CHAIRMAN BROWER: Yes, Eva.
33
34 MS. PATTON: I spoke with Lee briefly
35 yesterday. If there's an opportunity after addressing
36 the MOU, there was the question that was brought to the
37 North Slope RAC at the fall meeting. Kaktovik seeking
38 information about extending the moose season. There's
39 an opportunity just to bring in one of our wildlife
40 Staff to answer those questions if the Council would
41 like to discuss that as a group.
42
43 CHAIRMAN BROWER: Okay. We can add
44 that on as an agenda item under 6. Is that fine with
45 you, Mr. Kayotuk?
46
47 MR. KAYOTUK: Yes, that will be fine.
48 Yes.
49
50 CHAIRMAN BROWER: Thank you. Any other

1 modifications to the agenda?
2
3 MR. G. BROWER: Mr. Chair.
4
5 CHAIRMAN BROWER: Yes, Robert -- or
6 Gordon.
7
8 MR. G. BROWER: Gordon Brower from
9 Barrow.
10
11 CHAIRMAN BROWER: Go ahead, Gordon.
12
13 MR. G. BROWER: I'm trying to find the
14 agenda. I seem to not have it emailed in my email. I
15 do have the MOU for review and draft MOU.
16
17 MS. PATTON: Gordon, are you at the
18 office right now?
19
20 MR. G. BROWER: Yeah, I'm at the
21 office.
22
23 MS. PATTON: If you go to -- there was
24 a link in some of those emails or you could just Google
25 Office of Subsistence Management North Slope RAC.
26 There is a link that has all the meeting materials
27 there, including the agenda.
28
29 MR. G. BROWER: All right.
30
31 MS. PATTON: The agenda, because this
32 meeting was specifically to complete the review of the
33 MOU, had just that one agenda item on there, was the
34 MOU.
35
36 CHAIRMAN BROWER: Did that help,
37 Gordon?
38
39 MR. G. BROWER: I'm looking around for
40 it. I can just most likely go along. I just don't
41 have the agenda in front of me.
42
43 CHAIRMAN BROWER: We're under the
44 review and adoption of the agenda. We have a motion
45 and it's been seconded. We've made a modification
46 under agenda item 6, a request for extension on the
47 moose hunt season in Kaktovik. That's the only
48 modification we've made, Gordon.
49
50 MR. G. BROWER: All right.

1 CHAIRMAN BROWER: So we have a motion
2 before us. The motion was to adopt the agenda with
3 modification.
4
5 MR. G. BROWER: Second the motion.
6
7 CHAIRMAN BROWER: We need a question.
8
9 MR. G. BROWER: Oh, I'll call the
10 question, Mr. Chair.
11
12 CHAIRMAN BROWER: Thank you. The
13 question has been called on the motion to adopt the
14 agenda with the modification under item 6. All in
15 favor of adopting the agenda signify by saying aye.
16
17 IN UNISON: Aye.
18
19 CHAIRMAN BROWER: Opposed say nay.
20
21 (No opposing votes)
22
23 CHAIRMAN BROWER: None noted. Thank
24 you. So we have an agenda before us. We're moving
25 right along. We're under Item 6 now, old business.
26 6(A) complete review of the draft Memorandum of
27 Understanding between Federal Subsistence Board and the
28 State of Alaska. I'll look to Eva to give some
29 direction as to who is giving the overview.
30
31 MS. PATTON: Sure. Mr. Chair, we have
32 -- I'd like to make an introduction here. We have a
33 State liaison.
34
35 MS. YUHAS: Jennifer Yuhas. Thank you,
36 Mr. Chair.
37
38 MS. PATTON: And we also have another
39 Interagency Staff Committee member here.
40
41 MR. CHEN: Hi, I'm Glenn Chen for the
42 Bureau of Indian Affairs. Good morning, everyone.
43
44 CHAIRMAN BROWER: Good morning.
45
46 MS. PATTON: Again, as we discussed
47 earlier, we have Steve Kessler, who will be providing a
48 review, sort of go over the MOU process and history and
49 then we'll help facilitate the comments.
50

1 MR. KESSLER: Good morning, Mr.
2 Chairman. Members of the Council. My name is Steve
3 Kessler. As I said before, I serve on the Interagency
4 Staff Committee and represent the U.S. Forest Service.
5 I am one of the State/Federal Working Group members
6 doing Staff work for the Federal Subsistence Board and
7 State signatories to revise this MOU. Also here in the
8 room is Jennifer Yuhas, one of the other working group
9 members.

10
11 My intent, unless the Chairman directs
12 otherwise, is to give you a new full briefing on this
13 topic. Following that briefing, we would hope that
14 you'll take action to support or not support the
15 revised draft and hopefully provide comments, all using
16 the Robert's Rules of Order procedures and motions.
17 Motions are particularly helpful to us as we respond to
18 the comments that you make.

19
20 With that introduction, let's begin on
21 the briefing paper at the top of Page 1. Again, Mr.
22 Chairman, would it be helpful for you for me just to do
23 the full briefing and then we'll go on from there.

24
25 CHAIRMAN BROWER: I think it would be.
26 Thank you, Steve.

27
28 MR. KESSLER: Okay.

29
30 CHAIRMAN BROWER: Just for background,
31 I think we did have a real brief discussion during our
32 fall meeting. I think it would be appropriate for the
33 Council members to hear the full document at this time.
34 Thank you.

35
36 MR. KESSLER: Very good. First I want
37 to apologize that at your meeting the briefing paper
38 had not been fully completed and it was the first
39 meeting of the cycle and although you received all the
40 materials, a couple of edits were made to this briefing
41 document and it was changed around a little bit. In
42 particular, on the draft revised Memorandum of
43 Understanding, we made the type a lot bigger so that it
44 would be easier to read and also hopefully you received
45 a copy of that, which is sort of in red so that's it's
46 a little easier to follow. So we do apologize that you
47 did not have the absolute final version of this
48 briefing paper when you had your meeting.

49
50 So if you could follow along with the

1 briefing paper. It should have been mailed to you and,
2 again, it's also on the website. That would be great.
3 I'd like to remind you that this is an action item.
4 We're asking each of the Regional Advisory Councils to
5 provide comments concerning this draft revised
6 Memorandum of Understanding. We also would like you to
7 invite public, tribes, ANCSA corporations to provide
8 comments for your consideration if there are any that
9 would like to during this time.

10

11 Let me start with a little background
12 concerning the revision of this Memorandum of
13 Understanding. One of the action items resulting from
14 the 2009 Federal Subsistence Program review initiated
15 by the Secretary of Interior was to review with
16 Regional Advisory Council input the December 2008
17 Memorandum of Understanding with the State to determine
18 either the need for the MOU or the need for potential
19 changes to clarify Federal authorities in regard to the
20 subsistence program.

21

22 The 2008 MOU was distributed to all the
23 Regional Advisory Councils during your winter 2011
24 meetings with a request for comment. A summary
25 document of all the comments received is attached and
26 that immediately follows this briefing paper.

27

28 The Federal Subsistence Board requested
29 that a State/Federal working group be formed to review
30 the comments and provide recommendations for changes to
31 the Memorandum of Understanding. The State and Federal
32 MOU Working Group members, which are listed at the
33 bottom of Page 1, met twice last winter to review the
34 Regional Advisory Council and other comments received
35 and developed proposed modifications. A revised
36 version has been prepared for review, which includes
37 notes providing rationale for each of the recommended
38 changes. That's the second attachment in the materials
39 you've received.

40

41 On July 18th, the Federal Subsistence
42 Board approved the draft MOU for comment by Regional
43 Advisory Councils, State advisory committees and the
44 public and for consultation with tribes and ANCSA
45 corporations. You'll find that in the draft revised
46 version that we have addressed each of your comments.

47

48 First, I will review some general
49 changes. The first one is plain language. Several
50 Councils requested that plain language be used wherever

1 possible. A few changes were made, as indicated in the
2 document. We would appreciate if you would suggest any
3 additional changes that would make the document more
4 clear.

5
6 The second general change was
7 reordering. The Memorandum of Understanding has been
8 reformed to consistently place Federal language before
9 State language as this MOU focuses on the Federal
10 Subsistence Program and Federal public lands. This
11 change was made to partially address multiple Councils
12 concerns about the tone of the Memorandum of
13 Understanding.

14
15 Then there was some input about having
16 a glossary and definition of terms, but rather than
17 creating a glossary or defining terms in a separate
18 attachment, we have tried to spell out in the text more
19 fully and tried to use plain language.

20
21 Next I will review some of the specific
22 changes that were made. Again, this is now on the
23 second page of the briefing paper that's been provided
24 to you. Traditional ecological knowledge. Multiple
25 Councils wanted traditional ecological knowledge added
26 where scientific information was used. We have
27 responded by adopting the ANILCA terminology knowledge
28 of customary and traditional uses in a number of areas
29 because it provides clarity and is consistent with
30 ANILCA. I would like to note that a couple of the
31 Regional Advisory Councils have spent considerable time
32 discussing these changes.

33
34 Predator management. There were a
35 number of comments specific to active management and
36 its application to the Federal program. We interpreted
37 this as a desire by some of the Regional Advisory
38 Councils to have the Federal program involved in
39 predator management. We added to this MOU a section
40 that quotes from the Board's predator management policy
41 and that you can find in Section 3, number 2. This
42 change is probably not what those Regional Advisory
43 Councils desired, but we put the predator management
44 policy in this document for clarity.

45
46 Number 6, State management plans. The
47 current MOU states that State Fish and Wildlife
48 management plans will be used as the initial basis for
49 management actions. This has been changed as shown in
50 Roman numeral IV, number 11, which now refers to

1 Federal, State and cooperative plans.

2

3 Number 7, evaluate the Memorandum of
4 Understanding. The Southeast Regional Advisory Council
5 requested a way to evaluate whether the MOU is
6 accomplishing its goals. Southcentral Regional
7 Advisory Council also wanted to have a way to provide
8 feedback in the future. So language has been added
9 specifically recognizing an annual opportunity for
10 Regional Advisory Councils and advisory committees to
11 comment on how the MOU is working and for those
12 comments to be provided and to be considered by the
13 signatories. You can find that change in Roman numeral
14 V, number 8. This, I'd like to note, is a commitment
15 for future action and probably annual action.

16

17 And then finally protocol review.
18 Multiple Councils asked that existing protocols be
19 reviewed and updated. The intent is to follow up with
20 review of these protocols after adoption of this
21 updated MOU. Nothing has been specifically placed in
22 the draft because such an MOU really should be
23 timeless. That is not specifically requiring a one-
24 time review.

25

26 So following in the briefing paper is a
27 schedule for completing and signing the revised MOU.
28 As of yesterday, we have modified that schedule
29 beginning with the November 2012 item on Page 3 of your
30 briefing paper. These steps have been postponed
31 because the State has not yet received comments from
32 many of their local advisory committees. We now
33 anticipate final adoption of this revised MOU in May of
34 2013.

35

36 So that's an overview of the process
37 and some of the major changes. I would like to ask
38 Jennifer Yuhas with the State if there's anything that
39 she would like to bring forward at this point with the
40 briefing.

41

42 MS. YUHAS: With your permission, Mr.
43 Chairman.

44

45 CHAIRMAN BROWER: Yes.

46

47 MS. YUHAS: Thank you. Good morning to
48 the Chairman and the RAC members and the other Staff.
49 I just wanted to let you know that I do want to make it
50 out to the area. The last time you had your meeting I

1 had a medical issue and couldn't get on an airplane,
2 but there's no directed reason why I haven't been out
3 to your area and have only attended the Anchorage
4 meetings when I've seen you. I wanted to make sure
5 that you knew that.

6

7 Thank you, Steve. We've given this
8 presentation a few times together. Steve does a very
9 thorough job. One of the things that's different in
10 this Staff working group -- there have been others when
11 we have revised the MOU -- is that I am the only
12 representative from the State. Previously my position
13 has represented the Department and we've also had the
14 Board of Fish Chair and the Board of Game Chair at our
15 meetings and during this revision they asked that I
16 represent them as well, so I've been wearing three hats
17 in these meetings.

18

19 One of the State's concerns as we send
20 this language out, we wanted to circulate the language
21 for review. I was part of this and agreed to the
22 language, but I have pointed out at each of the RAC
23 meetings that on item number 7, the evaluation of the
24 MOU, we don't want that language to look confusing.
25 Before this directed Secretarial review, the MOU has
26 always been open for comment. Any public member, any
27 RAC could comment at any time. We don't want this
28 language in this annual review -- we tried to state it
29 was an opportunity and that we would remind folks that
30 the MOU was open.

