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1 NORTH SLOPE FEDERAL SUBSISTENCE REGIONAL
2 ADVISORY COUNCIL PUBLIC MEETING

3

4

5 VOLUME II

6

7 February 21, 2002

8 Inupiat Heritage Center

9 Barrow, Alaska

10

11 COUNCIL MEMBERS PRESENT:

12

13 Harry Brower, Chairman

14 Gordon Brower (By Telephone)

15 Paul Bodfish

16 Mike Patkotak

17 Terry Tagarook

18

19 Regional Coordinator, Barbara Armstrong

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1 PROCEEDINGS

2

3 (Barrow, Alaska - 2/21/2002)

4

5 (On record)

6

7 CHAIRMAN BROWER: Good morning everybody.

8 Now, that we have Gordon on the line I will call the

9 North Slope Regional Advisory Council back to order from

10 our recess yesterday. Good morning to you, Gordon.

11

12 MR. G. BROWER: Good morning, Harry.

13 Mike Patkotak is here with us this morning. Good morning

14 to you, Mike.

15

16 MR. PATKOTAK: Good morning.

17

18 CHAIRMAN BROWER: We'll go along and

19 follow the procedures in just following our agenda and

20 going down the line as to where we are and we'll give a

21 brief update when we get into the action items. First on

22 our agenda is the roll call -- or call to order and

23 that's already been done, and then the second item is the

24 roll call to establish a quorum. Barb.

25

26 MS. B. ARMSTRONG: Harry Brower.

27

28 CHAIRMAN BROWER: Here.

29

30 MS. B. ARMSTRONG: Terry Tagarook.

31

32 MR. TAGAROOK: Here.

33

34 MS. B. ARMSTRONG: Paul Bodfish.

35

36 MR. BODFISH: Here.

37

38 MS. B. ARMSTRONG: Mike Patkotak.

39

40 MR. PATKOTAK: Here.

41

42 MS. B. ARMSTRONG: Gordon Brower.

43

44 MR. G. BROWER: Here.

45

46 MS. B. ARMSTRONG: Edward Itta is

47 excused. Ray Koonuk is excused. Peter Williams is

48 absent. Amos Agnasagga is excused. Fenton Rexford is

49 excused. Mr. Chair, you have a quorum.

50

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1 CHAIRMAN BROWER: Thank you, Barb. The
2 next item on the agenda is welcome and introductions.
3 I'll welcome you all to the meeting here of the North
4 Slope Regional Advisory Council and to Barrow. Thank you
5 for participating with us yesterday. Maybe we'll just go
6 around again just for following the procedures of the
7 agenda and just go around and introduce ourselves again.
8 My name is Harry Brower, Chairman of the North Slope
9 Regional Advisory Council. Paul.

10

11 MR. BODFISH: Paul Bodfish from Atkasuk.

12

13 MR. PATKOTAK: Mike Patkotak from Barrow,
14 Alaska. Thank you.

15

16 MR. TAGAROOK: Good morning. I think we
17 can get back into the real session and we'll have an all
18 day meeting. This is Terry Tagarook.

19

20 MR. JENNINGS: Good morning, Mr. Chair.
21 Tim Jennings with the Office of Subsistence Management.

22

23 MS. DEWHURST: Donna Dewhurst, Office of
24 Subsistence Management. Wildlife biologist.

25

26 CHAIRMAN BROWER: And then we also have
27 Gordon Brower on our teleconference here to make our
28 quorum so he's not visible but he's listening on the
29 phone. Gordon Brower. And we'll continue.

30

31 MR. G. BROWER: Yeah, thank you, Harry.
32 Yeah, Gordon Brower from Barrow. Good morning everybody.

33

34 MR. JENNINGS: Good morning, Gordon.

35

36 CHAIRMAN BROWER: Good morning, Gordon.
37 We'll go ahead and continue.

38

39 MR. FRIED: Steve Fried, Office of
40 Subsistence Management, Anchorage.

41

42 MR. CARROLL: Geoff Carroll, Barrow
43 office of the Alaska Department of Fish and Game.

44

45 MR. BRELSFORD: Taylor Brelsford and I
46 work with the BLM in Anchorage.

47

48 MR. YOKEL: Dave Yokel, BLM, Fairbanks.

49

50 MR. UBERUAGA: Richard Uberuaga,

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1 Fisheries Subsistence in Anchorage.

2

3 MR. KNAUER: Bill Knauer, Policy
4 Regulation, Subsistence Management, Anchorage.

5

6 MR. BOS: Greg Bos. Fish and Wildlife
7 Service, Anchorage.

8

9 MS. McKINLEY: Dianne McKinley, National
10 Park Service, subsistence in Anchorage.

11

12 MS. HILDEBRAND: Ida Hildebrand, BIA
13 Staff Committee member.

14

15 MR. HUNTER: Paul Hunter, National Park
16 Service, Anchorage.

17

18 MR. JONES: Rick Jones. External
19 Affairs, Anchorage.

20

21 MR. EASTHAND: Warren Easthand, BIA,
22 Juneau.

23

24 MS. BROWN: Wennona Brown, subsistence
25 coordinator. Fish and Wildlife Service, Arctic Refuge.

26

27 MS. H. ARMSTRONG: Helen Armstrong,
28 cultural anthropologist. Subsistence Office of Fish and
29 Wildlife Service in Anchorage.

30

31 MS. B. ARMSTRONG: Barb Armstrong,
32 coordinator for North Slope.

33

34 REPORTER: My name's Tina and I'm the
35 court reporter for the day.

36

37 CHAIRMAN BROWER: Okay, thank you
38 everyone. We'll go into the action items, the adoption
39 of the agenda. We'll have formal action from the Council
40 on the agenda.

41

42 MR. BODFISH: I so moved.

43

44 CHAIRMAN BROWER: It's been moved to
45 approve and adopt the agenda.

46

47 MR. TAGAROOK: Second.

48

49 CHAIRMAN BROWER: Seconded by Terry.

50 We'll take a couple of minutes and see if there is any

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1 changes that need to be made. But probably while we're
2 under discussion I could give a little update as to what
3 we did yesterday in terms of what was conducted
4 yesterday. We went through the informational items Mike
5 and Gordon. We didn't have a quorum yesterday so we just
6 went through the informational items and hearing the
7 agency reports which is on the second page. We heard on
8 the Fisheries Monitoring Program.
9 We had the Council reports.

10

11 MR. G. BROWER: Those were all for
12 informational yesterday because of no quorum, only
13 informational?

14

15 CHAIRMAN BROWER: Yes, Gordon, that's
16 what happened. Yesterday we just reviewed informational
17 items. And what we're left with this morning is the
18 review of proposals and Regional Council recommendations
19 and the customary trade issues. There's two issues under
20 the customary trade. Review and suggest regulatory
21 language and briefing on the tribal consultation process.
22 Those are the customary trade issues. Those are
23 basically what we are left with after yesterday.

24

25 MR. G. BROWER: Mr. Chairman, Gordon
26 Brower, for the record.

27

28 CHAIRMAN BROWER: Go ahead, Gordon.

29

30 MR. G. BROWER: Mr. Chairman, under
31 customary trade was that only informational? Was there
32 any action items proposed on that?

33

34 CHAIRMAN BROWER: We'll be doing that
35 this morning, Gordon. We didn't have a quorum to take
36 any type of actions so we didn't even discuss too much of
37 the issues under customary trade.

38

39 MR. G. BROWER: Mr. Chairman, I had some
40 concerns as to some of the customary trade needs as to
41 what is -- what constitutes a significant commercial
42 enterprise to distinguish ourselves from commercial
43 users.

44

45 CHAIRMAN BROWER: Okay.

46

47 MR. G. BROWER: So maybe that will come
48 up later on, I guess, when we get there.

49

50 CHAIRMAN BROWER: Okay, Gordon, thank

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1 you. Yes, we'll be doing that as soon as we review the
2 wildlife proposals and we'll be following up on where we
3 left off and we'll begin with our proposals. We have a
4 couple action items that we need to follow up on, review
5 and adoption of the agenda and then we have the minutes
6 to review and then getting into the proposals. So we're
7 under the discussion of the adoption of the agenda right
8 now. And then we'll continue with the minutes.
9

10 There's a motion to adopt the agenda and
11 seconded. We need to continue with the motion.

12

13 MR. G. BROWER: Call for the question.

14

15 CHAIRMAN BROWER: Thank you, Gordon. The
16 question has been called. All those in favor of adopting
17 the agenda, signify by saying aye.

18

19 IN UNISON: Aye.

20

21 CHAIRMAN BROWER: Mike.

22

23 MR. PATKOTAK: Aye.

24

25 CHAIRMAN BROWER: Thank you. The next
26 agenda item is we have the review and adoption of the
27 minutes of the September 11th, 2001 meeting and it's
28 under Tab B. When I had reviewed the minutes, maybe we
29 better go through the process of going through and
30 reviewing and adopting the minutes before we get into the
31 discussion of it.

32

33 MR. BODFISH: So moved, Mr. Chair.

34

35 CHAIRMAN BROWER: Thank you, Paul.
36 There's a motion to review and adopt the minutes of the
37 September 11th meeting.

38

39 MR. TAGAROOK: I second.

40

41 CHAIRMAN BROWER: You second it, all
42 right. Thank you, Terry. We'll continue with discussion
43 and review of the minutes of September 11th. I had one a
44 comment in regards to Page 5, under the Regional Council
45 compensation by Carl Jack. And on the last sentence
46 there, he said that this is a repeat of what happened in
47 1966, I was wondering if that was a typo or if there is
48 something that happened in 1966.

49

50 MS. B. ARMSTRONG: It's a typo, it's '96.

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1 CHAIRMAN BROWER: I think it was meant to
2 be '96.

3

4 MR. JENNINGS: Mr. Chair, I'm sure
5 there's something that happened in 1966 but it wasn't
6 this so that is a typo.

7

8 (Laughter)

9

10 MR. JENNINGS: It would be a follow-up
11 of, I believe, the previous year, 1999 or 2000, where
12 there was a request that went to the Secretary. Taylor
13 or Ida do you know the date?

14

15 MS. B. ARMSTRONG: '97.

16

17 MR. JENNINGS: Of when that went up to
18 the Secretary the first time.

19

20 MS. HILDEBRAND: Mr. Chairman, this is
21 Ida Hildebrand, BIA Staff Committee member. I am not
22 sure about the exact year but it was either -- it began
23 in '96 but a letter went forward first by the Seward
24 Peninsula, I believe in '97. So this has been ongoing
25 for quite some time. But definitely not in 1996.

26

27 MR. JENNINGS: '66.

28

29 MS. HILDEBRAND: I mean not in 1966,
30 excuse me.

31

32 CHAIRMAN BROWER: Somebody's going to be
33 owed a lot of money if this happened in 1966.

34

35 (Laughter)

36

37 CHAIRMAN BROWER: Anyway that was one of
38 the things that I caught in just reviewing the minutes.
39 If there's any other corrections or additions that need
40 to be made you should probably voice them now.

