

1 NORTH SLOPE FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL
3
4 PUBLIC MEETING
5
6 VOLUME II
7
8 Barrow Alaska
9 February 17, 2006
10
11 COUNCIL MEMBERS PRESENT:
12
13 Harry K. Brower, Jr., Chairman
14 Rosemary Ahtuanguaruak
15 Paul S. Bodfish, Sr.
16 Gordon R. Brower, Sr.
17 David A. Gunderson
18 Baxter Hopson
19 Ray Koonuk
20 Julius Rexford
21
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23 Regional Council Coordinator, Barbara Armstrong
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P R O C E E D I N G S

(Barrow, Alaska - 2/17/2006)

(On record)

CHAIRMAN BROWER: I'd like to call the meeting back to order of the North Slope Regional Advisory Subsistence Council. We have several issues that we need to still look into this morning on our proposals. Since our biologist is not here, I think we'll move on down to agenda Item 12, agency reports.

MS. B. ARMSTRONG: Mr. Chair.

CHAIRMAN BROWER: Barb.

MS. B. ARMSTRONG: We'll go to No. 2, that No. 1 rural review briefing, it's in your book, it's informational only. And if you would go to No. 2 closure review briefing, that would be done by Sandy Rabinowitch.

CHAIRMAN BROWER: Thank you, Barb.

MS. B. ARMSTRONG: And No. 3 will also be done by Sandy and Terry, Terry Haynes from the State.

Quyana.

CHAIRMAN BROWER: So Sandy we'll start with you this morning then on Agenda Item 12.

MR. RABINOWITCH: Thank you, Madame Chairman. Again, this is Sandy Rabinowitch with the Park Service. Filling in on this so if I trip up help me out. But please if you've got questions just interrupt along the way. I think it would be better to answer questions as you have them.

So in your Council book, I'm on Page 139, and if you can follow along just a little bit I think it actually will help and go more quickly. So on Page 139 is some explanatory material. You see that it says Draft Closure Policy. There's a little history here and I'm just going to touch on a couple of points, I'm not going to read all of it to you but I'm going to touch on a couple points that I think are particularly important for you to know.

1 So starting on January 10th, 2005
2 Governor Murkowski sent a letter to Secretary of
3 Interior, Gale Norton, and in that letter he identified
4 a number of issues that the State had about the Federal
5 Subsistence Program. And the issues of closures that
6 this Draft Policy is about, and I'll talk more about in
7 a minute, was one of those issues. So that's sort of
8 where this got started.

9
10 And then the second paragraph of this
11 explains that Deputy Secretary Lynn Scarlett, who's
12 with the Department of Interior and under Secretary
13 Mark Ray who's with the Department of Agriculture
14 listened to a lot of discussion and ultimately then
15 issued, through a letter, directions to this program,
16 to the Federal Subsistence Program. And there were two
17 things that they said to do.

18
19 One was work up a closure policy, and
20 that's what I'm going to talk about and the other was
21 to work up a policy on customary and traditional use
22 determinations. You'll hear about that in your fall
23 meeting more, that will be coming at the next meeting
24 in the fall. But it will follow in a similar pattern
25 to this, that I'm talking about today.

26
27 So in the next page, and we'll flip the
28 page in a moment, you'll see this draft policy, and let
29 me suggest at the beginning that, one, the program's
30 very much interested in your views on this draft
31 policy, your comments. You can like it, you can think
32 it's a good idea, and, you know, say you support it.
33 You can not like it, you can say it's a bad idea and
34 you don't support it. Or you might think it's okay,
35 but there's some things that you would recommend be
36 changed or modified, just like you do on a proposal.
37 Kind of an okay idea, but let's make some changes so
38 it, you know, works better. That's all up to you. You
39 could also not comment. You could just choose not to
40 comment. You know, taking no action.

41
42 So those are your choice. The
43 program's, of course, interested in hearing -- you
44 know, hearing anything you have to offer. That's the
45 point of this.

46
47 So if you then turn the page, you see
48 the document, so it's page 140, you see the document,
49 and again I'm not going to read through all this. It
50 would take a long time. But in the second paragraph,

1 labelled Purpose, what I've underlined as key is that
2 in this policy is going to be establishing criteria
3 used to address Federal closures. And we'll get to
4 those criteria in a moment, but I think that's one of
5 the most key things for you to be aware of and to look
6 at.

7
8 Down a couple of paragraphs, type of
9 existing closures, as you all know, this Federal
10 program came into being in 1990, and since that time
11 there's been about 30 closures. If you went through
12 this whole book, the hunting book that you've got, and
13 companion fishing book, you could find about 30
14 closures. And they're all listed here in subsequent
15 pages.

16
17 There's several types of closures:
18 season closures, closures for conservation purposes,
19 closures for safety purposes, closures to non-
20 subsistence users and some closures to subsistence
21 users as I think you're all well aware. And in
22 Appendix A and B, and we'll get to those in a minute,
23 too, they're all listed.

24
25 In Appendix A, and we can come back to
26 this if you want, but the Unit 26 examples are on Page
27 143. So if you look at that, you're going to find the
28 same thing as if you looked in this hunting book here
29 that I'm holding up. It's not new information to you,
30 it's just formatted in a different way.

31
32 And in Appendix B, which starts on Page
33 151, if you flip through that, you get to Page 156,
34 you'll again see the Unit 26 examples. And one of them
35 -- well, let's see, on Page 156, one of them is either
36 muskox or moose that you were talking about yesterday
37 in one of your discussions. Again, it's not new
38 information, it's just collected there.

39
40 So let me touch on the criteria, and
41 here I'm going to read a little bit more, because I
42 think this is particularly, you know, important stuff.
43 The criteria that's being proposed to establish
44 closures when they're necessary, or when necessary for
45 the conservation of healthy populations of fish and
46 wildlife based on population status, trends, and
47 management objectives, when the harvestable surplus of
48 a healthy fish or wildlife population is not sufficient
49 to provide for both subsistence and non-subsistence
50 users, Federal public land can be closed to non-

1 qualified users.

2

3

4 The next criteria is when necessary for
5 the continuation of subsistence uses. And an important
6 thing here, the competition, something you all were
7 talking about yesterday, in and of itself should not be
8 a justification for closure of Federal public lands to
9 non-Federally-qualified users; however, where
10 significant levels of displacement are shown, and usual
11 subsistence harvests aren't occurring through
12 reasonable efforts, closures to non-Federally-qualified
13 users may be justified. I think that kind of fits some
14 of the things that Rosemary was talking about yesterday
15 several times as an example.

15

16 MR. G. BROWER: Is that kind of like
17 what happens to Anaktuvuk when spike camps -- there's
18 numerous spike areas in this area, and the question
19 that I always come up is spike camp hunters, the
20 nontraditional hunters, don't use traditional practices
21 of having the first bunch of animals go through first
22 and then they deflect the rest of the migration away
23 from the village. Is that kind of a scenario that this
24 may work into?

25

26 MR. RABINOWITCH: My answer would be
27 yes. Now, if you brought 10 other people to the
28 microphone and asked the question, I don't know if they
29 would all say yes to that or not. My answer is, yeah,
30 I think it is. But as you can see, I mean, you
31 question's a really good one. There's a lot -- there's
32 always judgment being exercised here buy yourselves and
33 everyone else. But I think it starts to go right down
34 that road.

35

36 I'll continue. I'll flip the page to
37 142, and on the top there's two more criteria that I
38 want to read over just a little bit.

39

40 So the third one is for public safety,
41 such as to protect the public in areas where other
42 public activities may be incompatible with hunting with
43 firearms. For example, near well-travelled roadways or
44 campgrounds. It's probably not much of an issue here I
45 think.

46

47 And then the fourth, for
48 administration, such as during military activities.
49 Actually I can't think of any examples where we've ever
50 had that, but maybe there have been somewhere in

1 Interior. I can't think of any personally.

2

3

4 Then the second to the last heading in
5 this draft policy is factors to consider in deciding
6 closures. And these factors -- I'm not going to read
7 through all of these. These factors are a lot of the
8 things that you see in wildlife proposal analyses,
9 information that you would just typically expect to
10 see, you know, presented and discussed by the
11 biologists and anthropologists.

12

13 And then the last part of this, on the
14 bottom of Page 142 is a little more administrative in
15 nature. And the program's really already started to do
16 this, and I think you had some exposure to it at your
17 fall meeting, that the program is taking all of the
18 closures that have been done, those 30 or so of them,
19 and is reviewing those, getting them onto a once every
20 three year cycle so that if you have a closure here,
21 three years down the road of time, that closure will
22 come back to the table. It will be looked at and the
23 question will be, is it still appropriate to have that
24 closure. It will be kind of re-reviewed. And you'll
25 all play a role in it, just like you do with proposals
26 now. If it's still a good idea, the circumstances that
27 necessitated it still exist, then the closure would
28 logically stay in place. If the reasons for it don't
29 exist any more, then you might logically all agree we
30 don't need that closure, and, you know, you could
31 change it and it would go away. So that's the
32 administrative part.

33

34 Then as I said already, if you go to
35 Page 144, you see in tables the examples of closures.
36 I've marked that you go to Page 148 and 149 to find the
37 Unit 26 examples, and then on Appendix B you go to
38 Page 156 to find -- I found two, two muskox examples on
39 Page 156 at the top left.

40

41 I think I'll stop there. There's a
42 lot to swallow here, you know, a lot to kind of digest,
43 but in a nutshell, when either the non-subsistence
44 user's opportunities are closed, and in more limited
45 examples when subsistence users opportunities are
46 closed off, that's what this is all about.

47

48 MR. G. BROWER: Can you say that again.

49

50 MR. RABINOWITCH: Okay. There's two
51 kinds of closures that are being dealt with in all

1 this. The first are non-subsistence users. For
2 example, myself. If there was a closure here on the
3 North Slope that made it so I couldn't come hunt here,
4 okay.....

5
6 MR. G. BROWER: And that would affect
7 the.....

8
9 REPORTER: Gordon.

10
11 MR. G. BROWER: Sorry about that.
12 Yeah. And that would affect -- I mean, I did some
13 research, I was asked to by our director, about guides
14 and sport hunting and the amount that's going on in the
15 North Slope as part of my regular job, and found that
16 there is a lot of stuff on the internet for ANWR, and
17 to hunt bears, moose, whatnot, you know. And this
18 would also affect them in other words?

19
20 MR. RABINOWITCH: Yes. Yeah, that
21 would be the non-subsistence user part. And I always
22 use myself as an example, because I'm a non-subsistence
23 user. I live in Anchorage, and I fit into that
24 category. So that's part of these, when non-
25 subsistence are limited, or maybe have no opportunity
26 at all. And those are listed in Appendix A.

27
28 And then the second group is when
29 subsistence users are limited. And again, it's just
30 like what we were talking about yesterday when Fenton
31 was on the phone, with moose in 26 -- to keep it all
32 straight, 26(C). There's limits from this program on
33 the subsistence users. So it's a -- there's fewer of
34 those, but that's the other group.

35
36 So, you know, I think another way that
37 you could think of this is that the Federal Board is
38 trying to be more clear and more consistent in how it
39 deals with these kinds of closures. And that's a part
40 of why this policy's being written.

41
42 It is in the law, if you look in ANILCA
43 Section .815, that's where all this derives from. It's
44 always been there. There's nothing new about that at
45 all. And, in fact, if you look at Section .815, which
46 is pretty small, it's like, I don't know, less than
47 half a page, and compare it to this policy, you'll see
48 a tremendous similarity, which is what you would expect
49 to see, the policy being consistent with the law.

50

1 But, again, it's a draft. And it's
2 open for your comment.

3
4 Thank you.

5
6 CHAIRMAN BROWER: Thank you, Sandy. I
7 was going to ask, wanting to ask a question in regards
8 to this. Is this going to be an annual issue that
9 we're going to be addressing from now on? Since this
10 is -- because it's still in a draft stage, but is that
11 the intent of what -- from following through on these
12 closures?

13
14 MR. RABINOWITCH: There's a two-part
15 answer. The draft policy is -- the goal is to get it
16 finished fairly quickly. I have to look, the date of
17 when the policy is is probably in here, and I missed
18 it, but I believe the Federal Board will be looking to
19 vote on this this spring, the spring of 2006, on the
20 policy. Get it finalized and done. So that's part
21 one.

22
23 Part two of your question is then this
24 group would expect to see closures periodically, but at
25 least every three years. But there might be one or two
26 this year, there might be one next year, maybe there
27 would be one the year after that. They're going to
28 cycle around in a circle, so each one that you have,
29 every three years you'll see it again and again and
30 again for review.

31
32 CHAIRMAN BROWER: I guess the next, the
33 follow-up question is, you know, we've got the Kaktovik
34 people and the muskox issue that we've been dealing
35 with, and we have been dealing with them for many years
36 on the numbers, were increasing for a long time, and
37 now they've started declining down to basically one
38 animal. And is that going to be something that we're
39 going to be continuing to address on, you know, waiting
40 for the number of animals to increase back to where it
41 will sufficient for them to hunt, or is this something
42 that we're going to put a close on so that there's not
43 enough animals in the area to even consider a hunt?

44
45 MR. RABINOWITCH: Again, a good
46 question. I can't speculate on the biology. I mean,
47 you all could do that way better than I can. But on
48 the administrative part what will happen is that at
49 least once every three years, that muskox hunt will
50 come before you in a proposal format. Okay. And what

1 will happen is there be a review of are the numbers
2 going up and down or kind of staying the same, you
3 know, whatever. And you will have an opportunity to
4 make a recommendation. It will be a proposal. You
5 know, you're all very familiar with that. You'll have
6 an opportunity to make a recommendation to leave it the
7 way it is, close it down, open it up, increase the
8 harvest, you know, whatever recommendation you all
9 make.

10

11 I think the good part -- I mean, it's a
12 good example. The good part for you all is that if
13 somebody's not thinking about it, and the population is
14 up, but a proposal is not submitted to open the hunt up
15 more, then it will stay closed, and that's to your
16 detriment. I mean, I don't think that would happen
17 frankly, you know. You're all very on top of this,
18 and, you know, keep an eye on it. And, of course,
19 these things are important, so they -- you know, you
20 don't forget about them.

21

22 But anyway, the program itself will
23 bring this to the table, like that example. Every
24 three years it will come back, come back, come back
25 every three years for review. So I don't think
26 anything lost there. And whether there's anything
27 going to be gained in the case for North Slope, I don't
28 know, but I don't think there would be anything lost.

29

30 CHAIRMAN BROWER: Thank you, Sandy.
31 Gordon.

32

33 MR. G. BROWER: Yeah. What did we have
34 before this? I mean, is there -- obviously you're
35 showing examples of closures and what did you have in
36 place before this? I mean, is there a management flaw
37 or something that you needed to make a new policy or
38 bring something in -- you know, bring this in? Or is
39 this just aligning with the State to what they're
40 doing?

41

42 MR. RABINOWITCH: Just one second. Let
43 me get the right page. Again, answering, there's a
44 couple of parts.

45

46 What did we have before this? The
47 answer is the only thing that existed for the Federal
48 Board to follow is Section .815 of ANILCA. It's in
49 your manual on Page 66. And it's about half a page of
50 text in the statute that directs what the Board do.

1 So when a proposal, let's stick with
2 the muskox in 26(C), because it's a good example. When
3 a proposal like that would come along and be discussed
4 and debated, the Federal Board would follow what's in
5 ANILCA .815. That's what there was before. That's it.

6
7 If this policy goes forward, you'll
8 still have the law, and you'll have this policy.
9 You'll both of them to follow.

10
11 In terms of the why, why now, why is
12 all this going on, it really -- it all comes back to
13 this January 10th letter on Page 139 of your book
14 that's described from the Governor to the Secretary.
15 The Governor wasn't happy. I mean, I know I've read
16 the letter, I can't say I remember it exactly, given
17 all the time that's gone by now, but the Governor
18 wasn't happy about a number of things. And the way
19 that the Federal Board was dealing with closure
20 proposals, he wasn't happy about it, and he expressed
21 his displeasure to the Secretary. There was a lot of
22 discussion that went on at a lot of levels of the
23 Government about all that, but I certainly wasn't
24 privy, you know, to most of them.

25
26 But what came down was this direction
27 from Lynn Scarlet, which is also, you know, spoken
28 about here in this second paragraph. So we got a
29 letter from Washington that said, write a policy about
30 closures, and write a policy about customary and
31 traditional uses, as I said, which you'll see in the
32 fall. So we were directed, the program was directed to
33 do this from Washington.

34
35 MR. G. BROWER: Just a follow up.

36
37 CHAIRMAN BROWER: Yeah, go ahead,
38 Gordon.

39
40 MR. G. BROWER: Yeah. I'm kind of
41 thinking that, you know, you're going to have
42 thresholds and stuff like that in dealing with the
43 animals, and I think there's going to also be emergency
44 type situations where both subsistence and the non-
45 subsistence hunters will be simultaneously closed.
46 Just maybe an example is probably muskox issue. And
47 would this streamlined -- or would this streamline
48 those kinds of proposals for emergency orders? Or, I
49 mean, does it affect any of that? I mean, I would
50 really like to hear from you guys, well, what do you

1 guys think about it as well. I mean, it sounds like
2 there's a lot of examples here, and I've heard about
3 closures and stuff. I don't -- I don't get a real
4 sense of an urgent need for something like this, but
5 maybe it's needed. I mean, it should be explained a
6 little bit more I think as to if it's going to
7 streamline, if it's going to help in better management,
8 because it seems like we've already been doing this
9 stuff.

10

11 MR. RABINOWITCH: You continue to have
12 excellent questions. I'm trying to think of how, you
13 know, to respond.

14

15 I guess my comment is that I don't
16 think things will be very much different with this
17 policy. If you look carefully at ANILCA Section .815
18 and really think about what it says needs to happen, I
19 think you very much see that reflected in the policy.
20 Now, that's just my read. Maybe, you know, other
21 people would read it and find more differences than I
22 do. But I find them very similar.

23

24 Will it streamline? Well, maybe a
25 little. I'm not personally sure a lot. Again, maybe
26 other people have a little bit different view. And I'd
27 certainly welcome anyone else who wants to, you know,
28 jump in from the program, I welcome their comments.

29

30 So I guess my short answer is I don't
31 see this changing very much. You know, my own view is
32 that Section .815 of ANILCA is fairly straightforward.
33 It's not lengthy, it's not complicated. It says what
34 it says. It's fairly plain. And I think this policy
35 kind of sticks with it.

36

37 MR. G. BROWER: Mr. Chairman.

38

39 CHAIRMAN BROWER: Go ahead, Gordon.

40

41 MR. G. BROWER: Yeah. And this is in
42 accord with what did you say, .810?

43

44 MS. B. ARMSTRONG: .815.

45

46 MR. G. BROWER: .815.

47

48 MR. RABINOWITCH: .815.

49

50 MR. G. BROWER: .815. And it's

1 something that you want to adopt that's going to
2 reflect something. Some of the questions I raise in my
3 own mind is, you know, I've dealt with the Governor's
4 edict a lot of times with House Bill 191, in coastal
5 management, the attempted streamlining process, making
6 it very difficult, and changing the bar every time
7 we've got to do something. To try to address what the
8 Governor wants. And how will we find out if there's
9 any hidden agenda behind any of this from that level,
10 and from that side, if he's got something. Because it
11 seems to me when we were doing revisions from the
12 Governor to streamline something, it's his way of -- it
13 had a hidden agenda to destroy the Coastal Management
14 Program. And that's what it amounts to these days. I
15 mean, that's what we see. And I would be needing to
16 ask so many of these questions and find out what you
17 think, and not just readily jump into something like
18 this, unless it's in accord with, like you say, .815 of
19 ANILCA, and something that's already in place, and we
20 just haven't made a policy addressing it, you know.

21
22 MR. RABINOWITCH: Do you have any
23 interest to jump in, Terry?

24
25 MR. HAYNES: Mr. Chairman.

26
27 CHAIRMAN BROWER: Go ahead, Terry.

28
29 MR. HAYNES: I won't try to speak for
30 the Governor, but I've been dealing with this program
31 since it began in 1990. The issue here is in some of
32 these areas there are closures to non-Federally-
33 qualified subsistence users, a lot of the concerns is
34 that there may not be a lot of Federal land in the
35 area. There may be a mixture of Federal land and other
36 lands. And there's a concern that that might be an
37 unnecessary closure, because the Federal jurisdiction
38 is limited.

39
40 There are other cases where the closure
41 -- there is a closure to non-Federally-qualified
42 hunters, but not much evidence that the Federally-
43 qualified hunters are using the area very much. So the
44 Governor's view, I believe is that that's inconsistent
45 with Section .815 of ANILCA, that it's an unnecessary
46 restriction on these other users.

47
48 There are other examples in Appendix A
49 of the report where I think we would all agree that
50 closures are perfectly appropriately. I think if you

1 look at the Unit 26(C) muskox, it's a good example.
2 There used to be both State and Federal seasons there,
3 but as that population declined, the State season was
4 closed, the Board of Game closed hunting on the State
5 side. The Federal Subsistence Board closed hunting in
6 26(C), which is primarily Federal lands, and limited it
7 to hunting b residence of Kaktovik. That's perfectly
8 appropriate, because there aren't enough muskox to go
9 around, and the priority goes to Federally-qualified
10 subsistence users. Now, as you're talking, there's a
11 case to be made that possibly even the limited hunting
12 that would normally be available to Kaktovik should
13 closed, because there aren't many muskox left any more.
14

15 So you have this whole kind of a series
16 of reasons why these closures were made. And the
17 Governor believes that some of those closures were
18 unnecessary. We're going to disagree with the Federal
19 Board, with Regional Councils, with the public on some
20 of those. But this review process gets it all out in
21 the open. It provides the Regional Councils an
22 opportunity to give input. And there will be cases
23 where some of these closures may be overturned. There
24 may be others where they remain closed. But this is
25 just kind of a getting things out into the open and
26 seeing if closures are necessary, and maybe lifting
27 some of those that aren't necessary.
28

29 I don't know if that helps, but that's
30 one perspective from the State side.
31

32 MR. G. BROWER: It helps.
33

34 MR. RABINOWITCH: Mr. Chairman.
35

36 CHAIRMAN BROWER: Thank you, Terry.
37 Sandy.
38

39 MR. RABINOWITCH: One other just quick
40 comment. Later on your agenda is Proposal 57, and
41 that's an example. It's about sheep in Northern Unit
42 25. It's not in your area, it's just right adjacent to
43 it. But that proposal that you'll hear later today is
44 an example of this policy. I mean, it's a perfect
45 example. And so, you know, you'll walk through that
46 proposal a little later.
47

48 CHAIRMAN BROWER: All right. Thank
49 you.
50

1 MS. AHTUANGARUAK: Mr. Chair.
2
3 CHAIRMAN BROWER: Rosemary.
4
5 MS. AHTUANGARUAK: For me, this brings
6 up broader questions. It's good to see the decision-
7 making reasoning behind closures put out into a
8 document that everyone can see, and there's no question
9 about that.
10
11 But like in Nuiqsut we're having a
12 special hunt on the Colville River for moose. The
13 bigger picture is we know there were a lot of interior
14 fires last summer and how much is displacement from
15 that, and how putting in a special hunt in this area
16 would affect those resources that may have really
17 migrated from other hunting districts. And if we go
18 out and give a special hunt in this area, how is that
19 going to affect those other areas, you know. This is a
20 displacement that occurred with a specific action, big
21 fires in multiple areas. And our recruitment into this
22 area is really good this year, but is that going to
23 have a detrimental effect, because we need to have that
24 recruitment still come from those other regions in
25 order for us to even have hopes of having a subsistence
26 hunt.
27
28 So those kinds of questions are not
29 answered with something like this. And three years may
30 be a long time to go back and reassess something. So
31 it adds a few questions for me.
32
33 Thank you.
34
35 CHAIRMAN BROWER: Thank you, Rosemary.
36 Any other Council members.
37
38 (No comments)
39
40 MR. RABINOWITCH: Mr. Chairman.
41
42 CHAIRMAN BROWER: Sandy.
43
44 MR. RABINOWITCH: Again, just a small
45 comment back to Rosemary. The policy as written would
46 bring back to the table closures every three years on a
47 regular basis. But it does not limit anybody from
48 submitting a proposal or a special action request for
49 that matter sooner. So in your example, if you were
50 motivated to try to bring something back to the table

1 sooner, you can still do that just like you can now.
2 But if you don't, it will come back in three years on
3 this schedule.
4
5 MR. KOONUK: Mr. Chair.
6
7 CHAIRMAN BROWER: Go ahead, Ray.
8
9 MR. KOONUK: Yeah, I'd like to know
10 what Unit 23 has as far as population in muskox, moose.
11 You know, I don't even know what we have out there.
12 And, you know, we hardly see any of the muskox now,
13 and, you know, I don't know what, you know, we have.
14 I'd sure like to know.
15
16 MR. RABINOWITCH: Mr. Chairman.
17
18 CHAIRMAN BROWER: Sandy.
19
20 MR. RABINOWITCH: I'm not sure if we've
21 got anybody here that's real focused on Unit 23.
22 Anybody feel knowledgeable to answer that question.
23
24 MS. B. ARMSTRONG: Sandy.
25
26 MR. RABINOWITCH: Yes.
27
28 MS. B. ARMSTRONG: I could get Ray in
29 touch with Chuck Ardizzone, who is the biologist for
30 Northwest Arctic for that kind of information.
31
32 MR. KOONUK: Who's that?
33
34 MS. B. ARMSTRONG: With Chuck
35 Ardizzone. He's the biologist for Northwest Arctic,
36 Unit 23 for us, and I could get him in touch with you
37 by probably email.
38
39 CHAIRMAN BROWER: Thank you, Barb.
40
41 MS. BROWN: Mr. Chair.
42
43 CHAIRMAN BROWER: Wennona.
44
45 MS. BROWN: Thank you, Mr. Chair. I
46 just wanted to point out on Page 148, under Appendix A,
47 that the Unit 25 Arctic Village Sheep Management Area,
48 the reason for closure listed in the book is incorrect.
49 That closure was initially because of low sheep
50 populations in the area.

1 CHAIRMAN BROWER: What page are you
2 looking at in the book?
3
4 MS. B. ARMSTRONG: So this is incorrect
5 that we have in the book?
6
7 MS. BROWN: Yes, what's in the book is
8 incorrect.
9
10 MR. G. BROWER: On which one?
11
12 CHAIRMAN BROWER: Sheep.
13
14 MR G. BROWER: On the sheep section?
15
16 MS. BROWN: Yeah, Unit 25, Arctic
17 Village Sheep Management Area, and if you come across
18 to the next to the last column, it says reason for
19 closure. It says non-Federally-qualified hunters
20 interfered with sheep hunting by local residents.
21
22 CHAIRMAN BROWER: It's on Page 147?
23
24 MS. BROWN: On page 148.
25
26 CHAIRMAN BROWER: 148.
27
28 MR. G. BROWER: So the reason was just
29 low recruitment or.....
30
31 MS. BROWN: It was a low population
32 area.
33
34 MR G. BROWER: Uh-huh. Okay. I've got
35 to remember to press my button here all the time.
36 Bring it closer.
37
38 MS. BROWN: Thank you, Mr. Chair.
39
40 CHAIRMAN BROWER: Thank you, Wennona.
41 That's good information to know about, the reason for
42 the closure.
43
44 Any further discussion from the
45 Council.
46
47 MR. G. BROWER: Yeah. Mr. Chairman.
48
49 CHAIRMAN BROWER: Gordon.
50

1 MR. G. BROWER: Yeah, I don't know what
2 kind of action they want. It would be nice to hear
3 from the whole body, but I think that, you know,
4 there's an .815 ANILCA statement on this and I think
5 it's just creating a more readily citable working tool
6 to me now that you can put in as a policy, instead of
7 referring back to some working document like your
8 Bible. And we do have situations like that with the
9 North Slope Borough, you know. We work off of a
10 comprehensive plan, and then make policies in our Title
11 19 that reflect what's in our comprehensive planning
12 tool. Just as a comparison, you know.

13
14 CHAIRMAN BROWER: Uh-huh. Thank you,
15 Gordon.

16
17 Sandy, maybe just reiterate your
18 comments that you first indicated earlier, whether we
19 need to take action or we don't have to take any action
20 on this at the moment, or defer to take any action I
21 think, too.

22
23 MR. RABINOWITCH: Mr. Chairman, the
24 choices of the Councils, if you want to take no action,
25 that's fine. If you do want to either support this, or
26 oppose this, or support it with modification, those are
27 all fine. It's really up to you. Terry's helping me
28 here. He's pointing that the program's looking for
29 comments by April 1st of this year. April 1st, 2006.
30 And, I mean, in terms of the Council, you're all here
31 today, and to act as a Council, you need to -- if you
32 choose to do that, you need to do that today.
33 Independently, any of you could write in or call in up
34 to April 1st.

35
36 So, you know, in a nutshell, I mean,
37 the Board's always interested in the Council's comments
38 on things like this. That's why we bring them here and
39 take, you know, all the time that we do. But there's
40 no requirement upon you. It's an opportunity, and you
41 can do with it as you choose.

42
43 CHAIRMAN BROWER: Thank you, Sandy.
44 Again for the Council members, we've had to deal with
45 these issues, this type of issues on several resources
46 within the North Slope. One of the better examples is
47 the Kaktovik area on the muskox. There's other that
48 we've dealt with, closed and opened at later times when
49 the populations were fluctuating over the years. And
50 we've opened and closed, you know, through this,

1 addressing the concerns of hunters and trying to
2 provide a means for arguing this, and we've dealt with
3 them over the years, and it's been -- we've pretty
4 active on making decisions on whether to close it or to
5 reopen a hunt in different areas. Moose. We've dealt
6 with the State in trying to address the moose issues in
7 the Colville River. We've dealt with the muskox issues
8 up near Nuiqsut on both sides of the river. Sheep up
9 in the DeLong Mountains, the Baird Mountains. We've
10 had several issues over the years, you know, opening
11 and closing hunts for subsistence purposes, and that's
12 a useful tool. I just wanted to bring that up for your
13 information.