31

32 We don't want that to turn into a set
33 schedule of a beginning and an end on an annual basis.
34 We are currently happy with the mechanics that at any
35 time a point could be brought about the MOU that would
36 have to be considered by the board. If that language
37 needs to change to make that point, we're open to that,
38 but we want it clear that that's what the language was
39 meant to do, is remind folks that there's the
40 opportunity, not constrain it to a one-year open and
41 close with a set schedule. It's more open the way it
42 is right now.

43

44 As Steve stated, we will be shooting to
45 convene the signatories in May. This was a concern the
46 State brought up when we gave our schedule this past
47 May, that the RACs meet twice a year and that you would
48 have concluded your business by the January meeting,
49 but the advisory committees, because this document
50 involves both the Federal and the State, they needed an

1 opportunity to see these as well.

2

3 Many of you serve on both an AC and a
4 RAC and we found that, as we've traveled around the
5 state, the ACs don't usually begin their business until
6 the fall and many of them don't hold their September
7 meeting because it's hunting season. So many of the
8 RACs are just beginning to look at the new language and
9 expect to weigh in sometime in December or January and
10 may not have concluded their review by the January
11 meeting.

12

13 The language that's out for circulation
14 we've agreed to. We were hoping, as Steve said, to get
15 feedback on any specific changes that you would like.
16 Some RACs have simply said we like it, some have said
17 we don't and some have given us very specific changes.
18 One of the things that the State is evaluating the MOU
19 on is not just the words on the paper but how well it
20 actually functions. There's not currently any language
21 in the MOU to provide a stop gate. The language is on
22 paper, but we're not actually following it. There's
23 nothing that dissolves it. There's nothing that
24 enforces what we've put on the paper, so we're looking
25 at some of that.

26

27 The Office of Subsistence Management is
28 making some very concerted efforts to make sure that
29 the State liaison is copied on all correspondence in
30 accordance with the MOU and making sure that we're
31 streamlining the process so that it's very easy for the
32 Board and the RACs that we're not providing follow-up
33 communication after a missed opportunity and we really
34 appreciate the work everyone is doing.

35

36 Since we're at the North Slope RAC, I
37 will say that Ms. Eva Patton has been probably the most
38 conscientious RAC coordinator that the State can
39 recognize and I want to put that on the record.

40

41 MR. KESSLER: Mr. Chairman.

42

43 CHAIRMAN BROWER: Yes, Steve.

44

45 MR. KESSLER: So next I'll review the
46 comments from the North Slope Regional Advisory Council
47 that were provided at your winter 2011 meeting and show
48 you what we did with those comments. However, first, I
49 would like to know if anyone has any questions about
50 anything covered so far. So without going actually

1 into the meat of the revision, does anyone have any
2 questions about process or what we're doing.

3
4 CHAIRMAN BROWER: He's just asking the
5 Regional Advisory Council members, you heard Steve, if
6 there's any questions to him regarding what's been
7 said. Information regarding the briefing document.

8
9 MS. AHTUANGARUAK: Harry, this is Rose.
10 I just wanted to make sure that some of the concerns
11 that we've had over the last few years with issues
12 related to our caribou that the conflicts that occurred
13 with those processes are not going to be continued into
14 this future Memorandum of Agreement, that we've taken
15 the time to learn from those interactions and make sure
16 this agreement is better. Thank you.

17
18 CHAIRMAN BROWER: Anyone else.

19
20 (No comments)

21
22 CHAIRMAN BROWER: Go ahead, Steve.

23
24 MR. KESSLER: Thank you, Mr. Chairman.
25 If you turn to Page 4 of the briefing paper and I know
26 everything is numbered, so the briefing paper has
27 numbers at the bottom of it and then, when we get into
28 the actual Memorandum of Understanding, everything
29 starts being renumbered again at number 1. So we'll
30 try and keep track of which document we're in with the
31 page numbers. So right now Page 4 of the briefing
32 paper, which is where your Regional Advisory Council
33 comments from 2011 are included, about halfway down the
34 page.

35
36 The way I read your comments, there
37 were essentially three main comments. First you were
38 supportive of the existing Memorandum of Understanding
39 and felt that it was a valuable document.

40
41 Second, you suggested that in Section
42 I, paragraph 2, change such as to the word especially.
43 Now I would like to note that because of the reordering
44 of paragraphs that that comment is now in the first
45 full paragraph on Page 2 of the draft. So if you have
46 the draft, turn to Page 2 and you'll see there's a big
47 section that's now underlined that starts whereas the
48 State of Alaska and you'll see that your comment is
49 listed as SPR7, requesting that the words such as be
50 replaced with especially.

1 This change was not subject to
2 negotiation between the State and Federal sides because
3 this paragraph is the State's paragraph. They're the
4 ones who have written this paragraph and are
5 responsible for this one. The previous paragraph, the
6 one that's now on the bottom of Page 1, is the Federal
7 paragraph and we have actually made some modifications
8 to that one.

9
10 If you would like to ask the State to
11 again make that modification or any other modifications
12 in that paragraph, which we consider their paragraph,
13 you're welcome to make those comments and Jennifer will
14 be listening no doubt.

15
16 Your next comment was a request to add
17 tribes into the document and those knowledgeable about
18 subsistence uses. We didn't do exactly what you asked
19 for, but something quite similar. Tribes are now
20 referred to at least six times in the document,
21 including on Pages 3, 4, 5 and 6. Most of the times
22 you'll see the word tribes added and underlined.

23
24 We certainly recognize that the
25 knowledge brought forward by tribes and tribal members
26 is very important. We also have made modifications
27 concerning those knowledgeable about subsistence uses.
28 For instance, if you look at Page 3 of the MOU, items
29 Roman numeral III, number 3, that's on Page 3, and item
30 number 2 under Roman numeral IV. So let me repeat
31 those again. Under Roman numeral III, number 3, and
32 under Roman numeral IV, number 2. You can see some
33 changes that have been made as a result of trying to
34 talk about those people with the local type of
35 knowledge of customary and traditional uses.

36
37 So those are the changes that were made
38 in response to your Regional Advisory Councils. If you
39 wish, we can go page by page over the other changes
40 that were made to respond to the other Regional
41 Advisory Councils.

42
43 CHAIRMAN BROWER: Steve, maybe before
44 we.....

45
46 MR. KESSLER: Sure.

47
48 CHAIRMAN BROWER:move any further
49 I'd like to ask the Council members to see if there's
50 any other comments or questions they'd like to report

1 regarding what we've heard so far and maybe be able to
2 communicate a bit on what -- we may want to find out --
3 I'm not sure what the Council members will voice, so in
4 regard to the question regarding the State segment, I
5 think that should be mentioned here before too long. I
6 think before we go any further anyway I'd like to ask
7 the Council members for any comments or questions that
8 they may have.

9

10 MR. G. BROWER: This is Gordon Brower.

11

12 CHAIRMAN BROWER: Yes, Gordon.

13

14 MR. G. BROWER: I was reading some of
15 the concerns that were raised by other areas of the
16 state and they raised some good concerns about
17 traditional knowledge to be incorporated. I read some
18 of the concerns that we raised at our North Slope
19 Council meeting and I don't know if it wasn't subject
20 matter that could be turned into our concerns because
21 they go by North Slope Council, the Eastern Interior
22 Council, what we said, what they said.

23

24 I seem to remember that I had concerns
25 about why couldn't local management programs that have
26 worked, such as the AEWC, the Alaska Eskimo Whaling
27 Commission co-management with NOAA, can we reflected in
28 an MOU like this being that the North Slope Borough is
29 a State subdivision with a wildlife department. We
30 don't have regulatory authority over animals, but we
31 sure do a lot of science and studies and promote the
32 health and well-being of our resources up here and
33 collect samples from hunters that we could make
34 verification if our animals are sick or something like
35 that.

36

37 I wanted to see how these MOUs,
38 especially going the route with the State, could help
39 our North Slope Region so that we don't also see things
40 happen like what happened in the south (indiscernible)
41 area about subsistence issues and the priority that the
42 Federal government gives on rural subsistence priority.
43 It never used to be rural. It used to be -- the
44 Natives used to have the preference through ANILCA and
45 more or less totaling down to a rural subsistence
46 priority which the State I think still has concerns
47 over that type of language.

48

49 These are just some of the concerns I
50 would raise and why it didn't reflect on the North

1 Slope Council's dialogue that I see here, unless I'm
2 thinking I said these things, maybe it wasn't captured.

3

4 CHAIRMAN BROWER: I think it is in the
5 minutes, Gordon. I'm not sure if it got into the
6 document itself.

7

8 MR. KESSLER: Excuse me, Mr. Chairman.

9

10 CHAIRMAN BROWER: Yes, Steve.

11

12 MR. KESSLER: If you're referring to
13 comments that were made at your August 14th meeting
14 this year, just a few months ago, none of that has been
15 incorporated into the document in front of you because
16 these are only from year 2011 comments. So we have
17 some comments from you from your August 14th meeting.
18 I believe that was distributed to everyone. What we
19 would appreciate, as we work through this, that you say
20 here are our Council comments. It's best to do it
21 through Robert's Rules of Order and then we know
22 specifically, yes, that this is what the Council would
23 like to see changed.

24

25 If I may, I would like to point out to
26 Mr. Brower on Page 4 of the draft revision that in
27 items 8 and 11 both of these talk to working
28 cooperatively among Federal and State Staff, Regional
29 Advisory Councils, State Advisory Councils, tribes and
30 other groups in looking at proposals to change
31 regulatory -- to make regulatory changes and for
32 harvest assessment and monitoring and also in the
33 development and review of management plans.

34

35 So I think that's wide open for
36 assistance from the North Slope Borough, the fish and
37 wildlife department there. It's a little tricky
38 because every area of the state is a little different
39 and I know that the North Slope is very involved in
40 ways that some of the other areas of the state are not.

41

42 If you take a look at the language
43 that's in here and say, you know, you can make it a
44 little bit better by doing something like this. That's
45 what we're looking for.

46

47 CHAIRMAN BROWER: Thank you, Steve.
48 Jennifer.

49

50 MS. YUHAS: So, Mr. Chairman, some of

1 the questions were directed to the State, so I'd like
2 to answer those. Steve pointed out Section 8 and 11
3 and that is where we saw the coordination list as well.
4 One of the points that I'll make is similar to when I
5 was a dental hygienist for many years and we'd open the
6 practice statute. As soon as you name something, you
7 have a list and then you have to always add to the
8 list. And so while you might not see North Slope
9 Borough written, we did talk about this at the meeting
10 and consider it to be included in these sections.

11
12 The State of Alaska and its
13 subdivisions, as Mr. Brower pointed out, have many
14 different types of entities, so we have first class
15 municipality, second class municipalities, incorporated
16 villages. As soon as we make a list and another
17 working group appears, then we have to open the whole
18 document to put the group in. If the naming is broad,
19 it can encompass all of the groups that could appear.
20 So that would be the one piece there.

21
22 One of the items that Mr. Kessler
23 brought up was the especially. We were informed by our
24 Department of Law and the State liaison, so it's not
25 just Fish and Game. We do coordinate with the other
26 departments. On rare occasions, DCCED, sometimes DNR
27 and quite often Law, but the prioritization was not
28 available, but I'm also having a little difficulty
29 finding the especially in the Federal paragraph here.
30 I don't see the word especially.

31
32 MR. KESSLER: No, it's just in the
33 State, on Page 2.

34
35 MS. YUHAS: I know, I know, but when
36 you had spoken to the RAC, there was a comment that the
37 State had not incorporated it, but the Federal
38 paragraph had. I'm having trouble finding it

39
40 MR. KESSLER: That's not what I meant
41 to say.

42
43 MS. YUHAS: Okay.

44
45 MR. KESSLER: I meant to say that this
46 is only in the State's paragraph.

47
48 MS. YUHAS: Correct. Okay. In our
49 section, yes, but it was absent from the Federal
50 section and the interpretation could have been that the

1 State did not incorporate, but that the Federal
2 paragraph did contain it, yet neither contain it.

3
4 MR. KESSLER: Right. As we move
5 through this, Mr. Chairman, also your RAC was the first
6 to meet in the whole series of Regional Advisory
7 Council meetings and so you didn't have the benefit of,
8 you know, what did the other Regional Advisory Councils
9 -- how did they react to this document, but now you're
10 the last one meeting and if you're interested in me
11 giving a quick rundown on what the other Councils did,
12 I can now do that for you.

13
14 CHAIRMAN BROWER: I wanted to hear
15 comments on the contents that we've heard so far before
16 moving forward. I thank Jennifer for making her
17 comments in regard to the State. I was looking to see
18 -- or wanting to hear if there was going to be a follow
19 up in regards to how the State processes -- you
20 identified or hadn't really met and they meet in the
21 fall and will be addressing it with their State
22 Advisory Councils. I guess the times have not been
23 identified. You said December time frame, but I guess
24 it's a little bit different for the different regions
25 throughout the state. If we could specifically maybe
26 identify what's happening for the North Slope might be
27 more helpful than the whole state.