41

42 (Pause)

43

44 CHAIRMAN BROWER: While we're under the
45 minutes and reviewing them, Mike, maybe I could ask you,
46 at our last meeting, during this meeting in September we
47 had asked you -- you had volunteered to represent the
48 North Slope Council on Gates of the Arctic. I guess
49 there was some issue that came up from you volunteering
50 and representing our Council. The formalities, the

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1 process for that was that you needed to be a user from
2 the Gates of the Arctic to be representing the Council.
3 I think that was voiced yesterday. I think we need to
4 make some type of clarification or take some type of
5 action during our discussions today. Maybe it would be
6 good to hear your comments on that issue, you know, as to
7 what had happened during the Subsistence Resource
8 Commission meeting.
9

10 MR. PATKOTAK: I was involved in the last
11 meeting of the Subsistence Resource Commission meeting
12 of National Park Service in Fairbanks. And
13 representatives from the people that were affected by any
14 impacts of the area that's being used. And, although it
15 seems like a small area that particular region has a high
16 usage and a high -- large number of aircrafts going into
17 that area which affects the North Slope users in many
18 ways. And the impression I got in talking to Levi, who
19 is a Cleveland from Shungnak and also President, oh,
20 geez, I forgot his name but he's on the list. And they
21 provided me with a lot of information and they
22 appreciated that the North Slope region was getting
23 involved. But I told them that I was just a temporary
24 fill-in. But they expressed, and according to their
25 minutes they have -- they were willing that -- the
26 impression was that the North Slope should have a
27 representative from Region 10, Regional Advisory Council,
28 albeit, just to listen in or to give advice when needed
29 or for informational purposes.
30

31 And from their concerns involved, Mr.
32 Chairman, I would suggest that you talk with the
33 Northwest area people and the impacts and the help that
34 they get from the North Slope has tremendous value. And
35 that they're not always able to pass on the information
36 in terms of what actually happened versus what's on
37 paper. And that having a representative at the meetings
38 was very favorable to them.
39

40 And I got to meet a lot of good folks,
41 made some new friends and made some good contacts and
42 learned a lot of things about the impacts on the National
43 Park Service, the impacts it has on Anaktuvuk Pass and
44 also the Kobuk, Shungnak, Ambler people that -- my wife
45 is from Shungnak so that area is of a particular interest
46 to me. She has lands that are directly on the Kobuk
47 River that apparently floaters have come by and used her
48 cabin, well, actually it was her grandfather's cabin
49 which was passed on to his mother and father and when
50 they passed on they passed it on to her. And that area,

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1 with nobody at the camp, it was being used at times.
2 Whether it was being used -- when it was being used by
3 local resource users it was with permission first, which
4 is customary with the people in that area and also up
5 here, which is pretty common. So when somebody uses it
6 without permission and kind of trashes some things up,
7 just kind of surmises that it's either people from
8 outside of the area or -- so the impacts in that area was
9 a learning experience for me.

10

11 And just from listening to them, my
12 recommendation would be is that there be continued
13 support from the North Slope Regional Advisory Council.
14 Now, whether it be me or someone else or a wildlife
15 biologist or someone from the North Slope Borough or the
16 Native Village of Barrow it would be of major help to
17 them.

18

19 Other than that it was very informative
20 and I enjoyed my stay in Fairbanks.

21

22 CHAIRMAN BROWER: All right, thank you,
23 Mike. Yes, we needed to hear from you to accommodate the
24 request in part to the Gates of the Arctic for having an
25 appointment to the Subsistence Resource Commission.
26 Maybe we'll have Paul Hunter review some of the criteria
27 that is needed to accommodate their needs.

28

29 Mr. Hunter.

30

31 MR. HUNTER: Thank you, Mr. Chairman,
32 Council members. For the record my name is Paul Hunter
33 with the National Park Service, Anchorage office. And
34 I'm here representing Dave Mills, Gates of the Arctic
35 National Park, who was unable to attend the meeting this
36 time.

37

38 The charter for the Gates of the Arctic
39 Park, Subsistence Resource Commission establishes the
40 criteria for a voting member of the SRC as member of a
41 local advisory committee or council, which includes your
42 group and also any local Fish and Game advisory groups,
43 and it possibly could include also the subsistence panel
44 from the -- the BLM subsistence panel for the NPR-A. And
45 the criteria for the membership is to be a member of one
46 of those local groups and a subsistence user of the Park.
47 And the criteria for establishing eligibility would be a
48 subsistence for the Park is a little more restricted than
49 the criteria, generally, for Federal subsistence. It
50 requires that subsistence users in the Park be a local

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1 rural resident as opposed to a rural resident. And the
2 regulations and the criteria listed in the charter are
3 that an eligible user for the Park is a resident of
4 Anaktuvuk Pass or Nuiqsut which are automatically
5 considered users of the Park. Or an individual who has a
6 personal history or family history of hunting up in the
7 Park.

8

9 So when Mike was recommended for
10 appointment, we apologize for not being clear enough on
11 what the specific requirements were in terms of being a
12 resident of Anaktuvuk or Nuiqsut or someone who has been
13 issued a subsistence permit by the Park Service as having
14 a personal history. So to finalize Mike's appointment we
15 would have to either issue a subsistence -- the Park
16 Service would have to evaluate his history of hunting in
17 the Park and issue a subsistence permit. An alternative
18 to that would be to find another volunteer who actually
19 lives in Anaktuvuk Pass or Nuiqsut or someone such as
20 Council member Bodfish who has indicated that he has a
21 family history of hunting up that way.

22

23 So that's where we are right now. We
24 really apologize for that miscommunication on the
25 criteria and we also thank Mike for the courtesy of
26 attending the meeting and reporting back to the Council.
27 So I guess what that all means is we're still looking for
28 an appointment from the North Slope Council. There's no
29 urgency. The next meeting, perhaps, Mike can report if a
30 meeting was set. I'm not sure that it has been. It
31 probably would be in the fall.

32

33 MR. PATKOTAK: September.

34

35 MR. HUNTER: In September, that would be
36 my understanding. And possibly that would be after.....

37

38 MR. PATKOTAK: The third week of
39 September I believe it was.

40

41 MR. HUNTER: Okay.

42

43 MR. PATKOTAK: Yeah, I believe that.....

44

45 MR. G. BROWER: Mr. Chairman, Gordon
46 Brower.

47

48 CHAIRMAN BROWER: Yeah, hold on a second
49 there, Gordon, Mike's got the floor and he needs to
50 finish this conversation.

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1 MR. PATKOTAK: The meeting for the
2 Subsistence Resource Commission for the National Park
3 Service, the meeting was set for some time in the latter
4 part of September, the exact date not being set but the
5 latter part of September being highly desirable. And the
6 date would be set as the meeting time drew near. After
7 talking with the chairman of the board there, he wanted
8 to talk to some of the other regional advisory members
9 before setting the exact date as to when would be the
10 best.

11
12 CHAIRMAN BROWER: Thank you, Mike.
13 Gordon, did you want to make a comment on the issue?
14

15 MR. G. BROWER: Yeah, just from listening
16 I would really support that topic on that membership for
17 an appointment that somebody's that's a local
18 representative, not just the rural but the local
19 representative and part of the Subsistence Advisory
20 Council would make it pretty informative for us all the
21 time. So I would just really support that, maybe from
22 Anaktuvuk Pass, our representative from there should have
23 a chance to be nominated for an appointment. Mr.
24 Chairman.

25
26 CHAIRMAN BROWER: Thank you, Gordon.
27 We've considered that several times in trying to get Mr.
28 Earl Williams, but he has not showed up in the meeting to
29 make that recommendation so we're still in that position.
30 Mike, did you have a comment you wanted to make, you had
31 your hand up.

32
33 MR. PATKOTAK: Rachel Sponlinguk was a
34 representative from Anaktuvuk Pass at the meeting. It
35 was good to see her again and also hear her concerns. So
36 Anaktuvuk was represented at that meeting.

37
38 Thank you.
39

40 CHAIRMAN BROWER: All right, thank you,
41 Mike. I think we needed to hear and get clarification on
42 the issue and with Mike present and Mr. Hunter being
43 present was very helpful in getting this situation
44 corrected. And we'll probably continue in trying to get
45 that addressed at our next meeting. Hopefully Mr.
46 Williams will be here.

47
48 Terry, did you have a comment you wanted
49 to make?
50

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1 MR. TAGAROOK: Were there any
2 representatives from Nuiqsut?

3

4 MR. PATKOTAK: There was no
5 representative from Nuiqsut. The representative of
6 Nuiqsut in the past had been Thomas Nokotliak Sr., and he
7 was not there. There was no mention of anyone or
8 anything about Nuiqsut. And when I talked to Levi
9 Cleveland and the Chairman briefly about it and about
10 getting some local representative, he said it was pretty
11 hard to keep a consistent commissioner from either
12 places, which was Anaktuvuk Pass and Nuiqsut. He said
13 they had a very high turnover rate from those two
14 villages.

15

16 CHAIRMAN BROWER: Thank you, Mike. Did
17 it help answer your question, Terry?

18

19 MR. TAGAROOK: Yes.

20

21 CHAIRMAN BROWER: If there's no further
22 discussions we'll continue on with the motion.

23

24 MR. PATKOTAK: Call for the question.

25

26 CHAIRMAN BROWER: Question has been
27 called, all in favor of adopting the minutes of September
28 11, 2001, signify by saying aye.

29

30 IN UNISON: Aye.

31

32 CHAIRMAN BROWER: The motion is passed
33 and the minutes are adopted. I think we're down to --
34 maybe I'll open the floor for Council reports, Mike or
35 Gordon, did you have any concerns you want to voice from
36 your communities -- from Barrow, in regards to following
37 the agenda.

38

39 MR. G. BROWER: Mr. Chairman, this is
40 Gordon Brower. Can you speak a little bit clearer, it
41 didn't come across so clear.

42

43 CHAIRMAN BROWER: Yes. We're continuing
44 with the agenda and we're under Item 6 and I'd like to
45 know if you have any concerns that you'd like to voice
46 from Barrow, either you or Mike. I want to give you the
47 opportunity to give this Council a report about village
48 concerns.

49

50 MR. G. BROWER: Yes, Mr. Chairman.

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1 Gordon Brower for the record. I had made a comment for
2 the customary trade task force and I have some concerns
3 as to the significant -- what constitutes a significant
4 commercial enterprise when you're -- because you could
5 look like you're categorized for doing subsistence
6 harvesting. Is it an appropriate time to bring that
7 concern up?

8

9 CHAIRMAN BROWER: I think we'll be
10 discussing the customary trade issue, Gordon. Although
11 it's a valid concern and we have the customary trade
12 issue on the agenda, Item X, and we'll be covering that
13 as soon as we get through our proposals if you want to
14 hold off and voice your concern at that time, it would
15 help in moving along with the agenda items this morning.

16

17 MR. G. BROWER: Okay, I'll hold off on
18 that. I'm sorry I don't have a fax here to collect the
19 agenda so I'm just going to play it by ear. But I
20 don't really have any other concerns. Our hunting was
21 pretty good. We had pretty good fall fishing. And so it
22 was a pretty good season.

23

24 CHAIRMAN BROWER: Thank you, Gordon.
25 Mike, do you have any comments or concerns you want to
26 voice while we're on this agenda item?

27

28 MR. PATKOTAK: About the discussion of
29 customary trade?

30

31 CHAIRMAN BROWER: More concerns in
32 general for the community.

33

34 MR. PATKOTAK: Any concerns in general?

35

36 CHAIRMAN BROWER: Yes.

37

38 MR. PATKOTAK: Well, right now I wish the
39 weather would break. You guys got orders from
40 headquarters of where we could break this weather here it
41 would be nice.