14

15 Any further comments from the Council.

16

17 MR. G. BROWER: Yeah. Mr. Chairman.

18

19 CHAIRMAN BROWER: Gordon.

20

21 MR. G. BROWER: I don't know whether to
22 make support of it, but I think certainly the talk and
23 the comments that we've been providing here should, you
24 know, be privy as comments by April 1 as we've talked
25 about it. And I don't really see that there is a
26 conflict, you know here. I think that there is -- it
27 seems like to me there's a master plan in place for it,
28 and it's just creating a policy in support of that. Or
29 a regulation. I don't know what would you call it at
30 that point.

31

32 MR. RABINOWITCH: Policy.

33

34 MR. G. BROWER: Uh-huh. Yeah, I mean,
35 I don't really see a need to oppose it. It's something
36 that we're already doing in management tool and making
37 recommendations. And it may be just formalizing it or
38 something. Who knows.

39

40 MS. AHTUANGARUAK: Mr. Chair.

41

42 CHAIRMAN BROWER: Rosemary.

43

44 MS. AHTUANGARUAK: I'd like to see any
45 assessments from the Staff that come from this policy
46 review during their process, if there's any pertinent
47 issues that come up, making sure that the information
48 gets back to us as this process occurs. We don't know
49 if there is something out there, but as the group works
50 through this process, and if there is something out

1 there, keeping us informed would be very beneficial.

2

3 Also, I'm not sure how utilizing a
4 closure in our area would have worked. I'd like to get
5 a little more discussion at a different time with that
6 on things that we could consider for some of the
7 changes that we're facing, and working out something
8 that may help us in the near future.

9

10 One of the things that we come back
11 with is we do have a lot of studies of the wildlife
12 associated with the industry, associated with the
13 State, and there are a lot of assessments, but we rely
14 on the animals that migrate into the area, and
15 assessing a large herd may give impressions that we're
16 having access to these things when in reality the
17 changes are preventing those accesses.

18

19 I was very concerned that one of the
20 wildlife studies done through ICAS on caribou harvest
21 in which they were successful in interviewing 22
22 households the first time around and they came up with
23 some numbers about caribou harvest. The next time
24 around they were successful in interviewing 37 houses,
25 and which when you compare the numbers, it looks like
26 we had a better harvest when in actuality, we had a
27 better interviewer being more aggressive in trying to
28 get interviewees to respond. That changed the data
29 points. But when you look at the two years in
30 comparison, you know, our interpretation is very
31 different. But the report that came out was very
32 supportive and saying that we were harvesting better
33 the next year out. And then we have to go back and
34 deal with these studies in our own community, dealing
35 with the interactions that are occurring in our true
36 life.

37

38 And so good and bad things can come
39 from these kind of things. Keeping us informed in the
40 process and the issues that come up are the vital
41 response to it.

42

43 Thank you.

44

45 CHAIRMAN BROWER: Thank you, Rosemary.
46 Any other Council member.

47

48 (No comments)

49

50 CHAIRMAN BROWER: Like I stated

1 earlier, there's just the issues, you know, to take
2 action or no action or defer to take any actions on
3 this. It's up to the Council.

4
5 (No comments)

6
7 CHAIRMAN BROWER: If there's no action
8 at the moment, maybe we'll continue with another agenda
9 item. Was there another issue that we need to cover
10 under 12, Barb, before going any further.

11
12 MS. B. ARMSTRONG: Yes, sir. No. 3 is
13 substance use amount protocol briefing by Sandy and his
14 helper. Thank you.

15
16 CHAIRMAN BROWER: Before we get started
17 on that, I'd like to ask the Council before we get
18 started, is there any action you want to take on this
19 discussion that we just had. I just want to get an
20 acknowledgement on the record that we deferred to take
21 any action or.....

22
23 MR. G. BROWER: Yeah. Mr. Chairman.

24
25 CHAIRMAN BROWER: Gordon.

26
27 MR. G. BROWER: Yeah, I would think
28 that we would just introduce that what we've talked
29 about here is just -- should be conveyed to the Board
30 of Game and not really (in Inupiat) or put it down.

31
32 MS. AHTUANGARUAK: Right.

33
34 MR. G. BROWER: So we'll just -- that
35 we know it exists, that this is coming around by April
36 1.

37
38 CHAIRMAN BROWER: Thank you, Gordon.

39
40 MS. B. ARMSTRONG: You can still make
41 comments until April 1st. If there should be any
42 questions that come up later, you guys can get ahold of
43 me either by email or phone call, and send your
44 comments in before April 1st.

45
46 CHAIRMAN BROWER: And then we also have
47 request to keep this continuing to provide information
48 if there's new information that we could address
49 through -- or be provided with at a later time.

50

1 MS. B. ARMSTRONG: Yes.

2

3 CHAIRMAN BROWER: All right. Thank
4 you. Having that said, maybe we'll just continue on
5 without taking any action on this, we'll just refer
6 back on other issues, and maybe other regions will have
7 some comments provided to that, to the very issue at
8 our next Council meeting.

9

10 Our next agenda item is under 12.A.3.
11 I'll turn the floor over to Sandy.

12

13 MR. RABINOWITCH: Thank you, Mr.
14 Chairman. Again, something to present to you, an item
15 that the Federal Board's interested in your comments
16 on. So this is a subsistence use amounts protocol.

17

18 MS. B. ARMSTRONG: Page 162.

19

20 MR. RABINOWITCH: Thank you. Page 162
21 of the book, and I'll let you catch up to that.

22

23 The brief bit of background, and again
24 some of you know it, and it's new to some of the new
25 members. This Federal Program and the State in 2000
26 signed a memorandum of agreement. It's referred to as
27 the MOA. And it was an interim document that has
28 stayed in place now for these five, I guess just going
29 onto six, years. So we have in place an interim MOA.
30 And there have been several protocols that have been
31 developed and signed as a result of that. This draft
32 subsistence use amount protocol is another one in that
33 line. Okay. And those other protocols I believe have
34 come before you in the years between 2000 and now.

35

36 This draft protocol has taken quite a
37 while to put together. I think the Staff that's done
38 the hard work has spent about two years working away at
39 this. There's been a lot of things to kind of sort
40 through and sift out. And I think what I will do again
41 is try to hit the high points, and, you know, point you
42 at the key things. And I'm going to read just a little
43 bit more on this one than on the last one, because I
44 wasn't quite sure how to summarize it as effectively.

45

46 So the overview goes as follows. The
47 State and Federal Boards recognize the obligation to
48 provide a priority for subsistence uses of fish and
49 wildlife as mandated in ANILCA and in State statutes.
50 The interim MOA, that's the initial document that I

1 spoke about a minute ago, provides guidance and
2 coordination for management between the State and
3 Federal programs. The need for a subsistence use
4 amounts protocol was identified in that MOA in 2000.
5 The purpose of this protocol was to develop a process
6 for considering what portion of the harvestable surplus
7 is necessary for subsistence uses of fish and wildlife
8 in the Federal Program.

9

10 In 2000 and in 2004 the State and
11 Federal Program agreed to make this protocol a high
12 priority, and basically some work on other protocols
13 was put aside to put energy into this one. And as I've
14 already it's taken a while to work through it.

15

16 A couple of important terms.
17 Subsistence use amounts, you'll hear me say SUA, just
18 the shorthand for it, is kind of Federal terminology.
19 Amounts necessary for subsistence, and you'll hear us
20 say ANS, is a State terminology. I think we're both
21 trying to speak the same language, but we -- Terry, you
22 agree? But we're using different words. Question.

23

24 CHAIRMAN BROWER: Are they clearly
25 defined? You know, one could have a different
26 understanding as to how you use them two words, or
27 three in each of them. Subsistence use amounts and
28 amounts necessary for subsistence. You know, you know,
29 you could have different understanding as you speak
30 about it, too, so I think we need to keep that
31 definition clear as to how they're going to be used in
32 this fact. And I would like to see the definition
33 provided for both when it comes down to that, because,
34 you know, we could have a different saying. Just from
35 one word you could have several definitions. Inserting
36 something like this, I think I'd like to see a clear
37 definition as to how it's going to be interpreted.

38

39 MR. RABINOWITCH: Mr. Chairman, if I
40 might continue, your question is excellent, and if I
41 might continue, let's see if I can answer your
42 question. But if I can't, I would encourage you to
43 bring it back up. I kind of need to build up, I kind
44 of need to like go up a series of stairs here and get
45 this all laid out, and then you can -- I mean, please,
46 keeping interrupting with questions, but we'll see if
47 we get there.

48

49 So on page 162 in that box down toward
50 the bottom of the page, I'll begin to try to answer

1 your question.

2

3 SUA and ANS findings are meant to help
4 implement the subsistence priority, and do not set a
5 cap or a limit, nor do they establish a minimum level
6 for subsistence harvests. They are part of the
7 harvestable surplus.

8

9 SUA refers to the amount of a fish
10 stock or wildlife population that Federal users harvest
11 for all the ANILCA-defined subsistence uses.

12

13 And ANS indicates the level of harvest
14 of fish stocks and wildlife populations that are
15 customarily and traditionally used for subsistence
16 under State law.

17

18 And maybe I should pause there for a
19 moment and see if that's helping, or if I should keep
20 moving along.

21

22 MR. G. BROWER: Mr. Chairman.

23

24 CHAIRMAN BROWER: Gordon.

25

26 MR. G. BROWER: It's to my
27 understanding just from reading and listening to a
28 little bit that the subsistence use amounts are set by
29 the amount of harvestable surplus. And is there a
30 threshold level of that harvestable surplus to where
31 that harvestable surplus is divvied up between non-
32 subsistence users and the subsistence users. And I
33 think there needs to be a little bit more insight, at
34 least for my part to understand how subsistence use
35 allocations are set for a particular village. Like if
36 it's for Kaktovik, you have probably 300 residents
37 there. And how is that determined that that
38 harvestable surplus to their needs first, then the non-
39 subsistence Federally-qualified user.

40

41 It seems to me that you should have a
42 threshold met for the village first, like if there's a
43 harvestable surplus of let's say 40 animals, and
44 there's 300 residence, that 40 animals should still --
45 there should be a threshold of maybe 30 at a minimal
46 for a village, and then what's -- after you've met
47 that, then maybe you have enough to go to the non-
48 subsistence user.

49

50 Do you have something like that in

1 place, or is it all just based on the harvestable
2 surplus and then you just divvy that up?

3

4 MR. RABINOWITCH: There's a lot to your
5 question, and I'll try to answer part of it, and I
6 think Terry Haynes can help answer another part of it.
7 And you bring up I think a very, very important point.

8

9

10 The first thing that I need to make
11 clear is that if you asked me to give you an example of
12 an SUA, my answer is I can't do that, because none
13 exist. It's really important to understand that.
14 There is not an SUA in existence, it's an idea that
15 hasn't been implemented.

16

17 Now, when we get to ANS, and I'll turn
18 it over to Terry, the answer is very different. He can
19 give you examples of ANS. Okay.

20

21 So SUA is a concept in this protocol,
22 but there are no examples.

23

24 MR. G. BROWER: Mr. Chairman.

25

26 CHAIRMAN BROWER: Gordon.

27

28 MR. G. BROWER: Having no examples, I
29 mean, you said that. Wouldn't you want one to
30 implement so that on the Federal lands for subsistence
31 use is really reflected for a priority. Then you
32 analyze a village, take into account the amount of
33 people that live and subsist in that village and set a
34 criteria that needs to be met for subsistence take. We
35 were arguing over five moose last time for a village of
36 how many people. I know there's not that many moose
37 around. But if you've got 200 residents and you make a
38 determination that 30 is the need for that village,
39 until you reach 30, all of those moose that needs to be
40 divvied up should go to that village. There should be
41 no other hunt. You should have a threshold.

42

43 MR. RABINOWITCH: If I might, let me
44 just a little more response and then let Terry explain
45 the ANS. Let me use two pieces of paper to, and if I'm
46 repeating too much, I apologize, but Terry can show you
47 on the State side a couple of pages, or more maybe, of
48 examples of ANS's and he can speak to that in a moment.

49

50 What this protocol is talking about

1 doing is the Federal program, using the State's ANS,
2 using what Terry can show us in a minute, over the
3 Federal Program here, then the -- and I'm kind of
4 getting ahead of the presentation, but, you know, your
5 question brings this out. Now, if the Federal Program
6 that these ANS's from the State aren't right, you know,
7 you don't like them, whatever, okay, if the Federal
8 Board agrees, the Federal Program can agree not to use
9 that ANS, and then the Federal Program would create an
10 SUA, a subsistence use amount. That's why I said we
11 don't have any right now, because we don't. I don't
12 have an example to give you. But that's the concept.

13

14 The State has something like this, the
15 words are different. We're going to look to recognize
16 and use those over in the Federal Program, but if we
17 don't like them, we can not use them, and we'll make an
18 SUA. I don't know if that helps or not, but I hope it
19 does a little bit.

20

21 CHAIRMAN BROWER: Gordon.

22

23 MR. G. BROWER: Is it a very long
24 process to describe an ANS?

25

26 MR. RABINOWITCH: I think Terry can do
27 a good job for you here in a minute.

28

29 CHAIRMAN BROWER: Go ahead, Terry.

30

31 MR. HAYNES: Thank you, Mr. Chairman.

32

33 There are several steps in the process
34 of how ANS findings actually work to get at subsistence
35 harvest allocations and so forth. The first step
36 that's most important, and you've alluded to this, is
37 is there a harvestable surplus of animals in the area.
38 And biologists have to look at the population and
39 determine we can take 50 animals from this area this
40 year.

41

42 That's totally separate from what the
43 amount necessary for subsistence might be, given the
44 number of communities that have a customary and
45 traditional use of that resource, and based on
46 information that has been collected over the years
47 about how much of that animal they harvest. It might
48 be that they have customarily and traditionally
49 harvested 100 animals per year. So in that case, there
50 just wouldn't be enough to go around.

1 But if there is a harvestable surplus
2 of the resource in the area, the first priority goes to
3 the subsistence users. And when the State was managing
4 subsistence throughout the State on Federal lands and
5 State-managed lands, the State made ANS findings for a
6 lot of the fish and wildlife resources in the State.
7 And these were based on Division of Subsistence
8 household surveys in various communities, looking at
9 other kinds of harvest information that the Department
10 has from harvest tickets and permits. In some cases
11 other organizations had conducted studies to look at
12 harvest information. So that was all used to try to
13 come up with what is the amount necessary for
14 subsistence by those communities that have a customary
15 and traditional use of the resource.

16
17 Now, what the amount necessary for
18 subsistence finding does is ensure that if there's
19 enough animals to go around, that subsistence users
20 have the opportunity to take that many. What it does
21 not do is guarantee that, using your example, Gordon,
22 where you said if the amount necessary for subsistence
23 for a community is 30, but there might be 50 moose
24 available, just using that example, you don't eliminate
25 other hunting opportunities until that community has
26 taken 30 animals, because they may never take 30
27 animals. They may all be out fishing that year or
28 working outside of the community. They may not need 30
29 moose, because they had a very good caribou season. Or
30 for whatever reason. It doesn't -- the findings don't
31 require that the communities take all the animals that
32 they can. It doesn't prevent them from taking that
33 many. But if there are more animals available, it
34 doesn't eliminate other hunters from having the chance
35 to hunt in that area.

36
37 MR. G. BROWER: A question.

38
39 CHAIRMAN BROWER: Gordon.

40
41 MR. G. BROWER: Just having said that,
42 it doesn't eliminate the number of animals with that
43 example, say there's 30, it doesn't limit any -- most
44 likely most people, most villages wouldn't even reach
45 that, but that's the need that was identified, and
46 that's what you would have a ratio. You could take 30,
47 but you might take only 4 that year, but that
48 opportunity should be there, and those that are not
49 harvested would just help the recruitment pattern in
50 that area and not be handed off to the non-subsistence

1 users to harvest. You would just still allocate maybe
2 the 10, if it was a harvestable surplus of 40, and that
3 10 -- you would still limit those other guys to 10, is
4 that what I'm hearing?

5
6 MR. HAYNES: Mr. Chairman. Gordon.
7 The amount necessary for subsistence findings that are
8 in State regulation often are a range. So instead of
9 30, the number might be 25 to 35, something like that,
10 recognizing that the community may harvest different
11 numbers each year for various reasons. But if the
12 harvestable surplus is 50, then these animals that
13 aren't necessary to provide for subsistence can be set
14 aside for harvest by other hunters. So it's a little
15 hard to say if the community chose to harvest only four
16 animals that year, what that would do to the
17 harvestable surplus in the future. If that would help
18 to build the population, if it would have any effect at
19 all.

20
21 What it would -- the Department would
22 be watching to see what the harvest was by other users.
23 And if the other users, non-subsistence users were
24 taking too many animals, they might emergency close the
25 season.

26
27 But there isn't -- the process does not
28 say if the community only takes 4 animals or 10
29 animals, but it could have -- it might have needed up
30 to 20 or 25 to meet its subsistence needs, it doesn't
31 mean that these animals that aren't harvested
32 automatically help the population to grow. You know,
33 it's hard to know what that means, because we don't
34 know why they chose -- the reason the community only
35 harvested four animals might be because of some event
36 that caused animals to not be available. Just like the
37 muskox population. Y

38
39 You know, despite the fact that hunting
40 -- the amount necessary for subsistence for muskox in
41 Unit 26(C) determined by the State some years about was
42 15 animals. That was back when the population was much
43 more abundant. But that was the number determined to
44 be needed for subsistence uses by subsistence users.
45 Well, obviously there may not even be 15 animals there
46 any more. So each year, even if the community was
47 taking fewer animals because the regulations limited
48 how many they could take, because the biological
49 information said, you know, there just aren't enough
50 animals to allow that many to be harvested, the fact

1 that they weren't harvesting all they could didn't make
2 the population grow.

3

4 MR. G. BROWER: Mr. Chairman.

5

6 CHAIRMAN BROWER: Go ahead, Gordon.

7

8 MR. G. BROWER: Just another scenario.

9 I mean, you know, if there was a determination that 30
10 is the number of animals necessary to sustain the
11 nutritional needs of a village, and the harvestable
12 surplus now is 15. We know it fluctuates. The
13 recruitment may not come around one year. But if it
14 came down to a recruitment and you had a harvestable
15 surplus of 15, then all of those 15 would go for
16 subsistence and none would go to the non-subsistence
17 qualified user. Is that my understanding?

18

19 MR. HAYNES: Mr. Chairman. Gordon.

20 Yes, you're correct. That if the harvestable surplus
21 is below the amount that's necessary to provide for
22 subsistence uses, then other uses do not occur. The
23 available animals are set aside for subsistence users.
24 That's correct.

25

26 MR. G. BROWER: Mr. Chairman.

27

28 CHAIRMAN BROWER: Gordon.

29

30 MR. G. BROWER: That's one thing I want
31 to understand clearly. If the Federal side is going to
32 use your ANS for their SU something, SUA, their ANS for
33 their SUA, it should be something that's really
34 workable, because, you know, when I look on the
35 internet, I see different types of hunts, in ANWR and
36 some other places. And then I feel for the village of
37 Kaktovik when they have to -- we try to give them
38 opportunity for customary and traditional practices,
39 funeral processions and stuff like that, to try to help
40 them. And we know the moose is an issue, muskox is an
41 issue, and, you know, thank goodness we've got
42 thousands of caribou. But these are some of the other
43 traditional foods that are needed and one day may be
44 plentiful, and we wouldn't have to worry so much. But
45 there needs to be a real mechanism that identifies the
46 subsistence needs of the villages, and that we
47 prioritize that and limit all others until there's a
48 threshold of that village needs being met. And that's
49 what I like to understand.

50

1 CHAIRMAN BROWER: Thank you, Gordon.
2
3 MR. RABINOWITCH: Mr. Chairman.
4
5 CHAIRMAN BROWER: Rosemary, did you
6 have a question or comment.
7
8 MS. AHTUANGARUAK: Yes. I'm concerned
9 about the fragmentation this is doing to the assessment
10 process. There are variables for the amounts necessary
11 for subsistence. There's escapement, there's natural
12 variables that occur. And trying to fragmentize the
13 amounts with the various size of the various units may
14 cause a real reaction in the process.
15
16 In our community with the changes that
17 are occurring, we have seasons that have occurred when
18 it's been very, very important for our sustainability
19 that we have a really good fishing season, because
20 we've had such a poor caribou season, we've had such a
21 poor whaling season. We need those fish. Just because
22 we've had caribou in great herds around us, the
23 accessibility in our community didn't occur.
24
25 And fragmenting the assessment process
26 may create circumstances when there are conflicts that
27 occur with these assessments, because there's set
28 variables that are put down as what's needed. Life
29 cycles changes, factors change. If we were to have a
30 big tundra fire where all those are right now, you
31 know, that would be a big factor in change that could
32 occur that would effect how thing interact. So this
33 gives me concern.
34
35 It's good that there is a recognition
36 that there are subsistence use amounts and that there's
37 a recognition that we have to assess amounts necessary
38 to subsist, and that they are two different amounts.
39 But when you try to fragment things down into various
40 amounts, the overall assessment can be greatly
41 affected.
42
43 Thank you.
44
45 CHAIRMAN BROWER: Thank you, Rosemary.
46 Sandy.
47
48 MR. RABINOWITCH: Thank you. Let me
49 add a little bit, and both Gordon and Rosemary I think
50 were kind of on this. And after I say this, I'll look

1 to Terry and see if I've said it correctly or not.

2

3 The additional thing I would put on the
4 table for you to be aware of is that if the policy is
5 implemented -- or the protocol is implemented as
6 written, it says that the Federal Program will
7 recognize and use the State's amounts necessary for
8 subsistence, the ANS.

9

10 So the point that I make here is when
11 those -- well, for those that already exist, and I
12 think Terry could give you examples of the ones for the
13 North Slope, and for those that might be made in the
14 future, or changed in the future, those won't happen
15 here. Those will happen in the Board of Game process
16 through the ACs and the Board of Game process. So not
17 here. Then, I mean, if that's all fine, if you're
18 comfortable with that, no problem.

19

20 If you're not comfortable with that,
21 then the Federal Board, as is explained in this
22 protocol, and I haven't gotten all the way through it,
23 but we're exploring a lot of the -- you know, we're
24 kind of covering the ground, then you'd have to come
25 here and go through the process, the discussion and
26 development of a Federal SUA.

27

28 Thank you.

29

30 CHAIRMAN BROWER: Gordon.

31

32 MR. G. BROWER: Mr. Chairman. Yeah, I
33 think this is a very, very important issue. I would
34 for one thing, for my own peace of mind, would love to
35 be involved in SUA, in helping the Board of Game
36 develop and recommend to them, you know, from our point
37 of view. And I think it's very important. Sometimes
38 we struggle with the -- if we get into something this
39 deep, it's a much better comprehension of how we work
40 and better ideas when we listen to the biologist and
41 everybody that works on the animals, and it gives us a
42 sense of where these animals are going and the needs of
43 the villages. So, I mean, I, for one, would like to be
44 involved in hearing what the Board of Game decide on
45 something on this. Even help recommend to them.

46

47 CHAIRMAN BROWER: Thank you, Gordon.
48 Terry, before you go any further, I think I'd just like
49 to make a couple of comments here on this subject,
50 that, you know, when this protocol first came into play

1 several years ago that the 10 Regional Council Chairs
2 had met and discussed this very issue, subsistence use
3 amount protocol. And there was participants from both
4 sides, State and Federal in this protocol, and trying
5 to address the very issues that we're discussing. In
6 the beginning that we had selected a couple of Regional
7 Advisory Council members to participate in addressing
8 the concerns and trying to set samples. And at that
9 time the 10 Regional Council Chairs were in agreement
10 to address subsistence use amount for fish. And were
11 trying to -- and we were basically dealing with the
12 Yukon River salmon fishing that occurs there. And, you
13 know, we told them -- at that time the protocol was
14 being -- the agency representatives were being
15 assembled and discussions were being brought out, and
16 participants were included from the RACS, and the 10
17 Council Chairs at that time recommended that they
18 address fish only before they get into these other
19 resources, wildlife resources, moose, muskox, whatever
20 the other resources may entail. But we wanted an
21 example given on the fish before we move onto that
22 process. And today I have not heard anything on that,
23 if that ever came out as to what findings were set on
24 that request, because we were pulled out because of the
25 -- as Regional Advisory Council members there was some
26 kind of FACA issue that we could not participate,
27 because us being at a lower level. They wanted the
28 agency reps to address these protocols.

29

30 So I hear your concern loud and clear,
31 Gordon, wanting to participate. That was a very
32 interesting thing to go through, and trying to address,
33 you know, amounts necessary for subsistence, or
34 subsistence use amounts, and trying to deal with all
35 the fishing that was occurring in the Yukon. That was
36 pretty intense, and there were heated discussions at
37 times, you know, and they come to form these different
38 user groups that are within the Yukon. It's a tri, I
39 forget what it is, a tri-something group that includes
40 all the fishermen from the different units, Regional
41 Advisory Council members in there, and fishermen that
42 fish up and down the Yukon. It goes all the way into
43 the Yukon, Canadian border from the ocean, you know,
44 those groups of fishermen. And I'm not sure how far
45 that got since we were taken out and could not
46 participate in that activity any more, and I don't know
47 if they ever addressed our recommendation of trying to
48 address the fish issue before moving on to wildlife,
49 but that -- I haven't heard anything to date on that.

50

1 MR. RABINOWITCH: I think I can give
2 you a little bit of information, and there's one spot
3 that Terry might be able to help me on. I have a blank
4 spot in my memory.

5
6 Anyway, as Harry said, he was very much
7 involved, and at a personal level, I think it was
8 unfortunate that Harry and other members -- that the
9 decision was made that they couldn't be involved. It
10 was -- I'm not trying to lay blame. It was a decision
11 made by the lawyers, and I'm married to a lawyer just
12 so everybody knows that, so it's not that I hate
13 lawyers. But it was made by the lawyers.

14
15 I do think it was unfortunate,
16 sincerely, because I think having participation from
17 Council members like Harry and others really helps. I
18 mean, I just believe that. But that's the way it is,
19 and so Harry and others were told that they couldn't
20 continue to participate, and the process has gone one.

21
22 I think it's correct, this is where
23 I'll look to Terry to help me out, I think it's correct
24 to say that the effort was combined to deal with both
25 fish and wildlife, and that that original idea of just
26 working this out for fisheries, that's not what
27 happened.

28
29 But that said, Terry, I'm thinking
30 there's one other protocol on Yukon fisheries, and I'm
31 just struggling to remember the name. And if I'm
32 correct.....

33
34 MR. HAYNES: Escapement goals.

35
36 MR. RABINOWITCH: Escapement goals.
37 Okay. So that's what I needed was that word
38 escapement. So there was another protocol about Yukon
39 River escapement goals that was worked on and
40 completed.

41
42 But just continuing with the
43 subsistence use amounts discussions for fisheries is
44 not what happened. All fish and wildlife got brought
45 in together and that's what you're seeing here today.

46
47 MS. AHTUANGARUAK: Mr. Chair.

48
49 CHAIRMAN BROWER: Go ahead, Terry. Let
50 Terry respond.

1 MR. HAYNES: Thank you, Mr. Chairman.
2 I don't know how much time you want to spend on this,
3 and how far you want to go, but I could provide some
4 handout material that would help answer some of the
5 questions that have come up. And it might help you to,
6 as you think more about this protocol and your concerns
7 about it. So it's up to the Council if you want these
8 handout materials, I'll hand those out, and I think it
9 will help answer some questions that have come up.

10
11 CHAIRMAN BROWER: Thank you. I think
12 that will be helpful, just what you stated. You know,
13 the more information, the better or the more we learn
14 of issues. Rosemary.

15
16 MS. AHTUANGARUAK: Just to support some
17 of our comments. You know, the issue about muskox was
18 a very pertinent issue that came up in our area. We
19 were allowed a subsistence hunt, as well as there was a
20 permit process that was allowed. But we also had the
21 event where we had a flooding in which one of the herds
22 was completely decimated by that event. And we also
23 had another event where another herd was severely
24 impacted by a very aggressive bear.

25
26 When you're going into these
27 assessments, you know, you have your amounts that
28 you're saying is acceptable for continuing the
29 subsistence use amounts and then amounts necessary for
30 subsistence, but when you fragmentize it, and you're
31 looking at all of the various needs, there can be times
32 when that fragmentation really impacts the management of
33 the species, and that's what presents the concerns.
34 For us, survival in our areas is dependent upon our
35 subsistence activities. And when you're trying to do a
36 management regime, looking at all of the various needs,
37 you're trying to look at trying to provide access to
38 the various uses for these needs. And that's where our
39 concern comes from.

40
41 Thank you.

42
43 CHAIRMAN BROWER: Thank you, Rosemary.

44
45 MS. AHTUANGARUAK: We can move on.

46
47 CHAIRMAN BROWER: Excuse me.

48
49 MS. AHTUANGARUAK: Okay. We can move
50 on.

1 CHAIRMAN BROWER: I know the reason I
2 brought my comments earlier was that, you know, this
3 was a very contentious issue when it first came out,
4 and the 10 Regional Council chairs wanted to get that
5 fish issue addressed, indicating that if, you know,
6 both sides are not able to address that fish issue and
7 come up with a conclusion or finding on that regarding
8 the salmon, it would be difficult to address the rest
9 of the other resources, you know, that they need to go
10 through these different hurdles and hoops, whatever, to
11 start processing the subsistence use amount or amounts
12 necessary for subsistence.