28
29 MS. YUHAS: Yes, Mr. Chairman. For the
30 North Slope area we do not know yet which ACs will
31 decide to put this on their agenda. On the Federal
32 side, there are 10 RACs and we know when they're going
33 to meet. On the State side, we have, as you know, 88
34 RACs on the books, about 64 that actually.....

35
36 MR. KESSLER: ACs.

37
38 MS. YUHAS: ACs. About 64 that
39 actually meet. Sometimes only once every other year,
40 but we have about 14-16 that are fairly active.

41
42 CHAIRMAN BROWER: Uh-huh.

43
44 MS. YUHAS: So we have informed all of
45 the ACs that we wish to have their opinion. We know
46 that some are putting it on the agenda, which has held
47 the schedule, and I know you'd like me to speak to your
48 region, but what affects your region is that we have
49 not yet completed the process because ACs and other
50 regions have not yet provided input. So just the same

1 way we waited for all of the RACs to conclude before we
2 will rewrite the document, we'll be waiting for the
3 ACs. The ACs usually conclude their business around
4 March.

5
6 I expect, based on the ones I've heard
7 from, that we will know what they think by January.
8 Then the Staff working group will get through the
9 Federal Subsistence Board meeting, finish our wrap-up
10 from that and reconvene to see what did all the RACs
11 say, what did all of the ACs say, so that hopefully we
12 have a new report for you by what you call your winter
13 cycle and I refer to as your spring cycle because you
14 usually meet in March, so that we can have that
15 finalized prior to the May Federal Subsistence Board
16 meeting. So that's the timing and I have not yet heard
17 from the ACs in your area as to whether or not they
18 intend to weigh in.

19
20 CHAIRMAN BROWER: Thank you, Jennifer.
21 Helen.

22
23 MS. ARMSTRONG: I'm just curious. So
24 which ACs are active on the North Slope.

25
26 CHAIRMAN BROWER: The thing that's
27 happening in recent times is the North Slope Borough
28 Fish and Game Management Committee.....

29
30 MS. ARMSTRONG: Right, right.

31
32 CHAIRMAN BROWER:have taken the
33 role of the North Slope Advisory Council.

34
35 MS. ARMSTRONG: That's what I thought,
36 yeah.

37
38 CHAIRMAN BROWER: So they've basically
39 merged those two together and they act as our advisory
40 council when we have State issues. Like when we have
41 Geoff Carroll wanting information from our different
42 communities that are represented on our North Slope
43 Borough Fish and Game Management Committee, they act as
44 the AC.

45
46 MS. ARMSTRONG: That's what I thought.
47 Okay.

48
49 CHAIRMAN BROWER: So they have some --
50 they have an agreement that is generated for that and

1 that's why I was saying that maybe we need to hear when
2 will be the meeting that we set up up north. Also at
3 the North Slope Borough Department of Wildlife
4 Management. They're just getting in the discussion of
5 holding the next meeting for the Fish and Game
6 Management Committee. The thing is that membership
7 terms are -- a third of them are ending and new ones
8 need to be reappointed. That's the process they're
9 going through right now. They'll be meeting, I think,
10 in -- after the confirmation from the first of the year
11 and the meeting must be set for the oath of office for
12 the new members. So that's probably in January time
13 frame I'm thinking. I might be wrong, but, again, we
14 could probably check with Mr. Peterson with the Fish
15 and Game Management Committee's manager. Anyway, I'll
16 stop here. Jennifer.

17

18 MS. YUHAS: Thank you, Mr. Chairman. I
19 would confirm for everyone that the State views this
20 joint group as the voice for the State regulatory
21 process, as this is the Federal regulatory process, so
22 it is viewed as that voice. I was unaware that your
23 elections were later. Most of the other ACs do their
24 elections at the latest November, so I was thinking
25 most of the elections had been done, which is what
26 pushed a lot of the calendars back on the ACs. As you
27 know, that takes up quite a bit of time on an agenda,
28 especially if many people come and want to speak and
29 want the seats. Usually in the first meeting of the
30 year for the ACs they don't get very far in proposals
31 and other business. It's taken up with elections.

32

33 CHAIRMAN BROWER: That's for the State.

34

35 MS. YUHAS: Right. So I do not yet
36 know when your group will put this on the agenda, but I
37 would solicit any prompting you would like to give them
38 because I have made repeated requests to the ACs and I
39 have received minimal feedback. My testimony at the
40 last three ACs that I attended was really an admonition
41 to tell them, one, it's a very lonely place on the
42 agenda at Federal Subsistence Board meetings because we
43 have a spot for each AC and we go through all of these
44 proposals and we very rarely hear a thumbs up or thumbs
45 down or any comment on the proposals.

46

47 CHAIRMAN BROWER: Uh-huh.

48

49 MS. YUHAS: The other was I've made
50 repeated requests for the MOU to be reviewed and

1 although some have put it on the agenda, they really
2 have not dissected it the way I would like them to so I
3 can have feedback. So, Mr. Chairman or any other
4 members, if you would like to admonish that group to
5 take a more thorough review the way the RAC has, it
6 would be much appreciated on the State side.

7

8 CHAIRMAN BROWER: Thank you. I'll
9 definitely communicate with our area biologist and
10 their manager for the North Slope Borough Fish and Game
11 Management Committee.

12

13 MS. YUHAS: An extra voice would be
14 appreciated.

15

16 CHAIRMAN BROWER: I can't say yes or no
17 at this time, but I'll definitely disseminate the
18 information. Maybe at this time I'd like to ask the
19 Council members to see if there's any further comments
20 or questions to be raised to Steve or Jennifer at this
21 time.

22

23 (No comments)

24

25 CHAIRMAN BROWER: If not, we'll --
26 what's that, Rosemary? Go ahead.

27

28 MS. AHTUANGARUAK: Yes, this is
29 Rosemary. I really appreciate that we're having a
30 chance to review this. I really am highly concerned
31 with the changes that are happening to our lands and
32 waters and changes that are happening that affect our
33 subsistence. The outreach process has to be very
34 effective to reduce the amount of conflicts that are
35 already occurring. I just want this agreement to be
36 able to reach out as appropriate to make sure that
37 we're not just creating rules and laws to create
38 arguments against our people living our traditional way
39 of life.

40

41 CHAIRMAN BROWER: Thank you, Rosemary.
42 Any other comments, questions from the Council members.

43

44 MR. SHEARS: Mr. Chairman. Bob Shears.

45

46 CHAIRMAN BROWER: Yes, Bob.

47

48 MR. SHEARS: You know, when we asked to
49 review this more in depth at a later date when we
50 received it at the RAC meeting, we had just at that

1 time received the redline review and it's quite a
2 lengthy document, which resulted in a rescheduling to
3 this day to go over it thoroughly and it allowed us all
4 some time to really take a good look at it.

5
6 At the RAC meeting, it was too much
7 work to take on at that time. Now that we received it,
8 I received it both electronically and a hard copy of
9 the redline draft, it makes it a lot easier to look at
10 and understand. So thank you, Eva, and everybody else
11 that helped put this together for us to allow us to
12 look at it.

13
14 It takes quite a bit of concentration
15 to understand the government speak, but it's clear. I
16 understood the comments from many people that were
17 saying can we put it in a more plain English form. I
18 understand why it can't be. There's a certain way
19 things have to be drafted for agreements between
20 governments so that they're clear in a legal sense. So
21 I can see the work that's gone into it to make it like
22 that. I think this will work for you.

23
24 I had only one specific comment and
25 that's how the -- it's probably one of the primary
26 premises of the agreement, one of the important points
27 of what it's trying to achieve, is to allow data
28 sharing between Federal and State officials. Most
29 specifically this allows the Federal managers to use
30 State data to conduct -- so they can coordinate and
31 conduct the Federal management program.

32
33 Specifically, I'd like to lead you to
34 the point in Section IV, paragraph 12. This MOU is
35 going to use State -- this is in the what we agree to
36 do. The Federal Subsistence Board and the State of
37 Alaska mutually agree to use the State s harvest
38 reporting and assessment systems supplemented by
39 information from other sources to monitor subsistence
40 uses of fish and wildlife resources on Federal public
41 lands. In some cases, Federal subsistence seasons,
42 harvest limits, or data needs may necessitate separate
43 Federal subsistence permits and harvest reports.

44
45 Well, this is, to get to the crux of
46 it, is when you take the subsistence game regulations
47 and lay them next to the Federal subsistence game
48 regulations and lay them down next to the State game
49 regulations, they're two different documents that
50 contradict each other. The more onerous one in the

1 North Slope is the State reg. For example, the Federal
2 regulation allows the harvesting of up to five caribou
3 per day without a limit. The State regulation --
4 excuse me. The Federal regulation allows the
5 harvesting of up to 15 caribou per day. The State
6 regulation allows the harvesting of up to five caribou
7 per day.

8

9 So, you know, there are people that we
10 represent on the North Slope that -- you know, they
11 recognize that there's a conflict between the two
12 regulations and they go and they follow the one that
13 governs them in their area on Federal lands. It would
14 be the Federal regulation. So now what we're doing is
15 we're -- you know, by establishing this MOU we're
16 forcing our people to follow the State regulation more
17 carefully because the State is the reporting and
18 assessment system for the Feds. Do you understand what
19 I'm saying or am I confusing everybody?

20

21 CHAIRMAN BROWER: There's some comments
22 to be made, Bob, as soon as you're done with your
23 comments. I think Steve is willing to speak if you
24 want to give him an opportunity to. I'll allow that,
25 but I'll wait for your indication.

26

27 MR. SHEARS: Okay. I'll just -- I'm
28 wrapping this up now. I have a real rough conclusion.
29 It's not a pointed comment or anything like that, but
30 it's a real rough idea of what this MOU is leading to.
31 You know, at first I thought it was a -- it sounded
32 like a very good idea. I believe that State and
33 Federal authorities need to work closely with each
34 other in general.

35

36 What is the overall implication is this
37 document going to have on us, the subsistence users?
38 It feels like it's leading to the -- it's sending us
39 down a path where we don't want to go and I'm
40 uncomfortable with it, but go ahead. That's all I have
41 to say. Steve, if you could please clarify, maybe you
42 can help alleviate my concern.

43

44 CHAIRMAN BROWER: Go ahead, Steve.
45 Thank you, Bob.

46

47 MR. KESSLER: Thank you, Mr. Chairman
48 and Mr. Shears. I don't know how I can be really
49 clear. I want to be really clear that you understand
50 that Federal regulations are Federal regulations.

1 State regulations are State regulations. This does not
2 in any way change those regulations.

3

4 MR. SHEARS: Right.

5

6 MR. KESSLER: In no way would this
7 change the number of caribou in the Federal regulation
8 to match the number of caribou in the State regulation
9 and vice versa. If you look at the item that you have
10 identified, Roman numeral IV, number 12, let's read it
11 carefully. It says that we will use where possible the
12 State's harvest reporting and assessment systems. So
13 what we all recognize is that it's best to have a
14 single way to report harvest. Not to change what the
15 rules are for how many could be harvested, what the
16 limitations and methods and means or anything else, but
17 that the best way to keep track of the harvest whenever
18 possible is in one system. That way there's not going
19 to be double counting. It won't be confusing for the
20 users.

21

22 In the second sentence, we also
23 recognize that sometimes we will need to have separate
24 reporting systems just because the State -- you know,
25 our harvest regulations are so different from the
26 State's that there's not a way that we can make the two
27 match. So the Federal subsistence program does have a
28 reporting system and in some cases you need to report
29 only under the Federal system. But this in no way,
30 again, I do really want to repeat, affects the
31 regulations that allow for different harvest limits
32 under Federal or State.

33

34 Jennifer will follow up on the point if
35 that's okay.

36

37 CHAIRMAN BROWER: I'll have Helen and
38 then Jennifer, if I could, Steve. Go ahead, Helen.

39

40 MS. ARMSTRONG: Thank you, Mr. Chair.
41 If I can just add a little bit to what Steve just said
42 too because we don't just use the State's harvest
43 reporting and assessment systems because in some parts
44 of the State those are not adequate for making
45 assessments at all times, which is well recognized, and
46 that's why the Subsistence Division at the State does
47 their community harvest studies and we have also used
48 data that's been collected by the North Slope Borough
49 that Harry worked on. In a number of the communities
50 they did look at all the harvests of all the resources

1 that people used.