42

43 CHAIRMAN BROWER: I think they heard you
44 loud and clear.

45

46 (Laughter)

47

48 MR. PATKOTAK: With that, I thank you for
49 the opportunity to share my concerns. As far as any
50 concerns for right now, according to the agenda of where

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1 we are at, no concerns yet.

2

3 CHAIRMAN BROWER: All right. Thank you,
4 Mike. With that we'll go down to Item 7, it's wildlife
5 proposal review and Regional Council recommendations.
6 We'll go through the process of what's listed in the
7 agenda. I'll just go ahead and read through them right
8 quick just for your information Gordon. Proposal review
9 procedures. One, introduction of proposal. Two,
10 biological and social cultural analysis. Three, agency
11 comments, Federal, State or private. Four is, open floor
12 for public comments specific to the proposal. Five is,
13 summary of written public comments. And six is, Regional
14 Council deliberation and recommendations and
15 justification. And we have several proposals that are
16 listed in the agenda.

17

18 You'll hear what each of the proposals
19 are unless you want me to go ahead and name them off.
20 Gordon, I could do that or you could hear from the Staff
21 as to what proposals we're talking about.

22

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

24

25 CHAIRMAN BROWER: Go ahead, Gordon.

26

27 MR. G. BROWER: I think we can go down as
28 we go along and we'll be able to discuss what the
29 proposal is as we reach them.

30

31 CHAIRMAN BROWER: Okay, we'll go through
32 that process and thank you. So we'll continue with where
33 we are starting with the first proposal. Donna, you have
34 the floor.

35

36 MS. DEWHURST: Proposal 02 is a statewide
37 proposal so it will be going to all the Councils. It was
38 submitted by Craig Fleener of Fort Yukon. Gordon, can
39 you hear me?

40

41 MR. G. BROWER: Yeah, Mr. Chairman, if
42 they could talk into the mike.

43

44 CHAIRMAN BROWER: Okay, Gordon, we'll get
45 the phone rearranged here and move the phone from one end
46 of the table to the other so you can listen in on the
47 discussion here. We'll move the phone to the other end
48 since the discussions are going to be coming from the
49 other end of the table here now.

50

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1 MS. B. ARMSTRONG: Okay, Gordon, I moved
2 you by Donna Dewhurst here.

3

4 MR. G. BROWER: That's much clearer.

5

6 MS. DEWHURST: Do you feel closer to me
7 Gordon?

8

9 MR. G. BROWER: Yeah.

10

11 (Laughter)

12

13 MS. DEWHURST: Okay, Proposal 2 submitted
14 by Craig Fleener of Ft. Yukon. It's a statewide proposal
15 so it will be going to all the Councils for comment and
16 deliberation -- oh, I'm sorry, Proposal 1. And it is to
17 sell -- it's to make legal the sale of hides and parts of
18 black and brown bears on Federal public lands. Except
19 for articles of handicrafts from black bears, the sale,
20 purchase or barter of any other parts of bears has been
21 prohibited in Alaska by state law and it's currently
22 prohibited under our Federal Subsistence Regs.

23

24 The history has been complex. Brown bear
25 hides have been illegal for a long time, basically since
26 1925. Black bears were legal to sell the hides up to
27 about '71 and then it was made illegal. Basically
28 neither one has been legal to sell for a long time. In
29 general, the populations of all bears are healthy across
30 Alaska.

31

32 The issues are there is a commercial
33 market for bear hides, claws, skulls, teeth and gall
34 bladders. There's also a very strong underground Black
35 Market for many of these products which complicates the
36 issue. Commercial sales of certain bear hides and parts
37 are allowed in parts of Canada and the Lower 48. But
38 like I said, they've been illegal in Alaska for quite
39 some time. This proposal seeks a major change in the
40 approach to management of these sales of these parts.

41

42 The bottom line is the Staff
43 recommendation was, given the complex legal issues and
44 the commercial aspects and potential Black Market aspects
45 of it, it was felt that it would be more appropriate for
46 this issue to be taken up by the Alaska Board of Game to
47 address it as a statewide issue there than with Federal
48 Subsistence Regs.

49

50 The one recommendation was that our

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1 current Federal regulations be aligned with State
2 regulations allowing the sale of handicraft items of
3 black bear. Right now we don't allow the sale of
4 anything and so the Staff recommendation was basically to
5 oppose most of the proposal with the recommendation that
6 it be resubmitted to the Board of Game, the Alaska Board
7 of Game. And then the one change that was recommended
8 was to align with State regulations concerning the sale
9 of handicraft items from black bears fur only because
10 that's the only thing legal currently under State regs.

11

12 So that's the Staff recommendation.

13

14 MR. G. BROWER: I got a question, this is
15 Gordon Brower.

16

17 MS. DEWHURST: Go ahead, Gordon.

18

19 MR. G. BROWER: Is it currently allowable
20 to sell the black bear fur, you know, without making
21 handicrafts to other subsistence users?

22

23 MS. DEWHURST: No, presently it is not
24 legal. Under Federal Subsistence Regs nothing is legal
25 as far as sale of black bear or brown bear parts. Under
26 State regulations -- under State law you can sell a black
27 bear handicraft but not raw black bear fur or just the
28 hides. So the answer would be no.

29

30 MR. G. BROWER: All right. I just wanted
31 to -- you know, I just heard one portion of it but
32 there's also that other part where there's being able to,
33 you know, if you don't sew or something like that or make
34 handicrafts, that you're able to do that locally with
35 somebody else. But I just wanted to find out if that was
36 something that's been looked at.

37

38 MS. DEWHURST: That concludes the Staff
39 analysis.

40

41 CHAIRMAN BROWER: Running through the
42 proposal procedure and I wasn't clear as to if you
43 covered the biological and cultural analysis in that
44 discussion?

45

46 MS. DEWHURST: Uh-huh.

47

48 CHAIRMAN BROWER: You did, okay, thank
49 you Donna. Under this procedure, No. 3, agency comments,
50 State and Federal and private. Is there any State

00105

1 comments in regards to this proposal?

2

3 MR. CARROLL: Well, yeah there are.

4

5 CHAIRMAN BROWER: You need to come to a
6 mike.

7

8 MR. CARROLL: Geoff Carroll with the
9 Alaska Department of Fish and Game. Yeah, basically the
10 State opposes this proposal. As was stated, in State
11 regulations it's against the law to sell parts of brown
12 or black bears unless they've been made into a handicraft
13 and that's the position we would -- we don't think it's
14 appropriate to sell other parts, but it might be
15 worthwhile for the Federal regulations to get in line
16 with the State regulations to allow people to, under
17 Federal regulations, to sell handicrafts made from bears.

18

19 MR. PATKOTAK: Mr. Chairman, I have a
20 comment.

21

22 CHAIRMAN BROWER: Mike, go ahead.

23

24 MR. PATKOTAK: Terry, I have a question
25 for you. I know the area where we hunt affects, we often
26 cross our hunting grounds over there, did your hunters in
27 that area notice significant increases in bear
28 populations. I know the bear populations along the
29 Kugrua is significantly more but wherever there's more
30 fish there's more bears, I guess. I guess that's what
31 you can say here. And Beard Bay has seen a -- not a
32 great magnitude of increase but some degree of increase
33 in black bear -- or brown bear populations on the North
34 Slope, particularly the Kugrua and that area. I don't
35 know, maybe Terry has some additional comments in that
36 respect.

37

38 But those black -- those brown bear area
39 a really bad nuisance in our area because they have a
40 tendency to be pretty destructive when they hit a cabin.
41 I know they've destroyed several this past year. This
42 past fall several cabins were pretty well demolished by
43 young black bears. I would think that they were pretty
44 young because the paws were pretty small and I think
45 these were just bears that had been recently released by
46 -- let go by their mothers. And I sighted a couple of
47 them myself. I wasn't about to go and shoot it because I
48 knew the amount of work it would take and the physical
49 condition I was in I just shot it with a camera.

50

00106

1 And so with that, I'd like to know what
2 Terry has to say about that area in terms of black bear
3 and increase it has in terms of sightings and contacts
4 with them in hunting camps.

5
6 Thank you, Mr. Chairman.

7
8 CHAIRMAN BROWER: Thank you, Mike.
9 Terry.

10
11 MR. TAGAROOK: Yep, there's people in the
12 area who have been sighting grizzlies up in the rivers
13 and you could also notice the evidence of grizzly bears
14 along the coast coming to the ocean. I think there's an
15 increase in the brown bears.

16
17 CHAIRMAN BROWER: Anymore comments.
18 State. Geoff, do you have any other comments you wanted
19 to add on after hearing the discussions in regards to
20 Mike and Terry?

21
22 MR. CARROLL: Yeah, I'd just like to
23 respond to Mike. Our cabin was one that got ransacked
24 pretty well by a grizzly bear which made us kind of mad
25 but anyway there are regulations concerning that a person
26 can shoot a bear in defense of life or property and
27 that's a regulation that's meant to address that and, you
28 know, that's kind of separate from this issue here that
29 would allow people to harvest bears and sell parts. That
30 would provide a strong incentive for people to possibly
31 kill bears for commercial purposes and sell them and we
32 don't think that that's appropriate.

33
34 MR. PATKOTAK: Mr. Chairman.

35
36 CHAIRMAN BROWER: Go ahead, Mike.

37
38 MR. PATKOTAK: I know the regulations
39 that the State has, how old are they on the books? How
40 long have they been on the books like that?

41
42 MS. DEWHURST: A long time. The brown
43 bear regs have been on since 1925, the black bear regs
44 have been on basically since '71, black bear sale that's
45 been illegal. Prior to that it was legal, but '71 was
46 when it was made illegal. So basically both of them have
47 been on the regs for a long, long time.

48
49 MR. PATKOTAK: The reason why I ask is
50 that I know from the trade between Native to Native of

00107

1 certain parts of the bears have still been an ongoing
2 thing, which has been closely monitored but I've -- it's
3 being done. I think that maybe now with the increase the
4 State should think about writing a provision in there for
5 -- in terms of Native handicrafts being made more
6 accessible and a law being written because of the
7 increase in terms of tourists wanting to buy handicrafts
8 that are made from bears. And I know that the proposal
9 for -- and I'm not saying that I, personally, would agree
10 with the proposal of these Ft. Yukon knowing their
11 employment status and I know it's something that the
12 agencies should start continuing to look at on a closer
13 basis from here on. And I would be in favor of the State
14 taking a closer look at the impacts on -- of the bears in
15 those particular regions.

16

17 CHAIRMAN BROWER: Thank you, Mike. Geoff
18 has heard your comments and he'll be aware of that as to
19 what part we need to address in regulations, changes.
20 But this one here is trying to get brown bear and black
21 bear inclusion in furbearer definitions. So there must
22 be some differences in terms of the State regulations and
23 the current proposal that's being written. So this is
24 trying to get brown bear and black bear as furbearers
25 defined through this proposal.

26

27 MS. DEWHURST: Mr. Chairman, there are
28 two aspects to it. That was part of it. Making the
29 furbearers would make it easier to allow the sale versus
30 a game animal, so that was part of the thought there.
31 And the other thought was if they're furbearers then
32 potentially leg-hold traps would be allowed to be used.
33 Right now it's illegal to use leg-hold traps to get a
34 bear. So that was the two thoughts behind reclassifying
35 them as furbearers by the proponent.