13
14 There were real -- I recall we were to
15 a point to submitting a resolution, and that just
16 before we were able to get to that stage, we were
17 pulled out as participating reps from the Regional
18 Advisory Councils. And at that time the other
19 participant pulled out the proposal, indicating that if
20 we're not going to take part in this, we'll leave it up
21 to them to figure it out themselves. So that's where
22 we basically left it. You know, he was already working
23 with both agencies, you know, Federal and State. He
24 was able to draft up a proposal to submit on the use of
25 those fish in the Yukon River, and he got us to that
26 point, and when we got pulled out, he just took his --
27 he just withdrew his proposal, and said, well, leave it
28 up to them to figure it out from here.

29
30 So that's basically where we were at,
31 and I'm kind of sadden that it's taken into a broader
32 step, that it didn't really address just the fish. Now
33 it's dealing with all other wildlife and fish. So, you
34 know, that issue really didn't get a clear indication
35 as to how that came about, and what it addressed.

36
37 Terry.

38
39 MR. HAYNES: Thank you, Mr. Chairman.
40 I've been involved in working on this protocol a long
41 time. Ida Hildebrand and I were working on it many
42 years ago. And you described very accurately the
43 meeting she had with the Regional Council Chairs to
44 identify concerns that the Regional Councils had about
45 this process, this protocol.

46
47 And in the early stages of developing
48 this protocol, we did focus primarily on the Yukon and
49 Kuskokwim salmon fisheries in part because that was a
50 recommendation from the Council Chairs, but also

1 because it was a good example in showing how the
2 process worked. There was very information available
3 on harvest of salmon in those areas, and it was a very
4 convenient tool to describe and try to make sure people
5 understand the process.

6
7 What has happened subsequent to that,
8 and I'm turning to this handout I provided, this top
9 page, this November 9th, 2004 letter, describes that
10 decisions were made above Sandy's level and my level in
11 the process, that work will move forward on developing
12 this protocol more generally, and not limit itself
13 initially to the Yukon and Kuskokwim salmon.

14
15 I appreciate hearing your concerns
16 about the fact that that -- the protocol is not
17 focusing on that piece right now. I'd like to assure
18 you that all of us involved in working on this in the
19 State and Federal agencies are very sensitive to your
20 concerns, and we're doing the best we can with this
21 information to make sure you understand what the
22 protocol does, that when you have ideas and questions
23 and concerns like members are raising today, that we go
24 back and determine is there something else we need to
25 do. Does this protocol address that question or
26 concern. Is that something that needs to be dealt with
27 in some other part of this process. So even though I
28 know you're unhappy about the focus changing, and I
29 don't want to speak for Sandy, but we're all very
30 sensitive to these concerns, and I think we'll do our
31 best to ensure that this protocol as it moves forward
32 toward implementation, that it's taking into
33 consideration all of the concerns that you raise.

34
35 The second page of this handout, Gordon
36 will be interested in this, because it shows the steps
37 that the State Boards go through in developing
38 regulations that affect subsistence uses, so there are
39 steps to determine first if there's -- if we're talking
40 about a fish stock or a game population in an area
41 where subsistence uses are allowed. Subsistence uses
42 aren't allowed everywhere under the State regulations,
43 just as there are areas in the Federal regulations
44 where they are not allowed. Then if there is a
45 customary and traditional use determination, and a
46 harvestable surplus, then the Board has to determine
47 what the amount necessary for subsistence is. And then
48 based on what that amount is, you can either allow
49 subsistence uses and other uses, subsistence uses only,
50 or Tier II, which means that only some subsistence

1 users get to use the resource. And I can talk more
2 about this chart if people want more detail.

3
4 The next page shows how the Federal
5 process would work for making customary and traditional
6 determinations, and I won't explain that, but it's
7 going through similar kinds of questions that the State
8 Boards would through.

9
10 The next several other pages are amount
11 necessary for subsistence findings that the State Board
12 of Game and Board of Fisheries have made over the
13 years. And I've listed the wildlife species where the
14 Board of Game has made amount necessary findings for
15 your area and some surrounding areas. and then the
16 last page is findings that are for fish, and I'm not
17 really sure -- there haven't been a lot of fisheries
18 findings made that affect your area, but these are like
19 Norton Sound takes in kind of the northwestern -- you
20 know, Norton Sound and Kotzebue area take in some of
21 the northwestern parts of the State. The North Slope
22 is part of the Yukon northern area, but only findings
23 for salmon have been made there.

24
25 So the way this would work, if we went
26 back to the wildlife findings, and as I -- in giving
27 the example earlier where the finding for muskox in
28 Unit 26(C) was 15, if the Federal Program determined
29 that we're going to -- this protocol is being
30 implemented. We're going to use these numbers that are
31 in State regulation until we have concluded that those
32 numbers are inaccurate or need to be changed. And then
33 the process, if I'm remembering correctly, we would try
34 to jointly between the State and Federal programs
35 ensure that there's research done to collect the
36 additional information that would be needed. That
37 might be going out to Kaktovik and doing another
38 survey, or talking to North Slope Borough Department of
39 Wildlife management, talking to this Council. And this
40 Council might say -- you know, everybody might conclude
41 that, well, 15 seems to be a pretty accurate number, or
42 it needs to be 10 or it needs to be 20. But then that
43 would go in a proposal to the Board of Game and
44 hopefully the Board of Game would review that
45 information and adopt a different finding. If the
46 Board of Game chose not to do that, then the Federal
47 Board could, if it chose to do so, establish a separate
48 subsistence use amount.

49
50 One reason we -- one thing the State

1 emphasized very strongly, we did not want the Federal
2 system to adopt in regulation the State determinations,
3 because the numbers that have been made in State
4 regulation cover all subsistence uses and all lands in
5 the State, in the area. The Federal regulations can
6 only apply to Federal lands. So we felt that there
7 could be the possibility of, if in regulation the
8 Federal regulations said the subsistence use amounts
9 for muskox in 26(C) are 15, that's not a really good
10 example, but that would apply only to Federal lands.
11 There would be some cases where there would be a
12 mixture of State and Federal lands, and it would not in
13 our judgment be appropriate for that 15, number 15 to
14 be limited to federal lands. And the Federal system
15 has agreed so far that we would use the numbers that
16 the State has developed, unless there's reason to
17 change them.

18
19 I know especially for the newer members
20 of the Council, this is -- you're probably feeling a
21 little overwhelmed by this bureaucratic stuff. So I'll
22 stop and if there are questions you have, if you want
23 to have some of these other ideas and issues explained,
24 I'll do my best, and I know Sandy will do his best as
25 well.

26
27 CHAIRMAN BROWER: Thank you, Terry. I
28 guess it's helped a little bit in answering my question
29 earlier in terms of providing a definition between SUA
30 and ANS, the differences of how both State and Federal
31 have their definitions as to their management, you
32 know. Under the State regulations, all Alaskans are
33 subsistence users. Under the Federal Program, there's
34 a difference in defining that users within the areas of
35 the State. So I guess that's some of the reason why I
36 was being cautious about how the terms be used as
37 described in the booklet here. That, you know, helped
38 a little bit of addressing my concern.

39
40 But, you know, this is very -- the
41 stuff that we have to learn how to deal with in times,
42 when you get into situations of there's a lot of
43 competition for resource, and this is what it's going
44 to lead to to try and address the competition on the
45 use of that resource. So this is something that you
46 need to be aware of in how to learn to use these
47 methods in trying to, you know -- what would it be,
48 lessening the conflict, or the competition in areas
49 where there -- for a specific resource. That would be
50 something that these folks would need to learn, to

1 understand, but keep in mind that, you know, when you
2 get into those situations, this is something that we
3 need to use to address the issues of the competing of
4 the resource.

5
6 As we know, the populations do
7 fluctuate, and it creates that hardship at times. And
8 I keep reminding myself we have the largest caribou
9 groups on the North Slope, and yet we still have our
10 communities that are without, regardless of the
11 numbers. And when it comes down to just a few hundred
12 or less than 100 animals, we still go through that same
13 process, and there's still the need to be addressed,
14 and regardless if we can take one or two, and try and
15 provide the resource to meet that need is somewhat
16 complicated. And learning to do and understanding
17 these issues in terms of subsistence use amounts, and
18 amounts necessary for subsistence is a good education
19 tool for them.

20
21 And I'd like to thank both of you,
22 Sandy and Terry, for helping trying to get that
23 understanding to the Council members.

24
25 I'm not sure if there's any comments or
26 questions from the Council members.

27
28 (No comments)

29
30 CHAIRMAN BROWER: I know we're due for
31 a break. I thank you both again. Sandy.

32
33 MR. RABINOWITCH: I'm not sure if you
34 want to take a break and come back to this, or if you
35 want to wrap this one up before you go to a break.

36
37 CHAIRMAN BROWER: I think that the
38 comment is what I'm getting to, is I think we'd wrapped
39 this. That's why I was asking if there's any further
40 comments or questions from the Council members. If
41 there are not, we'll wrap this up and start on the next
42 item.

43
44 MR. RABINOWITCH: Okay. If I might in
45 a minute or less try to give you kind of a summary
46 comment.

47
48 CHAIRMAN BROWER: Uh-huh.
49 (Affirmative)

50

1 MR. RABINOWITCH: With not at all
2 trying to put words in your mouth, or ideas, but I
3 think I can maybe summarize this, and then you can do
4 with it what you choose.

5
6 I would encourage you to look carefully
7 at the handout Terry gave you, at the amounts necessary
8 for subsistence for wildlife and fish in the units here
9 on the North Slope, you know, black bear, brown bear,
10 caribou, et cetera, all those numbers. And if you look
11 at those, and if they're really frightening to you,
12 because they don't look right, then pay attention to
13 how you feel. If you look at those and they seem
14 reasonable, if you're comfortable with them, pay
15 attention to that, too. That's okay. That's good.
16 Because those are the numbers that will be recognized
17 and used if this protocol goes forward the way it's
18 presented to you today. So if you're comfortable, it's
19 great. If you're uncomfortable, then it's not great.

20
21 And recognize that in the future when
22 and if these numbers are changed -- and it's I think
23 safe to say that over time some of them will be
24 changed. I mean, these things don't stand still
25 forever -- then it's going to be done through the Board
26 of Game process, not through this Council, not through
27 the Federal Subsistence Board. So you need to be
28 comfortable with that. And if you are, then we're
29 doing great, and if not, again reason for you all to be
30 concerned.

31
32 I think I'll stop there. That's sort
33 of the best, simplest way I can wrap this all up.

34
35 CHAIRMAN BROWER: All right. Thank you
36 gain, Terry and Sandy. If there are any other comments
37 from the Council.

38
39 (No comments)

40
41 CHAIRMAN BROWER: Hearing none, I think
42 we'll close this issue and we'll start up with our next
43 agenda item after the break. Thank you.

44
45 (Off record)

46
47 (On record)

48
49 CHAIRMAN BROWER: We'll call the
50 meeting back to order. And we're going to pick up on

1 one more item, which was the informational item under,
2 let's see.
3
4 MS. B. ARMSTRONG: 4.
5
6 CHAIRMAN BROWER: 12.4, the avian flu
7 update for hunters, information only.
8
9 MS. B. ARMSTRONG: 171.
10
11 CHAIRMAN BROWER: It's on Page 171 of
12 the booklet, this booklet. Page 171.
13
14 MS. B. ARMSTRONG: 171.
15
16 CHAIRMAN BROWER: Okay. 171. Typo.
17
18 MS. AHTUANGARUAK: Mr. Chair.
19
20 CHAIRMAN BROWER: Rosemary.
21
22 MS. AHTUANGARUAK: I would just like to
23 encourage some public information disseminated through
24 the various channels that encourage proper techniques
25 in processing animals throughout the State. It needs
26 to be done in the various dialects to allow people that
27 are going to be encountering this to communicate and
28 properly prepare their animals.
29
30 Thank you.
31
32 CHAIRMAN BROWER: Thank you, Rosemary.
33 And I think it's good -- Wennona.
34
35 MS. BROWN: Yes, Mr. Chair. Thank you.
36 Wennona Brown for the Arctic National Wildlife Refuge.
37
38 I just wanted to comment on the avian
39 flu from the Fish and Wildlife Service perspective.
40 Just recently the Fish and Wildlife Service has
41 appointed Deborah Rocque to be the avian influenza
42 coordinator, and she's working on a large sampling
43 program throughout the State. I was at a meeting with
44 her last week, and she said sort of the take-home
45 points at this time is that the flue has not -- the
46 particular strain that they've been interested in,
47 which is the H5N1, has not been detected in the wild
48 waterfowl populations. If you follow safe handling
49 procedures and cook your birds thoroughly, you know,
50 cooking the meat, you know, does kill the virus. So,

1 you know, if you follow safe handling procedures and
2 thoroughly cook your meat, there is no danger from
3 getting the virus from eating the waterfowl. So that
4 was sort of the take-home message from that meeting.
5

6 She is expecting to get information
7 out. They're right now in the middle of a big planning
8 effort to get information out. And at our meeting last
9 week, we did confer that a lot of it needs to be put
10 into the local languages for the people.
11

12 CHAIRMAN BROWER: Thank you, Wennona.
13 I know Robert Sudan has been working with the U.S. Fish
14 and Wildlife Service to address those very issues that
15 we're talking about, and trying to disseminate
16 information. He's working with our Migratory Bird
17 Working Group, and, you know, on our Fish and Game
18 Management Committee. He's been on this subject since
19 it's been out, so he's been taking up some of that
20 information. We'll try to get that out, Rosemary, as
21 to what you requested, disseminating in the different
22 languages and holding community meanings. Hopefully
23 that will take place. We just need to identify the
24 resources that are available to do that. So probably
25 just working with the local radio station and that sort
26 of stuff.....
27

28 MS. AHTUANGARUAK: Right. Right.
29

30 CHAIRMAN BROWER:and public
31 information within the North Slope Borough is probably
32 a couple of avenues that we could work with in the
33 meantime.
34

35 So this is informational items for
36 Council members. It's on page 171, and keep that in
37 mind.
38

39 Going back in numbers of our agenda,
40 we'll going up to the wildlife proposal review and
41 Regional Council recommendations. We have one, two,
42 three, four, six, seven. Seven proposals to do yet.
43 I'll turn the floor over to Laura.
44

45 MS. GREFFENIUS: Okay. Good morning,
46 Mr. Chair and members of the Council. Thank you.
47

48 Okay. This one begins on Page 15.
49 This is WP06-01, if you'll refer to that in your book.
50 And this proposal concerns the sale of handicrafts made

1 from bear parts, and this was addressed by the Federal
2 Subsistence Board last May, and it was discussed at
3 your Council meetings last year.

4
5 This proposal right here that I'll be
6 discussing only addresses an element from that proposal
7 of last year, which pertains to commercial sales.
8 There were some changes made in that proposal, some
9 modifications, and so it was -- now it's been
10 circulated for comments amongst all the Councils. This
11 is a statewide proposal, so all the Councils will be
12 making comments. And so the discussion that I'm going
13 to carry out here will just pertain to the commercial
14 sales aspect of it.

15
16 So this is the commercial sales of
17 handicrafts made from bear claws, I should specify
18 that. And last year we had the proposal that addressed
19 several elements of the bear handicraft regulations,
20 and the Board adopted most elements of that proposal,
21 for example, definitions of handicraft, definition of
22 skin, hide, pelt, and fur, and language that clarified
23 that claws could be used in handicrafts for sale.
24 However, they deferred this part of the proposal that
25 addressed commercial sales to allow the Councils to
26 review the Board's modified language.

27
28 So handicrafts made from black bears
29 harvested on Federal lands statewide can be sold.
30 Handicrafts made from brown bear only could only be
31 sold if the bears were harvested on Federal lands in
32 Eastern Interior, Bristol Bay and Southeast regions.

33
34 The Board is considering a regulation
35 that limits commercial sales of bear claw handicrafts,
36 because an opportunity to sell large quantities of bear
37 claw products may create an incentive for poaching.
38 State regulations allow the sale of handicraft made
39 from brown and black bear fur, not claws. Therefore
40 handicrafts with claws can only be sold under Federal
41 regulations.

42
43 The Board's proposed language would not
44 prohibit a subsistence user with a business license
45 from selling their handicrafts to individuals, such as
46 a craft show, for example. However, it would not allow
47 these handicrafts to be sold to a business, and it does
48 not allow a business to buy the bear claw handicrafts.
49 So I'll repeat that. An individual could sell to a
50 craft show, for example, but not to a larger commercial

1 operation, to a business or a business to buy the
2 handicrafts.

3
4 So a gift shop selling handicrafts
5 under consignment would also be prohibited if the gift
6 shop is generating a profit from the activity. And
7 there was a lot of discussion on this, and so this is
8 an interpretation from the Solicitor's Office.

9
10 This regulation would remove commercial
11 incentives for harvesting bears, thereby providing
12 additional protection from overharvest of bear
13 populations. And Board's intent in allowing the sale
14 of bear handicrafts is to provide for the customary and
15 traditional making and selling of handicrafts from
16 bears taken for subsistence, not to provide a
17 commercial incentive to harvest bears.

18
19 The State has recently adopted
20 regulations to provide a commercial incentive to
21 harvest bears in specific areas. A regulation adopted
22 by the State of Alaska Board of Game in January will
23 allow bear hides with claws attached from bears
24 harvested in active brown bear predator control areas,
25 this is Unit 20(E) and Unit 12, to be sold through the
26 use of a permit. And this is not a handicraft
27 regulation that applies to raw and tanned bear hides
28 with claws attached.

29
30 So on Page 20 the Staff recommendation
31 for this statewide proposal is to support after
32 removing the proposed exemption for Southeast Alaska.
33 So this is a support with modification. And there's --
34 the modified language is there on Page 20.

35
36 The proposed Southeast exemption will
37 result in difficulty with enforcement of the
38 regulation. And allowing commercial sales of
39 handicrafts made from bear claws taken in any part of
40 the State without a tracking system will have a
41 significantly detrimental effect on the ability of
42 enforcement officers to differentiate between
43 legitimate sales and the commercial sales of products
44 from poached bears and bears harvested under State
45 regulations and brown bears harvested under Federal
46 regulations in Eastern Interior and Bristol Bay
47 Regions. So subsistence users in Southeast Alaska
48 should be able to carry out their customary and
49 traditional making and selling of bear claw handicrafts
50 from bear taken for subsistence uses without selling to

1 businesses or becoming a significant commercial
2 enterprise.

3
4 And this concludes my presentation. So
5 thank you.

6
7 CHAIRMAN BROWER: Thank you. We have a
8 process that we'll follow through again on this, which
9 is the introduction, and then we'll have the Alaska
10 Department of Fish and Game comments, other agency
11 comments, InterAgency Staff comments, fish and game
12 advisory comments, summary of written public comments,
13 public testimony. Then finally one is the Regional
14 Council deliberation. So we'll start from the second
15 item is Alaska Department of Fish and Game comments.

16
17 MR. HAYNES: Thank you, Mr. Chairman.
18 The Department's comments are on page 29 of your
19 meeting book.

20
21 The Department does not support this
22 proposal in part because we don't believe the Federal
23 Subsistence Board has established a record
24 demonstrating that the sale as opposed to the barter,
25 sharing or other use of bear claws, teeth and bones for
26 use in making handicrafts for sale is a customary and
27 traditional practice. Even if the Federal Board made
28 such a determination, the record would still only
29 support limited, noncommercial exchanges adhering to
30 customary practices in some areas of the State.

31
32 Despite the fact that the Board of
33 Game, as Laura pointed out, adopted a regulation
34 allowing the sale of bear hides in some areas of the
35 State, that's a separate matter altogether, and has not
36 affected our concern about the fact that the Federal
37 regulations currently allow the sale of handicrafts
38 made with bear claws where we don't believe that there
39 has been a demonstration that that is a customary and
40 traditional use.

41
42 Thank you.

43
44 CHAIRMAN BROWER: Thank you, Terry.
45 Number 3 is other agency comments.

46
47 (No comments)

48
49 CHAIRMAN BROWER: Hearing none at this
50 time. Four is InterAgency Staff Committee comments.

1 MR. RABINOWITCH: None, Mr. Chairman.
2
3 CHAIRMAN BROWER: None noted. Five is
4 fish and game advisory committee comments.
5
6 (No comments)
7
8 MS. B. ARMSTRONG: There is none here,
9 Chair.
10
11 CHAIRMAN BROWER: Thank you.
12
13 MS. B. ARMSTRONG: There is no written
14 public comments. Excuse me.
15
16 CHAIRMAN BROWER: Okay. And summary of
17 written public comments. None noted.
18
19 MS. B. ARMSTRONG: Mr. Chair.
20
21 CHAIRMAN BROWER: Seven, public
22 testimony. Barb, go ahead.
23
24 MS. B. ARMSTRONG: Yeah, we have two
25 written public comments.
26
27 From Defenders of Wildlife, this is a
28 national nonprofit organization dedicated to the
29 protection of all native wild animals and plants in
30 their natural communities, and they support with
31 amendment deleting Unit 1 through 5 exemption.
32
33 And we also have one from AHTNA Tene
34 Nene' Subsistence Committee from Glennallen, Alaska.
35 They said they do not support WP06-01 as proposed.
36 However, they support small sales by rural residents of
37 handicrafts made from claws of black and brown bears
38 taken under Federal subsistence hunting regulations.
39
40 Thank you, sir.
41
42 CHAIRMAN BROWER: Thank you. So one
43 support -- written public comments indicate one support
44 the proposal, and the other does not support?
45
46 MS. B. ARMSTRONG: Yeah, the Defenders
47 of Wildlife support with amendment deleting Unit 1
48 through 5 exemption, and the Ahtna Tene Nene'
49 Subsistence do not support the proposal as written, but
50 they support small sales by rural residents of

1 handicrafts made from black and brown bear claws.
2
3 CHAIRMAN BROWER: Uh-huh. Thank you.
4 Any public testimony.
5
6 (No comments)
7
8 CHAIRMAN BROWER: None.
9
10 MS. AHTUANGARUAK: Is it our turn?
11
12 CHAIRMAN BROWER: I'm just getting into
13 that. Regional Council deliberations. Rosemary.
14
15 MS. AHTUANGARUAK: We recognize the
16 long-term use of subsistence items that allow us to be
17 creative in how we interact within our communities, and
18 with other people that come around our communities.
19 Commercial cost is a relative new term that's been
20 added to the life of rural Alaska and it's a change
21 that's come on with the changes around us.
22
23 We can demonstrate bartering and trade
24 of these items have occurred for centuries and decades
25 and forever and always. This is something that is
26 important to continue. It's part of how we interact.
27 There were times in the past where even the sale of a
28 spouse was occurred through these types of items.
29 Changing into other communities. We have stories from
30 some of our elders how they became part of another
31 communities because of these types of things long ago.
32
33
34 The use to coming with cash, it's just
35 an interaction with the people that are coming into our
36 areas. Cash is part of what's coming into our areas.
37 It's a commodity that's become available just as we
38 bartered with other resources like the jade in other
39 areas. Those were things that we brought into our
40 areas because of interaction with people that brought
41 these uses here.
42
43 We don't want to create a situation
44 that encourages the improper use of these animals, and
45 we recognize that regulations need to occur with these
46 types of things, but it is important that -- this is a
47 type of use that's come on through a long time.
48
49 In other populations, it's very
50 important through their culture and their religious

1 practices to utilize these types of items. Making
2 their type of items has been something that has
3 occurred for a long time. And the changes that have
4 occurred may not have made it so obvious in the usage,
5 but the recurrence of the culture with the changes that
6 have occurred in bringing back the dancing, bringing
7 back the traditional gear that are used with these type
8 of activities, you're seeing the use of these items
9 more and more. But it's also a matter of status within
10 our communities, the use of these items. And we
11 recognize the value these items give within our
12 populations, and it's important to continue that value.

13

14 CHAIRMAN BROWER: Thank you, Rosemary.
15 Any other Council.

16

17 (No comments)

18

19 CHAIRMAN BROWER: Any recommendations.

20

21 (No comments)

22

23 CHAIRMAN BROWER: So this is, Laura, a
24 statewide proposal? I think that's what it says, it's
25 statewide proposal to restrict commercial sales and
26 purchase of handicraft.

27

28 MS. GREFFENIUS: That's correct. All
29 the Councils will be discussing this one.

30

31 CHAIRMAN BROWER: Uh-huh. Thank you.
32 What's the wish of the Council.

33

34 MS. AHTUANGARUAK: Do we have any
35 discussion from Staff on why the limitation occurred
36 with including regions 1 through 5.

37

38 CHAIRMAN BROWER: Rosemary, you
39 probably need to restate your question.

40

41 MS. AHTUANGARUAK: Do we have any
42 communication from the Staff on the reasoning to
43 include regions 1 through 5. Is there a specific use
44 for that region that that was added on to the present
45 proposal.

46

47 MS. GREFFENIUS: Yeah. Regions 1
48 through 5 are in Southeast, and the reason just to
49 remove the exemption of -- the modified language would
50 be to remove the exemption of Southeast just so it

1 would be uniform throughout the State and not have them
2 exempted.

3

4 CHAIRMAN BROWER: Laura, identify the
5 page where you're reading this from, please.

6

7 MS. GREFFENIUS: Yes, this is on Page
8 20 of your Council book. It's the proposal with
9 modification to remove the Southeast exemption.

10

11 MS. B. ARMSTRONG: Under the
12 preliminary conclusion.

13

14 MS. GREFFENIUS: Under the preliminary
15 conclusion, yeah, towards the top of Page 20.

16

17 MS. AHTUANGARUAK: I understand the
18 reason to remove it. Is there a reason to include it?
19 The proposal is presented including regions 1 through
20 5, is there a reason why it was included. Is there a
21 specific reason in their regions that they would like
22 us to consider the continued use in these areas, or do
23 we have any supporting reason for them being included
24 and all the other regions not.

25

26 MS. GREFFENIUS: Okay. I'm referring
27 on Page 19 under effects of the proposal, and it
28 discusses that bear claw handicrafts cannot be sold to
29 businesses except in Unit 1 through 5. So right now --
30 so that's something that initially when this was
31 proposed, that it was going to be allowed in Southeast
32 because that's part of something that was in the
33 original language. But the -- just so that they could
34 use the bear claws for the handicraft sales of what
35 they make down there in Southeast.

36

37 CHAIRMAN BROWER: Did that help any,
38 Rosemary?

39

40 MS. AHTUANGARUAK: Yes. I'd like to
41 make a motion to support the proposal with modification
42 to remove the Southeast exception.

43

44 CHAIRMAN BROWER: There's a motion on
45 the floor to support the proposal with modification to
46 remove the Southeast exemption.

47

48 MR. REXFORD: Second the motion.

49

50 CHAIRMAN BROWER: Seconded. Any

1 further discussion.

2

3 (No comments)

4

5 MR. BODFISH: Call for the question.

6

7 CHAIRMAN BROWER: The question has been
8 called on the motion to support the proposal with
9 modification to remove the Southeast exemption. All in
10 favor signify by saying aye.

11

12 IN UNISON: Aye.

13

14 CHAIRMAN BROWER: Any opposed.

15

16 (No opposing votes)

17

18 CHAIRMAN BROWER: None noted. Thank
19 you.

20

21 Our next proposal please.

22

23 MS. GREFFENIUS: Okay. This is also a
24 statewide proposal. It begins on Page 30. This one
25 also deals with handicrafts, but it's a little bit
26 different.

27

28 So this proposal was submitted by the
29 Office of Subsistence Management and requests the
30 Federal Subsistence Board to authorize the sale of
31 handicrafts made from non-edible byproducts of wildlife
32 other than bears harvested for subsistence uses.

33

34 So currently Federal regulations
35 prohibit the sale of wildlife or byproducts of wildlife
36 unless specifically permitted in Federal regulations.
37 Current Federal regulations only allow the sale of
38 handicrafts made from bearskin, hide, pelt or fur,
39 including claws from some parts of the State, and the
40 sale of handicrafts made from bear bones, teeth, sinew
41 or skulls taken in Southeast, pelts from furbearers and
42 subsistence harvested fish under the customary trade
43 regulations.

44

45 Under State regulations many
46 handicrafts and parts of game can be sold, purchased,
47 or bartered. And they have a specific list of what
48 cannot be sold, such as most meat, bear parts, big game
49 trophies, et cetera. Therefore many wildlife
50 handicrafts, individual antlers and horns, capes and

1 other items can be sold under State regulations, but
2 they cannot be sold from animals harvested on Federal
3 public lands under Federal regulations.

4
5 So the purpose of this proposal is to
6 make the Federal regulations consistent with existing
7 State regulations with respect to these kinds of
8 handicrafts. And this action will not alter existing
9 harvest limits or seasons, and therefore should have no
10 impact on wildlife populations.

11
12 This action will provide those
13 subsistence users who make handicrafts an opportunity
14 to sell those handicrafts made from wildlife harvested
15 under Federal subsistence regulations. And this change
16 will be minimal, because the activity is currently
17 allowed for wildlife harvested under State regulations.
18 And this change will have no effect on other users.

19
20 Because this proposed regulation uses
21 the term big game and trophy, definitions are provided
22 for those terms.

23
24 And this proposed regulation also
25 prohibits sales from constituting a significant
26 commercial enterprise. And that's consistent with the
27 previous proposal we discussed about the sale of bear
28 claw handicrafts.

29
30 Adoption of these new regulations will
31 provide Federally-qualified subsistence hunters the
32 same opportunities that are currently available to
33 those harvesting under State regulations, and it would
34 accommodate existing practices.

35
36 A question might arise, why doesn't the
37 proposed regulation allow the sale of capes and
38 individual horns and antlers as the State regulation
39 does. And the response, the answer to this is that the
40 proposed Federal regulation requires that the sales be
41 limited to handicrafts, and to be consistent with the
42 definition of subsistence uses in ANILCA Section .803.

43
44 On Page 34 is the Staff recommendation.
45 It is to support the proposal with the recommended
46 modifications. And those modifications were to provide
47 the necessary definitions for big game and trophy, and
48 as I mentioned, prohibiting the sales from constituting
49 a significant commercial enterprise. And those
50 modifications are listed on Page 34 to 35.