2

3 We've actually hired other contractors
4 occasionally that have done subsistence studies, so
5 it's a combination of a lot of different places and
6 that's why it says supplemented by other information
7 from other sources that we try to use the best
8 information possible because we don't always get as
9 good information as we might want from the harvest
10 reporting that people do in the State. I just wanted
11 to add that too. So we do use things like research
12 that the North Slope Borough does as well.

13

14 CHAIRMAN BROWER: Thank you, Helen.
15 Jennifer.

16

17 MR. SHEARS: Thank you, Jennifer.

18

19 MS. YUHAS: That was Helen. Now the
20 Chairman has recognized me. I want to start off, Mr.
21 Chairman, by saying I want to give you guys a little
22 bit of background. I promise not to be too long. I
23 know I can be a chatterbox sometimes. I think if I
24 explain some of the process this might be very helpful.

25

26 When the working group came together
27 and we knew that the language was not always plain,
28 there's history that went into this document. The two
29 programs emerged many, many years ago and they've
30 changed. They've evolved since then. In the directed
31 review, which I keep calling it because the review was
32 always open. I keep making that point.

33

34 There were critics on both sides that
35 looked at the opening of the document. AFN said this
36 document says you have to defer to the State and then
37 we had vocal people on the State side saying this
38 document says you have to defer to the Federal
39 government and we said, no, gosh, that whole opening is
40 supposed to say we both have to operate under other
41 rules and we promise to work together. It's not
42 supposed to say anybody defers to anybody. We need to
43 clarify that, so we did.

44

45 What we did in the working group was go
46 through each of the paragraphs and say what does this
47 say. People said we were supposed to talk in plain
48 language. What does this mean to you. There were a
49 few that -- I came into the process later. I've only
50 been in this job a couple of years and Steve and Jerry

1 and Pete had the history, so they knew what it meant
2 and they said, well, that's not what we thought it read
3 like when we read it back at Fish and Game. It said to
4 us something completely different. So some of the
5 language was changed because we said, yeah, we see you
6 could read it that way and that's not what this is
7 supposed to mean. It's supposed to mean this.

8
9 So I'd like to try and paraphrase in
10 plain language what number 12 says to us and if Steve
11 wants to correct me, that would be entirely
12 appropriate. I see Bob's point in what he sees here,
13 but the way this was supposed to mean when we talked
14 about it in the working group was the State has a lot
15 of data and we ought to be able to access that. So
16 we're going to start with that so we don't have to
17 spend extra money studying the same thing. There's
18 going to be places where that's going to be lacking, so
19 we'll also use other data. That's what the paragraph --
20 we read it when we were looking at it back at the home
21 unit. So I wanted to explain that.

22
23 CHAIRMAN BROWER: Thank you, Jennifer.
24 Did that help with your concern?

25
26 MR. G. BROWER: Yeah, it helps me
27 understand a little better. I could see where they've
28 done this where they have -- where they've tried to
29 alleviate my concern in working through this document.
30 Let's continue, Mr. Chairman. I'm just going to put
31 this in the back and keep digesting it.

32
33 CHAIRMAN BROWER: Thank you, Bob.
34 Steve. Before we continue, let me ask the Council
35 members if there are others that have comments or
36 concerns they'd like to voice.

37
38 MR. KAYOTUK: Yeah, Lee Kayotuk for
39 Kaktovik. I believe what they're already saying is
40 pretty straightforward because we do have a lot of
41 issues that are being brought up all the time before
42 the meeting and stuff like that. The agendas are so
43 long that we need time to talk about these important
44 issues with Federal and State issues. That's all I
45 have to say. Thank you.

46
47 CHAIRMAN BROWER: Thank you, Lee. Any
48 other Council members.

49
50 MS. AHTUANGARUAK: These issues are

1 very important as we're looking to protect our
2 traditional and cultural resources. We want to keep
3 our families strong and healthy into the future and
4 there's areas where there can be manipulation of
5 information that can affect us at the interest of the
6 State to allow these charges to occur for other
7 activities that could affect our traditional resources.
8 So understanding that we have concerns in our
9 traditional and cultural activities and continuing our
10 harvesting, but when it comes into conflict with other
11 priorities and decision-makers, some of our concerns
12 are not always elevated to the level it needs to be.
13 That's also part of what we're trying to communicate.

14

15 CHAIRMAN BROWER: Thank you, Rosemary.
16 If there are no other comments, we'll continue, Steve.

17

18 (No comments)

19

20 MR. KESSLER: Thank you, Mr. Chairman.
21 I guess I would go back to the question of whether you
22 would like me to give you the quick rundown on what the
23 other Council actions were on this draft Memorandum of
24 Understanding.

25

26 CHAIRMAN BROWER: I think that would be
27 appropriate since we've read through it and we're kind
28 of jumping ahead sometimes and going through page by
29 page, I think that would be appropriate at this time.

30

31 MR. KESSLER: Okay, Mr. Chairman.
32 First of all, of course, their 2011 comments are all in
33 front of you in the handout and you can see in the
34 draft how each of those was responded to. So now I'm
35 going to go over the comments that were provided this
36 fall by each of the Regional Advisory Councils.

37

38 The Yukon-Kuskokwim Council had a lot
39 of discussion primarily about predator management and
40 traditional ecological knowledge and the use of the
41 word local when talking about customary and traditional
42 uses and knowledge. After a lot of discussion they
43 decided on balance that they liked it the way it was
44 and the Council voted unanimously to support the draft
45 revised MOU as presented to the Council with no
46 modifications.

47

48 The Southeast Regional Advisory
49 Council, they also unanimously recommended improving
50 the draft revised Memorandum of Understanding, but they

1 had a couple of wording additions. In the preamble --
2 so the first paragraph, this is what we call the
3 Federal paragraph, they requested that not only section
4 .803 be referred to, but in addition ANILCA Section
5 .802(2) be referred to, which says non-wasteful
6 subsistence uses of fish and wildlife and other
7 renewable resources shall be the priority consumptive
8 uses of all such resources on the public lands of
9 Alaska. Then it goes on to continue, when it is
10 necessary to restrict taking to ensure the continued
11 viability of the fish or wildlife population or the
12 continuation of subsistence uses of such population,
13 the taking of such population for non-wasteful
14 subsistence uses shall be given preference on public
15 lands and over other consumptive uses. So they were
16 interested in having those words added, Section
17 .802(2).1

18
19 In Section IV, paragraph 4, they
20 requested that there be just a slight modification to
21 that. In the last sentence where it says -- it's
22 actually on Page 4, it says users and others will be an
23 important component of information gathering and
24 management
25 programs. They requested that we insert a few words,
26 so now it would read users and others are and will
27 continue to be an important component of information
28 gathering and management programs.

29
30 OPERATOR: Rosemary Ahtuanguaruak is now
31 exiting.

32
33 CHAIRMAN BROWER: Continue, Steve.

34
35 MR. KESSLER: Then one other change
36 that they requested was in Roman numeral V, this is on
37 Page 5, number 2, they just wanted to reference about
38 the supplemental protocols to include the information
39 sharing protocol. So that was Southeast.

40
41 Southcentral Regional Advisory Council
42 all said that they were pleased with the modifications.
43 They were concerned about word changes associated with
44 local knowledge and they provided some updated wording
45 in Section III, number 3, and that's on Page 3 and in
46 Section IV, number 2, which is also on Page 3. Again,
47 this is about local knowledge and information. And
48 then Section IV, number 11, which is on Page 4, they
49 suggested some changing around that paragraph a little
50 bit. Not actually really changing any words, but just

1 sort of flipping the first sentence so that it would
2 read something like after providing an opportunity for
3 all these people to participate that developed as
4 needed Federal subsistence management plans. It just
5 changes the order of the sentence.

6

7 Next was Bristol Bay. Again they
8 commended the Committee for their work and its efforts
9 in addressing and taking into consideration Council's
10 comments and they thought we had done.....

11

12 OPERATOR: Rosemary Ahtuanguak is now
13 joining.

14

15 MR. KESSLER: They thought that we had
16 done a fairly good job helping with the plain language
17 issue. They also were not quite satisfied with the
18 language addressing predator control. They supported
19 the concept of the MOU being reviewed periodically and
20 especially in the near term. They moved to accept the
21 version as presented and that passed unanimously.

22

23 Northwest Arctic Regional Advisory
24 Council spent a great deal of time discussing the
25 Memorandum of Understanding. To cooperatively review
26 and endorse existing, and proposed develop as needed,
27 They recommended slowing down the process in order to
28 work directly -- I think they asked us to work directly
29 with communities and tribes to gain their input. No
30 motion was made by the Council.

31

32 Seward Peninsula Regional Advisory
33 Council. They asked a lot of questions and ended up
34 postponing action until the second day so they could
35 have more time to review the document and in the end
36 unanimously passed a motion to support it without any
37 changes.

38

39 Kodiak Aleutians Regional Advisory
40 Council suggested that there needs to be an MOU, but
41 they did not make a motion or take any formal actions.
42 They believe it needs still -- that we would still need
43 to work on clear, easy to read language. One of their
44 members provided detailed comments directly to the
45 working group, but those were not adopted by the
46 Regional Advisory Council.

47

48 Western Interior Regional Advisory
49 Council. One of the Council members made a number of
50 comments about one location in Roman IV, number 11, to

1 add the words if appropriate. So it would read to
2 cooperatively review and endorse, if appropriate,
3 existing and develop as needed. I won't read the rest.
4 That same Council member asked that more work be done
5 to develop management plans. In the end, the Western
6 Interior Regional Advisory Council made no motion on
7 this MOU.

8
9 Finally, the Eastern Interior did pass
10 a motion in support of the Council and they also made a
11 motion asking for wording in the MOU that would allow
12 Council representatives to be given equal time to that
13 of fish and game advisory committees while testifying
14 at Alaska Board of Game and Alaska Board of Fish
15 meetings. There was also discussion by one Council
16 member to encourage Federal and State agencies staff to
17 work closer together on wildlife issues similar to how
18 Staff works together on fisheries issues.

19
20 That's a rundown of all the other
21 councils. I'm sure that you know how your Council took
22 action. Thank you, Mr. Chair.

23
24 CHAIRMAN BROWER: Thank you, Steve.
25 Comments from the Council regarding the comments that
26 were provided from the other Regional Advisory
27 Councils.

28
29 (No comments)

30
31 CHAIRMAN BROWER: I'd look at Jennifer
32 as well to see if there are any other comments the
33 State may have considered or discussed regarding the
34 other Regional Advisory Council comments.

35
36 MS. YUHAS: Mr. Chairman, thank you.
37 Just to add two pieces to -- Steve always does a very
38 thorough rundown of those details. With the last
39 comments he gave from the Eastern Interior regarding
40 how we work with fish and how we work with wildlife I
41 did testify at that meeting to let them know we hear
42 what they're saying at their meeting and in different
43 areas of the state the picture looks different. Down
44 in Southeast we work extremely well on wildlife and we
45 probably need a little work on fish and so the MOU as a
46 whole is designed so that we would be working all eight
47 cylinders at the same time on every issue and we hope
48 we will get there.

49
50 A pervasive issue on the RAC side for

1 some of these RACs was the predator management and the
2 working group, as Steve said, simply addressed that
3 there is a policy the Board has and so we did not have
4 the liberty to change the wording of the MOU. That's
5 also an issue that's surfacing on the State side as you
6 can imagine, is people saying we heard what you said,
7 but we want you to insert it. What I have told them is
8 should the Board readdress their policy and they have
9 the ability to do that, the Chairman brought that up at
10 the May meeting, the Board can change their policy.

11
12 The fact that the document just refers
13 to the policy would mean the document would always be
14 updated for the MOU in the event they ever change the
15 predator management policy. So I wanted to put that on
16 the record that the work group did not simply ignore
17 everyone's comments on predator management. The
18 lawyers got involved and told us on both sides we can't
19 put it in, but we can refer to the policy and the
20 policy is subject to the Board.

21
22 Thank you, Mr. Chairman.

23
24 CHAIRMAN BROWER: Thank you.

25
26 MR. JOHNSON: Mr. Chair.

27
28 MR. G. BROWER: Mr. Chair.

29
30 CHAIRMAN BROWER: Gordon, I'm going to
31 have Carl comment. Go ahead, Carl.

32
33 MR. JOHNSON: Thank you. For the
34 record, Carl Johnson, OSM. I just wanted to caboose
35 onto something that Jennifer just said about the
36 Federal Board Chair's comments at the May Federal Board
37 meeting. The Chair also visited the Bristol Bay RAC
38 meeting in Dillingham in October and one of the things
39 that he identified that is a desire of his is to adjust
40 that predator management policy. So I just wanted to
41 let these Council members know that that is something
42 that the Board said on the record to the Bristol Bay
43 RAC in Dillingham. Thank you, Mr. Chair.