36

37 CHAIRMAN BROWER: Thank you, Donna. If
38 there is no further discussion on this we'll continue on
39 down with item No. 5 under the procedures is summary of
40 written.....

41

42 MR. G. BROWER: Mr. Chairman, Gordon
43 Brower.

44

45 CHAIRMAN BROWER: Yeah, go ahead Gordon,
46 sorry.

47

48 MR. G. BROWER: Just from listening I
49 think, just from a personal standpoint, use and sale of
50 furs, I think it would be appropriate to continue to use

00108

1 the regulation as is to curtail any commercialization. I
2 think limiting it to handicrafts would promote a
3 traditional -- the traditional uses that is already
4 taking place on how you use furs, especially on these
5 kinds of animals where in my own personal view that we
6 don't really eat these animals -- these bears as a
7 customary food source. And then to propose a regulation
8 that would enhance the sale of the fur when you don't
9 have a real -- at least, that I know of, where I'm from,
10 no real food source from that animal.

11

12 That's all I wanted to say as a comment.

13

14 CHAIRMAN BROWER: Thank you, Gordon. If
15 there's no further comment on this issue we'll continue
16 down with the procedure. Any other private comments in
17 regard to the proposal, it says Federal, State and
18 private.

19

20 MS. B. ARMSTRONG: Excuse me, Mr. Chair.

21

22 CHAIRMAN BROWER: Go ahead, Barb.

23

24 MS. B. ARMSTRONG: I have two written
25 public comments. One is opposed. And the name was not
26 written in here, it's from Colonel Joe L. Hart, it says
27 he's the director for Fish and Wildlife Protection,
28 Public Safety.

29

30 MR. JENNINGS: With the State.

31

32 MS. B. ARMSTRONG: Okay, director Fish
33 and Wildlife Protection is how he states it.

34

35 MR. JENNINGS: With the State.

36

37 MS. B. ARMSTRONG: Okay, with the State.
38 And he is opposed because we believe that allowing the
39 sale of bear parts will increase the legal take and waste
40 of bears, will exacerbate the Black Market issues. Will
41 go against North American trend that is more restrictive
42 concerning sale and is not consistent with customary and
43 traditional practices. The Department of Public Safety
44 is opposed to Proposal No. 1 which would classify brown
45 bear and black bears as furbearers and allow the sale of
46 bear parts.

47

48 And there is one in support by Glenn R.
49 Alsworth, Sr., from Port Alsworth, Alaska. I am in favor
50 of adopting the new wording changing the regulation. My

00109

1 belief is that any time that a subsistence user can
2 derive more benefit from a legally taken subsistence
3 resource the better.

4

5 Thank you, Mr. Chair.

6

7 CHAIRMAN BROWER: Thank you, Barb.

8

9 MR. G. BROWER: Mr. Chair, Gordon Brower.

10

11 CHAIRMAN BROWER: Go ahead, Gordon.

12

13 MR. G. BROWER: Yeah, is this an action
14 item at this point?

15

16 CHAIRMAN BROWER: We're getting down to
17 the Regional Council deliberation, recommendation and
18 justification. It's the next issue and we're at that
19 point now.

20

21 MR. G. BROWER: Okay.

22

23 CHAIRMAN BROWER: Is there any comments
24 that you would like to make in regards to this proposal?

25

26 MR. G. BROWER: Yeah, Mr. Chairman. Just
27 from hearing probably a little tiny percentage of
28 comments that are written and forwarded, that there is, I
29 think, there shouldn't be any avenue to move this forward
30 to -- to promoting the commercial -- the sale of these
31 items as is. I would really hope that our customary use
32 and traditional ways reflect that and that we do not
33 allow the sale of these furs on these bigger animals. I
34 know we do take bears once in awhile and that sometimes
35 is only as an as-needed basis when we're in a life safety
36 health situation but I have never used those animals for
37 food myself.

38

39 And I think it's not a good way to
40 promote that type of continued hunting when you just make
41 the fur available for sale. It's not going to promote
42 the traditional use but it's going to promote just the
43 sale of the fur and unwanted waste of the animal.

44

45 That's my view. I think that goes into
46 -- I hope into some of the deliberation as to how we see
47 this regulation being formed.

48

49 CHAIRMAN BROWER: Thank you, Gordon. Any
50 further Regional Council deliberations or

00110

1 recommendations.

2

3 MR. PATKOTAK: Mr. Chairman.

4

5 CHAIRMAN BROWER: Mike.

6

7 MR. PATKOTAK: Instead of completely
8 opposing this and tabling this, I suggest that we table
9 this for the next meeting pending discussion with the
10 proposal writers and the next region-wide meeting,
11 possibly even for a year. The proposal seems to be a
12 well thought out proposal and the region that it affects,
13 they have -- you got to remember that these are people
14 with legitimate concerns and they should be given the due
15 process and that due process, I think, would be to table
16 it for discussion and not to just completely vote it
17 down.

18

19 CHAIRMAN BROWER: Thank you, Mike.

20

21 MR. TAGAROOK: Mr. Chair.

22

23 CHAIRMAN BROWER: Terry.

24

25 MR. TAGAROOK: Mr. Chair, I think this
26 proposal is -- well, I would support their proposal for
27 the proposed regulation in terms for the definition to
28 include black bear and brown bear in the regulations,
29 since they're not in the original -- or the existing
30 regulations. There was some people that will depend on
31 these for, you know, helping with their subsistence
32 lifestyle.

33

34 CHAIRMAN BROWER: Thank you, Terry.

35

36 MR. PATKOTAK: Mr. Chairman.

37

38 CHAIRMAN BROWER: Mike.

39

40 MR. PATKOTAK: Mr. Chairman, I know
41 Gordon must be the exception here when it comes to
42 getting brown bear and black bear. I like both brown
43 bear and black bear. But that's before they touch any
44 fish. They're extremely good while they're still eating
45 grub and vegetables along the shoreline and especially
46 when they're eating the berries and ground squirrel.
47 They're almost sweet even, the meat. So this is just for
48 information that there's still a lot of people that eat
49 the meat. And in just this past, not this past winter
50 but the winter before was the first time I ever had

00111

1 akutuq that had been made from bear meat and it had a
2 distinct taste and it was good. It was something
3 different other than caribou meat.

4

5 CHAIRMAN BROWER: Thank you, Mike. I
6 think we need to focus on the intent of the proposal
7 here, to get brown bear and black bear into furbearer
8 definitions. That's the intent of this proposal. I
9 think the other regulations that are behind the current
10 regulation will still continue to be there. But this is
11 trying to get black bear and brown bear as furbearer
12 defined under the regulations. So I think....

13

14 (Power outage)

15

16 (Off record)

17

18 (On record)

19

20 CHAIRMAN BROWER: The State comments were
21 to oppose the proposal and we've had some Council members
22 stating their concerns. I was kind of waiting off,
23 Gordon, if you could hear me, I was kind of waiting off
24 to let you folks know what I have heard from discussing
25 this proposal with our Department of Wildlife Management
26 was to oppose the proposal and support Staff
27 recommendations. Those were the concerns that were
28 voiced to me from our department in Wildlife Management.
29 And I would just voice that concern and hear your
30 thoughts as a Council on this.

31

32 MR. G. BROWER: Yeah, Mr. Chairman, this
33 is Gordon Brower.

34

35 CHAIRMAN BROWER: Yeah, go ahead, Gordon.

36

37 MR. G. BROWER: Yeah, I hope I'm not the
38 exception here as I heard earlier. But I am a
39 subsistence hunter and, you know, this animal, it's not a
40 very -- maybe even less than one percent of my dietary
41 supplement that I have. I do like to eat (In Native), I
42 eat polar bear and other animals. But I think the cause
43 on this was read earlier and the main cause of it from
44 changing it from its current status to furbearer would
45 promote the unwanted -- and promote the use for just
46 sale. And that's my view. And, you know, if I'm the
47 exception on that kind of thinking, my thinking it's
48 always tied back to traditional use, tied to the land,
49 how we steer our use for sustainable resources. I think
50 that's how the Inupiat have been for thousands of years.

00112

1 We've always been able to use it wisely. I know the furs
2 are good, I've used them for bench -- for your bench seat
3 at whale camp but it's not something that I've seen
4 constantly harvested for its fur.

5
6 Anyway, I think I better end with that
7 and see where we go from it.

8
9 CHAIRMAN BROWER: All right, thank you,
10 Gordon. Any further deliberation from the Council,
11 comments. I think we've heard a couple of suggestions.
12 One suggestion was to defer to take any action on the
13 proposal, the other was -- the comments I've heard, I've
14 expressed, was to oppose the proposal and support the
15 Staff recommendations to oppose the same issue, the
16 proposal -- it's up to the Council as to what and how you
17 want to proceed with this proposal. We need to take some
18 type of action on the issue. Either that or defer to
19 take any action on the issue.

20
21 MR. G. BROWER: Mr. Chairman, do you need
22 a motion for that?

23
24 CHAIRMAN BROWER: Yes, to further along
25 -- yes, Gordon.

26
27 MR. G. BROWER: Well, Mr. Chairman if
28 there is no motion, I move that we accept Staff
29 recommendations.

30
31 CHAIRMAN BROWER: Okay, there's a motion
32 by Gordon to accept the Staff recommendations on the
33 proposal.

34
35 MR. BODFISH: Mr. Chair, second that
36 motion.

37
38 CHAIRMAN BROWER: Seconded by Paul. All
39 in favor of the motion to support Staff recommendations
40 to oppose the proposal as written signify by saying aye.

41
42 IN UNISON: Aye.

43
44 CHAIRMAN BROWER: Any opposed.

45
46 (No opposing votes)

47
48 CHAIRMAN BROWER: Hearing none, the
49 motion passes. Four aye and no opposition noted. We'll
50 continue on with the proposals. The next proposal and

00113

1 I'll give the floor back to Donna.

2

3 MS. DEWHURST: The next two proposals are
4 paired, Proposal 44 and 45. They were both submitted by
5 your Council, the North Slope Regional Advisory Council.
6 The background on these was basically given by Geoff
7 yesterday and these are both -- they were both submitted
8 by your Council, just to refresh your memories to align
9 what the State was doing with the controlled use area and
10 with the moose harvest in the Colville River and the
11 rest, the remainder of 26(A). So Proposal 44 is simply
12 to extend the time period for the controlled use area.
13 It's purely a line up with the State. We also lined up
14 with the wording, the new wording the Board of Game came
15 up with, which was a simplification of the wording so
16 that was the only modification by Staff was to go with
17 the new State wording.

18

19 And basically that's it, it's Proposal 44
20 is to line up with the State on the dates of the
21 controlled use area which restricts aircraft use for
22 moose harvest.

23

24 MR. G. BROWER: Mr. Chairman, Gordon
25 Brower.

26

27 CHAIRMAN BROWER: Gordon, go head.

28

29 MR. G. BROWER: Is this the proposal for
30 the moose?

31

32 CHAIRMAN BROWER: Yes, it's in regards to
33 the moose hunts and extending the season in the hunt
34 area.

35

36 MR. G. BROWER: Thank you. I just wanted
37 to -- I was trying to guess as to what proposal it was
38 because I don't have an agenda with me right here so if
39 it pertains to a particular animal I'd like the reader to
40 say that.