1 So that concludes my presentation.

2 Thank you.

3

4 CHAIRMAN BROWER: Thank you. All
5 right. Alaska Department of Fish and Game comments.

6

7 MR. HAYNES: Mr. Chairman, the
8 Department's comments are on the last half of Page 35.

9

10 The Department supports this proposal
11 to authorize the sale of handicraft articles made from
12 the non-edible parts of wildlife harvested for
13 subsistence uses. It will be consistent with the State
14 regulations governing the purchase, sale or barter of
15 game and game parts.

16

17 What the proposal attempts to do, it
18 looks at the State language that authorizes the sale of
19 game or game parts and creates a proposed Federal
20 regulation that looks different, but they are pretty
21 consistent. The idea -- they've looked at the State
22 regulation and said, well, that's what the State
23 regulations allow. We're going to write the language
24 differently, but it will provide the same coverage in
25 Federal regulations. So we support this proposal.

26

27 Thank you.

28

29 CHAIRMAN BROWER: Okay. Thank you.
30 Other agency comments. Sandy.

31

32 MR. RABINOWITCH: Mr. Chairman. I'll
33 speak on behalf of the National Park Service, and I'll
34 keep this real brief. I haven't perhaps paid as close
35 attention to this analysis as I have in past years as
36 these proposals moved along.

37

38 We support this, but I actually think
39 there's a better reason to support it than what's been
40 provided. And that is that this proposed regulation
41 brings it into conformance with existing Federal law.
42 And that Federal law is ANILCA .803, and I'm going to
43 read just one sentence of the law that in effect says
44 that subsistence uses include for the making and
45 selling of handicraft articles made out of non-edible
46 byproducts of fish and wildlife resources taken for
47 personal and family consumption. That's what the
48 Federal law already provides. So this regulation which
49 currently says things are closed, you can't do this,
50 opens this up and brings the Federal regulation much

1 closer into conformance with the Federal law. And I
2 think that's to everybody's benefit.
3
4 I'll leave it at that. It doesn't
5 change anything, but I just wanted to say that. Thank
6 you.
7
8 CHAIRMAN BROWER: Thank you, Sandy.
9 InterAgency Staff Committee comments.
10
11 MR. RABINOWITCH: None, Mr. Chairman.
12
13 CHAIRMAN BROWER: None noted. Fish and
14 game advisory committee comments.
15
16 MS. B. ARMSTRONG: There are none, Mr.
17 Chair.
18
19 CHAIRMAN BROWER: None provided.
20 Summary of written public comments.
21
22 MS. B. ARMSTRONG: Mr. Chair. We have
23 two for Proposal 2, statewide proposal, from Ahtna Tene
24 Nene' says that they support WP06-02, so that rural
25 residents may sell handicrafts made from non-edible
26 byproducts of most wildlife. They said that this
27 practice has been done under State regulation, but not
28 under the Federal regulations since there is no
29 regulation in place under Federal subsistence
30 management.
31
32 And the Mentasta Traditional Council
33 also supported this proposal. And that's all they
34 state is that we support this proposal.
35
36 Thank you, sir.
37
38 CHAIRMAN BROWER: Thank you. Public
39 testimony.
40
41 (No comments)
42
43 CHAIRMAN BROWER: None noted. Regional
44 Council deliberations. What is the wish of the
45 Council.
46
47 MS. AHTUANGARUAK: Mr. Chair.
48
49 CHAIRMAN BROWER: Rosemary.
50

1 MS. AHTUANGARUAK: With the increases
2 to the recurrence of our dancing and things like that,
3 I have had stories told to me of these items used, like
4 the bear skull was used to make a drum in the past.
5 The skulls were used in the past to make masks and
6 those types of things. This is something that is
7 recurring and is very strongly coming back. I think
8 that down there in our customary and traditional uses
9 there's recognition that allows that. But I would like
10 the Staff to say that it would be okay for those uses
11 with this type of change.

12
13 MS. GREFFENIUS: Could you repeat
14 specifically just what your question is?

15
16 MS. AHTUANGARUAK: With the recurrence
17 of bringing back the dance and through additional
18 activities that were restricted with generations past,
19 there are stories that were brought out that the bear
20 skull was used and made into a drum, and it was used
21 during dance ceremonies. There's also stories of the
22 heads being made into masks of various animals and used
23 in this telling of stories and in the dances that were
24 created. This is something that is starting to recur,
25 and it's recognized in our storytelling that this is a
26 use.

27
28 I believe that the customary and
29 traditional uses would allow this to occur, but with
30 these words, I don't know, and I'm asking the Staff is
31 that's something that may be in conflict here.

32
33 MS. GREFFENIUS: It sounds from what
34 you've described that it, you know, is the non-edible
35 byproducts and it's used for handicrafts. So I don't
36 see any conflict in that. If there's anybody who has
37 any other comments -- but just from what you've
38 described, that sounds like that conforms with what's
39 spelled out here. But thank you.

40
41 CHAIRMAN BROWER: Thank you, Rosemary.
42 Continuing with Regional Council deliberations.

43
44 MS. AHTUANGARUAK: Sandy's got a
45 response.

46
47 CHAIRMAN BROWER: Sandy. Sorry.

48
49 MR. RABINOWITCH: It's all right. I
50 just wanted to say that I concur with what Laura just

1 said, and the reason that I would concur is that the
2 law says that it's for the making and selling. This
3 regulation just speaks to selling, but the law includes
4 making. And I think everybody would agree if you can
5 make it, you can use it, which is -- that's kind of the
6 word that I hear you getting at. So I concur with
7 Laura. I think everything would be fine.

8

9 CHAIRMAN BROWER: Thank you. Continue
10 with our Council deliberations. What's the wish of the
11 Council.

12

13 MR. REXFORD: Mr. Chair.

14

15 CHAIRMAN BROWER: Julius.

16

17 MR. REXFORD: Yes. I'd like to comment
18 on, you know, handicrafts. It's becoming common in our
19 communities that these handicrafts are feeding their
20 families. The high rate of unemployment in our
21 villages, it's forcing our people to become artists and
22 turn to handicrafts. I support this -- I'm sorry, I
23 have a sore throat, so -- I just want to support this,
24 thank you.

25

26 CHAIRMAN BROWER: Thank you, Julius.
27 Any further discussion. Comments.

28

29 (No comments)

30

31 CHAIRMAN BROWER: Rosemary.

32

33 MS. AHTUANGARUAK: I would like to make
34 a motion to support with the modifications to remove
35 the redundant language in reference to the bear
36 regulatory language.

37

38 MR. KOONUK: Mr. Chair. I second that
39 motion.

40

41 CHAIRMAN BROWER: Motion and seconded
42 on Proposal WP06-02, support with modification to
43 remove the redundant reference to bear in the
44 regulatory language. All in favor signify by saying
45 aye.

46

47 IN UNISON: Aye.

48

49 CHAIRMAN BROWER: Any opposed.

50

1 (No opposing votes)
2
3 CHAIRMAN BROWER: None noted. Thank
4 you.
5
6 We'll move on to our next proposal.
7 WP06-65. Laura.
8
9 MS. GREFFENIUS: Thank you, Mr. Chair.
10 So this begins on Page 36.
11
12 So the next two we'll be discussing,
13 No. 65 and 66, are both ones that were covered in the
14 closure review process. There's a presentation by one
15 of the Office of Subsistence Management Staff at your
16 fall meeting. I believe it was Tom Kron who presented
17 a closure review. And so it follows the discussion we
18 had earlier this morning, so we've already gone through
19 the review policy, or the draft review policy, and so
20 you're familiar with that. So that was reviewed in the
21 fall and now a proposal's been submitted, and now we're
22 going to be actually discussing the proposal that
23 relates to that.
24
25 So the first one submitted was by the
26 Alaska Department of Fish and Game, and it requests a
27 regulatory change to remove the closed area for caribou
28 in Unit 26(A). And a review of the this closure by the
29 Office of Subsistence Management concluded that the
30 relative high abundance of caribou along with the high
31 harvest by local hunters may warrant a more thorough of
32 this Federal closure. So the Staff analysis is what
33 constitutes this more thorough review.
34
35 And I'd like to refer you to the map on
36 Page 39 as I'm speaking.
37
38 Most of the Federal public lands in the
39 closure area lie within Gates of the Arctic National
40 Park, which is already closed to non-subsistence
41 hunting. And other Federal public lands affected
42 include a portion of Gates of the Arctic National
43 Preserve, which is open to non-subsistence hunting,
44 except for caribou harvest under this closure. So just
45 in that lower right-hand corner is a portion of Gates
46 of the Arctic National Preserve.
47
48 Currently there are few Federal public
49 lands in the closure area. Lands north of Anaktuvuk
50 Pass formerly managed by BLM have either been selected

1 or conveyed to native corporations or the State of
2 Alaska and are no longer Federal public lands.

3
4 Initially the closure was established
5 at the Council's recommendation to lessen the impact on
6 caribou migration by reducing competition from non-
7 subsistence hunting. Local subsistence users were
8 concerned that non-subsistence hunters take the first
9 caribou of the migration, causing the migration to move
10 away from the area subsistence users hunt in Unit
11 26(A).

12
13 I'd like to mention a current event
14 involving this particular species in this particular
15 area. In November 2005 the Alaska Board of Game
16 adopted a controlled use area for the Anaktuvuk River
17 drainage, and this is marked on the map on Page 39 with
18 the cross hatching. It's the very last label on the
19 legend's section, the State controlled use area. And
20 this will begin July 1, 2006. And use of aircraft for
21 caribou hunting is prohibited from August 15 to October
22 15.

23
24 It was the intent of the State Board of
25 Game that this hunter transportation restriction should
26 effectively limit access for non-local hunters in the
27 Anaktuvuk Pass vicinity. And as a result, this would
28 reduce the occurrence of user conflicts and lessen the
29 impact on caribou migration in the Anaktuvuk Pass area.
30 So it addresses the concerns that have been brought up.

31
32 On Page 42 is the Staff recommendation.
33 And that is to support the proposal. The populations
34 of the three caribou herds whose ranges traverse Unit
35 26(A) are not currently a management concern. And the
36 harvestable surplus of these caribou populations is
37 sufficient to provide for both subsistence and non-
38 subsistence uses.

39
40 In addition, there are fewer Federal
41 public lands than when the closure was originally
42 established, and presently only Gates of the Arctic
43 National Preserve lands to the east of Anaktuvuk Pass
44 would be affected by the continued closure. And the
45 controlled use area for the Anaktuvuk River drainages
46 establishes restrictions which should limit user
47 conflicts and impacts on caribou migration.

48
49 And that concludes my presentation.
50 Thank you.

1 CHAIRMAN BROWER: Thank you, Laura.
2 Alaska Department of Fish and Game comments.
3
4 MR. HAYNES: Mr. Chairman. This is a
5 Department proposal, so we obviously support it. I
6 would just make two comments.
7
8 One is that as Laura pointed out, there
9 is very little Federal land left in the area to which
10 this closure applies, so we do not believe the closure
11 is necessary.
12
13 Secondly, if the Council has any
14 questions or concerns about the new Anaktuvuk Pass --
15 or Anaktuvuk River drainage controlled use area that
16 was implemented by the Board of Game, I would defer to
17 Geoff Carroll who is here and could provide more
18 background information on that.
19
20 Thank you.
21
22 CHAIRMAN BROWER: Thank you, Terry.
23 Geoff.
24
25 MR. CARROLL: Yeah, I don't have too
26 much more to say about that. It was going to be in my
27 later presentation. I was going to describe the
28 regulations that the Board passed in their fall '05
29 meeting, but as has been stating a couple times now,
30 they did pass a controlled use area for the Anaktuvuk
31 River drainage that won't allow the use of aircraft for
32 caribou hunting in there from August 15th through
33 October 15th.
34
35 In addition, they did pass a moose
36 regulation that is going to allow a drawing permit hunt
37 where we're going to give out 20 permits where people
38 can use aircraft to hunt moose in 26(A), but they
39 excluded the Anaktuvuk River drainage from that as
40 well. So those two things together should do a lot to
41 minimize user conflicts in that area north of Anaktuvuk
42 Pass.
43
44 And just once again it's been stated
45 that this Federal closure, there's very little Federal
46 land up there that is affected, so it's really, you
47 know, really not needed any more.
48
49 Thank you.
50

1 CHAIRMAN BROWER: Thank you, Geoff.
2 Other agency comments.
3
4 (No comments)
5
6 CHAIRMAN BROWER: None noted.
7 InterAgency Staff Committee.
8
9 MS. AHTUANGARUAK: Wait. Sandy.
10
11 CHAIRMAN BROWER: Oh, sorry. Sandy.
12
13 MR. RABINOWITCH: Well, it's all
14 right. I'll speak for both at the same time, save a
15 minute.
16
17 I have one -- actually if I might ask a
18 question of Laura, it might help speed this up. When
19 you speak about the lands -- I'm looking at the map on
20 page 39, and on that map kind of right in the middle
21 there's the large letters, 26(A), and just below that
22 is that blocky little piece of gray that's Gates of the
23 Arctic lands, if you can look at that.
24
25 So here's my question about that little
26 piece. Is that the piece you were referring to when
27 you were saying the only lands that would be affected?
28 I'm just trying to -- and Terry's helping me out here,
29 and there's.....
30
31 MR. HAYNES: It's preserve lands here.
32
33 MR. RABINOWITCH: And there's a little
34 bit of preserve land over to the right that is now in
35 the new State controlled use area, right?
36
37 MS. GREFFENIUS: Just part of the
38 closure.
39
40 MR. RABINOWITCH: And part of the
41 closure. Okay. Maybe my question's not very clear.
42
43 MS. GREFFENIUS: Well, I'm not exactly
44 certain, but when I was saying the lower right, the
45 Gates of the Arctic National Preserve, that portion is
46 what would be affected.
47
48 And just to add a little bit to your
49 question, I know you didn't specifically address it.
50 There had been some areas of BLM, just some small

1 patches of BLM land further north, but as I mentioned,
2 those have been conveyed, and they're no longer in the
3 status of Federal public lands.

4
5 Does that help?
6

7 MR. CARROLL: I think what Sandy's
8 referring to here is this Castle Mountain block that's
9 little bit north. It's hard park and there wouldn't be
10 hunting allowed in there anyway.

11
12 MR. RABINOWITCH: Thank you.

13
14 CHAIRMAN BROWER: Did that answer your
15 question, Sandy?

16
17 MR. RABINOWITCH: Yes.

18
19 CHAIRMAN BROWER: There's no further
20 comments from the InterAgency Staff Committee comments.

21
22 (No comments)

23
24 CHAIRMAN BROWER: Fish and game
25 advisory committee comments.

26
27 (No comments)

28
29 CHAIRMAN BROWER: None noted. Summary
30 of written public comments.

31
32 MR. RABINOWITCH: Thank you, Mr.
33 Chairman. Barb asked that I help get a couple of these
34 public comments in, because they're a little bit
35 confusing. I think I can summarize it.

36
37 So the one public comment is from the
38 National Parks Conservation Association. It's nothing
39 to do with the National Park Service that I work for.
40 It's a private nonprofit group that has that name. And
41 they're obviously interested in National Parks.
42 They've commented on a couple proposals together.

43
44 Their comments on this one say that
45 closure -- I'm just going to read a couple of
46 sentences, and you can I think get it. They say,
47 closures such as the one proposed for caribou in Unit
48 26(A) can only be based on sound science. They suggest
49 the Federal Board needs to identify where data might be
50 lacking and try to fill that void of data and then make

1 a decision. They go on to say that the analysis behind
2 lifting -- I'm sorry, this is about the other proposal,
3 65. They say, furthermore, there needs to be analysis
4 of the potential impact on the future ability of the
5 area to provide moose and caribou, they're combining
6 again, for local subsistence users, assuming the
7 harvest levels will increase as a result of the
8 proposed lifting of hunting restrictions is made.

9
10 So I think they're arguing to make sure
11 that there's sound science and the information's on the
12 table before a decision's made. It's a little bit hard
13 to extract it out and not read you a whole page. I'll
14 leave it at that.

15
16 CHAIRMAN BROWER: Thank you, Sandy.
17 Maybe we could get copies for that just to share with
18 us as Council members. That would be helpful.

19
20 MS. B. ARMSTRONG: You have those.

21
22 MS. AHTUANGARUAK: We have the
23 comments?

24
25 MS. B. ARMSTRONG: They're in your
26 folders.

27
28 CHAIRMAN BROWER: Okay.

29
30 MS. B. ARMSTRONG: Garfield comments.

31
32 CHAIRMAN BROWER: Okay. Thank you.
33 With that we'll move on to public testimony. Or was
34 that the public testimony that you just read, or the
35 written comments.

36
37 MS. B. ARMSTRONG: They're written
38 comments.

39
40 CHAIRMAN BROWER: Any public testimony.

41
42 (No comments)

43
44 CHAIRMAN BROWER: None given. Regional
45 Council deliberations. Thank you.

46
47 MS. AHTUANGARUAK: Mr. Chair.

48
49 CHAIRMAN BROWER: Rosemary.

50

1 MS. AHTUANGARUAK: I'd like to find out
2 how the delineation of the map occurred that decided
3 the controlled use area.

4
5 One of the community meetings we dealt
6 with was assessing the possible road access to the
7 Dalton Highway, and we drew a similar boundary, but the
8 boundary was in greater distance on that controlled use
9 area. We worked with Craig George on that, because we
10 identified with the changes around us are increased
11 concentration of activities in these area were very
12 important.

13
14 Also we recognized that we have
15 multiple herds on the North Slope. We recognize that
16 these herds can be very healthy. But we've also
17 provided many years of public testimonies and comments
18 about the conflicts that have arisen, and the reaction
19 with restrictions to subsistence access has occurred.
20 We have supported Anaktuvuk Pass in this process. We
21 have even brought Anaktuvuk hunters into our community
22 to allow them a chance to hunt when their village went
23 without access to hunting. We've even supported when
24 they went to Wainwright to do some hunting in that
25 community, because their members went without access.
26 This is very concerning to us.

27
28 We recognize that there's very minimal
29 lands with the changes that have occurred with the
30 State leases and the ownership changing with these
31 things. But there are some real significant impacts
32 that are occurring, and that's why we looked at the
33 bigger map and put in a larger restricted area.

34
35 If this isn't the right forum to
36 address that, which forum would it be to look at a
37 larger closed area.

38
39 There have been multiple years that
40 these issues have occurred, and that's why we came up
41 with these discussions at previous meetings.

42
43 Thank you.

44
45 CHAIRMAN BROWER: Thank you, Rosemary.
46 Any responses. Thank you.

47
48 MR. CARROLL: I guess you're referring
49 to the current State closed area, the size of that.
50 And basically the process was the original proposal was

1 to include both the Chandalar River and the Anaktuvuk
2 River drainages, which would have been considerably
3 larger. You know, there were people there that thought
4 that that was much larger than it needed to be, and so
5 it was kind of a compromise solution to just have the
6 Anaktuvuk River.

7
8 It was felt that caribou that -- that
9 most caribou that would be coming from the North would
10 be traveling through that Anaktuvuk River drainage.
11 You know, what we'd seen in the past was that when the
12 caribou staged in good numbers up there up to the
13 northwest of Anaktuvuk, that they usually came through
14 the pass in good numbers.

15
16 So anyway, it was -- like you say, it's
17 not as big as initially proposed. It was kind of a
18 compromise.

19
20 You know, one thing I didn't state
21 before, and again I was going to get into this later,
22 but this area has a sunset clause of two years. This
23 State controlled use area is on paper until July 1st,
24 2008. And so the next Board of Game meeting we're
25 expected to show up there and show that it actually is
26 being beneficial, or it might not continue for more
27 than two years, so that might be a factor in your
28 thinking as well.

29
30 CHAIRMAN BROWER: Rosemary.

31
32 MS. AHTUANGARUAK: Were there
33 representation from Anaktuvuk, or were these decisions
34 by the Board of Game on changing the way this map went?
35 What does the people of Anaktuvuk feel? Do they feel
36 that it's important to include the Chandalar drainage
37 or not.

38
39 MR. CARROLL: Yes, there were
40 representatives from Anaktuvuk, and, you know, they did
41 a very good job, and that's basically -- I mean, I was
42 surprised that the Board passed this controlled use
43 area. They haven't shown an indication to do that in
44 the past, and it's a Board that basically likes to get
45 rid of controlled use area.

46
47 You know, we have a meeting scheduled.
48 The North Slope Borough Wildlife Department has a
49 meeting scheduled in Anaktuvuk next Monday night.
50 Let's see. Anyway, next week.

1 MS. B. ARMSTRONG: Yeah. The 21st.
2
3 MR. CARROLL: Okay. Yeah. We're going
4 up there and going to have a public meeting, so I'd be
5 able to answer that question a little better, you know,
6 how they feel about it. I think that they were pleased
7 to get the controlled use area up there at all.
8
9 MS. AHTUANGARUAK: Right.
10
11 MR. CARROLL: I'm sure they'd like to
12 have a bigger one. Here on the other hand, since this
13 has been passed, I've been pummelled pretty hard by
14 some guides that have worked up there in the past.
15 They think it's way too big, you know. So it will,
16 yeah, come around again in two years at the Board of
17 Game meeting, and it's going to be a struggle to
18 maintain this size of one I think, but that's when if
19 people feel it should be larger, then that's when it
20 should be addressed.
21
22 MS. AHTUANGARUAK: And then the other
23 question is we worked with Craig George on developing a
24 map on access when we considered the Department of
25 Transportation accessing the Colville River. We put
26 this boundary of the controlled use back a lot further,
27 because of our increased concentrated use, and the loss
28 of subsistence resource activities due to changes
29 around us. Have you see that? Has that been anything
30 that has been brought up in further discussions.
31
32 MR. CARROLL: Well, you know, it's an
33 entirely different venue, you know. I mean it's.....
34
35 MS. AHTUANGARUAK: Okay.
36
37 MR. CARROLL:and, you know, it
38 kind of relates to different issue. So, you know, I
39 don't know if.....
40
41 MS. AHTUANGARUAK: Seeing the changes
42 that occurred, I know our community will really
43 appreciate having access to some areas that are going
44 to be restricted. The question we have is is this
45 going to still allow the community to the south of us
46 that depends upon this migration also to continue their
47 harvest. The only way we're going to know is to watch
48 and see what happens. We don't have the ability to
49 look in the computer and say that caribous, yes,
50 they're going to follow this way. But assessing it and

1 continue to interact is important. Recognizing the two
2 year period for this, with the hardship that community
3 has gone through with the lack of alternative resources
4 available for them, it's important to take the larger
5 picture and allow them the opportunity with less
6 restrictions to occur. When the migration is altered
7 and they're having to travel further, just because we
8 restrict access in this one drainage, they still may
9 have to continue into the other area. And this
10 community faced a lot of hardship, and they need the
11 good hunting to occur for a period of time. They
12 really need that. It's been, you know, multiple
13 seasons that they've had effects to this. Efforts to
14 control these interactions have failed this community.

15
16 For us, we've seen similar reactions
17 occur, not related to regulatory changes, but occur
18 because of a lack of recognition to reactions that can
19 occur with approval of actions around us.

20
21 It's very concerning, the strength of
22 our testimonies haven't supported enough, and it's
23 allowed it to be whittled down. There are multiple
24 families that face that hardship, whole community faced
25 that hardship.

26
27 The reaction to other communities from
28 that community not having these resources. There are
29 many community through the Slope that share from
30 Anaktuvuk. The way you prepare penuktuk (ph) in
31 Anaktuvuk is very different than you prepare it on the
32 coast. The joy of sharing those resources are very
33 important and relied upon. I mean, during our
34 basketball trips, when our kids go to Anaktuvuk, we
35 relied upon that. But we've lost out with them when
36 they've gone without. The sharing has not occurred.
37 The building of community ties have not occurred. The
38 education to the younger generation has not occurred.
39 The utilization of the byproducts of these harvest have
40 not occurred. these are multi-seasonal effects that
41 have occurred from the loss of these resources, and
42 it's important to give it the strength that needs to
43 allow them to have hopes of having some harvest.

44
45 Thank you.

46
47 CHAIRMAN BROWER: Thank you, Rosemary.
48 Terry.

49
50 MR. HAYNES: Mr. Chairman. Thank you.

1 Rosemary, I think, you know, those were
2 very important comments, and I don't want to speak for
3 Geoff, but I know that as he points out, this closure
4 will be reviewed in two years. But I think it's very
5 important for your community to pay real close
6 attention to caribou harvest activities over the next
7 couple of years and see if you see any effects from
8 this closure, good or bad. And then there'd be an
9 opportunity to go to the Board of Game and say, you
10 know, we'd like to see this closure continued. Or we
11 don't think it did any good. Or we'd like you to
12 consider once again expanding it to include the
13 Chandalar River or some other geography. But pay close
14 attention to what goes on, because the Board of Game
15 really needs information from the affected users. And
16 as Geoff alluded to, this is a Board that's not
17 inclined to make controlled use areas, and is really
18 oriented more toward making things available for more
19 users. So I think it's -- you know, there's no
20 guarantees what that Board will do, but this is a case
21 where the Board of Game and probably the Federal --
22 comes into play more than the Federal Subsistence
23 Board, because we're dealing with a lot of State
24 managed lands.

25
26 So you know, I appreciate your
27 comments, and, you know, pay attention to the outcomes
28 of the next couple of hunting seasons and see if
29 anything good or bad happens.

30
31 MS. AHTUANGARUAK: I would have liked
32 to have seen the closure area go up to the edge of the
33 Chandler River, to allow that side of the drainage to
34 also be included and then a consideration that I would
35 have liked to have seen is the Iklik River included as
36 part of that area around our community. Our
37 concentrated use in this area is very extensive related
38 to changes around us and it is an area that we are
39 increasing our harvest attempt into. We have seen
40 other activities in these areas related to different
41 things that are going, some of them are approved
42 activities, some of them are probably unknown
43 activities, but efforts to assess and change things are
44 occurring and we appreciate that. We just recognize
45 that there may be factors that support having a wider
46 closed area.

47
48 CHAIRMAN BROWER: Thank you, again,
49 Rosemary. We're still on Council deliberations. Any
50 further comments.

1 MR. BODFISH: Mr. Chairman.
2
3 CHAIRMAN BROWER: Paul.
4
5 MR. BODFISH: I got a question.
6 There's a camp along the Dalton Highway at Happy Valley
7 and when does their hunt start on the caribou or is
8 there a closed and open season for them.
9
10 MR. CARROLL: Well, I -- yeah, I think
11 their season is basically open through the -- well, it
12 will be here. Well, basically the season starts there
13 July 1st over along the Dalton Highway, July 1st
14 through September 30th and they have a limit of two
15 caribou total, bulls and then another season from
16 October 1st to April 30th.
17
18 MR. BODFISH: My other question is that
19 if they could kind of close that July season and have a
20 caribou that comes from the eastern side, the Porcupine
21 side come on over because opening the doors for these
22 hunters to stop the first bunch of the caribous
23 crossing. The reason I'm saying that is there was a
24 guy from this town here, from Barrow, working at Pump 4
25 and he seen the Eastern Caribou Herd coming through
26 Atigun Pass not crossing the road, like they were
27 deflected. The first bunch just weren't allowed to
28 cross and they hunted from the first bunch and they did
29 head on up through Atigun Pass not allowing them to
30 cross and go on over towards Anaktuvuk.
31
32 MR. CARROLL: Well, I know that's a
33 real issue. Anaktuvuk people claim that, you know,
34 since the Dalton Highway and the Pipeline have been put
35 in there that it has really deflected the migration.
36 They don't get the caribou that came from the east in
37 the past and the information that we're getting from
38 satellite collared caribou and, you know, that the
39 North Slope Borough processes, you know, it shows
40 pretty clearly that the Teshekpuk Herd, as it goes
41 towards the east, you know, it's stopped by the highway
42 and the Pipeline area. So, you know, it's not -- it's
43 a real issue and -- but, you know, if we're going to
44 address hunting seasons there, you know, it's something
45 that needs to be done probably through the Board of
46 Game and at a different time and everything else, it's
47 kind of getting away probably from the issue that we're
48 talking about here.
49
50 CHAIRMAN BROWER: Thank you, Geoff. If

1 we could stay within what we're discussing right now in
2 regards to this proposal then I think it would make our
3 discussions and deliberations a little bit easier for
4 us to consider. So we're still under Council
5 deliberations.

6
7 I know we do have a lot of concerns
8 regarding these different caribou herds and the use and
9 the access problems that we are faced with. But try
10 and maintain and stay focused on the proposal that
11 we're discussing. Please.

12
13 We're still under Council deliberation.

14
15 MR. BODFISH: Mr. Chair, the reason I
16 think that, I'm looking at this and moving the boundary
17 over to the Dalton Highway, you know, would be kind of
18 helpful towards the village of Anaktuvuk. That's my
19 reasoning, you know. That's mostly why I asked the
20 question.

21
22 CHAIRMAN BROWER: I think this is
23 already set in place and the decision has already been
24 made by the Board of Game, that's why it's identified
25 in this area.

26
27 What is the wish of the Council.

28
29 MR. RABINOWITCH: Excuse me, Mr.
30 Chairman.

31
32 CHAIRMAN BROWER: Sandy.

33
34 MR. RABINOWITCH: To offer a comment
35 that might help you all focus on what you want to do.
36 I'll try to do this in two minutes or less if that's
37 okay, and I'll look to several people in the room to
38 follow along with me, Laura, Geoff, and Terry and
39 anyone else to see if I'm getting it right, but I think
40 I can help maybe narrow it down.

41
42 If you look at the map on Page 39
43 again. I've been trying to make sense of this as the
44 discussion has gone on and I felt a little confused a
45 little earlier but I think maybe I can sum it up now.

46
47 The large area that's labeled closed
48 area is what this proposal is all about, and that
49 closed area -- and I'll keep looking to Laura if I
50 misstep here and let me know, so the large closed area

1 is what this proposal is all about and that closed area
2 is in Federal regulation. And what it means is that
3 non-subsistence users can't come hunt caribou right now
4 in that area on Federal lands.