44
45 CHAIRMAN BROWER: Thank you. Gordon.

46
47 MR. G. BROWER: I looked at some of
48 these comments in the same way that Mr. Shears from
49 Wainwright had concerns. The ones from the Southeast
50 Council and their concern about rule-making or that

1 there is a need to adopt a management plan or policy.
2 There were some concerns raised about the standards for
3 addressing subsistence needs in priors are different
4 under State and Federal rules and it goes on to say
5 it's impossible for the Board to commit to providing a
6 subsistence priority under both Federal and State law.
7

8 When we were talking about, hey, this
9 seems to be a good idea because it seems to us from the
10 Federal Council that there's the need for area
11 biologists to be able to collaborate what goes on on
12 State land and what goes on on Federal land a little
13 bit more to recognize some of these concerns that get
14 raised that turn into limitations elsewhere.
15

16 So I just wanted to see maybe
17 somebody's opinion on that subject. I don't know if I
18 was that clear or not, but I've been trying to read
19 through some of the comments, many different ones, and
20 then this was specific and refers to the Southeast
21 Council and the Council has the following specific
22 recommendation. I think it's like Section IV,
23 paragraph 11, something like that.
24

25 CHAIRMAN BROWER: Gordon, I think there
26 needs to be a little more discussion or clarification
27 in terms of what direction your comments are leading.
28

29 MR. G. BROWER: It seems to suggest
30 adopting a plan could be viewed as rule-making and
31 there needs to be a regular public process for doing
32 our rule-making.
33

34 MR. KESSLER: Mr. Chairman. I guess
35 I'm a little bit confused. If.....
36

37 MR. G. BROWER: Maybe I can just read
38 the entire section I was just reading.
39

40 MR. KESSLER: Are you talking about
41 Page 6 in your briefing paper where the Southeast
42 Council.....
43

44 MS. ARMSTRONG: Page 4 and it's number
45 11 on Page 4. Paragraph 11 on Page 4. Is that right,
46 Gordon? That's what you're talking about?
47

48 MR. G. BROWER: Yeah. It seems there's
49 some suggestions or recommendations delete the second
50 sentence that begins consider State fish... There is

1 no need to incorporate State rules unnecessarily into
2 the Federal program. If there is need to adopt a
3 management plan or policy, it should be considered
4 rule-making and be subject to our regular public
5 process.

6

7 MR. KESSLER: Well, I guess my reaction
8 to that is when you have management plans that often
9 there's a piece of that that is rule-making. So if you
10 have a management plan say for caribou that says under
11 these conditions we recommend that the regulation is X
12 and that's what the current regulation is and then if
13 the population goes down to a certain level, then it
14 turns into Y. When we make those changes, all of those
15 are covered unless the delegation -- unless someone's
16 been delegated to make those changes, all of that is
17 covered normally under our special action authority on
18 the Federal side or under the emergency action
19 authorities on the State side.

20

21 Our special action authorities are
22 short-lived and require for anything more than 90 days
23 to have a public meeting to consult with State of
24 Alaska, Chair of the local Regional Advisory Committee.
25 It's all sort of laid out how that process will occur.
26 But I think that generally those significant regulatory
27 recommendations in those management plans still are
28 subject to administrative procedures. Jennifer has
29 something more to add on that.

30

31 CHAIRMAN BROWER: Go ahead, Jennifer.

32

33 MS. YUHAS: Thank you, Mr. Chairman.
34 The biggest point I would make is that, as Steve said,
35 nothing in this MOU lets us out of any of the other
36 governing practices, so we can't adopt a proposal, we
37 can't adopt a plan without going through all the things
38 that the Board has to go through.

39

40 I will be very open because --
41 sometimes I'm criticized for being too open of a
42 person, but this was a hard paragraph and it gave the
43 working group a lot of trouble. There was people in
44 every area of the state that thought it said something
45 different. When I first took it back to Fish and Game,
46 we said scratch the whole paragraph. Our Subsistence
47 Division thought it said something different than my
48 Federal counterparts told us it said.

49

50 This section was one of the original

1 things that got put in way back when we started the
2 program, so I needed some of the history on this. Some
3 of the history was nobody had a plan besides the State
4 when we started. So this whole program got created and
5 there was some things that were existing and they said,
6 well, we might as well start with those.

7

8 The way the working group read this in
9 plain language because -- I'll do that again because
10 that's what we were doing in those meetings, was to
11 say, all right, we have some plans that are already out
12 there. We don't just scrap them. We start with them.
13 And then these sections in the second and third
14 sentences that include the others -- when this was
15 originally written, it said we're going to start with
16 these things and we promise to review them together.
17 We're not going to just adopt these independently and
18 force them on the other guy. So other groups got
19 involved and said, well, if you're going to review
20 these independently, we want to look at it too. So
21 that's what this paragraph is trying to say. We have
22 discussed in the working group it might not really say
23 that very well.

24

25 The Western Interior Chair had a lot of
26 problem with it and we said let's just explain what
27 it's supposed to say and we promise to go back and look
28 at the language. He gave some -- the Chair up there,
29 even though the RAC didn't vote specifically, he gave
30 some suggestions for language, so we are still looking
31 at how to make that clearer. For everybody's benefit,
32 that's what it's supposed to say.

33

34 CHAIRMAN BROWER: Thank you, Jennifer.
35 Helen.

36

37 MS. ARMSTRONG: I just want to help
38 make sure everybody is clear in understanding that
39 management plans are not regulations and that the
40 management plan is where a bunch of scientists have sat
41 around and talking about how many -- you know, what's
42 the cow/calf ratio desired for caribou or whatever and
43 they sat around and decided what needs to be
44 established as to what makes a healthy population and
45 then we may end up -- we, the Federal government, may
46 end up modifying our regulations because of what the
47 management plan says.

48

49 What this MOU says is that we're going
50 to start -- you know, that everybody has the ability to

1 have input into that management plan, but those aren't
2 regulations. The regulations are implemented through
3 the Federal Subsistence Management Program. And it's
4 not only emergency and special actions. I've seen
5 times when regulations are changed because of what a
6 new management plan may say. I hope that clarifies it
7 a little bit.

8

9 MS. YUHAS: Mr. Chairman.

10

11 CHAIRMAN BROWER: Gordon, does that
12 help any with your concerns or the comments you
13 generated?

14

15 MR. G. BROWER: Yeah, the last comments
16 I think really put it into more perspective.

17

18 CHAIRMAN BROWER: Thank you, Gordon.
19 Do we have somebody online that's wanting to comment?

20

21 (No comments)

22

23 CHAIRMAN BROWER: I'm not sure who's
24 making noises. Jennifer, go ahead.

25

26 MS. YUHAS: I just wanted to point out
27 that the Forty Mile Plan that came before the Board
28 last winter would be an example of this. A whole
29 working group had to participate, everybody had to see
30 it, but it didn't become a rule until the Board voted.

31

32 MR. KESSLER: Mr. Chairman.

33

34 CHAIRMAN BROWER: Yes, Steve.

35

36 MR. KESSLER: You know, this is one of
37 those things. If the Council is very concerned about
38 this issue, the Council could make a recommendation to
39 the working group and to the Board and you could adopt
40 something like this, a recommendation that this
41 language be added, regulatory changes must follow
42 appropriate administrative procedures or something like
43 that. Maybe that would alleviate that concern by just
44 adding a phrase like that.

45

46 CHAIRMAN BROWER: Thank you, Steve. I
47 think there are procedures already in place that just
48 need to be referenced at appropriate times when
49 discussions are occurring on certain plans or specific
50 species management plans are being sought or generated

1 to manage a resource in a given area. I mean we've had
2 some great experiences on the North Slope for several
3 species. I mean moose at several times, muskox for
4 several years. We've had to work through those plans
5 and work with the two resource managers, the State and
6 the Federal agencies, on the lands that they manage, so
7 we've had some great examples. I think that in terms
8 of clarifying.....

9

10 OPERATOR:is now joining.

11

12 CHAIRMAN BROWER: In terms of
13 clarifying some of the language in the document, to
14 reference certain plans for examples that have been
15 used to address a specific species of concern. I
16 wasn't sure who was just joining. Did we have somebody
17 else come on on the teleconference?

18

19 MR. SHEARS: I'm sorry, I was on mute.
20 This is Bob. I just signed in on my cell phone.

21

22 CHAIRMAN BROWER: Okay. I was just
23 asking do we have any other comments, written comments
24 or from any other organization regarding this MOU.
25 Eva.

26

27 MS. PATTON: Mr. Chair. No, we have
28 not received written comments from any organizations on
29 the MOU. The invitation to participate did go out to
30 all the North Slope communities and councils and
31 corporations and public notice.

32

33 I did want to follow up to Gordon
34 Brower's comments before. Gordon, you did make a
35 comment after the North Slope RAC meeting. Your
36 specific reference to the participation of the North
37 Slope Borough being included in the State/Federal
38 process. So those comments were not part of the full
39 RAC discussion, so that's why they did not occur in the
40 minutes from the RAC meeting, but I do have your email
41 and this teleconference here would be the place to
42 discuss that further if you wanted to bring that up.

43

44 CHAIRMAN BROWER: Gordon, I look to you
45 to see if you would like to restate -- I'm not sure if
46 you have the material that was utilized before to share
47 through the email. After receiving the document, I
48 think I did receive your email as well and that's what
49 I was trying to refer to earlier, but I got sidetracked
50 in the other discussions. As I mentioned to Gordon, if

1 you would like to restate those concerns or comments
2 you had generated before, this would be the opportune
3 time to do so.

4

5 MR. G. BROWER: Yeah, I think I said
6 what was on my mind just a little earlier. I can't
7 really recall all the other concerns I may have raised
8 because it's already been several months, but there
9 were concerns about between the State management plan
10 and the Federal plan as it pertains to within the North
11 Slope.

12

13 We've had long concerns about area
14 biologists that would take off their hat and say
15 something about a certain animal that's controlled by a
16 Federal plan and make statements that would corroborate
17 some of our concerns about these movement of animals.
18 Some of them are transient. Once you hunt them in a
19 certain area they migrate -- more of them migrate from
20 other parts of the Game Management Unit. It might be a
21 State area and then they do their own population count
22 on their State side to make a harvestable determination
23 on their side all the while while we could be
24 struggling on the Federal side, transient populations
25 that are low in numbers.

26

27 Anyway, I find it's a good idea to be
28 able to communicate better and let the management plans
29 be able to speak to each other. At the same time, had
30 some reservations about rural subsistence priority
31 issues and things like that that the State has
32 struggled with for many years to recognize a rural or
33 even a subsistence preference on the management of
34 fish.....

35

36 OPERATOR: Bob Shears is now exiting.

37

38 MR. G. BROWER: Anyway, those would
39 have been my concerns and making sure we didn't hurt
40 the residents that depend on these resources especially
41 when it comes to putting food on the table. Thank you.

42

43 CHAIRMAN BROWER: I need to look back
44 in terms of how many of our Council members because we
45 need a quorum to take action and we only have five.
46 That kind of limits when one exits and doesn't indicate
47 whether he's coming back on if we decide to take action
48 on this. I see a problem with that just with the
49 communications that keep coming on.

50

1 MS. PATTON: Mr. Chair. I think, since
2 he switched to his cell phone, he might have some
3 problems with the coverage there. My understanding, as
4 far as quorum goes, that once a quorum has been
5 established that the Council can continue business as a
6 full Council. I should double check with Carl on those
7 regs.

8
9 MR. KESSLER: To take action you must
10 have a quorum.

11
12 MS. ARMSTRONG: Maybe Bob is coming
13 back though because I'm thinking he didn't have good
14 coverage and he'll come back, hopefully.

15
16 MS. PATTON: Right. So perhaps we'll
17 get Bob back and can have him come on in terms of
18 making a formal motion here. The discussion certainly
19 can continue as a group here without quorum and for the
20 formal motion hopefully we can get Bob back onboard.

21
22 CHAIRMAN BROWER: At this time I'd like
23 to thank Gordon for providing his comments and voicing
24 his concerns on what he's learned from the time of
25 receiving the Memorandum of Understanding. I'll look
26 to Steve. Do we have any other comments or discussion
27 points that you would like to provide?

28
29 MS. AHTUANGARUAK: We do have the
30 minutes for the August 14th and I know it didn't get
31 included in a document. Has Staff had a chance to
32 review that and extract the relevant comments from
33 discussion into incorporating into the current process?

34
35 MS. YUHAS: Mr. Chairman.

36
37 CHAIRMAN BROWER: Yes.

38
39 MS. YUHAS: Yes, but all of the new
40 rewrite will occur after all the information is
41 collected together. We didn't do a rewrite each time
42 we received a comment. We're waiting for the cycle to
43 conclude.