41

42 MS. DEWHURST: Yeah, Gordon, this is
43 Proposal 44 and it's -- this one is just to extend the
44 season on the controlled use area which applies for the
45 moose harvest and use of aircraft. Both these proposals
46 were passed by the Board of Game last fall. So basically
47 what we would be doing is recommending to line up with
48 what the Board of Game -- the actions the Board of Game
49 has already taken this past fall.

50

00114

1 CHAIRMAN BROWER: Gordon, just for your
2 information again, this is just a general description.
3 Extend the dates for aircraft restriction in the
4 controlled use area in Unit 26(A). And then I think we
5 were going to address them one by one, were we?

6
7 MS. DEWHURST: Yes.

8
9 CHAIRMAN BROWER: Yes. This is Proposal
10 44 that we're referring to.

11
12 MR. G. BROWER: This is Gordon again.
13 And that's to help allow for the more local residents to
14 continue their harvesting, if I recall.

15
16 CHAIRMAN BROWER: Go ahead.

17
18 MR. CARROLL: Mr. Chairman, could I just
19 give Mike and Gordon a little bit of background on this
20 since they weren't in on the discussion yesterday. In
21 past years we've had all of 26(A) has been termed a
22 controlled use area. And one of the provisions for this
23 controlled use area is that you couldn't use aircraft to
24 hunt moose during the month of August and that was to
25 give the local hunters an opportunity to hunt without the
26 competition of people flying in to hunt moose using
27 aircraft. And this is conjunction with another proposal
28 which will increase the length of the season from just
29 the month of August to the first two weeks of September.
30 But we want to also continue this restriction on the use
31 of aircraft during that time to basically because the
32 moose population is just, it's in a recovery phase. We
33 don't want to hunt it heavily but there's enough bulls
34 that we can increase the amount of harvest. So what this
35 would do is it would, you know, allow more hunting and
36 more moose to be harvested but this would keep it land
37 and river-based, rather than, you know, allowing a lot of
38 people to be flying in from outside and harvesting moose.

39
40 One provision with this is a person can
41 fly into a publicly owned airport which that includes
42 Umiat and Nuiqsut so if people flying into Nuiqsut and
43 Umiat could go there and still go out with a boat and
44 hunt so it does allow, you know, local hunting and
45 probably some non-local hunting but would keep a cap on
46 the number of moose that are harvested.

47
48 MR. G. BROWER: Thank you. Thank you for
49 the information.
50

00115

1 MR. PATKOTAK: Mr. Chairman.

2

3 CHAIRMAN BROWER: Mike, go ahead.

4

5 MR. PATKOTAK: Geoff, I have a question.

6 It says, however this does not apply to the
7 transportation of moose or moose parts by regularly
8 scheduled flights to and between villages by carriers
9 that normally provide scheduled service to this area.
10 Nor, does it apply to transportation by aircraft to and
11 between publicly owned airports. You said that Umiat was
12 included in this?

13

14 MR. CARROLL: That's right, Umiat is a
15 publicly owned airport.

16

17 MR. PATKOTAK: Are charters considered
18 normally provided scheduled service.

19

20 MR. CARROLL: Well, no actually a charter
21 isn't. We recommended a change in the wording on this.
22 The wording was kind of awkward and repetitious. The
23 wording that the State is recommending is that, however,
24 this provision does not apply to the transportation of
25 moose hunters, their hunting gear or parts of moose by
26 aircraft to or from a publicly owned airport in the area.
27 So basically a person could charter a plane and fly into
28 Umiat. And, you know, at this time there isn't really a
29 boat service or, you know, not many people have boats in
30 Umiat or anything so there isn't going to be a lot of
31 people doing this. But, yeah, you could -- and it
32 doesn't, you know -- people to fly back and forth into
33 Nuiqsut, it isn't going to affect them, the people that
34 have their boats in Nuiqsut can still, you know, go up
35 the river.

36

37 So that's -- you know, it's just one way
38 to put a limit, not a limit, but kind of a restriction on
39 how many moose are going to be harvested and this will
40 keep a lot of people from -- and in past years there were
41 a lot of guides that were set up up in the Upper
42 Anaktuvuk and Chandalar and they would fly their hunters
43 out and, you know, you'd go look for a moose and land and
44 let them camp overnight and hunt their moose and a lot of
45 people from Fairbanks would fly in and use their aircraft
46 to hunt and this will, you know, eliminate that. It will
47 keep it more ground based and river based.

48

49 MR. PATKOTAK: Thank you.

50

00116

1 CHAIRMAN BROWER: Mike, did that help
2 answer your question?

3

4 MR. PATKOTAK: Yeah, Mr. Chairman. Thank
5 you.

6

7 CHAIRMAN BROWER: Thank you. We're just
8 moving along too quick here in trying to keep up with
9 this procedure that we've got on our agenda and jumping a
10 little ahead sometimes here. But we're under the agency
11 comments, Federal, State and private. So Geoff, did you
12 have any further comments you wanted to add on to the
13 discussion here in regards to this Proposal 44?

14

15 MR. CARROLL: I think it's kind of been
16 stated already but anyway, the Alaska Department of Fish
17 and Game supports this with a modification. The Board of
18 Game acted on a parallel proposal at its November 2001
19 meeting. The Department recommends the following
20 language be adopted in order to align State and Federal
21 regulations. And, you know, it's just that when we were
22 working with the regulation we realized that the wording
23 was pretty awkward and repetitious and just made the
24 wording a little more smooth. And basically it's just
25 the change that I mentioned before.

26

27 But the gist of it is that the Board of
28 Game passed, you know, the increase in the length of the
29 controlled use area and they're recommending that the
30 Federal Board do the same thing.

31

32 MR. PATKOTAK: Mr. Chairman.

33

34 CHAIRMAN BROWER: Mike, go ahead.

35

36 MR. PATKOTAK: I entertain a motion to
37 accept Proposal 44.

38

39 CHAIRMAN BROWER: There's a motion on the
40 floor to accept Proposal 44 as stated to extend the date
41 for aircraft restrictions on the controlled use area in
42 Unit 26(A).

43

44 MR. TAGAROOK: Second.

45

46 CHAIRMAN BROWER: Seconded by Terry. Any
47 further discussions on the proposal?

48

49 MS. DEWHURST: Mr. Chairman, just a
50 clarification. Are you, the proposal as written or the

00117

1 modified with the Staff recommendation?

2

3 MR. PATKOTAK: With the modifications.

4

5 CHAIRMAN BROWER: To support the proposal
6 with the modification. Any further discussions.

7 Gordon, did you have any further comments on the
8 proposal?

9

10 MR. G. BROWER: No, I don't have any
11 questions on it.

12

13 CHAIRMAN BROWER: We have a motion before
14 us and it's been seconded.

15

16 MR. BODFISH: Call for the question.

17

18 CHAIRMAN BROWER: Question has been
19 called for. All those in favor of supporting the motion
20 with the modification signify by saying aye.

21

22 IN UNISON: Aye.

23

24 CHAIRMAN BROWER: Thank you, Council
25 members, the motion passes. The next proposal is 45.

26

27 MS. DEWHURST: This is the companion
28 proposal that finishes up the lining up with the State
29 that Geoff mentioned. This would extend the moose hunt
30 along the portion of the Colville River until September
31 14th. It also expands the area to include the Chandalar
32 River. And it opens up a new season for the remainder of
33 26(A) for September 1 through the 14th. All of these
34 changes have already been made there again by the Board
35 of Game and this would just simply line us up with the
36 Board of Game changes. And that's under the Staff
37 recommendations, with the modifications.

38

39 So that includes the analysis. And there
40 weren't any public comments on this one.

41

42 CHAIRMAN BROWER: ADF&G comments.

43

44 MR. CARROLL: Okay, the ADF&G comments
45 are to support this with a modification again. The Board
46 of Game acted on a parallel proposal at its November 2001
47 meeting and adopted an August 1 to September 14th season
48 for Unit 26(A), that portion in the Colville River.

49

50 The Board of Game also established a

00118

1 September 1 to 14 season for one bull in the remainder of
2 Unit 26(A). The Department recommends the Federal Board
3 consider taking similar action in the remainder of Unit
4 26(A). In view of the aircraft restrictions implemented
5 by the Board of Game, Unit 26(A) controlled use area and
6 requested in Federal Proposal 44. The Federal Board may
7 wish to discuss whether or not the closure of Federal
8 public lands to moose hunting by non-Federally qualified
9 users is necessary. You know, we'll end up with, under
10 the State regulations, you know, you can -- it -- you
11 know, anybody that gets up there, I guess, can hunt in
12 the area. You know, through the State system we can't
13 say that only people from this particular area can hunt.
14 So it's going to be a little bit different, I guess
15 between the State and the Federal regulations and I'm not
16 quite sure how that will all work out. If, you know,
17 non-Federally qualified hunters will be able to hunt on
18 State land but not on Federal land, which is like talking
19 about one side of the river compared to the other side of
20 the river. It might be kind of a confusing situation.

21

22 But that's our recommendation to the
23 Board that maybe that's not necessary to restrict it only
24 to Federally-qualified users.

25

26 CHAIRMAN BROWER: Donna, you stated there
27 was no public comments.

28

29 MS. DEWHURST: Correct. And I can
30 address what Geoff just mentioned. We can't address that
31 under this proposal. That would have to be a separate
32 proposal in the future to change that, that's why it
33 wasn't dealt with under this.

34

35 MR. CARROLL: Okay.

36

37 MS. DEWHURST: Because we would have to
38 deal with that as a totally separate proposal next year.

39

40 CHAIRMAN BROWER: Can you identify that
41 issue, what was just being discussed?

42

43 MS. DEWHURST: Geoff, was talking about
44 removing the language in our Federal regs that closes the
45 land to outside hunters. Federal public lands currently
46 are closed -- restricted to only residents of the North
47 Slope. And what Geoff was recommending was to remove
48 that and that's where I was saying that it was discussed
49 in our office that we could not add that as part of this
50 proposal. And to remove that language it would have to

00119

1 be a new proposal next year. So it's possible to change
2 it but we just couldn't address that as part of this
3 proposal.

4

5 CHAIRMAN BROWER: Okay, thank you. Any
6 further comments, Geoff?

7

8 MR. CARROLL: Well, yeah, and there is a,
9 you know, kind of a substantial difference between the
10 State and the Federal regulation. The Federal regulation
11 basically opens it from August 1st to September 14th and
12 talks about that portion of the Colville River drainage
13 down the stream from and including the Chandalar River,
14 one bull for that entire period and under the State
15 regulations, from August 1st to September -- or to the
16 end of August, it's open from the, you know, Colville
17 River, downstream and including the Chandalar but after
18 the first of September, then all of 26(A) is open.

19

20 MS. DEWHURST: Ours does, too.

21

22 MR. CARROLL: Oh.

23

24 MS. DEWHURST: You have to see the
25 modified version.

26

27 MR. CARROLL: Oh, the modified. All
28 right. Okay.

29

30 MR. G. BROWER: Mr. Chairman, Gordon
31 Brower.

32

33 CHAIRMAN BROWER: Go ahead, Gordon.

34

35 MR. G. BROWER: Yeah, just from
36 listening, is it to my understanding that the extended
37 time periods, which reflect for the State and the Federal
38 regulations to become aligned but the only difference in
39 the Federal lands is that the requirement be that you be
40 a North Slope resident?