5
6 So the proposal says let's get rid of
7 that closed area and let people like me, from
8 Anchorage, come hunt caribou there on Federal land.
9 Okay, the only Federal land that's open to hunt is over
10 kind of to the right bottom corner where it says Gates
11 of the Arctic National Preserve that's inside there.
12 This was the question I was asking at the beginning
13 trying to understand this myself. So right where you
14 see the word, Gates, and underneath it the word,
15 National, it's only that part of this that's inside
16 that line, sort of the left side.

17
18 Okay, Laura am I doing okay so far?

19
20 MS. GREFFENIUS: Uh-huh. (Affirmative)

21
22 MR. RABINOWITCH: So there's no other
23 Federal land that this regulation affects. That's the
24 part that sort of became clear to me.

25
26 Now, the other thing that I've come to
27 understand, and I'll look more to Geoff and Terry here
28 is, very recently the Board of Game put a new
29 regulation into place, the controlled use area that you
30 see on this map, the stippled pattern, it's labeled
31 State Controlled Use Area, so it's really new, it
32 doesn't show up in any of the regulation books yet, and
33 what that will do is allow people like me, from
34 Anchorage, to hunt there but not with the use of
35 aircraft, am I on the right track or help me out?

36
37 MR. CARROLL: Yeah, that's true but
38 that's the only way to really get in there.

39
40 MR. RABINOWITCH: Okay. So that new
41 State regulation would allow me to go hunt there, but
42 not with aircraft, and as Geoff just said it makes it
43 really hard to get there, if not almost impossible, and
44 that will be in effect for two years and then sunset,
45 is what I heard him say.

46
47 So it seems to me that I would almost
48 characterize this as sort of housekeeping, I mean I
49 don't know if you see it that way or not, but it kind
50 of looks that way to me, because there's so little

1 really affected by the remaining Federal regulation
2 because of the land status that's been explained. So I
3 think it all centers down on that little bit of Gates
4 of the Arctic Preserve is really where to focus.

5
6 I'll stop there. I hope that helps.

7
8 CHAIRMAN BROWER: Thank you, Sandy.

9
10 MR. REXFORD: Mr. Chair.

11
12 CHAIRMAN BROWER: Julius.

13
14 MR. REXFORD: Without Anaktuvuk Pass
15 being here how can we make a decision without hearing
16 from them. And that's this area, it's their country so
17 I really don't -- I can't make a decision whether we
18 would support this or not.

19
20 Thank you, Mr. Chair.

21
22 CHAIRMAN BROWER: Thank you, Julius for
23 your comments. We did try to get him here and
24 indicated to him that we had several issues that we
25 needed his input on and have had to conduct meetings
26 without them and making decisions and that's the choice
27 that they continue to make. So we've been encouraging
28 them to come to the meetings and if they don't show up,
29 you know, they're being left out. I know it goes both
30 ways, whether they do or they don't, the decisions
31 continue to be made. We seek their input and we value
32 their input very much but when they're not present that
33 puts the burden on us to try and address the issues
34 that are before us.

35
36 So we're still on Regional Council
37 deliberations.

38
39 You've heard the Federal position on
40 this, that's to support the proposal. The State
41 position was to support the proposal. So there's
42 others, public testimony that we heard from National
43 Park Service.

44
45 MR. KOONUK: Mr. Chair.

46
47 CHAIRMAN BROWER: Ray.

48
49 MR. KOONUK: Yeah, Mr. Chair. Julius
50 has a good comment. Could this be tabled or do we need

1 to pass this?

2

3 CHAIRMAN BROWER: We could ask Staff to
4 see what the issues are, the raised question is,
5 whether we could table this proposal or not, I guess
6 that remains for us to make the decision on that. I
7 guess if we could get some help as to what -- how we
8 could present our vote, support, not to support, or not
9 to take any action on it, those are the three that I
10 could remember, and he's asking if this proposal could
11 be tabled.

12

13 MS. GREFFENIUS: Mr. Chair. I was just
14 comment that this will be -- it's before your Council
15 and also the Western Interior Council, and so your
16 recommendations will be part of the decision made by
17 the InterAgency Staff Committee, you know, the
18 recommendations of the Council are what will be carried
19 forth to the Board. So you folks can decide.

20

21 CHAIRMAN BROWER: Thank you.

22

23 MS. B. ARMSTRONG: Mr. Chair.

24

25 CHAIRMAN BROWER: Barbara.

26

27 MS. B. ARMSTRONG: Mr. Chair. If you
28 were to turn to Page 120, there's a preliminary
29 conclusion. And, you know, with this proposal coming
30 before you, I think I would suggest that you need to
31 put a voice in because it's so important. And then
32 this is crossing over into the Western Interior and the
33 Staff recommendation is to support the proposal with
34 modification.

35

36 MS. GREFFENIUS: No, we're on Page 42.

37

38 MS. B. ARMSTRONG: I'm sorry, I'm on
39 the wrong proposal, Page 42. The Staff recommendation
40 is to support the proposal and there's the
41 justification. Raymond had this book, he's the
42 representative for this Council, he knows about this
43 and he chose not to attend this meeting and he told me
44 the day I was traveling so it's up to you to either
45 support or not support this proposal. For you to make
46 a decision today, please.

47

48 Thank you.

49

50 MR. REXFORD: Mr. Chair.

1 CHAIRMAN BROWER: Julius.
2
3 MR. REXFORD: From what I understood
4 was that this proposal is going to be closed to non-
5 Federal subsistence users in this proposed area; is
6 that correct?
7
8 CHAIRMAN BROWER: Sorry, it's continue
9 to remain closed to subsistence users or is it non-
10 subsistence users.
11
12 MS. GREFFENIUS: Non-subsistence.
13
14 MS. B. ARMSTRONG: Non-subsistence.
15
16 CHAIRMAN BROWER: Non-subsistence
17 users.
18
19 MR. REXFORD: That was the action to be
20 taken was to close it to non-Federal subsistence users;
21 is that correct?
22
23 MS. GREFFENIUS: Yes.
24
25 MR. RABINOWITCH: To keep it closed.
26
27 MR. REXFORD: To keep it closed.
28
29 MR. RABINOWITCH: It is closed
30 currently.
31
32 MR. REXFORD: Oh, it is closed.
33
34 MS. GREFFENIUS: Uh-huh. (Affirmative)
35
36 MR. RABINOWITCH: By Federal
37 regulation.
38
39 CHAIRMAN BROWER: Keep it closed. Go
40 ahead Laura.
41
42 MS. GREFFENIUS: Just a clarification
43 that might help out and what we've been discussing.
44 The lines that are at an angle on this map on Page 39
45 is the Federal closure at the present time, the angled
46 lines. And so what you're voting on right now is
47 whether or not to remove that closure, the angled lines
48 would be removed and as we discussed, the area that
49 would be affected would really be this lower right-hand
50 corner just based on no more BLM lands up here. So

1 that's the Federal lines if we want to look at it that
2 way.

3

4 And then the State lines are those
5 cross-hatched ones that are labeled the State
6 Controlled Use area, that's very, very recent from the
7 fall of 2005, which will go into effect July 1, 2006.
8 So that's the State Controlled Use Area. So we wanted
9 to put it all on one map, a lot of lines but just so
10 it's all on one map. So those will still be in
11 existence, the Controlled Use Area, so what you're
12 voting on is the angled lines eliminating that closures
13 and that means that on the Federal public lands, the
14 non-subsistence specifically would be able to go into
15 Gates of the Arctic National Preserve.

16

17 MS. AHTUANGARUAK: No, they won't.

18

19 MR. GREFFENIUS: Will be able to go.
20 Does that help out, just to -- okay, thank you.

21

22 CHAIRMAN BROWER: Paul.

23

24 MR. BODFISH: Yeah, hearing that, I
25 make a motion to support Proposal WP06-65 as presented.

26

27 CHAIRMAN BROWER: There's a motion on
28 the floor to support the proposal as presented.

29

30 MR. GUNDERSON: Second.

31

32 CHAIRMAN BROWER: The proposal's been
33 seconded. Any further discussion.

34

35 MS. AHTUANGARUAK: I'd like to go on
36 the record that it's recognized by our community that
37 the best chances for Anaktuvuk Pass to continue
38 traditional subsistence activities with caribou hunting
39 would be to continue with the existing closure. It is
40 really strongly recognized in our community the
41 conflicts that have occurred and the loss of resources
42 over multiple -- over seasons over multiple years. And
43 I recognize the reasoning behind this is the lack of
44 enforcement within the Federal lines, it is an
45 administrative capacity but it is important to
46 recognize that we feel the best thing would be to keep
47 the closure in place.

48

49 Thank you.

50

1 CHAIRMAN BROWER: Thank you, Rosemary.
2 Further discussion on the motion.
3
4 (No comments)
5
6 MR. REXFORD: Question called for.
7
8 CHAIRMAN BROWER: Question has been
9 called on the motion supporting the proposal as
10 presented. All in favor signify by saying aye.
11
12 IN UNISON: Aye.
13
14 CHAIRMAN BROWER: And opposed, same
15 sign.
16
17 MS. AHTUANGARUAK: Aye.
18
19 CHAIRMAN BROWER: Thank you. So the
20 motion passes. We have our next proposal. It's lunch
21 hour here, what's the wish of the Council, do more
22 proposals, there's several items. If we're going to be
23 breaking for lunch I'm going to state that I'm not
24 going to be present after lunch, I'm going to pass the
25 chair on over to the vice Chair, because I've got other
26 commitments that I need to take care of this afternoon.
27 I have other things I need to go take care of, my
28 issues, so I'll be absent this afternoon.
29
30 MS. B. ARMSTRONG: Okay.
31
32 CHAIRMAN BROWER: So we'll be breaking
33 for lunch until 1:00.
34
35 All right.
36
37 Okay, lunch.
38
39 (Off record)
40
41 (On record)
42
43 ACTING CHAIR KOONUK: Okay, I guess we
44 have all our Council members here. Our Chair had to
45 leave for other commitments he had to take care of, so
46 I'll call the meeting back to order.
47
48 And we have our next proposal, I
49 believe that's Proposal 66. Proposal 66, Laura.
50

1 MS. GREFFENIUS: So Proposal No. 66
2 begins on Page 44 of your book. And this one covers a
3 similar -- well, it's the same area where we discussed
4 the proposal right before lunch but this addresses
5 moose in 26(A), and then there's a map, quite similar
6 but a little bit different on Page 47. So as I'm
7 reading along, you can take a look at that.

8
9 So Federal lands in the portion of the
10 Colville River drainage down stream from and including
11 the Chandler River within Unit 26(A) are currently open
12 to moose harvest only by Federally-qualified
13 subsistence users. And this proposal is submitted by
14 Office of Subsistence Management would open these
15 public lands to moose harvest and this proposal was
16 developed in response to a substantial increase in the
17 Unit 26(A) moose population. This is one of the
18 closure reviews discussed last fall and then it was
19 submitted as a proposal to be addressed as a regulatory
20 change.

21
22 And as we mentioned in the previous
23 proposal there's a relatively small amount of Federal
24 public lands affected by adoption of this proposal. In
25 this case it would also be the Gates of the Arctic
26 National Preserve just as we mentioned in the previous
27 one, that lower right-hand area, and then also on this
28 particular proposal, it would also be within, there's
29 cross-hatching shown within the National Petroleum
30 Reserve-Alaska.

31
32 During the 1990s Unit 26(A) moose
33 hunting was restricted under both Federal and State
34 regulations due to a continued decline in moose and in
35 1994 the Federal Subsistence Board closed Unit 26(A)
36 Federal public lands to the use of aircraft for moose
37 hunting. And in subsequent years, the Federal
38 Subsistence Board closed Federal public lands in
39 portions of Unit 26(A) so only the Federally-qualified
40 subsistence hunters were allowed to harvest moose. And
41 as I mentioned, in 2005, our office, the Subsistence
42 Management Office, conducted a review of closed areas
43 and initially recommended continuing the existing
44 closure to non-Federally-qualified subsistence hunters.
45 But later on in 2005 in response to new information on
46 the moose population that had increased and improved
47 moose population status the Office of Subsistence
48 Management developed the current proposal which would
49 eliminate the closure.

50

1 And also as we discussed with the
2 Alaska Department of Fish and Game representatives who
3 are here, some of the -- for example, the Controlled
4 Use Area for the caribou in the previous proposal we
5 just discussed, that would also have an influence on
6 the numbers of aircraft in the area and in November
7 2005, the State of Alaska Board of Game expanded
8 opportunities for State residents to harvest moose in
9 portions of 26(A), they created a winter season and
10 also a resident drawing permit for a bull moose hunt in
11 the Colville River drainage and as Geoff mentioned it
12 would include aircraft use allowed on the Colville
13 River up stream from but not including the Anaktuvuk
14 River. So also for this moose hunt that the State has
15 put forth there, again -- this is separate from the
16 Controlled Use Area but there was also some aircraft
17 restrictions on that one recognizing the issue of
18 aircraft in the Anaktuvuk Pass area.

19
20 As far as populations, ADF&G moose data
21 from annual spring trend aerial surveys in these river
22 drainages in the vicinity have been increasing since
23 1997. And if adopted, this proposed regulatory change
24 is expected to have minimal effect upon either the
25 moose population or Federally-qualified users. And if
26 this proposal were adopted the ability of the
27 Federally-qualified-subsistence user to harvest should
28 not be greatly affected, given the small amounts of
29 Federal public lands involved. So it's kind of a
30 similar situation as we discussed earlier.

31
32 So on Pages 53 and 54 is the Staff
33 recommendation to support the proposal. And existing
34 Federal public lands subject to the current regulation
35 are limited in extent. There's the head waters of the
36 -- again referring to the map just as I read this, if
37 you want to go back to Page 47, there's the headwaters
38 of the Chandler River within the Gates of the Arctic
39 National Preserve and portions of the lower Colville
40 River and associated tributaries within the National
41 Petroleum Reserve-Alaska. And Unit 26(A) moose
42 population has substantially increased and should be
43 able to support some additional harvest of bulls.

44
45 That concludes my presentation and
46 thank you.

47
48 ACTING CHAIR KOONUK: Alaska Department
49 of Fish and Game comments.

50

1 MR. HAYNES: Thank you, Mr. Chairman.
2 The Department's comments are on Page 55. We support
3 this proposal. Growth of the moose population in Unit
4 26(A) and the small amount of Federal public land in
5 that portion of the Colville River drainage down stream
6 from and including the Chandler River make this closure
7 to non-Federally-qualified subsistence users in this
8 area unnecessary.
9
10 Thank you.
11
12 ACTING CHAIR KOONUK: Other agency
13 comments.
14
15 (No comments)
16
17 ACTING CHAIR KOONUK: How about
18 InterAgency comments.
19
20 MR. RABINOWITCH: None, Mr. Chairman.
21
22 ACTING CHAIR KOONUK: Fish and Game
23 Advisory Committee comments.
24
25 MS. B. ARMSTRONG: There is none, Mr.
26 Chairman.
27
28 ACTING CHAIR KOONUK: Public comments.
29
30 MR. RABINOWITCH: Mr. Chairman. The
31 National Parks Conservation Association had a comment
32 and the material that I read to you on the previous
33 proposal, their comments for this one are exactly the
34 same. They want to have information, informed
35 decision-making. So I think I'll just leave it at that
36 summary and keep it quick.
37
38 Thank you.
39
40 ACTING CHAIR KOONUK: Thank you, Sandy.
41 Any public testimony.
42
43 (No comments)
44
45 ACTING CHAIR KOONUK: No public
46 testimony. Regional Council deliberation,
47 recommendation and justification.
48
49 MS. AHTUANGARUAK: Mr. Chair.
50

1 ACTING CHAIR KOONUK: I'd like to
2 recognize the importance of communications that
3 occurred with the previous proposal and effects that
4 those discussions have on this proposal that's before
5 us. I also want to reiterate the importance of
6 maintaining the traditional migratory pattern of this
7 area for the residents of Anaktuvuk. We recognize the
8 impacts that have occurred with lack of enforcement and
9 reactionary efforts of deflecting their migration. And
10 removing this closure will affect their caribou
11 effects.

12
13 An important note that was brought out
14 in additional discussions, not during the recording,
15 was we recognize that there are some real changes that
16 have occurred on the northeast corner of Teshekpuk
17 Lake, with development activities in that area, which
18 essentially block that side of migration that we know
19 this is a very important insect relief area for the
20 caribou and we don't know what the reaction to the
21 migration is going to be from the results of that. Our
22 village is very concerned that there will be no
23 migration that occurs from the north towards the east
24 through that area because of those changes that have
25 occurred. If that migration does not occur the
26 deflection will be to the west side of the lake and we
27 don't know where those caribou are going to migrate
28 through but if that deflection occurs, the area that
29 it's directed towards is Chandler River area and we
30 feel that this will be very important to assess before
31 we just open it up for additional reactionary changes.

32
33 ACTING CHAIR KOONUK: Thank you,
34 Rosemary. Any more comments from the Council.

35
36 (No comments)

37
38 ACTING CHAIR KOONUK: What is the wish
39 of the Council.

40
41 MR. BODFISH: Mr. Chair.

42
43 ACTING CHAIR KOONUK: Yeah, Paul

44
45 MR. BODFISH: After hearing all that, I
46 guess I make a motion to approve Proposal WP06-66 after
47 sending in the note that Rosemary said.

48
49 ACTING CHAIR KOONUK: There's a motion
50 by Paul to support and to include Rosemary's comments

1 on the proposal.
2
3 MR. HOPSON: Second.
4
5 ACTING CHAIR KOONUK: Second by Baxter.
6 Any discussion.
7
8 MR. GUNDERSON: Question.
9
10 ACTING CHAIR KOONUK: Question called
11 for. All in favor of approving Proposal No. 66 say
12 aye.
13
14 IN UNISON: Aye.
15
16 ACTING CHAIR KOONUK: All opposed.
17
18 MS. AHTUANGARUAK: Aye.
19
20 ACTING CHAIR KOONUK: Motion passes.
21
22 MR. RABINOWITCH: Mr. Chairman.
23
24 ACTING CHAIR KOONUK: Yes.
25
26 MR. RABINOWITCH: Excuse me for
27 interrupting, but one small thing and it'd be better, I
28 think to get it on the record right now, I think we
29 just noticed a small error in a piece of the
30 justification to this. I don't think it changes
31 anything you've just done but if I could just point
32 this out to Laura on the record. On Page 54 at the top
33 left there's a section labeled justification, about
34 five lines down, there's a sentence that begins
35 existing Federal public lands and it keeps going into
36 the next line and it talks about the headwaters of the
37 Chandler River within Gates of the Arctic National
38 Preserve, I think that's an error, in that, I believe
39 that no lands in those headwaters are in the Gates of
40 the Arctic Preserve, so I think it's just a little
41 misdescription, and, again, it doesn't change anything.
42 But that way the record's cleaner.
43
44 That's all.
45
46 MS. AHTUANGARUAK: Yeah.
47
48 MR. RABINOWITCH: Thank you.
49
50 ACTING CHAIR KOONUK: Thank you.

1 MS. GREFFENIUS: Thank you, Mr. Chair.
2 Thank you Sandy, as I was reading the summary and going
3 over that, I noticed it and I stumbled and I appreciate
4 you catching that. So we'll note that there's no
5 Preserve lands at the headwaters and we just need to
6 change the wording on that.
7
8 MR. RABINOWITCH: We'll spread the
9 credit around, Terry helped figure that out.
10
11 ACTING CHAIR KOONUK: Thank you. Going
12 on to the next proposal, Nol. 34. We'll take an hour
13 break.
14
15 (Laughter)
16
17 ACTING CHAIR KOONUK: Okay, going on to
18 our next proposal, Proposal No. 34, and we have Pete on
19 line. Go ahead, Pete.
20
21 REPORTER: Pete. Pete, are you there?
22
23 (Pause)
24
25 REPORTER: Pete are you there?
26
27 MR. DEMATTEO: Yes, I am here.
28
29 REPORTER: Okay, you're up.
30
31 ACTING CHAIR KOONUK: Go ahead.
32
33 MR. DEMATTEO: Mr. Chair. Members of
34 the Council. Proposal 34 was submitted by the Western
35 Interior Regional Council and this proposal can be
36 found in your book, it begins on Page 75. Mr. Chair,
37 this proposal is being presented to the Council today
38 because it affects the residents of Anaktuvuk Pass, the
39 residents of Anaktuvuk Pass have C&T for moose in all
40 of Unit 24.
41
42 This proposal would change the closing
43 dates for the fall moose seasons in Units 21(A), (B),
44 (D), (E) and 24. It would change the closing date of
45 the season for fall, September 25 to October 1st, so
46 there'd be an additional six days to hunt moose on the
47 end of the fall season. This proposal would also
48 change the closing dates for the fall moose season in
49 the Koyukuk Controlled Use Area in Units 21(D) and 24,
50 which ends currently on September 20th and would extend

1 it to the 1st.

2

3 Again, Mr. Chair, the part of this
4 proposal that affects the residents you represent in
5 the village of Anaktuvuk Pass, it only pertains to the
6 northern part of Unit 24.

7

8 This proposal was submitted because the
9 proponent feels that warmer than normal fall
10 temperatures are delaying the movements of bull moose
11 during the fall season. The proponent has made the
12 claim that the delay the delay and problems of bull
13 moose have prevented some subsistence hunters from
14 harvesting moose.

15

16 The proposed regulatory changes could
17 be found on Pages 79 and 80 in your Council books. One
18 thing I'll point is that I mentioned yesterday that the
19 primary hunting area for moose for the residents of
20 Anaktuvuk Pass is that area south of the village, which
21 is basically the upper John River. This proposal does
22 not affect the John River season because the John River
23 season runs from August 1st straight through to
24 December 1st so they don't need that extension. But it
25 does indirectly affect them that there's always a
26 chance that someone from Anaktuvuk Pass, whenever they
27 decide to hunt moose from the Dalton Highway Corridor
28 for instance, which is still a long ways from them, but
29 they do have C&T to hunt there.

30

31 Analysis from population surveys
32 conducted in the northern portion of Unit 24 reveal
33 that moose populations in these areas could support an
34 additional but limited harvest during the proposed six
35 day extension.

36

37 Since the beginning of the dual
38 management system the primary goal has been to limit,
39 when possible, hunter confusion over regulations. If
40 Proposal 34 is adopted by the Federal Board it would be
41 Federal regulations out of alignment with the State.
42 State and Federal regulations not in alignment would
43 produced mixed blocks of Federal and non-Federal lands
44 with different season dates around villages. some
45 local residents would have difficulty in determining
46 the difference between Federal and State jurisdictions.
47 Also if this proposal were to be adopted by the Federal
48 Board the non-alignment of regulation could create
49 potential law enforcement issues. Having that network
50 of lands where hunters may be unaware of differing land

1 boundaries makes them vulnerable to law enforcement
2 actions by both State and Federal agencies.

3

4 Adoption of the proposed regulatory
5 changes may result in the need to establish a Federal
6 permit system for a Federal only fall season. Because
7 current management objectives prescribe a close watch
8 to keep harvest totals within management guidelines for
9 the populations.

10

11 Mr. Chair. If this proposal is
12 adopted, it will be necessary to do extensive outreach
13 with hunters regarding differing of land statuses and
14 boundaries in order to avoid potential law enforcement
15 and also to collect harvest information.

16

17 The preliminary conclusion is to
18 support the proposal with modification and provided a
19 proposed season extension for Unit 21(B) which is that
20 portion of the Nowitna Refuge of Unit 24, Federal lands
21 north and east of but not including the Koyukuk
22 National Wildlife Refuge, in other words with the upper
23 Koyukuk River Federal lands.

24

25 Mr. Chair. I'd like to point out there
26 is one error in your book, and I believe they passed
27 out a hand out that you have in front of you which is a
28 revision to how the regulations would read if the Board
29 were to adopt it. And it's the third hunt area, Unit
30 24 that portion of the Hagatza River drainage. You see
31 there there's a March 1 through 5 season, that would
32 not be there, that should be struck out. And the
33 reason for that is, is that March 1 through 5 season
34 only pertains to the Koyukuk National Wildlife Refuge,
35 so it would not pertain to that hunt area.

36

37 And with that, Mr. Chair, I'll stop
38 there.

39

40 Thank you.

41

42 ACTING CHAIR KOONUK: Thank you, Pete.
43 Alaska Department of Fish and Game comments.

44

45 MR. HAYNES: Mr. Chairman. Before we
46 go there, could I ask Pete to clear -- I don't have a
47 hand out that points out the changes that he was
48 referring to so I missed that.

49

50 Pete, could you repeat what.....

1 REPORTER: Pete, there's no hand out,
2 Terry's asking where the hand out is.
3
4 MS. B. ARMSTRONG: The hand outs are in
5 their packets.
6
7 REPORTER: Terry, is there one over
8 there maybe for you and the public. Thank you, Barb.
9
10 MR. DEMATTEO: Mr. Chair. There should
11 be a.....
12
13 MR. HAYNES: Okay, never mind. Tina
14 found it for me.
15
16 ACTING CHAIR KOONUK: Terry.
17
18 MR. HAYNES: Thank you, Mr. Chairman.
19 The Alaska Department of Fish and Game comments on this
20 proposal are on Page 110. And because there's a
21 parallel proposal to this proposal that is going before
22 the Board of Game at its meeting in Fairbanks next
23 month, the Department is not taking a position on this
24 proposal at this time. We typically wait to see what
25 kind of action the Board of Game would take, and if the
26 Board of Game adopts this proposal or some version of
27 it then that is the position that we would take on this
28 Federal proposal.
29
30 So at this time we don't have any
31 position to forward to you.
32
33 I think in terms of limiting your focus
34 to how this proposal would affect hunters in Anaktuvuk
35 Pass, which I believe Pete tried to do, is probably the
36 best thing, because a large majority of this area and
37 the changes being proposed will affect Interior Alaska
38 hunters but not so much the hunters up in Anaktuvuk
39 Pass.
40
41 Thank you.
42
43 ACTING CHAIR KOONUK: Thank you, Terry.
44 Other agency comments.
45
46 MS. BROWN: Mr. Chair.
47
48 ACTING CHAIR KOONUK: Yes, Wennona.
49
50 MS. BROWN: Mr. Chair. For the record,

1 Wennona Brown and this time I'm representing Kanuti
2 National Wildlife Refuge which is in Unit 24. I just
3 wanted to state that the Refuge does support the
4 extension to October 1, although, certainly with the
5 proviso that we do realize that if this is the only
6 area that's open we would have to watch it fairly
7 carefully as to whether or not it becomes a drawing
8 point for other areas from the state because it is open
9 until October 1.

10
11 ACTING CHAIR KOONUK: Thank you,
12 Wennona. InterAgency Staff Committee comments.

13
14 MR. RABINOWITCH: None, Mr. Chairman.

15
16 ACTING CHAIR KOONUK: Fish and Game
17 Advisory Committee comments.

18
19 (No comments)

20
21 MS. B. ARMSTRONG: You've got the SRC.

22
23 MR. RABINOWITCH: Sorry, Mr. Chair.

24
25 ACTING CHAIR KOONUK: Sandy.

26
27 MR. RABINOWITCH: I've got too many
28 papers. There's two comments here. One's from the
29 Gates of the Arctic Subsistence Resource Commission and
30 their view on it -- I'll just read it, it'd be quicker.

31
32 They support the proposal. The
33 Subsistence Resource Commission voted unanimously to
34 endorse this proposal for the reasons stated by the
35 proponents which were declining moose populations,
36 restrictions on cow harvest and warmer fall weather
37 resulting in a later prerutting movements. Bull moose
38 have been increasingly difficult to harvest under the
39 current regulation.

40
41 And that's the end of that comment, so
42 they support that. And I'll make sure there's copies
43 of this into the record.

44
45 And then there's also one other public
46 comment, again, from the National Parks Conservation
47 Association, it's the group that commented earlier. On
48 this one, again, I'll just read it very quickly.

49
50 The proposal lists because of moose

1 population declines is one of the reasons for the
2 change in the season being suggested, another reason
3 rationalizing the change is warmer fall seasons brought
4 on by global warming. The suggested revision to extend
5 that season by either a week -- let me see, or 10 days,
6 isn't extending the season, contradictory to the
7 concern about moose population; so they're asking that
8 question, to address the contradiction, the Board may
9 want to consider shifting the season later with no
10 change in the season length, and just extending it. So
11 I think what they're saying take the whole season and
12 sort of move it a week that way whereas the proposal is
13 saying leave it here and extend it.

14

That's all, Mr. Chairman.

15

16
17 ACTING CHAIR KOONUK: Thank you, Sandy.
18 Summary of written public comments.

19

20 MS. B. ARMSTRONG: There's none, Mr.
21 Chairman, thank you.

22

23 ACTING CHAIR KOONUK: Public testimony.

24

25 MS. B. ARMSTRONG: There's none, sir.

26

27 ACTING CHAIR KOONUK: Thank you, Barb.
28 Regional Council deliberation, recommendation and
29 justification. Rosemary.

30

31 MS. AHTUANGARUAK: Within Unit 24
32 reactionary changes to these changes -- by extending
33 the date you may allow a change in the number of
34 hunters that are accessing these areas. You're keeping
35 the dates the same for Unit 24 that's affecting
36 Anaktuvuk Pass but if you're having a recruitment from
37 these other areas there may be a reaction that occurs
38 and monitoring and assess it will help us to identify
39 future issues or seeing if this is something that will
40 support. Cleaning up the proposal, making it more
41 understandable to the users is what this is doing,
42 except for adding the dates, cleaning it up makes it
43 easier for people that are trying to harvest in these
44 areas to make it understandable and we appreciate those
45 efforts, but recognizing the changing in the dates will
46 cause a reactionary change within the unit as a whole,
47 the multiple units as a whole.