44
45 CHAIRMAN BROWER: Did that help,
46 Rosemary?

47
48 MS. AHTUANGARUAK: Yes.

49
50 MR. KESSLER: Mr. Chairman.

1 CHAIRMAN BROWER: Yes, Steve.
2
3 MR. KESSLER: As we go through and we
4 revise based on what the Regional Advisory Councils
5 have provided, when we hear an individual comment from
6 a person, we don't know if that represents the entire
7 Council, so it's very difficult to deal with. So
8 sometimes we hear some of those comments and go that's
9 a really good idea and we should have thought of that
10 anyway and we put it in there, but then there are
11 others and most of the comments that we receive we
12 really need to get a sense is this a Council comment or
13 is this just one thought of one individual. So the
14 ones that Councils make, they have a motion, a clear
15 vote, those are the ones we really work with the most.
16
17 CHAIRMAN BROWER: Thank you for making
18 that.....
19
20 MR. G. BROWER: Mr. Chair. Mr. Chair,
21 Gordon Brower.
22
23 CHAIRMAN BROWER: Yes, Gordon.
24
25 MR. G. BROWER: From what I'm just
26 hearing, if we're merely talking to each other between
27 Council members, if we don't emphasize or request by
28 Robert's Rules of Order, that my dialogue and my train
29 of thought that I was talking about would be entered as
30 comments. If it was voted on during a Council meeting,
31 that was, in fact, Council comments versus just merely
32 me expressing my concerns with the Staff present and
33 the other Council members present are not comments but
34 merely an individual person's opinion.
35
36 CHAIRMAN BROWER: That's how it would
37 be reflected, Gordon, in terms of an action. If we
38 didn't take any action.....
39
40 MR. G. BROWER: Yeah, Mr. Chair. It
41 raises concern because I'm always to the understanding
42 that being a Council member and talking about things in
43 front and between other Council members they are, in
44 fact, Council comments encouraging others to deliberate
45 with you. But if that's the understanding, then it
46 should be very clear that we need to entertain by a
47 motion that these comments or the dialogue that I'm
48 talking about be incorporated as Council comments.
49 Either that or we're just talking in the air not
50 knowing that what we say will not be considered.

1 CHAIRMAN BROWER: We have a couple of
2 hands here, Gordon, so I'll start with Helen.

3
4 MS. ARMSTRONG: Gordon, I just want to
5 emphasize it's not that your comments are not valued,
6 but they have more power when they come from a Council.
7 When it's an action, then we know that the majority of
8 the Council agreed with that comment. Sometimes at
9 Council meetings people may say something that no one
10 else agrees with, so it has a lot more power if
11 everyone votes and says, yes, we like that comment.

12
13 And then I just wanted to say if you
14 get to the point of wanting to have a motion on your
15 comments, I just sat here and scribbled out a possible
16 suggestion of wording if anybody would like that or
17 maybe you have some yourself, so I'm just offering that
18 up.

19
20 CHAIRMAN BROWER: Eva. Thank you,
21 Helen.

22
23 MS. PATTON: Mr. Chair. Yes, I would
24 just like to follow up too on that to clarify between a
25 specific motion. All of the Council deliberation and
26 discussion is very important and that's why we have
27 recorded meetings and the transcripts. The ISC in
28 regards to this MOU has also considered your comments
29 that were made at the August 14th meeting. The
30 discussion by the RAC here as well is very important.
31 It's the specific motion that helps identify if you
32 would like specific edits to be made to the MOU itself,
33 so that would be helpful. Thank you.

34
35 CHAIRMAN BROWER: Thank you. That's why
36 I was questioning earlier when I hear the departures
37 from the meeting of Council members. Now we don't have
38 a full quorum and the need to take action. If we're
39 able to get Bob back on, I think we can conduct our
40 business further to take action on that. Carl.

41
42 MR. JOHNSON: Mr. Chair, thank you.
43 Actually under Robert's Rules once a quorum is
44 established you don't lose a quorum at the meeting if
45 members depart.

46
47 MS. ARMSTRONG: Are you sure?

48
49 MR. KESSLER: What?

50

1 MS. ARMSTRONG: We've never done it
2 that way.
3
4 MR. JOHNSON: I can confirm that, but
5 that's been my understanding in the past of other
6 organizations.
7
8 MR. SHEARS: Mr. Chairman. This is
9 Bob. I'm on.
10
11 MS. PATTON: Hey, okay.
12
13 MR. JOHNSON: Welcome back.
14
15 CHAIRMAN BROWER: Thank you, Bob, for
16 indicating that you're back on. I was getting a bit
17 worried in terms of our process. Jennifer.
18
19 MS. YUHAS: Parliamentary procedure
20 under Robert's, both of the previous speakers are
21 correct. However, this is how it works. You have a
22 quorum, you initiate a meeting, people can leave, you
23 can still conduct discussion, a vote is not valid
24 without a quorum, so that's the distinction.
25
26 CHAIRMAN BROWER: Thank you for that,
27 Jennifer. So with Robert back on, I'd like to ask
28 Steve again to see if there's any other information
29 regarding the Memorandum of Understanding that needs to
30 be shared with the Council before we get to take an
31 action as a recommendation from the Council.
32
33 MR. KESSLER: Mr. Chairman. I don't
34 have anything else unless you are interested in going
35 over the comments that were made at your August 14th
36 meeting, but that's really not my role. Otherwise,
37 unless anyone has any questions for me, I think that
38 I've gone through the briefing that I wanted to do.
39
40 CHAIRMAN BROWER: So that would be
41 considered the introduction of the proposal through
42 this presentation.
43
44 MR. KESSLER: Correct.
45
46 MR. G. BROWER: Mr. Chair.
47
48 CHAIRMAN BROWER: Yes, Gordon.
49
50 MR. G. BROWER: If we're getting ready

1 to stop the dialogue here and I was just asked to
2 elaborate my -- I guess my opinion because it didn't go
3 through Robert's Rules of Order as Council comments,
4 then I would think whatever I just said a little while
5 ago would be merely still opinion. If you were seeking
6 Council comments and if they were in concurrence with
7 the rest of the Council members, I think we'd lose that
8 dialogue if you were merely asking was my opinion on
9 the concerns I raised earlier.

10

11 CHAIRMAN BROWER: Gordon, what I had
12 referred to was the email. Once you received -- during
13 the Council meeting we received the Memorandum of
14 Understanding firsthand, for the first time, and we
15 needed an opportunity to -- be given the opportunity to
16 review the document. And I recall that you did provide
17 some email correspondence to Eva and you had cc'd me
18 that and that's what I was merely referring to. These
19 were good comments I have to say, Gordon, and without
20 having the Council present I was referring to that
21 maybe you might want to restate them at this time and
22 they would be reflected.

23

24 MR. G. BROWER: (In Inupiaq). I just
25 simply don't remember the dialogue. It may have had
26 concerns to what I originally talked about way earlier
27 in the beginning about in the commingling of management
28 plans to consider involving the political subdivision
29 of the North Slope Borough or the arctic issues that we
30 raised because we have had many co-management plans
31 that have worked internationally, worked well with the
32 Federal government, namely our walrus commissions, our
33 whaling commissions and stuff like that.

34

35 I thought that would be something
36 worthwhile because the Borough does not have regulatory
37 authority on harvesting and stuff, but it does do a lot
38 of consultations, studies and work collaboratively with
39 ADF&G, Fish and Wildlife Service on studying species in
40 distress or things like that.

41

42 Other than the comments I raised at the
43 tail end where I believe these management plans should
44 be able to talk to each other in terms of areas that
45 may have less resources than others and when biologists
46 take their hats off to give their two cents and say,
47 well, I agree with the traditional knowledge that these
48 animals are, in fact, transient, but they never get
49 reflected in the management plan because that's how
50 many that were counted in an area and that's the

1 limitation of harvest that's going to be tagged to a
2 certain unit when we know, in fact, that they recruit
3 annually as a transient population. So those are the
4 issues that I would bring and not to the detriment of
5 the arctic subsistence residents. Thank you.

6

7 CHAIRMAN BROWER: Thank you, Gordon.
8 Any other discussion or comments from Council members.

9

10 MS. AHTUANGARUAK: Yes. The discussion
11 also needs to support that we want to elevate our
12 concerns to making sure that we are looking at all the
13 issues. I get worried about this a lot. We have a lot
14 of issues, a lot of changes to our lands and waters.
15 We're already having conflict with our subsistence
16 efforts. Making sure that when we're looking at this
17 we really give it the strength that we need to to
18 really help us address our subsistence needs.

19

20 In the document also we had some very
21 good comments, so I think we need to get an
22 extrapolation from the minutes from the August
23 discussion to help us make sure our issues are
24 incorporated in here. Thank you.

25

26 CHAIRMAN BROWER: Thank you, Rosemary.
27 Any other Council comments, suggestions. Carl -- or
28 Jennifer.

29

30 MS. YUHAS: Thank you, Mr. Chairman.
31 As you preside over the meeting, I was simply going to
32 state that there's been a lot of information. Your
33 RAC, unlike other RACs, does not seem to have members
34 who disagree with each other or who would like to
35 contradict each other and you may be able to handle the
36 incorporation of these ideas. The swiftest and the
37 easiest was simply a motion that all comments be
38 considered official comments of the RAC and be entered
39 into the record as recommendations from the RAC, then
40 people don't have to restate or make separate motions.

41

42 CHAIRMAN BROWER: Thank you, Jennifer.

43

44 MR. G. BROWER: So moved, Mr. Chair.

45

46 CHAIRMAN BROWER: So we have a motion
47 on the floor. We need a second from the Council.

48

49 MR. G. BROWER: So moved.

50

1 CHAIRMAN BROWER: It's been so moved.
2 We need a second.
3
4 MR. KAYOTUK: Seconded from Lee.
5
6 CHAIRMAN BROWER: Second by Lee. Any
7 further discussion on the motion.
8
9 MR. KESSLER: Mr. Chairman.
10
11 MR. G. BROWER: Call for the question.
12
13 CHAIRMAN BROWER: Yes. Before I
14 recognize the question, Steve.
15
16 MR. KESSLER: Can I just ask a question
17 for clarification. There were a lot of comments that
18 were made at your August 14th meeting and there were a
19 number of comments that were made today. I'm not sure
20 that I understand the motion to know if you're asking
21 us to consider all comments from both meetings or just
22 comments from today. Because I believe that -- just
23 looking at the comments from the 14th meeting I think
24 that there are some that are in conflict with each
25 other and, you know, I don't know how to deal with
26 that.
27
28 CHAIRMAN BROWER: Our Council members
29 did indicate that they're important comments that were
30 provided by Council members that are not currently
31 present, but I'm not sure in terms of which are in
32 conflict with each other, not clearly indicating which
33 is which. I would like to make sure that's what we're
34 stating in the motion to follow through that these
35 concerns and comments regarding this -- specific to
36 this Memorandum of Understanding the discussions that
37 were held during our fall meeting would be reflected as
38 well and for this meeting as well to be included in the
39 Council comments.
40
41 Did you have a comment?
42
43 MS. PATTON: Mr. Chair. If I may, I
44 think some of -- because the Council had just received
45 this redline MOU that morning, the Council did not have
46 an opportunity to review it thoroughly, so some of the
47 feedback at that time on August 14th was questions and
48 concerns that have been able to be addressed in part
49 today. So I think there were some comments that were
50 made at that time that were addressed today, so now

1 there may be some resolution to those differences. I
2 understand from the folks that are making the
3 amendments to the MOU based on the Council
4 recommendations that that would be probably difficult
5 to proceed in terms of understanding the differences
6 now that the Council has in there comments today.
7
8 CHAIRMAN BROWER: Thank you, Eva.
9 We're still under the discussion. There was a question
10 called on the motion. If there's no further
11 discussion, I'd like to recognize the question.
12
13 (No comments)
14
15 CHAIRMAN BROWER: All in favor of the
16 motion signify by saying aye.
17
18 IN UNISON: Aye.
19
20 (Child in background on phone)
21
22 THE COURT: Okay.
23
24 MS. PATTON: Hey, we've got an aye
25 there.
26
27 (Laughing)
28
29 CHAIRMAN BROWER: Opposed say nay.
30
31 (No opposing votes)
32
33 CHAIRMAN BROWER: None noted. Thank
34 you.
35
36 MR. JOHNSON: Mr. Chair.
37
38 CHAIRMAN BROWER: Carl.
39
40 MR. JOHNSON: Thank you, Mr. Chair. I
41 would like to reiterate Mr. Kessler's question though
42 that I still think is an open question and that is if
43 this motion specifically incorporates both the August
44 14th and today's comments rather than just the comments
45 we've heard today on the record. So I wanted to make
46 sure that if that is the Council's intent, that that is
47 stated clearly on the record by the Council.
48
49 CHAIRMAN BROWER: Yes, that is the
50 intent. I hope that clarifies that.