41

42 CHAIRMAN BROWER: Yes.

43

44 MR. JENNINGS: Mr. Chair.

45

46 CHAIRMAN BROWER: Tim, go ahead.

47

48 MR. JENNINGS: Mr. Chair, a point of
49 clarification. On this closure of Federal public lands,
50 we do have before us, part of this proposal is to expand

00120

1 the area of the closure. It currently says, downstream
2 from the mouth of the Anaktuvuk River. The proposal
3 would expand that to go up to and including the Chandalar
4 River. So the issue of the closing of Federal public
5 lands is before us and the Council. And whether or not
6 that's appropriate could be part of the discussion. It's
7 part of the proposal in terms of continuing the closure,
8 actually expanding the closure.

9

10 So it's just a point of clarification,
11 where the State's recommendation is that the closure is
12 no longer necessary in their view and, that's, I think,
13 appropriate for the Council to take a look at if you so
14 desire. You could continue to recommend the closure, to
15 expand it up to the Chandalar River or you could decide
16 that the closure is no longer necessary given the
17 aircraft restrictions that are in place under regulations
18 in Proposal 44 that you are recommending expanded time
19 frame of the controlled use area.

20

21 I hope that clarifies it.

22

23 CHAIRMAN BROWER: Thank you, Tim. It did
24 in some ways but I'm just a little confused with all the
25 language that's being proposed from State and Federal.
26 But maybe if we had a map to identify those areas it
27 would be helpful in regards to and including the
28 Chandalar River.

29

30 MS. H. ARMSTRONG: It's Page 2.

31

32 MS. DEWHURST: The expanded area is very,
33 very small. It's the very upper reaches of the Chandalar
34 River that go into Gates of the Arctic. Virtually no
35 hunting goes on that we are aware of up in those upper
36 reaches because it's hard to get to as far as
37 navigability with boats. So even though it says it's a
38 big expansion, it really isn't as far as the Federal side
39 because it's only applicable on Federal public lands
40 which is just that little tiny piece.

41

42 MR. PATKOTAK: Mr. Chairman, a question.

43

44 CHAIRMAN BROWER: Mike, go ahead.

45

46 MR. PATKOTAK: On Page 34 there's a graph
47 of total in terms of moose population and then a darker
48 graph that says calves. And on the 2000 side it says 325
49 and then a slight increase later to 333 with 80 and 82
50 calves respectively. That's still a pretty low

00121

1 population in terms of how many -- depending on how many
2 moose are taken each year. There's no -- I didn't see
3 anything about what the catch limit would be in the area
4 itself. And with having seen aircrafts come in and hunt
5 illegally anyway, and with very little enforcement there
6 is an increase in poaching. And with that in mind, I
7 think maybe that my feelings would be is to keep it
8 closed -- keep the Federal regulations in place along
9 with their modifications. And either table it or
10 completely can it until we see a further increase in
11 populations.

12

13 And along with that, a question to Geoff.
14 Does anyone know the mortality rate in terms of moose?
15 Mortality rates?

16

17 MR. CARROLL: Well, we -- not exactly.
18 You know, we've been looking -- kind of the recent
19 history of this moose population is in the early '90s
20 they went through a very rapid decline. In fact the
21 entire population declined by 75 percent and that's where
22 you -- looking on that graph on Page 34, we went clear
23 down to 152 moose within our count area there. And you
24 can see at that time, there were very, very few calves
25 that were surviving the winter. In fact in '96 I only
26 found one calf in the whole population. Since that time
27 we've had a lot better calf survival. It's been up in the
28 range of 24 to 27 percent of the animals that I count.
29 And my spring counts are calves, you know, they're the
30 ones that are being added to the population. We put
31 radio collars on about 50 moose in 1996 and '97, and the
32 mortality of those animals has been very low. In three
33 years only three of those radio collared moose died, you
34 know, so it was a small percentage of them dying each
35 year. But, you know, it's hard to measure exact
36 mortality beyond that because all the moose that we have
37 radio collared are getting older and older and older.
38 You know, they're up in the older ages now and so it
39 isn't a very good indication of what the mortality is.
40 But it seems fairly low. You know, we're not -- we've
41 had -- you know, during the years when the population's
42 really declining you could go in there and see lots of
43 moose carcasses around and you fly in there now and, you
44 know, the whole survey, you only see maybe three or four
45 dead moose and they were probably killed by predators or
46 something.

47

48 And so, anyway, the calf survival is much
49 better now and the mortality seems like it's been fairly
50 low and we're seeing a fairly steady increase in the

00122

1 number of moose. And one thing we saw when we flew
2 surveys last fall was that there was 72 bulls per 100
3 cows and this hunting will be limited to only bulls, you
4 know, so there are plenty of bulls there. And so if we
5 harvest a few more bulls that isn't going to interfere
6 with the continued recovery of the population. There
7 will still be just as many cows there producing calves
8 and so we should be able to continue with the increase in
9 numbers and harvest, you know, a few more bulls. You
10 know, with the aircraft restrictions, you know, we're not
11 going to get a lot of hunters in there.

12

13 So that's kind of our approach to it. We
14 seem to have a recovering population and we have somewhat
15 of a surplus of bulls at this point and we can probably
16 harvest more safely as long as we keep this aircraft
17 restriction in place.

18

19 MR. PATKOTAK: Thank you.

20

21 CHAIRMAN BROWER: I have a question in
22 regards to the next figure, total harvest. Is that just
23 for the North Slope area or does that also include other
24 residents flying in and using the area to harvest the
25 moose? It's on Page 35. It shows the numbers are
26 somewhat low, zero and in the year '97 -- '97/98 two,
27 then '98/99 five, '99/2000 is two, and 2000 probably 2001
28 there is only one reported harvest. Is that because of
29 availability of the resource or is it just the hunters
30 not going out?

31

32 MR. CARROLL: Well, in '96 we really
33 restricted the hunt, you know, down to where it was only
34 downstream from the mouth of the Anaktuvuk and, you know,
35 no use of aircraft. So basically no one was flying in,
36 no one was coming in from outside to hunt moose. And
37 these were people from Nuiqsut going up the river with
38 their boats and that's the reported harvest from the
39 Nuiqsut hunters.

40

41 CHAIRMAN BROWER: So it's only reflecting
42 harvest from Nuiqsut?

43

44 MR. CARROLL: Well, it's the total
45 harvest. They were the only ones that were really
46 hunting them. So, I guess, yes, it's the total harvest
47 but I think all that harvest was coming from people from
48 Nuiqsut.

49

50 CHAIRMAN BROWER: Thank you.

00123

1 MR. CARROLL: And I did mis-speak a
2 little bit earlier. You know, the recommended changes to
3 the proposal from the Staff, that does put it in line
4 with the State regulations in most
5 respects and we would support that.

6
7 MR. PATKOTAK: Mr. Chairman.

8
9 CHAIRMAN BROWER: Mike.

10
11 MR. PATKOTAK: I entertain a motion to
12 accept the proposal as is with no modifications due to
13 the low populations and to reconsider the recommendations
14 on the next proposal season.

15
16 CHAIRMAN BROWER: Mike, I was just going
17 to ask you if we could follow up on any of these public
18 comments or summaries and then we'll get into Regional
19 Council deliberations. I'm trying to follow through on
20 the procedure on the first page here if we could hold
21 off.

22
23 MR. PATKOTAK: Oh, okay. Okay.

24
25 MS. DEWHURST: There are no public
26 comments, Mr. Chair.

27
28 MR. PATKOTAK: Sure.

29
30 CHAIRMAN BROWER: I'm just trying to
31 follow through on the procedure. So Geoff, did you have
32 any further comments on the proposal?

33
34 MR. CARROLL: No, I didn't have nothing
35 else.

36
37 CHAIRMAN BROWER: Then we'll open the
38 floor for public comments. Donna, you stated that there
39 was no comments from -- written public comments.

40
41 MS. DEWHURST: Correct.

42
43 CHAIRMAN BROWER: Thank you.

44
45 MR. G. BROWER: Mr. Chairman, Gordon.

46
47 CHAIRMAN BROWER: Go ahead, Gordon.

48
49 MR. G. BROWER: Just a point of
50 clarification on where we're at. I heard a motion and

00124

1 then some other stuff added. I'm getting a little lost.

2

3 CHAIRMAN BROWER: Yes, just trying to
4 follow through on this procedural guideline that we have
5 here in this packet. And it's just the procedure to
6 follow through as we're reviewing the proposals. And I
7 thought Mike had kind of jumped ahead a little bit and I
8 was asking him to hold off on the motion so we could
9 continue following through on the procedure that's set in
10 reviewing these proposals.

11

12 MR. G. BROWER: Are we still under
13 deliberation then?

14

15 CHAIRMAN BROWER: Yes, we're getting to
16 that portion now. It's the last item under the
17 procedures. So under that Regional Council deliberation
18 and recommendation.

19

20 MR. G. BROWER: I have a concern under
21 that when we get there.

22

23 CHAIRMAN BROWER: Maybe after we get the
24 motion then we can get Gordon's comments here.

25

26 MR. JENNINGS: Yes.

27

28 CHAIRMAN BROWER: Okay, Mike, do you want
29 to restate your motion, please?

30

31 MR. PATKOTAK: I entertain a motion to
32 accept a proposal as written with no modifications and
33 then to keep the recommendations by Geoff and his group
34 open and table for discussion until the next proposal
35 season.

36

37 MR. TAGAROOK: Second.

38

39 CHAIRMAN BROWER: Okay, there's a motion
40 on the floor to accept the proposal without the
41 modifications. I was trying to find out what the
42 modifications were on the proposal and to reference what
43 would be deleted on the proposal.

44

45 MS. DEWHURST: They're on Page 36. Those
46 modifications recommended by Staff are simply to line up
47 the dates and the locations with the existing State
48 regulations. The original proposal -- there were changes
49 made by the Board of Game after the original proposal was
50 made. So in order to line up with those changes, we had

00125

1 to modify our language so it's simply lining our language
2 up with the State as far as the dates and the locations
3 of the harvest. The only difference is, as Geoff pointed
4 out, is that we still have a Federal public lands closure
5 in ours which obviously the State doesn't have in the
6 State language. Other than that, the Staff
7 recommendation would line us up completely.

8

9 CHAIRMAN BROWER: Thank you, Donna.

10

11 MR. JENNINGS: Mr. Chairman.

12

13 MR. PATKOTAK: Mr. Chairman.

14

15 CHAIRMAN BROWER: Tim Just a second.

16

17 MR. JENNINGS: Sure.

18

19 MR. PATKOTAK: I think the idea and
20 intent of what Donna just said is in line with my
21 proposal there, the one where it's my understanding that
22 if we support the one with no modification it will be
23 just directly sort of like a status quo of....

24

25 CHAIRMAN BROWER: Current regulation.

26

27 MR. PATKOTAK: Yeah. And to keep the
28 recommendations tabled for discussion until the next
29 proposal season or until the next meeting.

30

31 MS. DEWHURST: Mr. Chair, it's been
32 suggested that maybe there's some confusion. The only
33 real change, significant change in the Staff modification
34 was the opening of the remainder of 26(A). We didn't
35 have that in our original proposal because it wasn't part
36 of the original proposal that even went to the Board of
37 Game. But since the Board of Game did open up the
38 remainder of 26(A), which is basically everything besides
39 the Colville River drainage for the first two weeks of
40 September then we felt that we should open it up under
41 the Federal regulations also. The State's already opened
42 it up on the Federal regulations [sic]. And then the
43 remainder of (B) and (C) remain close.