48

49 Thank you.

50

1 ACTING CHAIR KOONUK: Thank you,
2 Rosemary. Any more comments from the Council.
3
4 (No comments)
5
6 ACTING CHAIR KOONUK: What's the wish
7 of the Council.
8
9 MS. AHTUANGARUAK: What are the options
10 we have on this Barb?
11
12 MS. B. ARMSTRONG: The preliminary
13 conclusion, I think.....
14
15 REPORTER: Barb. Barb, please.
16
17 MS. B. ARMSTRONG: I keep forgetting.
18
19 REPORTER: That's okay, that's why I'm
20 here, sorry, to interrupt. Thank you.
21
22 MS. B. ARMSTRONG: Pete, the
23 preliminary conclusion is to support with modification
24 to provide the proposed season extensions for Unit
25 21(B)?
26
27 MR. DEMATTEO: Yeah.
28
29 MS. B. ARMSTRONG: Okay.
30
31 MR. DEMATTEO: That is correct. It
32 would be support for 21(B) as in Boy, which is that
33 portion of the Nowitna Refuge, and then Unit 24, it
34 would be all Federal lands north and east of, but not
35 including the Koyukuk Refuge.
36
37 MS. B. ARMSTRONG: Okay.
38
39 ACTING CHAIR KOONUK: Thank you, Barb.
40 Any more comments or recommendations from the Council.
41
42 (Pause)
43
44 MR. GUNDERSON: Mr. Chair.
45
46 ACTING CHAIR KOONUK: Yes.
47
48 MR. GUNDERSON: As a subsistence
49 hunter, I have traveled to many parts of Alaska to do
50 some hunting. I have traveled to Fairbanks and hunted

1 around there quite a few times, and we don't just hunt
2 in Fairbanks, we travel to, you know, wherever we
3 decide that there is the least amount of interaction
4 with other hunters. Because when you're out there
5 hunting, you don't like to run into other people
6 because, you know, of the conflicts between other
7 hunters wanting better grounds and, you know, it's hard
8 to go out there and just hunt any specific area, you
9 have to be open to abroad, you know, it's not just one
10 area you're hunting in, you're hunting in the whole
11 state depending on which way you go, you know,
12 direction.

13

14 So I am in support of this.

15

16 ACTING CHAIR KOONUK: Thank you, David.
17 Any more comments, recommendations from the Council.

18

19 MS. AHTUANGARUAK: I second his motion.

20

21 ACTING CHAIR KOONUK: Did you make a
22 motion. No?

23

24 MS. AHTUANGARUAK: Are you making a
25 motion, I thought.....

26

27 MR. GUNDERSON: Yes.

28

29 ACTING CHAIR KOONUK: Okay, there's a
30 motion on the floor by David.

31

32 MS. AHTUANGARUAK: And I second it.

33

34 ACTING CHAIR KOONUK: Second by
35 Rosemary. Any discussion.

36

37 (No comments)

38

39 MR. REXFORD: Question. Question
40 called for.

41

42 ACTING CHAIR KOONUK: Question called
43 for. All in favor of the motion to support say aye.

44

45 IN UNISON: Aye.

46

47 ACTING CHAIR KOONUK: All opposed.

48

49 (No opposing votes)

50

1 ACTING CHAIR KOONUK: Hearing none,
2 motion carried. Proposal 34 is passed. Go down to
3 Proposal No. 57. Pete.

4
5 REPORTER: Pete, you're up.

6
7 (Pause)

8
9 REPORTER: Pete, are you there, you're
10 up next proposal.

11
12
13 MR. DEMATTEO: Yes. The analysis for
14 Page 57 begins in your book on Page 125. This proposal
15 was submitted by the Alaska Department of Fish and Game
16 and this would eliminate the Federal regulatory closure
17 restriction for sheep hunting in the Arctic Village
18 Sheep Management area that's in Unit 25(A) during the
19 August 10 through April 30 season. There's a map in
20 your packet that shows the management area, it's a blow
21 up map showing Unit 25(A) and 26(C), and it's half
22 along Unit 25(A).

23
24 (Pause)

25
26 The proponent of this proposal feels
27 that without evidence of any significant use of closure
28 area by local subsistence hunters maintaining the
29 closure to continued subsistence use of sheep in the
30 area cannot be used to justify maintaining the closure.

31
32 The Federal closure regulations for the
33 management area have been in existence since the
34 1991/92 regulatory year. The management area was
35 expanded in 1995 to include the Cane Creek and Red
36 Sheep Creek drainages, and you can see that on your map
37 at the very top, the extension of the Red Sheep Creek
38 and Cane Creek extension into the management area.

39
40 Residents of Arctic Village,
41 Chalkyitsik, Fort Yukon, Kaktovik and Venetie have a
42 positive C&T use determination for sheep in Unit 25(A).
43 Sheep population surveys have not been conducted in the
44 management areas since 1991 and consequently estimates
45 of sheep abundance are not available. Also information
46 concerning the sheep populations in the eastern Brooks
47 Range is limited. Some surveys have been conducted in
48 the adjacent areas, sheep populations in the eastern
49 Brooks Range have somewhat recovered from the declines
50 seen in the early 1990s and remain numbers that were

1 observed back in the early 1980s. These populations
2 are currently considered to be relatively stable.

3
4 Also little harvest information is
5 available for sheep in the management area. Federal
6 permits for the management area have been available
7 since the 1995/96 regulatory year.

8
9 The Office of Subsistence Management
10 harvest records indicate that from the year 2000 to
11 present six hunters have obtained permits average of
12 one permit per year, however, no harvest reports have
13 been returned during that period.

14
15 Mr. Chair. If Proposal 57 is adopted
16 by the Board it will eliminate the Federal closure
17 regulations for the management area. The Federal
18 subsistence hunters would be able to harvest two rams
19 of any size during August 10th through April 30 and
20 take an additional sheep in the October 1st through
21 April 30 season under regulation which would be a total
22 of three sheep for the year. Non-subsistence hunters
23 would be able to harvest one full-curl ram during
24 August 10 through September 20 and an additional sheep
25 October 1st through April 30th for a combined total of
26 up to three sheep. All hunters taking sheep under
27 State regulations in October 1 through April 30 would
28 be prohibited from using aircraft to hunt sheep. Areas
29 adjacent to the management area are lightly to
30 moderately utilized by non-Federally-qualified users to
31 hunt sheep under State regulations.

32
33 Because no harvest of sheep have been
34 reported by local residents for the affected area,
35 adoption of the proposed regulatory change is not
36 expected to have adverse impacts on the communities but
37 that have a positive C&T use determination for sheep in
38 the management area.

39
40 Mr. Chair. This proposal was difficult
41 for Staff to analyze because writing a biological
42 analysis only lets you look basically at two things and
43 that is the current condition of the sheep population
44 and also taking a look at the hunter harvest, and,
45 unfortunately we don't have much to go on there.

46
47 Because of the lack of information the
48 analysis steers us toward the conclusion that the
49 closure is no longer necessary based on the available
50 evidence. Analyzing this proposal Staff did not have

1 much to go on as far as information, therefore, Mr.
2 Chair, the preliminary conclusion is to support the
3 proposal. But I do want to say that I would welcome
4 any additional insight or additional information that
5 the Council or others may have there concerning this
6 issue, particularly when it comes to hunter harvest of
7 sheep within the management area.

8

9 Mr. Chair. Also the handout of the
10 proposal, I believe it's in your packet there, it's not
11 the same as the one in the book, there are some changes
12 made which I have highlighted in this presentation, and
13 with that I'll stop there.

14

15 Thank you, Mr. Chair.

16

17 ACTING CHAIR KOONUK: Thank you, Pete.
18 Before we go on, I want to clear up on Proposal 34, and
19 to put on record support as modified. I just wanted to
20 clarify that.

21

22 So we'll go down to Alaska Department
23 of Fish and Game comments.

24

25 MR. HAYNES: Thank you, Mr. Chairman.
26 The Department's comments are on Page 129. This is a
27 Department proposal and obviously we support this
28 proposal.

29

30 (Laughter)

31

32 MR. HAYNES: This is one of those
33 closures that is, I think, worth bringing to your
34 attention because the Department is asking that it be
35 removed because in this case there's not evidence
36 there's not evidence that it's needed to provide for
37 Federally-qualified subsistence users. And as Pete has
38 pointed out there isn't a lot of information available
39 but what information that has been made available to us
40 indicates that the closure isn't necessary to provide
41 Arctic Village with its sheep hunting opportunities in
42 this management area.

43

44 One concern that's been expressed and,
45 that is, if this closure is lifted, State regulations
46 would again apply to this area and the State
47 regulations currently allow for harvest of three sheep
48 in what is now this Arctic Village Sheep Management
49 Area and because we don't have good biological
50 information but we expect that sheep numbers are low in

1 that area, the Department is committed to really
2 looking closely at this issue and if this closure is
3 lifted by the Federal Subsistence Board and in order to
4 provide conservative management of the sheep in that
5 area, the Department's willing to go to the Board of
6 Game and request that there be some changes to the bag
7 limit for sheep in that area to ensure that the sheep
8 population is protected.

9
10 Thank you.

11
12 ACTING CHAIR KOONUK: Thank you, Terry.
13 Other agency comments.

14
15 MS. BROWN: Mr. Chair.

16
17 ACTING CHAIR KOONUK: Yes, Wennona.

18
19 MS. BROWN: Thank you, Mr. Chair.
20 Again, Wennona Brown for the Arctic National Wildlife
21 Refuge. And the Refuge wanted to go on record stating
22 that we have requested that this proposal be deferred
23 until further information is available.

24
25 Thank you.

26
27 ACTING CHAIR KOONUK: Thank you,
28 Wennona. InterAgency Staff Committee comments, Sandy.

29
30 MR. RABINOWITCH: Yes, Mr. Chairman, I
31 have uncharacteristically long comments on this so I
32 apologize in advance. I'd also, if I can, like to just
33 take the map that you all got and I just marked it up
34 with some colors and if I could just pass it around
35 because it's important to make sure that everybody
36 understands the areas we're talking about. So you have
37 the map but I just put some bright colors on it with
38 the hopes that that will help speed up the discussion a
39 little bit.

40
41 These are comments that the Staff
42 Committee that I sit on had quite a bit of discussion
43 about, we probably spent more time talking about this
44 proposal than any one that you've heard today. And it
45 turns out that we had quite a number of comments, so
46 I'll go through these as quick as I can but bear with
47 me because it will take just a little bit.

48
49 So the Staff Committee actually
50 suggests a different recommendation than what you've

1 just heard from Pete.

2

3

4 And that alternative recommendation for
5 you to consider would be for you to allow -- I'm just
6 going to read this to get it straight. To allow non-
7 subsistence hunting sheep within the Cane and Red Sheep
8 Creek drainages, I believe it's the orange on that map
9 that I passed around that you have, but to defer action
10 on the rest of Proposal 57 dealing with the remainder
11 of the sheep management area, again, shown on that map.
12 And the reason to do so would be until surveys of the
13 sheep population in the area can be conducted and
14 additional efforts to obtain harvest information from
15 Arctic Village residents be conducted.

15

16 I think you heard Pete talk about the
17 general lack of biological information and I believe
18 that there's some concern and I can't really speak to
19 this with any personal knowledge, but some concern
20 about whether the harvest information is really
21 accurate and up to date or not from those communities.

22

23 Several other things to give context to
24 this. The Staff Committee believes that the original
25 sheep management area, the harvest restrictions and
26 closures to non-subsistence users was adopted by the
27 Federal Subsistence Board in 1991, they did so to
28 address concerns about the low density sheep population
29 in the area and to provide for the continued
30 subsistence use opportunity. At that time the area did
31 not include the drainages of Cane and Red Sheep Creek.
32 So it just started out the smaller area. The closure
33 to non-subsistence hunters was deemed necessary to
34 provide the subsistence priority with the change in
35 subsistence harvest from three sheep to two rams at
36 that time. Cane and Red Sheep Creek drainages, the
37 orange, were added in 1995, several years later, to
38 eliminate interference with sheep hunting with non-
39 subsistence hunters in those drainages, even though the
40 sheep population in Cane and Red Sheep Creeks was
41 determined to be able to support both groups, the
42 subsistence and non-subsistence hunters under the more
43 liberal regulations at that time.

44

45 Little sheep hunting effort and no
46 harvest by Arctic Village residents in the area have
47 been reported in the 15 years since it was first
48 established. Other communities with C&T in the area
49 are not known to hunt sheep in that area and given the
50 apparent lack of use of the area by local subsistence

1 users, closure to the area to non-subsistence users
2 cannot be justified as necessary to continue
3 subsistence use of sheep in the area.

4
5 Cane and Red Sheep drainages
6 historically have had little use by local subsistence
7 hunters due to the difficulty of accessing the area by
8 boat, which is, we believe, how people from Arctic
9 Village get there, up the river, or by snowmachine.
10 Access by aircraft has been very infrequent. So with
11 the high cost of gasoline and charter aircraft it's
12 unlikely that those drainages, again Cane and Red
13 Sheep, will receive significant use by the local people
14 in the near future. If any sheep hunting occurs in the
15 sheep management area, it's expected to occur in the
16 portions closer and more accessible to the village.

17
18 The current status of sheep population,
19 as you've heard, is unknown. No sheep survey has been
20 conducted in the management area since it was
21 established. Some surveys in the eastern Brooks Range
22 have been conducted, again, outside of the area and
23 those surveys indicate that the populations of sheep in
24 the eastern Brooks Range have generally increased from
25 the reduced levels of the 1990s. I'm sure all of you
26 remember that there were several hard winters around
27 1989/90 and there was a lot of sheep mortality in the
28 Brooks Range. Anyway, so they're now considered to be
29 more stable and slowly increasing in general, in the
30 big picture.

31
32 Although the current sheep population
33 status for Cane and Red Sheep Creek is not available,
34 there's no reason to suspect that the sheep population
35 in the area cannot support use by both subsistence and
36 non-subsistence hunters. At the time of the inclusion
37 of these drainages, which, again, was 1995, the
38 population was large enough to support both subsistence
39 and non-subsistence hunters. The drainages are similar
40 in nature to others in the Brooks Range where the more
41 recent surveys have indicated some population growth.

42
43 And the last comment. There's a
44 greater uncertainty regarding the status of sheep
45 populations in the original sheep management area, so
46 that's all the areas to the south of Cane and Red Sheep
47 Creek due to the less favorable habitat in the area and
48 the lower numbers of sheep when the area was
49 established in 1991. It may not be prudent to
50 eliminate the closure to non-subsistence hunters in

1 this portion of the sheep management area at this time
2 because such an action would reestablish a three sheep
3 harvest limit, this is what Terry was talking about a
4 minute ago, in the area without assurance that the
5 sheep population could support that level of harvest.
6 A deferral of the proposal -- or that portion of the
7 proposal for the sheep management area may be
8 recommended pending the acquisition of survey
9 information about sheep.
10
11 I apologize for the length but I just
12 didn't know how to summarize that down.
13
14 Thank you.
15
16 ACTING CHAIR KOONUK: Thank you, Sandy.
17 Fish and Game Advisory Committee.
18
19 MS. B. ARMSTRONG: There are none, Mr.
20 Chair.
21
22 ACTING CHAIR KOONUK: Thank you, Barb.
23 Summary of written public comments.
24
25 MS. B. ARMSTRONG: Mr. Chair. There
26 are also no summary -- no written public comments for
27 this proposal.
28
29 ACTING CHAIR KOONUK: Public testimony.
30
31 MS. B. ARMSTRONG: There is none, thank
32 you.
33
34 ACTING CHAIR KOONUK: Regional Council
35 deliberation, recommendation and justification.
36
37 MS. AHTUANGARUAK: Mr. Chair.
38
39 ACTING CHAIR KOONUK: Yes, Rosemary.
40
41 MS. AHTUANGARUAK: I would like to
42 defer a decision on this proposal. We need to get some
43 more information and we need some new sheep population
44 information and we need some accurate harvest reports.
45 Without this information we don't know what the effect
46 of a decision would be today and the risk for a
47 detrimental effect is there. And I would feel very
48 uncomfortable making a determination without having
49 information that would justify our decision.
50

1 Thank you. This is a motion.
2
3 ACTING CHAIR KOONUK: Thank you,
4 Rosemary. There's a motion on the floor.
5
6 MR. BODFISH: Second.
7
8 ACTING CHAIR KOONUK: Second by Paul.
9 Any discussion.
10
11 (No comments)
12
13 MR. GUNDERSON: Question called.
14
15 ACTING CHAIR KOONUK: Question called
16 for. All in favor of deferring the proposal, Proposal
17 57, say aye.
18
19 IN UNISON: Aye.
20
21 ACTING CHAIR KOONUK:
22
23 (No opposing votes)
24
25 ACTING CHAIR KOONUK: Hearing none.
26 The Proposal 57 is deferred. Down to Proposal 69.
27 Pete.
28
29 MR. DEMATTEO: Proposal 69 was
30 submitted by the Alaska Department of Fish and Game.
31 This proposal makes some changes to the Unit 24 sheep
32 hunting regulations. They simplify the regulations
33 after the new Unit 24 subunits have been adopted. And,
34 again, this is being presented to you because it
35 affects the community of Anaktuvuk Pass.
36
37 Just like with Proposal 36, the Board
38 of Game recently adopted subunit descriptions for Unit
39 24. Federal regulations require that the Federal
40 program use the State's unit and subunit descriptions.
41 The analysis shows you on Page 117, 188, and 119 the
42 proposed regulatory changes if this proposal were to be
43 adopted.
44
45 The proposed action will help simplify
46 the regulations and result in two changes to the sheep
47 hunting regulations.
48
49 So the area of Unit 24(A) outside of
50 the Dalton Highway Corridor Management Area, that's the

1 area east of the Corridor and southwest of the Corridor
2 would experience a 10 day shift in the season from the
3 beginning date of August 10 to a beginning date of
4 August 20, and a closing date of September 20 to
5 September 30. And hunters within 24(A) outside of the
6 Dalton Highway Corridor will also be required to obtain
7 a Federal registration permit.

8

9 This change is determined to be
10 inconsequential biologically because it will simplify
11 regulations for hunters by providing uniform
12 regulations for all Federal lands in Unit 24(A) outside
13 of the Gates of the Arctic National Park. Federal
14 permits for areas outside the Corridor may be
15 inconvenient to some hunters. Coordination by land
16 managers will be needed to make these permits available
17 to all eligible sheep hunters. Additional harvest data
18 obtained through the permit system will aid in sheep
19 management.

20

21 The season throughout most of 24(A),
22 which would be August 20 through September 30 is
23 consistent with the preferred season requested in 2004
24 by local subsistence sheep hunters.

25

26 And with that, Mr. Chair, the Staff
27 preliminary conclusion is to support the proposal.

28

29 Thank you.

30

31 ACTING CHAIR KOONUK: Thank you, Pete.
32 Alaska Department of Fish and Game comments.

33

34 MR. HAYNES: Mr. Chairman. The
35 Department's comments are on Page 136. I will have to
36 update these comments because the Board of Game divided
37 Unit 24 into subunits.

38

39 This proposal is necessary to establish
40 season and harvest limits for dall sheep in each of the
41 new subunits of 24. And we believe that not only is
42 this necessary but if the Federal Board adopts this
43 proposal it will simplify the regulations for
44 Federally-qualified subsistence users.

45

46 ACTING CHAIR KOONUK: Thank you, Terry.
47 Other agency comments.

48

49 MS. B. ARMSTRONG: I don't think we
50 have any, Mr. Chair.

1 ACTING CHAIR KOONUK: Thank you,
2 Barbara. InterAgency Staff Committee comments.
3
4 MR. OVIATT: Mr. Chairman. For the
5 record, George Oviatt, Bureau of Land Management.
6 There are no comments from the Staff.
7
8 ACTING CHAIR KOONUK: Thank you. Fish
9 and Game Advisory Committee comments.
10
11 MS. B. ARMSTRONG: There are none for
12 Fish and Game.
13
14 ACTING CHAIR KOONUK: Summary of
15 written public comments.
16
17 MS. B. ARMSTRONG: I don't see any
18 written public comments either. Thank you.
19
20 ACTING CHAIR KOONUK: Public testimony.
21
22 MS. B. ARMSTRONG: There are none.
23
24 ACTING CHAIR KOONUK: Okay, thank you,
25 Barbara. No. 8 Regional Council deliberation,
26 recommendation and justification.
27
28 MS. AHTUANGARUAK: Mr. Chair.
29
30 ACTING CHAIR KOONUK: Yeah, Rosemary,
31 go ahead.
32
33 MS. AHTUANGARUAK: On Page 135 in the
34 harvest history it states most sheep hunting in the
35 eastern Brooks Range occurs during August and early
36 September when the weather is most favorable. An
37 estimated 80 to 90 percent of the sheep harvest
38 occurred before September 1st. My question, will
39 moving the dates back a little bit, will that allow
40 those users adequate time to try to harvest? Moving
41 the date back 10 days give them less time if that's the
42 concentrated time of their harvesting.
43
44 (Pause)
45
46 REPORTER: Pete, did you get that.
47
48 (Pause)
49
50 MR. DEMATTEO: Mr. Chair.

1 ACTING CHAIR KOONUK: Yes.
2
3 MR. DEMATTEO: I don't hunt in that
4 particular area. I can't say with any certainty
5 exactly how it would affect the hunters according to
6 what she said there. I hope there's some others there
7 in the room that could address this better than I can.
8
9 MR. HAYNES: Mr. Chairman.
10
11 ACTING CHAIR KOONUK: Yes, Terry.
12
13 MR. HAYNES: Mr. Chairman, I'll take a
14 stab at this. And as a non-biologist and non-sheep
15 hunter in this area, and I don't -- basically we're not
16 doing much to the actual season dates, we're just kind
17 of -- instead of the -- the hunting periods are staying
18 the same but if you look at the existing Federal
19 regulations, according to the new subunits and the
20 proposed regulations according to the new subunits the
21 one area where there is the change, if I look at this
22 correctly, it's just including the Dalton Highway
23 Corridor is the area that's being -- it's falling into
24 a different area and I don't believe there is very much
25 sheep hunting that occurs within the Corridor itself.
26
27 So -- unless others in the room have
28 some evidence of the degree of sheep hunting that
29 occurs in the Dalton Highway Corridor I don't think
30 this will have much effect.
31
32 ACTING CHAIR KOONUK: Thank you, Terry.
33 Any more comments from the Council.
34
35 MS. AHTUANGARUAK: I've traveled
36 through the Dalton Highway through the summer time and
37 I did see a vehicle with curl -- a full-curl ram in the
38 back of his vehicle at the end of July. I don't know
39 if there's a lot of vehicle usage and I don't travel
40 every year during that time but there was a hunter who
41 had a ram in the back of his vehicle so we do see some
42 of those types of activities, mostly we see the caribou
43 hunting that occurs.
44
45 ACTING CHAIR KOONUK: Thank you,
46 Rosemary. Terry.
47
48 MR. HAYNES: Thank you, Mr. Chairman.
49 And the only thing I would say, Rosemary, is that it's
50 unclear whether that sheep was taken in the Corridor

1 because the Corridor, as you know is used to access
2 other areas on either side of the highway and my guess
3 is in many cases you will see sheep coming down the
4 Dalton Highway but they were not harvested in the
5 Corridor.
6
7 ACTING CHAIR KOONUK: Thank you, Terry.
8 More comments from the Council.
9
10 (No comments)
11
12 ACTING CHAIR KOONUK: Rosemary.
13
14 MS. AHTUANGARUAK: The biggest unknown
15 that we're facing is the division of this unit into
16 subunits and assessing the effects of determining the
17 rates for harvesting in these areas. There's a lot of
18 unknowns out there in managing the effects of these
19 subunits that we will have to continue to monitor and
20 assess. Knowing that the Staff worked to make these
21 determinations based on the available data and knowing
22 that there is a need to assess the subunits the way
23 they have been divided, this is a good starting point
24 looking at trying to maintain the resource in the area.
25
26 I would move that we support this but
27 encourage the Staff to continue the monitoring.
28
29 ACTING CHAIR KOONUK: There's a motion
30 on the floor by Rosemary.
31
32 MR. BODFISH: Second.
33
34 ACTING CHAIR KOONUK: Second by Paul.
35 Any discussion.
36
37 (No comments)
38
39 MR. HOPSON: Question.
40
41 ACTING CHAIR KOONUK: Question called
42 for. All in favor of supporting Proposal 69 say aye.
43
44 IN UNISON: Aye.
45
46 ACTING CHAIR KOONUK: All opposed.
47
48 (No opposing votes)
49
50 ACTING CHAIR KOONUK: Okay, Proposal 69

1 is passed. Anything else, any other proposals,
2 Barbara.
3
4 MS. B. ARMSTRONG: No, that's it with
5 the proposals, and thank you Pete.
6
7 MS. AHTUANGARUAK: Thank you, Pete.
8
9 ACTING CHAIR KOONUK: Thank you, Pete.
10
11 MR. DEMATTEO: You're welcome, Mr.
12 Chair. I believe Helen Armstrong has to present yet.
13
14 MS. B. ARMSTRONG: No, we've taken care
15 of what Helen was supposed to present, the closure,
16 Sandy did it this morning, thank you.
17
18 MS. H. ARMSTRONG: Oh, he did.
19
20 MS. B. ARMSTRONG: Yes, he did.
21
22 MS. H. ARMSTRONG: Okay.
23
24 MS. B. ARMSTRONG: All right, thank
25 you, bye.
26
27 ACTING CHAIR KOONUK: Bye.
28
29 MS. H. ARMSTRONG: All right, thank
30 you.
31
32 MS. B. ARMSTRONG: Okay, bye.
33
34
35 ACTING CHAIR KOONUK: Barbara, anything
36 else.
37
38 MS. B. ARMSTRONG: Sandy, you're in the
39 hot seat.
40
41 ACTING CHAIR KOONUK: We have another
42 proposal?
43
44 MS. B. ARMSTRONG: No, 12 is agency
45 reports, National Park Service.
46
47 ACTING CHAIR KOONUK: 12, National Park
48 Service, Sandy.
49
50 MR. RABINOWITCH: Yes, Mr. Chairman,

1 Sandy Rabinowitch with the Park Service. I asked the
2 Park if they had any information they wanted me to
3 present to you and they did not. They've been running
4 a little thin kind of in several directions, so in
5 short I don't have a report for you and you can move on
6 to the next.

7
8 Thank you.

9
10 ACTING CHAIR KOONUK: Thank you, Sandy.
11 Wennona.

12
13 MS. BROWN: Thank you, Mr. Chair.
14 Again, Wennona Brown for the Arctic National Wildlife
15 Refuge. I think over the lunch break or something Barb
16 put on your desk the one page sheet, front and back,
17 it's just the list of selected projects that the Arctic
18 National Wildlife Refuge is expecting to be carrying
19 out this summer and we just wanted to bring it to the
20 attention of the Council, some of the activities that
21 could be going on on the North Slope by Refuge Staff
22 throughout the summer field season.

23
24 Also I brought up a copy of the new
25 regulation booklet for the spring waterfowl season and
26 I think Barb also put it in your packet over the lunch
27 break.

28
29 So unless there's other questions or
30 comments.

31
32 ACTING CHAIR KOONUK: Any questions or
33 comments from the Council.

34
35 (No comments)

36
37 ACTING CHAIR KOONUK: If not, thank
38 you, Wennona.

39
40 MS. BROWN: Thank you, Mr. Chair.

41
42 ACTING CHAIR KOONUK: Okay, we'll take
43 a five minute break.

44
45 (Off record)

46
47 (On record)

48
49 ACTING CHAIR KOONUK: I'll call the
50 meeting back to order and we're on item B, National

1 Park Service, Sandy.
2
3 MR. RABINOWITCH: I think I've already
4 gone.
5
6 ACTING CHAIR KOONUK: Oh, you did?
7
8 MR. RABINOWITCH: Unless I missed
9 something.
10
11 MS. B. ARMSTRONG: Yes, Sandy's already
12 gone.
13
14 ACTING CHAIR KOONUK: Okay, we'll go
15 down to Item C, U.S. Fish and Wildlife Service, Arctic
16 Refuge Wennona Brown.
17
18 MS. B. ARMSTRONG: She went already.
19
20 ACTING CHAIR KOONUK: She did already,
21 all right.
22
23 MS. B. ARMSTRONG: BLM.
24
25 ACTING CHAIR KOONUK: Go down to Item
26 D, Bureau of Land Management, Dave.
27
28 DR. YOKEL: Thank you, Mr. Chairman.
29 Dave Yokel with the Bureau of Land Management. I was
30 hoping to present this on the screen today but I can't
31 get the computer and the projector to talk to each
32 other, so I have handouts that I've provided to you for
33 most of what I'd like to say.
34
35 The first thing -- actually the way I
36 handed them to you is upside down from the order I'm
37 going to present them, so the first map that I want to
38 talk about briefly shows all of the NPR-A broken up
39 into three planning areas, the Northeast area, the
40 Northwest area and the South planning area and you've
41 probably already found it by now but it looks like
42 this.
43
44 So I want to review, just very briefly,
45 the BLM planning in the NPR-A area. The first record
46 of decision for the Northeast Planning area was signed
47 back in October of 1998, which allowed oil and gas
48 leasing in a portion of the northeast area.
49
50 The record of decision for the plan for

1 the Northwest area was signed in January of 2004.

2

3

4 And then the Northeast amendment, which
5 has been in the works for a few years and was completed
6 over a year ago, the record of decision for that one
7 was finally signed last month on January 11th, 2006.

8

9

10 And so the second map that you have
11 which shows the Northeast planning area, that's this
12 map that I'm holding up now, shows the decision for
13 that area. In the original decision in 1998 no lease
14 sales would have been allowed around Teshekpuk Lake
15 area, now all of that area can be offered for lease
16 sales under this plan amendment. However, in an
17 attempt to balance the protection of the molting goose
18 and calving caribou resources here with the potential
19 for oil and gas development, the Bureau of Land
20 Management has provided several mitigations.