1 MR. JOHNSON: Yes, it does. Thank you,
2 Mr. Chair.

3
4 CHAIRMAN BROWER: So in regards to
5 furthering our comments and moving along with our
6 agenda, is there any other actions that we need to take
7 in regards to this Memorandum of Understanding. I
8 didn't see where there's an action item under the
9 agenda. I didn't get any indication of what action --
10 to support the recommendations of the Memorandum of
11 Understanding or.....

12
13 MS. PATTON: Mr. Chair. The action
14 would be as the Council wishes to make. So the first
15 motion that we had was for the MOU Review Committee to
16 consider.....

17
18 CHAIRMAN BROWER: The comments.

19
20 MS. PATTON:the comments of the
21 Council from both the August 14th meeting and today'
22 meeting. If the Council wishes to make a motion to
23 support or otherwise the MOU as written or with
24 amendments, there is the opportunity to do that today
25 as well as the Council wishes.

26
27 OPERATOR: Rosemary Ahtuanguaruak is now
28 exiting.

29
30 CHAIRMAN BROWER: Uh-huh. Can't take
31 any action now.

32
33 MS. ARMSTRONG: But you don't need to
34 do that and she just left so.....

35
36 CHAIRMAN BROWER: Okay.

37
38 MS. ARMSTRONG:I guess that's
39 that.

40
41 MS. YUHAS: The action that was just
42 taken was to make recommendation to the Staff working
43 group, so no supplemental action is needed.

44
45 CHAIRMAN BROWER: Okay. So we're
46 pretty much covered with the discussion of the
47 Memorandum of Understanding. I was trying to look at
48 the procedures in conducting this meeting. I had first
49 asked the comment about any other comments provided
50 outside the Council.

1 MS. PATTON: Yeah, so for due process,
2 Mr. Chair.....
3
4 CHAIRMAN BROWER:
5
6 MS. PATTON:we did have a couple
7 other public members that were online and we just need
8 to make sure that.....
9
10 MR. JOHNSON: No, that's only for
11 regulatory proposals. You don't have to follow that
12 for all action items.
13
14 MS. PATTON: Okay. So even though this
15 is a formal recommendation for the MOU?
16
17 MR. KESSLER: We -- I'm sorry. We
18 asked in the briefing paper -- the first thing in the
19 top of the briefing, the action was if public tribes or
20 ANCSA corporations wish to provide comments. We
21 requested some time on your schedule to do that before
22 you took action, but that may be moot now.
23
24 MR. JOHNSON: Well, since we haven't
25 heard any of them check in -- that's just agency
26 personnel on the line.
27
28 CHAIRMAN BROWER: That's why I was kind
29 of referring back to these procedures on this document.
30 I wasn't clear as to whether to follow through with
31 that and ask all the people attending through
32 teleconference or other organizations or public
33 testimony on the matter.
34
35 MR. JOHNSON: Right. Yes, you'll be
36 welcome to do that. I was just saying you didn't have
37 to follow all of those steps because not all of those
38 parties that are on that guideline there all want to
39 participate in every action item. But Mr. Kessler is
40 correct, if there were members of the public or tribes
41 online, then we would definitely want to hear their
42 input and provide them an opportunity to comment on the
43 draft Memorandum of Understanding.
44
45 CHAIRMAN BROWER: So when we did our
46 roll call I didn't hear anybody. Eva did identify
47 there was somebody from the North Slope Borough. When
48 we called on them, they didn't respond.
49
50 MS. PATTON: Right, Mr. Chair. We had

1 one member from the public that was on and then had
2 dropped out. My apologies for not checking in again.
3 We had Vince Mathews and Joanne Bryant from the Refuge
4 and John Boyle from North Slope Borough. Are you
5 online, John?

6

7 MR. BOYLE: Yeah, I'm online.

8

9 MS. PATTON: Okay, you are online. My
10 apologies for the process here for not checking to see
11 if you were back on there before the motion was made.
12 Were you on for the Council's discussion and the motion
13 just recently?

14

15 MR. BOYLE: Yes, ma'am, I was.

16

17 MS. PATTON: We do have a process here.
18 We were encouraging the public participation as well.
19 The Council has made a motion for the MOU review team
20 to consider their comments from both the North Slope
21 RAC meeting that occurred on August 14th and the
22 comments that were made as a Council today. Do you
23 have any comments that you would like to make or input
24 on the MOU?

25

26 MR. BOYLE: No, ma'am, not at this
27 time.

28

29 CHAIRMAN BROWER: Thank you, John.

30

31 MR. BOYLE: Thank you.

32

33 CHAIRMAN BROWER: In regards to the
34 other participants, Vince or -- what's the other
35 person?

36

37 MS. PATTON: Joanne Bryant from Arctic
38 Refuge.

39

40 CHAIRMAN BROWER: If they're still on,
41 I'd like to ask to see if there's any comments they'd
42 like to provide in terms of what they've heard.

43

44 MR. MATHEWS: Joanne had to step out
45 and I don't have any comments. This is Vince Mathews.

46

47 CHAIRMAN BROWER: Thank you, Vince.
48 Not knowing if I was overstepping my bounds in regards
49 to taking action and the way the teleconference was
50 occurring I wasn't sure and I started getting a little

1 worried before we could take action that we were going
2 to lose our quorum.....
3
4 (Laughter)
5
6 CHAIRMAN BROWER:to take action,
7 so I went and pursued ahead without really looking at
8 the procedural steps to take before taking action.
9
10 In regards to other business for the
11 Council, we have the request from Kaktovik for an
12 extension on the moose hunt season in Kaktovik.
13
14 Helen.
15
16 MS. ARMSTRONG: Mr. Chair. Could we
17 take just a couple minute break so I could go grab one
18 of the wildlife biologists to be in for this
19 discussion? Would that be all right?
20
21 CHAIRMAN BROWER: Yes. Counting down
22 two minutes.
23
24 (Off record)
25
26 (On record)
27
28 CHAIRMAN BROWER: As stated earlier, we
29 have two new guests here. I'd like for them to go
30 ahead and introduce themselves.
31
32 MR. ARDIZZONE: Mr. Chair. This is
33 Chuck Ardizzone. I'm the Wildlife Division Chief here
34 at OSM.
35
36 CHAIRMAN BROWER: Thank you, Chuck.
37
38 MR. EVANS: Mr. Chair. This is Tom
39 Evans. I'm a wildlife biologist with OSM.
40
41 CHAIRMAN BROWER: Thank you, Tom. So
42 we could continue with our agenda item. We're now
43 under old business, extension for moose hunt season in
44 Kaktovik. Eva, if you could give a little background
45 on the request.
46
47 MS. PATTON: Sure, Mr. Chair. This is
48 Eva Patton with OSM. This is a follow up to a request
49 that was made before the August 14th North Slope RAC
50 meeting by Lee Kayotuk, who is a RAC member from

1 Kaktovik, asking for information on what the
2 community's options are for extending the Federal
3 subsistence moose harvest in the Kaktovik region.

4
5 Lee, perhaps you could then provide the
6 specifics of what you were seeking and the concerns of
7 the community with the current season for hunting
8 moose. My understanding is the concern was the winter
9 wet weather had prevented people from hunting during
10 that time period and maybe looking to extend it. So
11 perhaps, Lee, you could provide some more information
12 for the biologists here of what the concern is and what
13 the community might be seeking.

14
15 MR. KAYOTUK: Good morning. It's Lee
16 Kayotuk from Kaktovik, the council and the chair there.
17 During that time for the moose open season is July 1st
18 to March 31st and in 26C I would like to see it moved
19 over from July 1st to the following one week after --
20 like up to April 7th of each season because during that
21 time we try to do a hunt, but it's very blizzard season
22 during the end of March and we could not harvest a
23 moose during that time. By the time we tried to
24 harvest the moose at that time, it was very
25 uncooperative weather and could not take our harvest
26 during that time of open season in 26C, which I would
27 like to see happen, a one week extension during the
28 open season of the moose hunt.

29
30 CHAIRMAN BROWER: Thank you, Lee. This
31 would remain in 26C?

32
33 MR. KAYOTUK: Correct, it would remain
34 in 26C, yes.

35
36 CHAIRMAN BROWER: This is for extending
37 the season by one week, seven days. I need to question
38 in regards to maybe the biology or if there's any kind
39 of a situation that arises from that extension or the
40 request.

41
42 MR. ARDIZZONE: Mr. Chair. Chuck
43 Ardizzone.

44
45 CHAIRMAN BROWER: Yes, Chuck.

46
47 MR. ARDIZZONE: I don't believe there
48 would be any biological concerns because they already
49 have a quota and it would only be an extra week.
50 However, we do have some regulations we would have to

1 follow. Currently the season is pretty long. It's
2 July 1 through March 31st. We can't anticipate what
3 this year's weather is going to be. I mean this year
4 they might be able to get out and harvest. I think
5 he's referring to last year. So to submit a special
6 action this early would be kind of premature until we
7 know how the season goes.

8

9 If the season goes poorly and we get
10 into March and they still haven't harvested a moose, I
11 think the best course of action would be to submit a
12 special action, an emergency special action and request
13 the extension. I still don't think that would be a
14 problem because we're only talking a few moose and we
15 already have a quota based on conservation concerns.
16 We've got to do an analysis for sure and get approval
17 through the Board, but that's just my kind of personal
18 opinion at the moment.

19

20 If the community wants the change to be
21 a permanent change, the regulatory cycle will open in
22 January and they can submit a proposal between January
23 and March 28th and actually make that change permanent.

24

25 CHAIRMAN BROWER: Thank you, Chuck.

26

27 MR. G. BROWER: Mr. Chair.

28

29 CHAIRMAN BROWER: Go ahead, Gordon.

30

31 MR. G. BROWER: Yeah, Gordon here. So
32 there's two actions you're probably looking at then.
33 One, to put in a special request to extend for a little
34 bit and then one for the regular regulatory cycle to
35 put in a proposal to make a permanent change.

36

37 CHAIRMAN BROWER: Those are the two
38 options that have been currently identified, Gordon.

39

40 MR. G. BROWER: Yeah, I think it would
41 be good to go ahead and put in the request now instead
42 of wait later on for a special request to extend the
43 season. Most of the folks that I know, you know, they
44 will have limited resources and can afford to only go
45 one time and then stay out there as long as you can to
46 harvest, limited by fuel. We just don't go back and
47 forth and go get more fuel and do these kinds of
48 things. We go out there to be successful.

49

50 Lee is pretty much right on the nose

1 and we get severely limited by weather and the season
2 closes on us while we're up there, then we return with
3 no success and it gets good. By that time, we've got
4 to call somebody to say can there be a special opener
5 and maybe we don't even have anymore money for gas to
6 go back up there. I mean that's what we deal with, you
7 know. I think it's kind of unacceptable to be that way.

8

9 CHAIRMAN BROWER: Thank you, Gordon.
10 Helen.

11

12 MS. ARMSTRONG: So, Gordon, what I'm
13 hearing you say is that people would be more likely to
14 plan on going maybe say in April if they knew it was
15 open then rather than trying to go in March when it's
16 colder and darker and your chances of being less
17 successful. Is that what I'm hearing you say, that
18 that's why people would want to have it now?

19

20 I mean what I was hearing Chuck say is
21 that there's a limit of three moose being harvested, so
22 let's wait and see if those get harvested between now
23 and the end of March. Am I correct in what I'm hearing
24 you say is that we wouldn't go until later if we knew
25 it was going to be open then?

26

27 The other thing I wanted to maybe have
28 Chuck clarify is what date would be a good date to have
29 a request, like March 1st, March 15th. How much time
30 do you need with your staff to get this through?

31

32 MR. ARDIZZONE: Mr. Chair.

33

34 CHAIRMAN BROWER: Yes, Chuck.

35

36 MR. ARDIZZONE: I can answer that. I
37 believe it's premature right now to submit a special
38 action because we don't have any emergency situation at
39 the moment. We haven't had the season. The season's
40 not even close to being over. If it came in now, I
41 don't know if we'd be supportive because there's no
42 justification of an emergency. However, if we're into
43 March, you know, at least two weeks prior to the end of
44 season and people haven't harvested a moose and the
45 weather has been poor, there's your emergency situation
46 right there. The weather has been bad and we haven't
47 been able to get out, there's been no harvest of moose.
48 That's a much easier justification for the Board to
49 accept.