44

45 MR. G. BROWER: This is Gordon. But
46 that's not part of the proposal now, right?

47

48 MS. DEWHURST: Correct, Gordon. When the
49 proposal was made, that wasn't -- there was parallel
50 proposals submitted to the State and to the Federal side.

00126

1 And that change, of opening up the remainder of 26(A)
2 occurred after we made the original proposals, that was
3 done by the Board of Game this fall. So when we learned
4 that the Board of Game had opened up the remainder of
5 26(A), we didn't see any reason why we shouldn't also
6 follow suit under Federal regulations.

7

8 MR. G. BROWER: This is Gordon again.
9 That proposal will come on some other time so that the
10 current Federal lands would override the State in those
11 sections?

12

13 MS. DEWHURST: What we're talking about
14 would be under what you will be voting on right now.
15 It's getting a lot more complicated than it needs to be,
16 I guess.

17

18 The original proposal language is fine.
19 We just added opening a season for the remainder of 26(A)
20 for one bull for the first two weeks of September and
21 that language, as I mentioned, was added under the Staff
22 recommendation to line up with what the Board of Game did
23 this past fall. So that's the main change or the only
24 change in the Staff recommendation.

25

26 MR. G. BROWER: Okay. I got one other
27 question. I know there's a motion on the floor but I
28 guess we can be under discussion as well, am I correct
29 there, Harry?

30

31 CHAIRMAN BROWER: Yes, Gordon, that's
32 where we are, under the discussion portion. So go ahead.

33

34 MR. G. BROWER: This is Gordon for the
35 record. We've had concerns from villagers such as
36 Anaktuvuk Pass when there's guided outfitters or spike
37 camps. So I would recommend to the regulators if they
38 are permitting non-subsistence users in those areas that
39 are guiding, that they inform the North Slope Borough
40 permitting office because we do have land regulations as
41 well that these guys should follow by, in traditional --
42 traditional guidance in what they do, through permitting.

43

44 Just an observation in moving concerns
45 around.

46

47 CHAIRMAN BROWER: Thank you, Gordon.
48 With Mike's motion and without the Staff recommendation,
49 what would the changes be -- what would the regulation
50 read without the modification?

00127

1 MS. DEWHURST: Without the modification,
2 the only difference is that you wouldn't have that new
3 season in the remainder of 26(A) for the first two weeks
4 in September.

5
6 CHAIRMAN BROWER: So the issue would be
7 that they'd be hunting in the same area without the
8 expansion.

9
10 MS. DEWHURST: You could still hunt under
11 the State regulations. The State has already opened that
12 hunt and you could hunt under State regulations now. The
13 only difference would be on Park land. Opening our
14 regulations would add some additional Park land that
15 wouldn't be open under State regulations.

16
17 MR. JENNINGS: Mr. Chair.

18
19 MR. PATKOTAK: Mr. Chairman.

20
21 CHAIRMAN BROWER: Tim, just a second.

22
23 MR. JENNINGS: Sure.

24
25 CHAIRMAN BROWER: Mike.

26
27 MR. PATKOTAK: That would be -- the
28 acceptance without modification would be in line with the
29 concerns of Anaktuvuk Pass in terms of accessing in
30 subsistence usage in the Park area? I just kind of wish
31 the Anaktuvuk Pass representatives were here to address
32 that. But that has been major concerns of theirs in the
33 past so I'm just following their concerns and keeping in
34 line with -- until we hear from them to keep it as is.

35
36 MS. H. ARMSTRONG: If I understand what
37 you said, Mike, I don't -- if we went with your proposal
38 without a modification then remainder of 26(A) and then
39 (B) and (C) would all be closed and so then Anaktuvuk
40 Pass wouldn't be able to hunt -- did I understand that
41 right, they would not be able to hunt on Park lands
42 because the State reg wouldn't apply there. So you would
43 be cutting out Anaktuvuk Pass people from hunting on Park
44 lands.

45
46 MR. PATKOTAK: Oh, I misunderstood then.

47
48 MS. H. ARMSTRONG: If I understood you
49 correctly.

50

00128

1 MR. PATKOTAK: I misunderstood. I stand
2 corrected then. So then I'd like to drop the
3 modification -- to accept it with the modification, that
4 would be in line with the concerns of Anaktuvuk Pass and
5 Nuiqsut hunters, yeah. Thanks for the clarification, I
6 sure appreciate that.

7

8 CHAIRMAN BROWER: Mike, if you're done
9 with your comments I'll ask Tim to.....

10

11 MR. PATKOTAK: Yes, sir.

12

13 CHAIRMAN BROWER:to be recognized.
14 Tim, go ahead.

15

16 MR. JENNINGS: Thank you, Mr. Chair. I
17 think we've addressed it. I was just going to point out
18 on Page 36, what the additional modification included is
19 the bold language in the middle of the page under the
20 proposed regulation, the remainder of Unit 26(A), one
21 bull, September 1 to 14, the bolded language there is
22 what was added, which addresses the Anaktuvuk Pass area.

23

24

25 And I think, procedurally, just a point,
26 Mike is modifying his proposal -- his motion and then to
27 carry that forward, Terry, I think you seconded it,
28 Terry, you'd have to indicate that it was okay to modify
29 the motion as Mike stated.

30

31 CHAIRMAN BROWER: To make that amendment,
32 I was going to be addressing that. To amend the motion,
33 clarify what was stated, I think we need to restate the
34 motion to follow through with the seconder.

35

36 MR. PATKOTAK: Yes, with that
37 clarification. I entertain the motion to modify -- to
38 accept the proposal with the modifications in light of
39 the clarifications and I really, with due respect for
40 Nuiqsut and Anaktuvuk Pass, that it be accepted with the
41 modification.

42

43 MR. G. BROWER: Second.

44

45 MR. TAGAROOK: I second that, the
46 modification.

47

48 CHAIRMAN BROWER: Yes, Gordon, we need to
49 have Terry understand what the motion is and modify it.

50 The motion is -- we restated the motion so we got to work

00129

1 with the -- follow the procedures and work with Mike and
2 Terry here, Gordon, so you'll be able to -- what the
3 current motion is, the motion now is to support the Staff
4 recommendation on the proposal -- accepting the proposal
5 with the Staff.....

6

7 MR. PATKOTAK: Yes.

8

9 CHAIRMAN BROWER:recommendation.

10

11 MR. PATKOTAK: Yes.

12

13 MR. TAGAROOK: I seconded that.

14

15 CHAIRMAN BROWER: Any further discussions
16 on the issue.

17

18 MR. BODFISH: I call for the question.

19

20 CHAIRMAN BROWER: Question has been
21 called, all in favor of supporting Proposal 45, expanding
22 the open area and extending the season in Unit 26(A) and
23 support with modification signify by saying aye.

24

25 IN UNISON: Aye.

26

27 CHAIRMAN BROWER: Motion passes. Thank
28 you. The next proposal is 46, muskox. Thank you.

29

30 MS. H. ARMSTRONG: Thank you, Mr. Chair.
31 Proposal 46 was the proposal that was deferred from last
32 year that had asked for C&T for muskox in Unit 26(B) to
33 be expanded to include all residents of Unit 26(B). It
34 was deferred last year because the Board asked for
35 further information on the uses of people in Prudhoe Bay
36 and Deadhorse. We did go ahead and do a survey
37 collecting that information and then the proponent of the
38 proposal, David Neil, who claims residency on the Dalton
39 Highway, he was tragically killed in a plane crash a few
40 weeks ago. And after that happened, because we had
41 determined that there were no other people in Unit 26(B)
42 claiming residency who have ever hunted muskox, the
43 decision was made to administratively withdraw the
44 proposal. So there's no action that you need to take at
45 this time.

46

47 And as a side note, I wanted to let the
48 Council know that we are in the process of reexamining
49 the rural determinations in the State, and part of that
50 will be to look at whether or not Prudhoe Bay and

00130

1 Deadhorse should be included as being rural because right
2 now they are included. So that was part of our issue
3 last year was that they're considered rural and so we had
4 to consider whether they had any uses of muskox. But
5 that should be, I think, by 2003 we should have those
6 results, I hope.

7

8 So we'll move on to Proposal 38 and
9 that's on Page 49 in your book.

10

11 CHAIRMAN BROWER: So no action?

12

13 MS. H. ARMSTRONG: No action needed on
14 that one.

15

16 CHAIRMAN BROWER: No action needed on
17 this proposal.

18

19 MS. H. ARMSTRONG: That was just
20 informational. It had been administratively withdrawn.

21

22 CHAIRMAN BROWER: Thank you.

23

24 MS. H. ARMSTRONG: As far as we know
25 there are no people on the Dalton Highway who live there
26 year-round and no one in Deadhorse and Prudhoe Bay who
27 have ever taken muskox. So if anyone wants to come
28 forward with another proposal at a later date we can do
29 that but at this point we're not going to.

30

31 Okay, Proposal 38. This is a crossover
32 proposal that actually is originated in Unit 23, the
33 Northwest Arctic region. But you will be looking at this
34 one and the next one because you have C&T for hunting
35 sheep in Unit 23 so that's why it's coming before you
36 today.

37

38 This one was proposed by the Northwest
39 Arctic Council and it requests that the designated hunter
40 provision for harvesting sheep in Unit 23 be removed.
41 You'll see the regulation on Page 50 there, it says a
42 Federally-qualified subsistence user, (recipient) may
43 designate another Federally-qualified subsistence user to
44 take sheep on his or her behalf unless the recipient is a
45 member of a community operating under a community harvest
46 system. The designated hunter must obtain a designated
47 hunter permit and must return a completed harvest report.
48 The designated hunter may hunt for any number of
49 recipients but may have no more than two harvest limits
50 in his or her possession at any time.

00131

1 The land that this applies to are the
2 Baird Mountains which are -- 99 percent of that land is
3 Federal public land. It's BLM, Noatak Preserve and Kobuk
4 National Valley Park. And then in the DeLong Mountains,
5 which 90 percent of that is Federal public lands, Noatak
6 National Preserve, the NPR-Alaska. The residents who
7 have the right to hunt there, who have C&T are those
8 living north of the Arctic Circle in Unit 23 as well as
9 Point Lay and -- well, Point Hope is in 23, so they have
10 C&T. Donna's reminding me that part of the DeLong's is
11 in 26(A), too.

12

13 CHAIRMAN BROWER: Excuse me?

14

15 MS. H. ARMSTRONG: That part of the
16 DeLong Mountains are in 26(A). The reason this came
17 about was -- I'll back up a little bit more. I don't
18 believe we have any designated hunter permits on the
19 North Slope right now on anything. But the designated
20 hunter permits came into being after, in April of 1994,
21 down in Southeast, they had made a proposal for
22 designated hunter permits and then the Board, because it
23 was a new program, wanted to figure out how to apply it
24 and there was a task force and it was made up of people
25 from subsistence users and Staff, Staff committee people
26 and they looked at this whole issue and decided that we
27 did want to implement it and then how to implement it and
28 it's implementable anywhere we have the Federal
29 Subsistence Program. It's a little different from what
30 the State does because you do not have to be elderly and
31 sick or handicapped. Anyone can get a designated hunter
32 permit and this was seen as being more in line with what
33 traditionally is done. That there might -- there may be
34 other reasons. You may be out of town or maybe you don't
35 have the time because you're too busy with your work
36 right then when the season opens so you could designate
37 to someone else to go hunting for you. It has been
38 really viewed as something as a plus in program,
39 something that's been differently from the State and that
40 we really were trying to look at mirroring more what the
41 traditional practices were. So that's how it came into
42 being.