21

22

23 The first that I would mention that you
24 see the area north -- Northeast of the lake broken up
25 into seven very large lease tracts noting as A through
26 G. These average about 53,000 acres in size, whereas a
27 normal lease tract is something more like 10 or 20,000
28 acres in size. And within these lease tracts there
29 would be no development allowed on the lavender colored
30 areas, which are the lakes themselves and buffers
31 around those lakes. This is primarily to protect the
32 geese that molt there in the summer. In addition the
33 development within any one of these large lease tracts
34 would be limited to, at most, 300 acres of total
35 disturbance excluding pipelines. And there would be no
36 exceptions allowed to this particular mitigation
37 measure. Oh, and I would mention that the total area
38 covered in lavender there would be no disturbance
39 allowed on or around the lakes totals about 242,000
40 acres. That also excludes pipelines. Pipelines could
41 cross those areas and again there'd be no exceptions to
42 that mitigation measure.

43

44

45 Another requirement is that there will
46 be at least three years of study of the geese molting
47 in the area prior to any construction and this is to
48 help, among other things, identify specific locations
49 of facilities if any should be proposed within that
50 little strangely shaped red area, lease tracts F and G.
51 And also there would be a workshop prior to the
52 construction of any pipeline, a workshop that would
53 include local governments and local residents to try to
54 determine the best place to build a pipeline.

1 The next mitigation is for an area
2 referred to as the Southern Caribou Calving Area, and
3 that's this area south of the lake that has the
4 diagonal purple lines through it, if I'm confusing you
5 with my directions I wish I had it up on the screen I
6 could point to it, but this area would allow no
7 permanent oil and gas facilities with the exclusion of
8 pipelines, pipelines would be allowed. There is no
9 statement in the Record of Decision, though, that says
10 no exceptions would be allowed to this mitigation so
11 the oil companies could request an exception; whether
12 or not that exception would be granted would have to
13 wait until the time because we have no idea now what
14 the details would be.

15
16 And also there's an area east of
17 Teshekpuk Lake between the lake and the Kogrue River
18 that's outlined in bright red on your map and another
19 smaller area northwest of the lake, these are both
20 important corridors for caribou movement around the
21 lake, to getting in and out of that area, north,
22 northeast of the lake. The one to the east of the lake
23 is about 45,000 acres in size and the one up northwest
24 of the lake is a little bit less than 10,000 acres in
25 size.

26
27 The Record of Decision states that
28 there would be no permanent oil and gas facilities
29 within these areas with the exception of a pipeline
30 corridor if one is needed. Again, there would be a
31 work shop including local experts on the placement of
32 that pipeline corridor if it were needed. And then
33 also the Record of Decision does not make the statement
34 that there would no exceptions to this mitigation.

35
36 So that summarizes the major changes to
37 the Northeast planning area after the signing of the
38 Record of Decision for the plan amendment. And before
39 I move on, I should ask if there's any questions on
40 this.

41
42 Oh, we finally -- can try and get that
43 up there.

44
45 (Pause)

46
47 DR. YOKEL: So while we're seeing if we
48 can get this up on the computer, do you have any
49 questions about what I've presented so far?
50

1 ACTING CHAIR KOONUK: Any questions.
2 Any comments from the Council. Geoff.
3
4 MR. CARROLL: I just wanted to clarify,
5 Dave, you said that in both the movement zone and -- I
6 mean the migration corridor and the calving area, that
7 it does not say there will be no exceptions, is that --
8 is that.....
9
10 DR. YOKEL: I'm sorry, Mr. Chairman, I
11 can't seem to figure out how to focus the projector.
12 In answer to Geoff's question, yes, there is no
13 statement in the Record of Decision saying that there
14 would be no exception for the restrictions in the
15 Southern Caribou Calving Area or the caribou movement
16 corridors.
17
18 MR. CARROLL: I'm just kind of --
19 trying to kind of put that in perspective, you know, in
20 the original decision there was a subsistence area
21 created around Fish Creek over near Nuiqsut and
22 basically stating that there would be no permanent
23 structures within that subsistence area except that
24 that was one of the first places they found oil in and
25 so they asked for an exception so that they could put a
26 permanent structure within that subsistence area and
27 that was granted.
28
29 So anyway that's kind of the potential,
30 it makes me nervous, and what -- what we have to deal
31 with is even though they say that there could be no
32 surface structures within that area, you know, if it's
33 just not economical to do their oil development without
34 having a structure there then there's a potential that
35 there could be to put structures in there.
36
37 I might be putting it too simply but.
38
39 ACTING CHAIR KOONUK: Yes, Terry.
40
41 MR. HAYNES: Thank you, Mr. Chairman.
42 I have a question regarding the caribou areas in the
43 North and Northeast portions, you said that there are
44 provisions to not allow certain things to happen there,
45 to avoid these areas but that pipelines can be built
46 across them, are pipelines not considered a potential
47 source of impact to or disruption to caribou movements?
48
49 DR. YOKEL: In the seven large lease
50 tracts North and Northeast of the lake, lease tracts,

1 and could you advance that one or maybe advance it
2 twice, now, it's probably too blurry to help but.....
3
4 (Trying to get PowerPoint in focus)
5
6 MS. AHTUANGARUAK: There you go, yeah.
7
8 (Applause)
9
10 (Laughter)
11
12 MS. AHTUANGARUAK: Thank you, Baxter.
13
14 ACTING CHAIR KOONUK: Hire an Inupiat.
15
16 (Laughter)
17
18
19 MS. AHTUANGARUAK: All right.
20
21 DR. YOKEL: Thank you, Baxter.
22
23 MR. CARROLL: You could get another
24 business going there.
25
26
27 DR. YOKEL: Okay, the question was why
28 -- if there are pipelines allowed in the portions of
29 this area where no other facilities are allowed, is
30 there some assumption that pipelines are not an impact
31 to caribou, is that a fair summary of the question?
32
33 MR. HAYNES: Or other resources.
34
35 DR. YOKEL: The protections that were
36 provided in this area as far as permanent facility
37 placement are primarily to protect the populations of
38 geese that molt here during a portion or most of the
39 summer. And the assumption is that a pipeline alone
40 will not have any disturbance factor on these geese,
41 just simply a pipeline there unmoving.
42
43 But in the instance of caribou, all of
44 the evidence that we have from studies of caribou and
45 pipeline suggest that in the summer time, a pipeline
46 that's at least five feet off the ground is adequate to
47 allow caribou passage. And in the winter time a
48 pipeline that is at least seven feet off the ground is
49 adequate to allow caribou passage. And the
50 restrictions on pipeline height in all of the Northeast

1 NPR-A is that they will be a minimum of seven feet off
2 the ground.

3

4 MR. BODFISH: Mr. Chair.

5

6 DR. YOKEL: I'm open for questions.

7

8 ACTING CHAIR KOONUK: Paul.

9

10 MR. BODFISH: Questions.

11

12 ACTING CHAIR KOONUK: Yes, Paul.

13

14 MR. BODFISH: I got a comment. I'm
15 sorry to see that industry is going to be looking into
16 that area because that covers all of the insect relief
17 area and waterfowl molting area. And they say --
18 you're saying that there will be pipelines in there and
19 pipeline -- if pipelines are available to be there,
20 how can you say that there cannot be any permanent
21 structure in that vicinity when you're saying that
22 pipeline can be allowed in there, only way that the
23 pipelines will be allowed in there is they find oil and
24 the permanent structure will be there and that's
25 covering all of the insect relief area for the caribou
26 and all the waterfowl that go do their nesting and
27 molting in that area.

28

29 DR. YOKEL: Okay, what the Record of
30 Decision says is that within, and you can see the
31 colors better on your paper copy, there's a beige
32 matrix and then within it there's these purple areas or
33 lavender areas around, including the lakes and buffers
34 around the lakes, what the Record of Decision states is
35 that permanent facilities with the exception of
36 pipelines will not be allowed in those lavender areas,
37 they will only be allowed in the beige colored matrix
38 around there and they will be limited to, at most, 300
39 acres of gravel footprint within one of these large,
40 roughly 53,000 acre tracts. And then pipelines could
41 be allowed anywhere within that area but their exact
42 placement, we'll wait until we get a proposal to
43 actually build one and then we'll evaluate their
44 proposed pipeline corridor and adjust it to whatever we
45 think is the best corridor.

46

47 Does that answer your question, Paul,
48 I'm not saying that there will be pipelines and will be
49 permanent facilities there, no one knows that yet.
50 First we have to have a lease sale, then there'll be an

1 exploration, and if there's a discovery of an
2 economically viable oil field then we will no doubt
3 have a proposal to develop it.

4
5 MS. AHTUANGARUAK: Mr. Chair.

6
7 ACTING CHAIR KOONUK: Yes, Rosemary.

8
9 MS. AHTUANGARUAK: We're very concerned
10 about the future that's going to come and the unknown
11 changes that we will see. There's some specific
12 activity near Cape Simpson and Smith Bay that may
13 impact this Northeast corner with caribou migration
14 already this year. We don't know what's going to
15 happen, if they're going to be able to get around that
16 staging area or not in through this narrow corridor but
17 we're very concerned on what will happen with caribou
18 migrations for our community. The impacts around our
19 community are very severe, it's very difficult for us
20 to do our caribou hunting and right now we're relying
21 on these areas in hopes to try to subsist.

22
23 For me we went from Nuiqsut out to Fish
24 Creek, 30 miles away. I used to go to my cabin eight
25 miles away to harvest caribou. When we were
26 unsuccessful in hunting in Fish Creek because of all
27 the activity related to NPR-A, we moved all the way
28 down here to the corner near Umiat. I finally had good
29 hunting. I finally could convince my 12 year old son
30 that we could hunt in this area. And that's a real
31 damaging issue for raising our families. It's very
32 difficult with these kinds of changes. We don't have a
33 good subsistence corridor for Nuiqsut hunting
34 activities. And decisions that are made to open these
35 areas for leasing are going to continue to cause
36 reactionary changes. But these reactionary changes are
37 now migrating to other communities. We don't know how
38 this going to affect Atqasuk's migration. We already
39 know last year they had some effects to activities that
40 changed their community's efforts to migrate.

41
42 We know that there's been changes that
43 have happened with Anaktuvuk's hunting activities for
44 caribou. We know some of these activities are related
45 to some of the guide activities, but some of these
46 activities are also related to the foothills
47 development activities that are occurring with
48 monitoring and assessment of resources in those areas.

49
50 These cumulative effects have not been

1 well assessed.

2

3

4 There are no good studies out there to
5 help monitor what the reactionary efforts are
6 occurring. We have no key assessment tools that have
7 been identified to help us assess Nuiqsut's response as
8 well as other communities responses and these are
9 really important issues that need to be dealt with.
10 How community meetings we go to and they're still
11 pushed aside. We have this great big study that was
12 done, cumulative effects to oil and gas development on
13 the Arctic Slope and yet nothing has been done with
14 that study to incorporate it into further assessing and
15 preventing these cumulative effects.

15

16 So there's a lot of unknowns that are
17 occurring, but the traditional knowledge knows there's
18 going to be effects.

19

20

21 For the community's knowledge, there's
22 a social reaction that occurs. Those social reactions
23 are very serious and they need to be addressed. There
24 needs to be some human assessment to our subsistence
25 reactions. We need some true statistical data. We
26 need some information that shows the changes that are
27 occurring, and we haven't even started them yet. We've
28 got a subsistence harvest document that was started
29 with the North Slope Borough but this document was also
30 incorporated into the industry study so you can't even
31 compare previous years to 2003 when it's a key date,
32 five years after the development of Alpine and the
33 Alpine Satellite Union and the expansion that occurred
34 with that. When we planned for Alpine, we planned for
35 14 acres at the first meetings, 14 acres of development
36 is very different, within three years over 200 acres
37 had been developed, you cannot assess a community's
38 reaction when you don't get the true facts about what
39 is occurring.

39

40

41 If we had known that much activity
42 would have occurred, we would have been much more
43 aggressive in trying to fight some of these changes
44 that have occurred.

44

45

46 When we worked in community meetings
47 for the map that was originally generated it was over
48 five years of participation. The effort to change and
49 open up more areas for development has caused a
50 reaction in our community and in other communities.
51 There's going to continue to be these reactions and if

1 we're not working to get some better assessments -- we
2 can prove that we've got good herds but how are we
3 proving that we're going without these because even
4 though we go without we still have regulatory changes
5 that affect things. The closures we tried to give to
6 Anaktuvuk Pass are being changed already. We went
7 without, we supported their efforts to try to maintain
8 their efforts, and these kind of things are reactionary
9 changes. When you look at coming to this meeting and
10 discussing about subsistence, we bring out true
11 subsistence concerns and that's why I'm choosing to
12 change because I don't have enough level of
13 participation to effect the key changes to prevent the
14 losses that we're seeing right now.

15
16 And I'm very concerned. Our community
17 is very concerned. Other communities around us are
18 very concerned. And the unknown are the things that
19 make it so hard to continue with community interaction
20 with meetings and community unification for addressing
21 planning issues and the whole structure within a
22 village that are affected with these kinds of changes.

23
24 So, you know, these are true factors
25 and unfortunately a lot of these criterias are not
26 assessed, but, you know, I'd love to see the bigger
27 picture on how we're going to deal with the assessment
28 around our community and prevent the losses that the
29 other communities will see when this area is developed.

30
31 ACTING CHAIR KOONUK: Thank you,
32 Rosemary.

33
34 MR. CARROLL: Mr. Chair.

35
36 ACTING CHAIR KOONUK: Geoff.

37
38 MR. CARROLL: You know, I don't want to
39 jump on you because I know you didn't write this thing
40 and probably don't even agree with every little bit of
41 it, but my question is, is I don't quite understand the
42 significance of that funny looking place, F and G, even
43 after I've read through it, I'm still not quite sure if
44 that's supposed to be an exclusion place or a place
45 that's, you know, development's supposed to be
46 concentrated. Could you describe that again.

47
48 DR. YOKEL: I believe Geoff is talking
49 about that odd shaped red area in the lease tracts F
50 and G, it's about 5,000 acres in size. The Bureau of

1 Land Management or the Department of Interior had
2 discussions with various entities after our final EIS -
3 - it was over a year between the time our final EIS was
4 finished and the Record of Decision was signed. And
5 there were conservation groups in those discussions,
6 and there were oil and gas industry groups in those
7 discussions and, of course, they wanted some different
8 things. I was not involved in any of those
9 discussions.

10

11 But I believe this red area is sort of
12 a compromise that resulted from those.

13

14 The only reference to it that I can
15 find in the Record of Decision is that in that three or
16 more years of study required of molting geese, among
17 the other things that the results of that study will be
18 used for is to help specifically locate any facilities
19 that are proposed to be built within that red area. So
20 it is not an exclusion zone for development, it's just
21 the opposite. Permanent facilities would be allowed in
22 that red area, but the studies that will be done
23 hopefully will help best mitigate any impacts of those
24 facilities on molting geese.

25

26 MR. CARROLL: Okay. So that's an area
27 that's considered less of a critical area than other
28 places and it's a place that structures might be sort
29 of directed towards, is that it?

30

31 DR. YOKEL: No, I didn't say that and I
32 don't believe that.

33

34 MR. CARROLL: Okay.

35

36 DR. YOKEL: I believe that area, that's
37 pretty near the core of the higher density molting
38 brant which is the goose species there of most concern
39 in terms of their populations. And it's obviously
40 right in the higher density caribou calving area, at
41 least in the years when snowmelt is earlier and they
42 calf further north so it is an area of importance to
43 wildlife species. And the only extra thing about that
44 area is that we're going to study geese before there's
45 any construction. And hopefully mitigate that
46 development to favor those geese as much as possible.

47

48 MR. CARROLL: So other areas do not
49 require a special three year study, is that it?

50

1 DR. YOKEL: No, that's not true.
2 Actually anywhere within the goose molting area, which
3 actually -- whoa, it just disappeared.
4
5 (Laughter)
6
7 DR. YOKEL: If you move the mouse it
8 will come back.
9
10 (Laughter)
11
12 DR. YOKEL: Okay. The goose molting
13 area includes not only these seven tracts but out to
14 here on the west and down into this area, the
15 southeast, so those three years of study will be
16 required prior to construction in all of that area.
17
18 It's just -- when the purpose of that
19 study is mentioned in the Record of Decision it also
20 specifically says, and we will use it to try to help us
21 locate facilities in this area, red. I believe this
22 area was of concern both to the conservation interests
23 and the oil and gas interests, and that is the
24 resulting compromise.
25
26 MR. CARROLL: Okay. It just seems like
27 the studies would be used to locate structures
28 anywhere. I don't know, I mean what's the difference
29 between that red spot and every place else in the goose
30 molting area?
31
32 DR. YOKEL: From my reading of the
33 Record of Decision there is very little difference.
34
35 MR. CARROLL: Oh, okay, well, that's
36 what.....
37
38 DR. YOKEL: But it gets a special.....
39
40 MR. CARROLL:I kind of came up
41 with, too.
42
43 DR. YOKEL:little mention there.
44
45 MR. CARROLL: Okay. Okay, fine. All
46 right.
47
48 DR. YOKEL: And that's the best I can
49 tell you.
50

1 MR. CARROLL: Okay. All right, I'm
2 just still puzzled, but that's okay. Okay.
3
4 ACTING CHAIR KOONUK: More comments.
5
6 MR. D. REXFORD: Mr. Chairman.
7
8 ACTING CHAIR KOONUK: Delbert.
9
10 MR. D. REXFORD: Thank you, Mr.
11 Chairman. Delbert Rexford, land management regulation
12 manager for the North Slope Borough, for the record.
13
14 Mr. Yokel, I think that as the best
15 available technology becomes available, for example, on
16 the oil development from off shore to on shore
17 production facilities with buried pipelines, BLM should
18 serious consider buried pipelines because of the
19 critical habitat, but first and foremost, we, as
20 Inupiat, oppose any development there, don't get me
21 wrong. But if it is inevitable, if it does occur, and
22 we know it will occur because the sensitive use area
23 has been lifted, made available. We know that. And
24 yet BLM should take the initiative to take the best
25 available technology, not 35 year old technology that
26 is affecting the migration, displacing caribou,
27 affecting subsistence users, the best available
28 technology, buried pipelines.
29
30 For example, today we met on the issue
31 of CD5 and the need for a bridge across Nukaluk Channel
32 (ph), and the pad where the production well is going in
33 and the road, that's going to impact the residents of
34 Nuiqsut. That's within NPR-A. Our preference is that
35 the extended drilling program be utilized in that area
36 to minimize impact. When you have roads, when you have
37 VSMs, regardless of whether they're five feet or seven
38 feet or whatever height there is still impact. We get
39 reports from the subsistence hunter and the residents
40 of Nuiqsut that the caribou have been displaced,
41 they're having to go greater distances to harvest
42 caribou and we're taking it to heart.
43
44 Today we met with the United States
45 Fish and Wildlife Services about their position on
46 proposed development of that particular area. It
47 became evident that some of the information that would
48 have been critical for us as decision and policy makers
49 to make a determination was not made available to us.
50 And so we're back at the drawing board and our position

1 on that development is we need to be more critical, we
2 need to scrutinize and we need to listen to those that
3 are most impacted. But in the name of national
4 interest and foreign policy, the oil and gas reserves
5 that may be available in commercial quantities and
6 taken to market are more important than the human lives
7 that are being impacted.

8

9 You got moratoriums in the Lower 48,
10 however, you got moratoriums in the Bristol Bay region.
11 Here we are, 8,000 Inupiat people screaming that
12 there's going to be adverse significant and negative
13 impacts time and time again for the last 30 years.
14 Nuiqsut is surrounded, they're boxed in. Right now at
15 Ikpiukuk they're doing the seismic exploration, a D-7
16 just fell into the lake. We have to, today, this
17 afternoon, a helicopter is on the way to investigate
18 that. These are the types of activities that we have
19 to monitor, that we got to police, and we got to report
20 because there's an impact.

21

22 In all due respect, I know the
23 importance of the role of BLM. It's also critically
24 important to recognize those that are most impacted.
25 And I'm not here to argue with the sensitive use area,
26 I'm not here to argue on principles, but I'm here to
27 bring to your attention that operators are not living
28 up to the standards of operations that should be taken
29 care of at this moment. Because when we have to get a
30 helicopter and send them out and do a field
31 investigation within NPR-A it's costing the North Slope
32 Borough money. It costs money to get them out there
33 and get them back and get the full investigations done.

34

35 And I don't think I could have said it
36 more eloquently than Mayor Itta when he said that
37 there's an environmental injustice occurring today. The
38 molting, nesting, calving, feeding areas of the
39 wildlife resources that we depend on to sustain our
40 culture, our Inupiat way of life. In the name of oil
41 and gas industry who profits and leaves very little,
42 and, yet, the state of Alaska keeps -- gets 50 percent
43 of it and we get a drop of the money up here and we
44 continue to cry for those causes.

45

46 And another example is the sensitive
47 use area between Wainwright and Icy Cape, it's one body
48 of water called the Kasigalak Lagoon. How can you not
49 declare other areas sensitive use when there are
50 similarities in the habitat, the ecology, the

1 environment and there's an abundance of wildlife in all
2 these other areas. We need to weigh those.

3

4 I mean in Ikpikpuk right now, we're
5 shaking our heads, how did this happen. And there's a
6 helicopter out there, my staff is out there
7 investigating it. But we need the best available
8 technology to mitigate, to minimize and reduce the cost
9 of environmental injustice in these areas. In layman's
10 terms, damages, impacts on wildlife and other
11 resources.

12

13 I didn't mean to take a lot of your
14 time, Mr. Chairman, but I'd just like to echo the
15 concerns of those that have expert concerns about how
16 oil and gas development is significantly impacting our
17 way of life and in some cases having to travel greater
18 distances, and in some cases jeopardizing lives, and so
19 please take it to heart, get the best available
20 technology. We may not support this position but we
21 want the best available technology to minimize impacts.
22 And it's not -- I'm sure that Mayor Itta will provide a
23 position statement on these issues as they become more
24 and more active, and I'm sure they're working on it.
25 But I'm just here to share with you what happened today
26 and what we need to do.

27

28 We, as administrators are making that
29 recommendation because we receive the brunt of the
30 criticism when it comes to working with development
31 permits that are allowed under Title 19. And thank you
32 for this opportunity, Mr. Chairman, and members of the
33 North Slope Regional Council.

34

35

36 ACTING CHAIR KOONUK: Thank you,
37 Delbert. More comments.

38

39 DR. YOKEL: Just if I could quickly
40 respond to a small portion of what Mr. Rexford said,
41 Mr. Chairman.

42

43 ACTING CHAIR KOONUK: Go ahead.

44

45 DR. YOKEL: I believe, Mr. Rexford,
46 that the Bureau of Land Management would agree
47 wholeheartedly with you that we should use the best
48 available technology. We already have, in our
49 mitigations for this area, as we did in the 1998 Record
50 of Decision, that extended reach drilling or however

1 you want to refer to it, would be used to the maximum
2 feasible extent to minimize the footprint on the land.
3 That remains a part of our management there.

4
5 Also we already have in this Record of
6 Decision as we did in the previous one, that especially
7 in these areas where caribou movement is so critical
8 that buried pipelines may be considered if the
9 technology exists for burying them. The best I know
10 now, burying hot oil pipelines in ice rich permafrost
11 is not technologically feasible. I may be wrong. In
12 the ocean you do not have ice rich permafrost, you
13 don't have frozen soils on the ocean bed. Those soils
14 are kept thawed by the thermal density of the ocean
15 water itself. It's a very different circumstance than
16 the permafrost on the land.

17
18 ACTING CHAIR KOONUK: Thank you, Dave.
19 Rosemary.

20
21 MS. AHTUANGARUAK: Another important
22 point to note is that we have some real serious changes
23 to our area with environmental changes in climate
24 changes. Previous studies need to be assessed for the
25 value of the information that they are presenting at
26 this current day and stage, there are real serious
27 changes to temperature and the ability to use ice
28 roads, especially tract vehicles within these areas.
29 I'm very concerned about the tract vehicle usage.
30 There is not a lot of assessment done to the inter-site
31 travels for these tract vehicles, a lot of the
32 assessment is associated with the infrastructure, the
33 ice roads, the pads, and those types of things. The
34 off-road travel that's occurring has increased in
35 concentrated effort and there's conflict with local
36 users and outside the community uses with these
37 vehicles.

38
39 Key areas for access to climbing up
40 certain areas to get up on the bluffs. There are
41 certain areas that are best for us to use. Industry
42 has now found some of these areas and there is conflict
43 for the usage of these areas with local users. It's
44 not conducive for us to go out -- pulling our sled,
45 going out to try and go out camping going up the bluffs
46 when we got now a seismic trail going through these
47 same areas. The seismic trail was chosen because of
48 traditional knowledge that said this is a good area to
49 go through but now we are competing for usage in these
50 areas.

1 Other key important factors are key
2 access areas for water and near coastal usage. The
3 Itagaru (ph) Point is very important for our community
4 usage, especially for increasing search and rescue
5 missions during the summer time. We're going to have
6 to have improved usage in these areas, some of our
7 searches have gone into multiple days and those types
8 of things. We need to be able to pull back off the
9 water into these types of areas when we're trying to be
10 active in these areas. If it's adverse weather and
11 we've got to just stage in this area until we can get
12 back out and do our hunting for seals or bearded seals
13 or whatever, or if it's our search and rescue mission
14 that we're trying to use, these kind of things are
15 being identified by development usage as important for
16 their usage.

17
18 Key access areas for our whaling boats,
19 we need to have the deep water access waters for
20 whaling activities and those things are important for
21 assessment and monitoring.

22
23 It's very important to look at the
24 bigger picture with these types of things.

25
26 We know when we're out camping if we're
27 causing a change to the vegetation with our activities,
28 we'll modify our use in this area and adjust it so we
29 don't cause damages that are still there for the next
30 season. We prevent the damages that prevent the
31 vegetation regrowth.

32
33 The other important factor to take is
34 that we're having some real changes to the vegetation.
35 Increased bushes and willows are occurring and the
36 reactionary changes for the caribou habitat needs to be
37 assessed with these kinds of things that are occurring.
38 Near Nuiqsut we've got a lot more increased
39 concentration to the willows. Caribou are having a
40 heck of a time going through some of these areas. That
41 means certain drainages are very important because
42 they're less bushy and that assessment needs to occur.

43
44 Thank you.

45
46 ACTING CHAIR KOONUK: Thank you,
47 Rosemary. Dave, do you have anything else.

48
49 DR. YOKEL: Yes, Mr. Chairman. I
50 realize that the information that I have to bring

1 before the Council today would not be very popular.
2 But given the fact that it's been so long since the
3 final EIS and before the Record of Decision was signed
4 I thought I'd just give you a brief update on the
5 Northeast NPR-A today. If I could I'd like to go
6 briefly through some other updates and hopefully it
7 will go a little bit quicker.

8

9 If I could have the next slide, please.
10 The area outlined in red in this slide is the South
11 NPR-A planning area which you can see clearly on the
12 map that you have. This is in the Southwest portion of
13 the NPR-A, Point Lay is out here on the coast,
14 Wainwright would be up further northeast on the coast.

15

16 What this map shows is the core calving
17 grounds, if you will, for the Western Arctic Caribou
18 Herd, and the most important of the insect relief area,
19 summer insect relief area for the Western Arctic
20 Caribou Herd and how that overlaps with the South NPR-A
21 planning area.

22

23 We're very early in the stage of
24 planning for this. We've held our scoping meetings,
25 last fall, we are now beginning to develop the
26 alternatives for the plan that we will then analyze.
27 Some of those alternatives would allow oil and gas
28 leasing in all or a portion of the planning area. We
29 don't know yet if any of those alternatives we'll
30 recommend to Congress that coal mining or hard rock
31 mining be made legal in the NPR-A, but that's a
32 possibility that could come. So we could have some
33 issues with the Western Arctic Caribou Herd as a result
34 of this planning effort.

35

36 So I just wanted to inform you of that.

37

38 If I could have the next slide, this
39 gives the schedule for this planning area for South
40 NPR-A. Currently we're in this stage right now,
41 developing and evaluating the alternatives, and then we
42 will be writing the Draft EIS, which is currently
43 scheduled to come out in July of 2008, right here, the
44 Draft EIS would be available. And then there would be
45 comments on it through the fall of 2008, that's a long
46 time in the future, schedules could change, schedules
47 have changed in the past, elections will occur, who
48 knows what will happen, but this is the schedule that
49 we have right now. And right now, currently, we're
50 saying the plan would not be completed until late in

1 2009 so stay tuned.

2

3

ACTING CHAIR KOONUK: Geoff.

4

5

MR. CARROLL: Just when you say you
6 identify preferred alternative, does that mean you make
7 them public or they will not be made public until 2008?

8

9

DR. YOKEL: It would be made public
10 when the Draft EIS is published which would be July
11 2008. Now, that doesn't mean that our cooperators
12 won't know. Now, I forgot to mention that the North
13 Slope Borough is a cooperator on this plan. Ms. Bessie
14 O'Rourke, she's an assistant borough attorney here the
15 Borough's Department of Law, was at our planning
16 meeting in mid-January when we first started talking
17 about alternatives. The Borough will be right in there
18 with us all through that planning effort. I don't know
19 what our means of communications with the state of
20 Alaska are but I'm sure there will be discussion that
21 way as well.

22

23

I'll go on if that answered that
24 question.

25

26

(No comments)

27

28

DR. YOKEL: If I could have the next
29 slide, please. Some activity that's currently
30 occurring, FEX is hoping to drill two exploratory wells
31 this winter. They are currently -- they just began
32 drilling at their Aklaq#2 drill site, you can see it's
33 very close to the Chip River, between the Ikpikpuk and
34 the Chip, and they just started drilling that well this
35 week, I believe, and then they hope to finish that and
36 also complete Aklqyaaq #1, I think is this one right
37 here before this winter season is over.

38

39

Next slide.