50

1 I can't speak for the Board. I'm just
2 telling you what I think at the moment. You don't know
3 what this year is going to be like. I mean the
4 weather, at least in parts of Alaska, have been much
5 different than last year. If you give us two weeks
6 notice, we can surely get that done if we had a request
7 that early.

8
9 MR. KAYOTUK: Okay. For the Board and
10 Council, it will be March 2013, the first week in
11 March, we will put an extension, a one week period. I
12 did hear someone say clearly that -- they said they
13 can't make any changes to the harvest quota for moose,
14 you said?

15
16 CHAIRMAN BROWER: I don't think they're
17 understanding your question.

18
19 MR. KAYOTUK: Okay. For earlier
20 somebody said that they couldn't make any changes in
21 the hunting unit moose permit. Someone stated that
22 they couldn't change the regulations in the book.
23 That's what someone said earlier.

24
25 CHAIRMAN BROWER: Yes, that's right.

26
27 MR. ARDIZZONE: Mr. Chair.

28
29 CHAIRMAN BROWER: Carl.

30
31 MR. ARDIZZONE: In the book -- for the
32 regulation to be changed in the book, we'd have to have
33 a regulatory proposal. That would have to be submitted
34 between January and March, then we could change what's
35 in the book. If we got an emergency special action,
36 that would just be a temporary, one season regulation
37 change.

38
39 CHAIRMAN BROWER: Do you understand
40 that, Lee?

41
42 MR. KAYOTUK: Yes, I do understand
43 that.

44
45 CHAIRMAN BROWER: Helen.

46
47 MS. ARMSTRONG: Just to remind people,
48 when you have your council meeting -- I believe it's in
49 February.....

50

1 MR. JOHNSON: February 22nd.
2
3 MS. ARMSTRONG:there will be an
4 agenda item on that at that meeting asking the Council
5 to make proposals to change the regulations and the
6 Council at that time could certainly -- and Eva will
7 remind you, I'm sure, that this was an issue and you
8 can make a proposal to change the regulation
9 permanently or until it gets changed again. There's
10 probably nothing permanent around here with climate
11 change, but to change the regulation at that time and
12 then it would go into effect in July of two
13 thousand.....
14
15 MR. JOHNSON: Fifteen.
16
17 MS. ARMSTRONG: What is it. It would
18 be July of 2014.
19
20 MR. ARDIZZONE: Fifteen. No, no,
21 you're right, 2014.
22
23 MS. ARMSTRONG: 14. July of 2014 is
24 when it would go into effect. But until then you can
25 ask for an emergency special action. Mid March would
26 be an appropriate time if three moose have not been
27 harvested by that time.
28
29 MR. KAYOTUK: Okay. Thank you.
30
31 MS. ARMSTRONG: Eva will keep you guys
32 on track.
33
34 MR. SHEARS: Mr. Chairman. This is
35 Bob.
36
37 CHAIRMAN BROWER: We have Eva and then
38 Bob.
39
40 MR. SHEARS: Okay.
41
42 CHAIRMAN BROWER: Eva.
43
44 MS. PATTON: Mr. Chair. I was just
45 going to make that same clarification with the options
46 for the community are that for this year the special
47 action request can be made if you need that extension
48 for this year. The proposal to the Board to make the
49 changes then would go into effect for 2014. So the
50 same as Helen, I clarified just so the community knows

1 the options for short term and long term.

2

3 CHAIRMAN BROWER: Okay. Bob.

4

5 MR. SHEARS: Thank you, Mr. Chairman.

6 I had a question in regards to the permit-regulated
7 hunt for just a few animals and it has a fairly broad
8 season. How come -- you know, understanding how we
9 perform subsistence, you know, we don't go out just
10 hunting for one animal. We go out to live in the
11 environment to harvest what the environment will
12 provide for us. If a moose is an opportunity, we should
13 be able to take it. Why can't we just consider having
14 the season open all year round? What is the biological
15 reason for having it closed from March 31st to July
16 1st?

17

18 MR. ARDIZZONE: Mr. Chair.

19

20 CHAIRMAN BROWER: Yes, Carl -- or
21 Chuck. I'm sorry.

22

23 MR. ARDIZZONE: You could have a year
24 round season if that's what the Council wants to submit
25 as a regulatory proposal. There's only one other unit
26 that has a year round season and that's for -- I forget
27 what village it is, but it's by community harvest
28 permit. We usually close the season for a few months
29 during calving season to not interfere with calving.
30 This happens to be one of the longest seasons in the
31 state for moose, but it's by quota. So if we got a
32 proposal to extend the season year round, we'd analyze
33 it and determine the effects and go from there.

34

35 MR. SHEARS: Thank you. Mr. Chairman,
36 I'd like the Council to consider when we convene in
37 February submitting a request that would extend the
38 season and keep it open year round and that would
39 alleviate any further future problems that the
40 community might have with this hunt.

41

42 CHAIRMAN BROWER: All right. Thank
43 you, Bob. Any other comments. Helen, did you have
44 your hand up?

45

46 MS. ARMSTRONG: Well, I just wanted the
47 Council to think about when their meeting happens in
48 February, Chuck brought up a point that you could have
49 a community harvest instead of individual harvest too.
50 That is something that the Federal regulations do, but

1 we can talk about that at the meeting in February as
2 well. If you look at your reg books, if you have them
3 around, it's on Page 17 where it says the community
4 harvest limits. So that is a method that has been done
5 in some communities where they have chosen to do that.
6 That could be analyzed as to whether that's a
7 possibility or not.

8

9 CHAIRMAN BROWER: Thank you, Helen.
10 Well, with what you've heard so far, Lee, do you have
11 any ideas as to which way your community would like to
12 -- or would you like to be given some time and
13 opportunity to share what you've heard today with the
14 options that have been provided?

15

16 MR. KAYOTUK: The options that have
17 been provided for me is good, but I will still do a
18 follow-up extension on the March fall/winter, the one
19 week in April, and consider it an emergency hunt. I
20 would like to see it changed in the proposal book as it
21 goes on throughout the coming years here.

22

23 CHAIRMAN BROWER: Okay. So at least
24 the Staff knows about what the ideas of the community
25 will be and be looking forward to seeing the request
26 coming from the community to U.S. Fish and Wildlife
27 Service.

28

29 MR. KAYOTUK: Thank you.

30

31 CHAIRMAN BROWER: Eva, I'm looking to
32 you -- do we have any other comments or issues to be
33 addressed by the Council.

34

35 MS. AHTUANGARUAK: Yeah, I just want to
36 make sure our Staff helps give Mr. Kayotuk, Lee, his
37 information to help communicate with their council and
38 their community on the options and to help them
39 formulate the right proposal for us to help prepare for
40 the meeting in January.

41

42 MR. ARDIZZONE: Mr. Chair.

43

44 CHAIRMAN BROWER: Yes, Chuck.

45

46 MR. ARDIZZONE: I'll make sure I work
47 with Eva and we can help the community with this.

48

49 CHAIRMAN BROWER: Okay. So they're
50 hearing the concern you voiced, Rosemary, and they'll

1 be working with Rosemary -- I mean Lee. I'm trying to
2 review all these names I keep going down. So, Eva, I'm
3 looking to you to see if we have any other comments or
4 issues to be addressed at this time.

5

6 MS. PATTON: Mr. Chair. There were no
7 other agenda items that were brought to me by the
8 Council.

9

10 CHAIRMAN BROWER: Okay. I'd like to at
11 this time ask the Council members if there's any
12 closing comments before adjourning. Council members.

13

14 MR. G. BROWER: Mr. Chair.

15

16 CHAIRMAN BROWER: Yes, Bob.

17

18 MR. G. BROWER: This is Gordon Brower.

19

20 CHAIRMAN BROWER: Oh, sorry, Gordon.

21

22 MR. G. BROWER: I'm always concerned
23 about our communities putting food on the table and our
24 managers, whether it's State or Federal, being able to
25 think out of the box. In looking at these resources
26 for many years, I brought the issue up about moose
27 harvest levels near Kaktovik, harvest levels being some
28 of the lowest in the state.

29

30 Some of the area biologists have agreed
31 with traditional knowledge in that these resources in
32 those areas, especially moose, are a transient
33 population. You can shoot them and then they'll come
34 back again the next season because they come from
35 another area. Biologists that took their caps off and
36 said that is a true statement. Still, they have
37 serious limitations on harvesting.

38

39 These are hard things to convey to our
40 residents when there is a customary determination use
41 of those resources. For time immemorial, I think all
42 of the Inupiat have always never wasted food or used
43 it to the detriment of the existence of the animals, to
44 always wanting them to return and will always be there.
45 There are serious issues about harvesting and we should
46 always be diligent to making sure we work for the best
47 interest of our communities in making sure there is
48 sustained yield type principals involved without any
49 bias. Thank you.

50

1 CHAIRMAN BROWER: Thank you, Gordon.
2 Jennifer.

3
4 MS. YUHAS: Mr. Chairman. Thank you
5 for recognizing me. I just wanted to say for the
6 benefit of the RAC that I've been present in this
7 meeting and I'm the representative from the State and
8 I've heard Mr. Gordon Brower say this a couple of times
9 on the record here and I want to assure you that I take
10 comments that I hear at these meetings back to the
11 State. While we are only discussing things in the
12 context that we can at these meetings and the Board and
13 the RAC have certain jurisdictions, that there's other
14 processes outside of what we do at RAC meetings.

15
16 So when I hear comments that affect
17 those and, to me, this seems to affect personnel issues
18 and the way that Fish and Game processes information.
19 So that doesn't get handled at RAC meetings like this,
20 but comments that are received through the RAC process
21 get turned over to people's supervisors and the
22 director of wildlife and the director of subsistence
23 and then discussions take place on how they do things
24 in their daily operations.

25
26 So what I'm hearing from Gordon is that
27 he wants to see this rectified and it is not our
28 statewide policy that people take hats off and have
29 separate discussions. If a discussion happened in one
30 meeting, it happens in the other meeting and the truth
31 is the truth is the truth. It's either recognized or
32 it's -- you know, you don't recognize something in one
33 meeting and not recognize the same information in
34 another meeting. I've heard the concern and it will be
35 carried back to the State process.

36
37 CHAIRMAN BROWER: Thank you, Jennifer.
38 Any other Council members.

39
40 MR. SHEARS: Mr. Chair. This is Bob.

41
42 CHAIRMAN BROWER: Yes, Bob.

43
44 MR. SHEARS: About a month ago I was
45 reading the back page of the Nome Nugget and I saw
46 under the Trooper Beat section two people being cited
47 on one day in Nome for sale of -- not having a permit
48 to sell subsistence caught fish. I thought that's
49 interesting because I thought the sale of subsistence
50 caught fish was illegal, but I investigated it.

1 In 2007, the Norton Sound area
2 specifically did a study on customary trade of
3 subsistence fin fish and they recognized that there is
4 a component of sharing and traditional bartering which
5 includes the sale of fish and they worked with and the
6 RAC worked with the Department of Fisheries and the
7 Alaska Department of Fish and Game and the government
8 and eventually got it incorporated in a law in 2007 to
9 allow up to \$200 per year per person -- per household
10 to sell fish caught in Norton Sound area to other
11 people in Norton Sound area.

12
13 So then I went to follow up on it. It
14 concerned me that all of a sudden people are getting
15 written up by the State troopers or getting cited. You
16 know, these are minor infractions, not misdemeanors,
17 but I think it was not the intent of the RAC when they
18 first started considering this subject five years ago
19 that this regulation that they were looking -- trying
20 to do was open it up and balance it.

21
22 You know, we're closely balanced State
23 regulations with Federal regulations and it seemed like
24 they succeeded at that when the law was created.
25 However, five years later now you've got the State
26 cracking down on people that don't have permits and
27 citing them. I don't think that was the intent that
28 the RAC had when they started doing this. I just
29 wanted everybody on the panel to be cognizant and to be
30 responsible for the consequences of our actions of
31 trying to balance Federal and State regulations.

32
33 That's all I had, Mr. Chairman.

34
35 CHAIRMAN BROWER: Thank you for sharing
36 that, Bob. Any other Council members.

37
38 (No comments)

39
40 CHAIRMAN BROWER: No other comments.
41 Do we have a motion to adjourn.

42
43 MR. G. BROWER: So moved, Mr. Chair.

44
45 CHAIRMAN BROWER: Motion by Gordon.
46 Second.

47
48 MR. KAYOTUK: Second.

49
50 CHAIRMAN BROWER: Seconded by Lee. All

1 in favor of adjourning signify by saying aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN BROWER: Bye.

6

7 MS. PATTON: Thank you, everyone.

8

9 CHAIRMAN BROWER: Thank you.

10

11 (Off record)

12

13 (END OF PROCEEDINGS)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

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