40

41

This area in pink is the permitted area
42 for Kuakpik Veritas seismic this winter. Presumably
43 they just had an accident with a plane today, that's
44 news to me, not being at my office, but I believe
45 currently they're in this area right here, between
46 Ikpikpuk River and Teshekpuk Lake and they hope to move
47 up northeast of the lake late next week according to
48 the most recent information I have.

49

50 So that's all the information I have,

1 Mr. Chairman, and I just wanted to update you on the
2 Bureau's current management in the NPR-A.

3
4 Thank you.

5
6 ACTING CHAIR KOONUK: Thank you, Dave.
7 Any comments from the Council.

8
9 MS. AHTUANGARUAK: If you could put
10 that map back on. For our community we had some
11 meetings with Kuakpik Veritas, our village has seven
12 familiar that participate with whaling activities in
13 Barrow. We have family members that will travel by
14 snowmachine. Our access corridor is on the northeast
15 side of the Teshekpuk Lake, we'll go through Nuiqsut,
16 often times through the bay, near the lake, and then
17 through the other bay and into Barrow from there, the
18 seismic activities, the corridors that are created with
19 those make our travel very difficult. We asked that we
20 have a small buffer allowed to allow that
21 transportation. The south side of the lake have more
22 drifting that occurs and the travel is much more rough
23 than it is along the coast and that's why we choose
24 that side of the area.

25
26 When we had our community presentation,
27 the map that came at our meeting was much smaller than
28 this area, which brings a bigger concern because we
29 didn't comment about some of those things there.

30
31 DR. YOKEL: I'm sorry, I said that this
32 was the permitted area. I didn't go on to explain
33 where they will actually conduct the seismic operations
34 will be, in fact, much smaller.

35
36 They don't usually show those smaller
37 specific areas to the general public, you're a
38 shareholder yourself so they show it to you.

39
40 MS. AHTUANGARUAK: The community.

41
42 DR. YOKEL: Well, Kuakpik, anyway, is
43 involved in this. But they don't show that to the
44 general public, it's part of how they.....

45
46 MS. AHTUANGARUAK: Hide it.

47
48 DR. YOKEL: It's part of their
49 competition within the oil industry to not let other
50 oil companies know exactly where they're conducting

1 seismic but, no, they will not be conducting seismic
2 throughout all of that pink area by any means, and I
3 don't believe they'll be doing any on the lake, frozen
4 lake surface either.

5
6 ACTING CHAIR KOONUK: Thank you, Dave.
7 More comments. Paul.

8
9 MR. BODFISH: Yeah, I'm kind of -- hope
10 and wait to see what kind of seismic activity that goes
11 on in that area because that is a very critical habitat
12 area for the Teshekpuk Herd during the month of --
13 latter part of July and almost all the month of August,
14 they do go up into that area, get along the coast line
15 and start heading west along the coast and head up into
16 our river system through that route.

17
18 And I hope they do keep up with their
19 studies of the migration of the caribou and what kind
20 of impacts they -- the seismic operations have on the
21 caribou herd.

22
23 MS. AHTUANGARUAK: Mr. Chairman.

24
25 ACTING CHAIR KOONUK: Thank you, Paul.
26 Rosemary.

27
28 MS. AHTUANGARUAK: From Nuiqsut, we're
29 also concerned on the quality of the ice roads. With
30 the variable weather we've had this year, when it's
31 very cold making an ice road, making it strong is easy.
32 When it's very warm the strength of that same ice road
33 is not the same and we're concerned about the strength
34 of these roads and the changes that may happen with the
35 tundra. The ice road is supposed to be a protective
36 mechanism and if the strength of these roads are not
37 effective in helping to protect that's a concern as
38 well as the length of approval for continued uses of
39 activities. There used to be a cut off date of April
40 15th for activities related to these winter activities.
41 Every year over the last five years there's been
42 extensions allowed, but with the real changes to the
43 climate there needs to be some real in depth look at
44 whether we should allow this to continue.

45
46 When you're assessing ice roads up here
47 in Barrow, our ice roads in Nuiqsut are not the same
48 and we do see damages that occur from meltdown early in
49 our area and continued activity and extensions to
50 allowed continued activity.

1 Thank you.
2
3 ACTING CHAIR KOONUK: Thank you,
4 Rosemary. Any more comments.
5
6 (No comments)
7
8 ACTING CHAIR KOONUK: Dave, you have
9 anything else.
10
11 DR. YOKEL: No, Mr. Chairman. I just
12 want to say thank you, and thank you especially to the
13 expert technical assistance from Wennona and Baxter.
14
15 ACTING CHAIR KOONUK: Thank you, Dave.
16 Item E, Alaska Department of Fish and Game, Geoff.
17
18 MR. CARROLL: Yeah, thank you, I'm
19 Geoff Carroll, the area biologist Alaska Department of
20 Fish and Game.
21
22 I'll be basically discussing the
23 regulations that were passed by the Board of Game at
24 their fall meeting and they'll be in this hand out that
25 just went around a little while ago.
26
27 And the first one we'll talk about, the
28 first sheet is they changed the hunting seasons for
29 brown bears. Previously we had kind of a general
30 season hunt and a subsistence season hunt and they both
31 started on August 20th. They changed that so that the
32 subsistence hunt starts July 1st. A lot of the hunters
33 are -- a number of hunters around here said they would
34 like to be able to harvest bears when they're out in
35 their camps starting in July so they went along with
36 that, they granted that. We also changed the general
37 season hunt so that it starts August 1st instead of
38 August 20th, that was kind of a -- as much as anything
39 to get in line with the seasons in Unit 23, in the
40 Kotzebue area and Point Hope and that area.
41
42 The bear population is quite plentiful
43 on the North Slope. You know, we had a three percent
44 rate we could be harvesting 60 or 70 bears a year, we
45 generally harvest between 12 and 15, so there was no
46 population problem there and figured it just made sense
47 to give people more of a hunting opportunity.
48
49 We have a -- with the subsistence hunt
50 we have a special permit. Basically it's a little

1 different than the other one, you don't need to get a
2 bear tag or anything all you need is a hunting license,
3 and come in and get your harvest ticket and then you
4 don't need to bring the bear in to get it sealed after
5 you harvest it either. You cannot use aircraft,
6 though, with that hunt, and you're expected to use the
7 meat.

8

9 And so it's just also -- it's also just
10 a good deal to kind of cover your bases, if you're
11 going to be out in camp and you have a bear that comes
12 in, you know, you don't have to deal with the defense
13 of life and property situation, you can just harvest a
14 bear and use it rather than make it a defense of life
15 and property situation where you have to turn the meat
16 and hide over and take care of a bunch of paperwork.
17 So it really makes sense if you're going to be going
18 out to just go ahead and get one of these subsistence
19 bear permits.

20

21 Any questions on bears.

22

23 (No comments)

24

25 MR. CARROLL: Okay, the second page --
26 oh, go ahead, Julius.

27

28 MR. REXFORD: I thought that was one
29 paw and the head?

30

31 MR. CARROLL: What's that?

32

33 MR. REXFORD: On the defense of life
34 and property.

35

36 MR. CARROLL: Defense of life and
37 property, you're supposed to turn in the whole hide and
38 the skull and the claws are required to still be on the
39 hide, so it's just mostly a pain in the neck if you get
40 into that. I mean it's -- first of all, you know,
41 people always kind of wonder about that, you're always
42 allowed to defend yourself, you know, there's no -- by
43 law you're expected to defend yourself and your
44 property so there's no problem with killing a bear
45 that's threatening you under any circumstance, it's
46 just that under the defense of life and property
47 situation, you know, that's not really hunting a bear
48 and so to discourage people from using that as a means
49 of hunting bears you're required to turn in that hide
50 and the skull.

1 MR. GUNDERSON: What if bear comes into
2 a village and becomes a threat to the community?

3
4 MR. CARROLL: Same deal, you're always
5 allowed to kill that bear but it's a lot easier if
6 you've got one of these subsistence permits, then you
7 just kill the bear and use it, you know, whereas if it
8 came in and you killed it because of the threat and
9 defense of life and property then you're legally
10 supposed to turn the skull and the hide into the Alaska
11 Department of Fish and Game.

12
13 MR. GUNDERSON: Yeah, because there's
14 been a polar bear that's came to my house twice, twice
15 in the last three years, same polar bear.

16
17 MR. CARROLL: Oh, yeah, well, we're
18 just talking about grizzly bears here and, you know,
19 polar bears that's entirely a different situation. But
20 it sounds like he must like you.

21
22 (Laughter)

23
24 MR. CARROLL: Okay, anything else
25 on.....

26
27 MS. AHTUANGARUAK: Good cook in your
28 house.

29
30 (Laughter)

31
32 MR. CARROLL: And the reason I'm -- and
33 I know this is State business and the reason -- but the
34 reason I'm presenting it to you is you may or may not
35 want to develop, you know, parallel proposals to change
36 the regulations to kind of keep things in line. You
37 might want to liberalize your bear seasons a little
38 bit, too.

39
40 Okay, the next one is titled controlled
41 use areas. And so there were a couple change -- what
42 we have in Unit 26 -- it's called the Unit 26(A)
43 controlled use area and it's kind of unique in the
44 state because the entire subunit is considered a
45 controlled use area. And the basis of that is that
46 area is closed to the use of aircraft for hunting moose
47 and -- for most of the year. It's been a very
48 convenient regulation to have on the books because, you
49 know, during the time we had our moose population crash
50 in the mid-90s and it's slowly been rebuilding itself

1 since then but all during the time that we wanted to
2 limit the amount of hunting in there we've been able
3 to, you know, kind of impose this no use of aircraft
4 and so in effect that keeps everybody else from the
5 state from coming up here and hunting. And we were
6 able to maintain a limited hunt in a small area that --
7 the area just upstream from Nuiqsut, even during the
8 time of very low moose numbers, we limited that to
9 bulls and there wasn't really much of a risk of
10 overharvest even though the numbers were very low
11 because we were able to keep the aircraft -- the
12 hunters that would use aircraft out. So it's been a
13 good deal.

14
15 But we did -- let's see there are two
16 changes that were made to the hunt and one is to allow
17 a drawing permit hunt in the -- for moose in part of
18 the area and I'll talk about that in the next
19 regulation, but another big change was that the Board
20 passed the Anaktuvuk Pass Controlled Use Area. And
21 that's -- you know, we've kind of been talking about
22 that off and on all day and I want to -- what page in
23 the book is that one on -- well, let's see the moose --
24 oh, caribou one -- okay, on Page 39 in your book just
25 once again to remind you, the area -- this was a
26 proposal that was written by the North Slope Borough
27 Department of Wildlife Management from a request from
28 the people of Anaktuvuk Pass and basically the original
29 request was for both the Chandler and the Anaktuvuk
30 River drainages and as you're aware there's been a
31 longstanding issue that Anaktuvuk people feel that the
32 traffic north of the village kind of displaces caribou
33 and causes them to -- when they migrate, to migrate
34 away from Anaktuvuk Pass. And so they felt that if air
35 traffic into that area was either eliminated or greatly
36 reduced, that that would increase the chances of the
37 migrations coming up through Anaktuvuk Pass.

38
39 So anyway kind of a compromise
40 regulation, the Board did pass a controlled use area.
41 And just a -- well, I'll just read it:

42
43 Until July 1st, 2008, the area is
44 closed to the use of aircraft for
45 hunting caribou including the
46 transportation of caribou hunters,
47 their hunting gear or parts of caribou
48 from August 15th through October 15th;

49
50 However, this provision does not apply

1 to the transportation of caribou
2 hunters or hunting gear or parts of
3 caribou by aircraft between publicly
4 owned airports.
5

6 So basically, you know, the real access
7 into that area is by aircraft so that will essentially
8 eliminate the user conflict in there. There won't be
9 anybody really flying into that area.
10

11 So it was kind of a surprise to me, the
12 Board of Game, you know, it changes with who happens to
13 be on the Board and the particular people that are on
14 it now have gone around the state and tried to reduce
15 the numbers of controlled use areas and I really didn't
16 think that they would create a new controlled use area,
17 but the -- the people from Anaktuvuk went there and
18 testified and people from the North Slope Borough and
19 from the Alaska Subsistence Division, Alaska Department
20 of Fish and Game Subsistence Division made a very good
21 case for the -- showing the great need for caribou in
22 Anaktuvuk, and we should do anything we can to try and
23 guarantee that they do get caribou through there when
24 possible. You know, I -- it's -- one kind of -- you
25 know, like I say it was a compromise, it was made
26 smaller than originally asked for but also it has a
27 sunset clause and by the next Board of Game meeting if
28 we can't show -- give a pretty good demonstration that
29 it has had a positive effect on the -- on people's
30 ability to harvest caribou in Anaktuvuk, then --
31 basically it will end in 2008, so they'll have to
32 reinstate it at the next Board meeting if it's going to
33 continue. So we'll be having a meeting in Anaktuvuk
34 next week to get together with people to come up with a
35 good monitoring program so that we can really have some
36 good information to present to the Board and try and
37 keep this going.
38

39 So any questions on the controlled use
40 area.
41

42 MS. AHTUANGARUAK: If we have community
43 members that are recognized usage in these areas,
44 should we provide information to you, how can we
45 facilitate to make sure this information is received by
46 the appropriate people?
47

48 MR. CARROLL: Well, either to me or,
49 you know, to Taqulik at the North Slope Borough
50 Department of Wildlife Management, you know, we'll both

1 be working on trying to compile data and making sure
2 we've got a good presentation for the Board.

3

4 MS. AHTUANGARUAK: And what type of
5 specific information are you looking for?

6

7 MR. CARROLL: Well, you know, I think
8 primarily what will be done at this meeting next week
9 we'll be probably lining up Anaktuvuk people to, you
10 know, as a job to be out on the Anaktuvuk River and
11 maybe on the Chandler River collecting information on,
12 you know, the number of overflights and things like
13 that and, you know, we'll have to look at -- when it
14 comes right down to it probably how many caribou they
15 harvest next year, and how good the migration is. And,
16 you know, it's a very difficult thing to try to prove
17 because it's -- caribou migrations are so variable that
18 even with nobody up there there's going to be some
19 years that the migration is strong and other years that
20 it won't be as strong. And so, you know, it's -- like
21 I say it's a hard thing to provide, you know, good
22 solid evidence for but, you know, I think the important
23 thing is to get a real good turn out at the next Board
24 meeting and let them know that people really, really
25 care about this.

26

27 MS. AHTUANGARUAK: We appreciate the
28 efforts to recognize the commenting that has occurred
29 over the decades that have led up to these changes.
30 Nuiqsut and Anaktuvuk consider ourselves sister
31 villages and often share activities in various ways.
32 We also share in ways with Kaktovik.

33

34 The controlled use area is something
35 that gives hope to that community for hoping to see the
36 caribou migrate through these areas and we appreciate
37 these efforts. And if there is a document that's
38 developed making sure Nuiqsut also gets some
39 information on those areas would be very beneficial to
40 helping to accumulate the information.

41

42 MR. CARROLL: Okay, thank you. Okay,
43 then one more regulation that was passed. This one is
44 actually kind of long and complicated and it just kind
45 of revamped all of our moose regulations.

46

47 What led up to this is, as you know,
48 the moose population greatly declined in the early '90s
49 but since the mid-90s it's been making just a good
50 solid consistent increase and it went from a range of

1 300 moose in 1996 -- well, we counted 998 moose in our
2 surveys last spring on the Colville River drainage and
3 we've had good solid recruitment.

4
5 A lot of years we've had between 20 and
6 25 percent recruitment per year and when you have, you
7 know, good numbers like that then the population just
8 climbs an ever increasing rate. And there are parts of
9 the -- for instance, between Umiat and the Kilik River
10 on the Colville, you know, the numbers there are high
11 as they ever were even at the peak numbers back in the
12 early 90s. So we're really in pretty good shape with
13 it but we're not quite back up to -- in the early '90s
14 we counted about 1,600 moose in that entire area. But
15 it is -- figured it was time to provide more hunting
16 opportunity because we had enough moose back in there
17 to do that.

18
19 So we wanted to do it in such a way
20 that provided more hunting opportunity for, you know,
21 all the user groups involved. So I think rather than
22 try to point out the specific changes in the
23 regulation, I think an easier way to look at this is to
24 flip over to the maps, it's a lot easier to see where
25 I'm talking about.

26
27 I'll start with the northeast hunt
28 area. So that's basically the area that Nuiqsut hunts
29 up to the Anaktuvuk River, in that area, and it also
30 includes the Ikpihpuk River. And so that will
31 basically have a good long season there, it will start
32 August 1st and it will go through September 14th. As
33 far as Nuiqsut's concerned, the entire southern hunt
34 area is also open during that time so anybody from
35 Nuiqsut can hunt from anywhere on the Colville River,
36 you know, the way we had the regulation before you were
37 kind of limited to the area up to about, you know, the
38 mouth of the Chandler until September but now any time
39 in August or September you've got that whole river.

40
41 Plus -- well, let's move on down to the
42 southern hunt area and that's where the biggest changes
43 were made and one change -- well, the -- you know,
44 probably the most dramatic change and the one that we
45 probably weren't as enthused about is, is a lot of it
46 will be that there will be a drawing permit hunt, there
47 will be a drawing where people can apply for permits
48 that will allow them to use aircraft to hunt moose,
49 basically, and we'll be giving out 20 permits for that.
50 In the regulation it says up to 40 but that's just

1 future years, if the population continues to grow we
2 might allow more but initially we're going to give out
3 20 permits, and that will be a fairly short season,
4 September 1st to September 14th and it will be limited
5 to the area of the Colville River where we've had the
6 most population growth. So that will be the area up
7 stream from but not including the Anaktuvuk. That was
8 one of the things that the Board did is they excluded
9 the Anaktuvuk drainage from this aerial hunt -- I mean
10 not an aerial hunt but that allows the use of aircraft.
11 Because, you know, for the same reason that the
12 controlled use area was put in, to minimize the number
13 of aircraft that are using that area and possibly
14 deflecting caribou migrations.

15
16 But also in that southern hunt area,
17 they allowed a winter moose hunt. And I know Harry
18 argued before that, you know, a hunt that allows the
19 use of aircraft, I mean it sounds like, you know,
20 anybody can apply for that but the fact is is we don't
21 have any transporters on the North Slope that can fly
22 people into places so a hunt like that really kind of
23 excludes North Slopers and so we needed something that
24 the North Slopers could use so they basically provided
25 this winter moose hunt from February 15th to April 15th
26 during the, you know, kind of good traveling time. You
27 know, it's a long way to go for a moose, I know that,
28 but at least it provides some opportunity for people
29 that really want to get one and it will work for people
30 from Nuiqsut that don't happen to get a moose. During
31 the regular hunting season they could go in the
32 southern hunt area and get a moose. People from
33 Anaktuvuk that are short on caribou could go down
34 stream a little ways in the Anaktuvuk and get one. And
35 of course people from Barrow, Atkasuk, Wainwright could
36 travel over there if they feel like it. And Point Hope
37 but it'd be a long trip for the Point Hoppers, they'd
38 probably do better somewhere else.

39
40 So anyway you got that drawing permit
41 hunter and the winter hunt, plus just that general
42 season hunt, you know, we could continue to hunt that
43 area from August 1st to September 14th.

44
45 The northwest hunt area, we talked
46 about this one before. I know that this one was in the
47 Board meeting in 2003, the meeting before this one.
48 They passed a regulation then that they kind of call it
49 the summer moose hunt and that's where, you know, some
50 of these moose disperse away from the Colville drainage

1 or maybe the Utikuk drainage, some of these, in the
2 summer and end up by Point Lay or Wainwright or Atkasuk
3 so anyway there's a summer moose hunt for those moose
4 that goes from July 1st to September 14th.

5
6 So anyway, tried to provide something
7 for everyone on this, a little bit more hunting
8 opportunity for the moose now that we have a pretty
9 good healthy population and that's what they came up
10 with.

11
12 So any questions on the moose
13 regulations.

14
15 ACTING CHAIR KOONUK: Any comments,
16 questions from Council.

17
18 MS. AHTUANGARUAK: Yes.

19
20 ACTING CHAIR KOONUK: Rosemary.

21
22 MS. AHTUANGARUAK: In our community we
23 have had people who asked about a winter hunt for the
24 moose. It is something that is being seen out there
25 with our activities so we appreciate the recognition
26 that there is a resource available and an opportunity
27 to provide for the community to harvest from this
28 resource.

29
30 MR. CARROLL: Yeah, another thing on
31 the moose hunt is it's -- you can harvest either bulls
32 or cows on that, just -- I mean we would rather keep
33 people harvesting bulls but we realize, you know, it's
34 hard to tell this time of year so that's a any sex
35 moose, although you can't harvest calves and you can't
36 harvest cows with calves. And all you're required is
37 to have a hunting license plus a moose harvest ticket
38 which I've filled out for a few people here today. A
39 hunting license cost 25 bucks and the harvest ticket is
40 free once you have a hunting license.

41
42 And one difficulty with that is we, you
43 know, we don't have licensed vendors in many of the
44 villages but if you just kind of pass it on to anyone
45 to get a hold of me, calls me, you know, we'll make
46 sure that they can get a license and can get a harvest
47 ticket and we'll put more effort into trying to get
48 licensed vendors lined up again in the future. So it's
49 one of those things, it's just difficult to do. We
50 almost have to get set up with a village store or

1 something like that to, you know, somebody who's kind
2 of working there but, anyway, it seems like it works
3 for a year or two and then somebody forgets to send in
4 a report and then licensing in Juneau cuts them off,
5 it's just a real frustrating thing to try to keep our
6 licensed vendor system up. But I apologize for it, I
7 know it isn't very good but I'll help anybody out that
8 wants to get a permit.

9

10 MS. AHTUANGARUAK: Last summer was the
11 first time that I really saw outside community members
12 coming into Nuiqsut to get hunting licenses for summer
13 hunting activities. We are getting people coming up
14 from the Lower 48 into the Deadhorse area through the
15 guy who's flying over in that area but they'll come
16 into Nuiqsut just to get that license from Nuiqsut.

17

18 MR. CARROLL: No.

19

20 MS. AHTUANGARUAK: It wasn't widely
21 happening in the past but last summer probably 10
22 people came in.

23

24 MR. CARROLL: Oh.

25

26 MS. AHTUANGARUAK: And that's a change
27 that has occurred and needs to be assessed.

28

29 MR. CARROLL: Yeah, well, I guess
30 making them available then anybody's welcome and free
31 to buy them, I guess, if they're over there. So I
32 think in the past we've even had a licensed vendor in
33 Deadhorse so maybe that's why they're coming over there
34 instead of just getting them in Deadhorse.

35

36 ACTING CHAIR KOONUK: Any more comments
37 or questions from Council.

38

39 (No comments)

40

41 ACTING CHAIR KOONUK: Thank you.

42

43 MR. CARROLL: Okay, thank you.

44

45 ACTING CHAIR KOONUK: We'll go down to
46 Item F, BIA.

47

48 MS. B. ARMSTRONG: We did have a BIA
49 person here yesterday but he is no longer here so I
50 guess there is none from BIA.

1 Thank you.

2

3 ACTING CHAIR KOONUK: Thank you, Barb.

4 Go down to Item 13, other business, Council Charter.

5 Barb.

6

7 MS. B. ARMSTRONG: Okay. This is just

8 a reminder that this is your charter on Page 173, and

9 without this charter we cannot set up a meeting but

10 it's just for your information and it's there in your

11 booklet.

12

13 Quyana.

14

15 ACTING CHAIR KOONUK: Thank you, Barb.

16 Fourteen, next meeting. I guess it's confirmed for

17 September 7 and 8, 2005 in Barrow.

18

19 MR. BODFISH: Uh-huh. (Affirmative)

20

21 ACTING CHAIR KOONUK: Uh-huh. Go down

22 to B, establish date and location for winter 2007

23 meeting. I guess the week of February 26th through

24 March 9 is open dates, and March 1 and 2 was

25 recommended earlier.

26

27 MS. AHTUANGARUAK: We do recognize the

28 spring whaling activities of our communities and

29 pushing it later in the month is a conflict for our

30 communities that do those activities.

31

32 Barb, were you able to ascertain why we

33 have a blackout for that week that we currently we have

34 our meeting in this week?

35

36 MS. B. ARMSTRONG: No, I couldn't, so I

37 don't know why those are -- they have those blackened

38 dates right there, maybe just to keep the calendar in a

39 square and just letting us know.

40

41 Thanks.

42

43 ACTING CHAIR KOONUK: Baxter, you have

44 a comment.

45

46 MR. HOPSON: Yesterday we tabled an

47 item, it was Point Lay's village concerns. Before we

48 adjourn, maybe they could do their village concerns

49 just to be on the record.

50

1 ACTING CHAIR KOONUK: Thank you, Bax.
2 Paul.
3
4 MR. BODFISH: My question was brought
5 up and answered. I was just saying same question as
6 Rosemary, the blackout date, why we couldn't set up our
7 meeting on that week.
8
9 MS. AHTUANGARUAK: I recognize that the
10 week of February 12th through the 16th is good for this
11 type of meeting. It's in between some of the
12 activities. I would recommend that we have our meeting
13 February 15th and 16th, if that's possible. If there
14 is a conflict that occurred, an alternative date would
15 be March 1st and 2nd.
16
17 ACTING CHAIR KOONUK: Is that a motion?
18
19 MS. AHTUANGARUAK: Yes.
20
21 MR. BODFISH: If that is in a motion, I
22 second that motion.
23
24 MS. AHTUANGARUAK: Yes.
25
26 ACTING CHAIR KOONUK: Second by Paul.
27 Discussion.
28
29 (No comments)
30
31 MR. GUNDERSON: Question.
32
33 ACTING CHAIR KOONUK: Question called
34 for. All in favor of approving, what dates were those?
35
36 MS. AHTUANGARUAK: 15th and 16th first.
37
38 ACTING CHAIR KOONUK: February 15th and
39 16th of 2007.
40
41 MS. B. ARMSTRONG: As first.
42
43 MS. AHTUANGARUAK: As first and as an
44 alternative March 1st and 2nd.
45
46 ACTING CHAIR KOONUK: Okay.
47
48 MS. B. ARMSTRONG: Okay, I'll check
49 into those and I will get back to you.
50

1 ACTING CHAIR KOONUK: Any more
2 discussion.
3
4 (No comments)
5
6 MS. AHTUANGARUAK: Question.
7
8 MR. GUNDERSON: Question.
9
10 ACTING CHAIR KOONUK: All in favor of
11 the motion say aye.
12
13 IN UNISON: Aye.
14
15 ACTING CHAIR KOONUK: Oppose.
16
17 (No opposing votes)
18
19 ACTING CHAIR KOONUK: Hearing none,
20 motion carried. And we'll go down to Point Lay for
21 your village concerns, please.
22
23 MR. REXFORD: Good afternoon.
24
25 (Laughter)
26
27 MR. REXFORD: We had pretty good
28 caribou harvest. The caribou came in kind of late this
29 year, they came in from the north right after Christmas
30 and Northwest Arctic Herd, I think they kind of went
31 east early before they hit Point Lay area. And so the
32 ones that were left behind in the -- and came from the
33 north and finally reached right after Christmas and we
34 have quite a bit of caribou in our area right now.
35 They've been harvesting caribou. I just harvested a
36 couple of them, made igorauk (ph).
37
38 And there was one wolf taken in the
39 first week of February, or end of January, and two
40 wolverines taken and the hunter is the same guy that
41 took all these animals.
42
43 Everybody's talking about looking for
44 the smelts again. And I've been getting ready, I got
45 my auger ready and people are getting ready to look for
46 smelts.
47
48 And there was no fish in Kakholik this
49 past fall, no grayling, we tried fishing in the
50 Kakholik area. We usually go up five miles from the

1 mouth, several bends up to fish for grayling but they
2 weren't there and no one -- and so we tried Kuparuk
3 area. There was a lot of fish in Kuparuk, grayling --
4 quite a bit of grayling was fished in that area. And
5 up and down the Kuparuk, anywhere you poke a hole there
6 was fish.

7
8 That's just about it - I think that's
9 it.

10
11 The beluga hunt went great, we got 41
12 or 42 belugas and they're starting to migrate earlier
13 than usual. And I wasn't in the village when the hunt
14 occurred but from what I heard they were already
15 passing the five mile channel when somebody called in
16 saying that the belugas were going to pass by within
17 the half hour or so, so everybody got together and they
18 had passed the man-made inlet at Kahali Hill in front
19 of the old village and they chased the beluga up north
20 and turned them around and brought them back to come in
21 through the channel. And when there's a lot of boats
22 it helps quite a bit, it makes it easier to, you know,
23 herd them in.

24
25 The ice went out really quick. There
26 was hardly any oogaruks harvested. And there was -- I
27 think there was about four walruses harvested and I
28 harvested one.

29
30 Other than that, that's all I have for
31 -- and one of our concern is someone to come to our
32 village and issue hunting licenses and permits for
33 moose, bear -- brown bear and that's one of my main
34 concerns because --and muskox.

35
36 (Laughter)

37
38 MR. REXFORD: All right, that's all I
39 have.

40
41 ACTING CHAIR KOONUK: Any questions for
42 Julius.

43
44 (No comments)

45
46 ACTING CHAIR KOONUK: If not, thank
47 you, Julius. Barbara, anything else?

48
49 MS. B. ARMSTRONG: That's it.

50

1 ACTING CHAIR KOONUK: That's it.
2 Okay, go to Item 15.
3
4 MR. BODFISH: So move, Mr. Chair.
5
6 ACTING CHAIR KOONUK: There's a motion
7 on the floor to adjourn by Paul.
8
9 MS. AHTUANGARUAK: Second it.
10
11 ACTING CHAIR KOONUK: Second by
12 Rosemary. Any discussion.
13
14 (No comments)
15
16 MR. GUNDERSON: Question called.
17
18 ACTING CHAIR KOONUK: Question called
19 for, all in favor of adjourning, stand up.
20
21 (Laughter)
22
23 IN UNISON: Aye.
24
25 ACTING CHAIR KOONUK: Okay, that's it.
26
27 (Off record)
28
29 (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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