43

44 The sheep hunt has been -- it's only
45 occurred twice because the sheep population was quite low
46 in the DeLong and the Baird Mountains. When they had the
47 first hunt in 1999 there were seven people who applied
48 for designated hunter permits so it has been something
49 that's been utilized. Five of those were in Kotzebue and
50 two of those were from Noatak. All of those permits were

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1 asked for for the March -- in March for the winter hunt.

2

3 Then we fast-forward to what happened
4 this past year. There were five permits allowed in the
5 DeLong and five allowed in the Bairds. So it's pretty
6 low harvest. And a hunter from Kotzebue who had not
7 lived there very long wanted to go get more sheep and he
8 went and asked a woman in Kotzebue, who had also not
9 lived there very long, if she could get a permit and he
10 could get -- he could be designated to hunt for her. He
11 went in to get sheep, he had an airplane, went up there
12 to get the sheep with his girlfriend and she had a permit
13 and together, I think they got, I think they got three of
14 the five sheep. This caused a lot of commotion,
15 unhappiness in Kotzebue. So as a result the Council then
16 put this proposal forward to stop having a designated
17 hunter permit. What the Council was not aware of when
18 they -- when we had this discussion at the Council
19 meeting was that there were people who actually had gone
20 and gotten designated hunter permits the previous hunting
21 season who were from Kotzebue who were long-term
22 residents, there were five and there were two in Noatak.
23 When we started looking at this, we felt that to cut out
24 the designated hunter permit system would or could have
25 an impact on subsistence users and so we had a lot of
26 debate about what to do this.

27

28 This is a rather unusual approach, in
29 fact, I don't think we've ever done it. But we decided
30 to be neutral on this proposal and not have a Staff
31 recommendation. And what we did instead was present some
32 options to the Council because we felt that the Council
33 needed to be -- this was one of those that really could
34 kind of go either way and we wanted the Council to make
35 the recommendation to the Board without our Staff
36 recommendation.

37

38 So starting on Page 55 we had a series of
39 options, there's seven. The first ones were ones that
40 actually we didn't support but there were things that we
41 thought about and considered. One was to limit the
42 number of designated hunter permits a hunter could obtain
43 because right now a hunter could obtain as many as they
44 want. That sounded like kind of an easy solution except
45 if that had been the case last year we still would have
46 had a problem because there was only one designated
47 hunter permit that caused the problem, so we weren't sure
48 that would solve the problem.

49

50 The next one, option two, was to

00133

1 eliminate the designated hunter system in Kotzebue only
2 and that one -- but that has the potential of causing
3 unnecessary adverse restrictions on subsistence users
4 because there were five people who applied for designated
5 hunter permits.

6
7 Option three was to eliminate the fall
8 hunt because the problems are in the fall. Airplane
9 hunting is only done in the fall. There is a feeling
10 that this problem wouldn't occur if we didn't allow
11 airplane hunting, which the Park Service has the ability
12 to not allow airplane hunting but they're not going to do
13 that because they feel like that's not an option because
14 of some political ramifications of cutting out airplane
15 access. And also eliminating a fall hunt would affect
16 Noatak hunters because they go hunting in the fall so we
17 didn't want to do that.

18
19 You could establish an .804 hunt. And
20 .804, if you remember, from ANILCA, is where when you
21 have a restriction of a population you can go through a
22 process of figuring out which people have customary and
23 direct dependence on the population, local residents, and
24 whether there are available alternative resources. But
25 implementing Section .804 of ANILCA can be done, it could
26 be done. Our program has tended to try to find other
27 solutions because it's quite complicated, it's
28 controversial and it tends to divide people in the
29 community. So that is an option. It's not one we really
30 want to go towards at this point.

31
32 The other options that we did consider
33 that are recommended are Option 5. You could eliminate
34 the designated hunter system in Kotzebue during the fall
35 only. And since all of the applicants had applied in
36 March, we felt that would still allow the people,
37 subsistence users in the winter to be obtaining
38 designated hunter permits.

39
40 Option 6 is to eliminate the fall hunt
41 entirely in Kotzebue only. And that would allow Noatak
42 hunters to hunt in the fall and would eliminate the
43 problems in Kotzebue with the fall hunt.

44
45 Option 7 was to confiscate the horns. In
46 the next proposal, which Donna will present there is a
47 discussion about destroying the trophy value of the
48 horns. There was some feeling in our discussions with
49 Staff and Staff Committee that rather than destroying the
50 trophy value we should just confiscate the entire -- all

00134

1 of the horns. Eliminating the trophy value of the horns
2 or confiscating the horns may not have a whole lot of
3 affect because we're not sure that the horns, you know,
4 is necessarily only what people might be interested in
5 but it might have some impact.

6

7 So those were the options. This Council
8 can choose to vote on it. You could consider a number of
9 these options. You could do more than one, it wouldn't
10 have to be one only. You could choose to defer to the
11 Northwest Arctic Council, you know, it's really your
12 choice.

13

14 Thank you, Mr. Chair. That concludes my
15 presentation.

16

17 CHAIRMAN BROWER: Thank you, Helen.

18

19 MR. G. BROWER: Mr. Chairman, Gordon.

20

21 CHAIRMAN BROWER: Go ahead, Gordon.

22

23 MR. G. BROWER: Yeah, very interesting to
24 listen to all the options. And having been in Kotzebue
25 and having relatives there, too, and when I talk to them
26 they love to do everything just as much as Noatak or the
27 other outlying villages. They depend on subsistence
28 harvested food. And when I do visit, I have a chance to
29 taste their catches as well. So in my own personal view
30 that they're -- you know, the trophy value, to go that
31 route would only limit some of the handicrafts that are
32 made out of these horns because I've seen the handicrafts
33 made by residents on these types of horns. And we need
34 to be very careful as to how we select or we're just
35 going to defer to those guys directly affected, the
36 Northwest Arctic, but it seems to me that there is some
37 affect from the North Slope for Point Hope and Point Lay,
38 I think that were mentioned. And I think basing this on
39 direct link to the needs, the .804 may be something that
40 -- it may be a complicated process but something that
41 really needs to be looked at through the provisions of
42 ANILCA, I guess.

43

44 That's my observation. And it may limit
45 the way to get a whole bunch of harvested animals and
46 then base that to culturally and traditional use of the
47 food. And that's my observation.

48

49 I'm sorry, I'm getting a real big echo
50 right now so I'm having to listen to myself twice.

00135

1 CHAIRMAN BROWER: Yeah, Gordon, thank
2 you, for your comments. We're kind of jumping the gun
3 again. We have other agencies that need to comment on
4 this before we start making deliberations or making our
5 comments. Maybe we should continue following the
6 procedure. Helen, did you have any other comments you
7 wanted to add?

8
9 MS. H. ARMSTRONG: I was just going to
10 comment on what Gordon said and then we should probably
11 go to the agency comments. I just wanted to mention that
12 if you did eliminate the fall Kotzebue hunt, you wouldn't
13 be eliminating most of the local users or probably -- I'd
14 say, I don't know how many but I'd say almost 100 percent
15 of the local users who don't use airplanes. Most of the
16 hunting occurs in the winter. They don't have
17 snowmachine access in the fall so most of it's by
18 snowmachine. It's just that people with airplanes who go
19 hunting in the fall from Kotzebue and there aren't very
20 many people, long-term residents who have airplanes
21 there.

22
23 CHAIRMAN BROWER: Geoff stepped out but I
24 was going to ask to see what other comments they might
25 have besides what's been written in the booklet. It says
26 Alaska Department of Fish and Game comments, no
27 recommendation and I was going to see what Geoff might
28 have to say but he's out of the building right now.

29
30 MS. H. ARMSTRONG: Do you want me to just
31 read what they have in the book?

32
33 CHAIRMAN BROWER: I think that would be
34 appropriate.

35
36 MS. H. ARMSTRONG: Okay.

37
38 CHAIRMAN BROWER: It would be helpful for
39 Gordon to here since he doesn't have the booklet. Here's
40 Geoff.

41
42 MS. H. ARMSTRONG: Geoff, do you want to
43 read the ADF&G comments and they want to know if you have
44 any additional thoughts on it. It's Page 58.

45
46 MR. CARROLL: It looks like the Fish and
47 Game approach is similar to the Staff recommendations
48 which is basically no recommendation. I wasn't
49 personally involved with this because it was more of a
50 Kotzebue issue. But the problems described in this

00136

1 proposal could possibly be addressed by implementing
2 additional hunting requirements. Some possible
3 alternative restrictions include, one, requiring the
4 designated hunter beneficiary to be unable to hunt due to
5 age or infirmity, you know, not leaving it open to just
6 anybody but somebody that couldn't go out and do their
7 own hunting. Number 2, prohibiting the designated hunter
8 from retaining the head, hide or horns from any sheep
9 taken for a beneficiary. Three, prohibiting aircraft
10 access to this hunt. Number 4, eliminating the fall hunt
11 and allowing a winter only sheep hunt. Or 5, in cases
12 where sheep populations are extremely low, harvest quotas
13 are very limited and where history of a parent abuse
14 exists, suspend the designated hunter provision until
15 conditions improve.

16

17 So that's the Fish and Game
18 recommendations.

19

20 CHAIRMAN BROWER: Thank you, Geoff.

21

22 MS. H. ARMSTRONG: And Mr. Chair, there
23 are no written public comments.

24

25 CHAIRMAN BROWER: I'm trying to follow
26 this procedure and what's written on the agenda. No
27 public comments stated. Summary of written comments.
28 Regional Council deliberation and recommendation, and
29 that's where we are now. Before we get into a formal
30 motion, I was wondering, Helen, I think we've had some
31 discussions in the past with previous members that were
32 in the Regional Advisory Council in Anaktuvuk in regards
33 to a community hunt and there was some issues regarding a
34 designated hunter discussion at those times. And this
35 was Ben Hopson that had helped in getting this formulated
36 and I remember him constantly going forward to get that
37 community bag limit and there was a set number and there
38 was also this issue regarding this designated hunter for
39 community members to harvest a sheep for elders or for
40 people that could not hunt. That was the process, I
41 think, that was followed and it had worked out very well.
42 But now I see this is starting to get abused by other
43 folks wanting to harvest other sheep, I'm not really sure
44 if it's for subsistence purposes, but if it's beginning
45 to be abused I think we need to take some type of avenue,
46 either to defer to take any action until the Northwest
47 Arctic Regional Advisory Council requests for assistance
48 in support in this proposal -- I'm not sure if that's
49 what they were requesting. Because this was submitted by
50 Northwest Arctic Regional Advisory Council to rescind the

00137

1 designated hunter provision for sheep in Unit 23 and 26.

2

3 I know we have sheep hunters in Point
4 Hope and in Anaktuvuk Pass and some in Point Lay. I'm
5 not sure how that's really going to affect the amount of
6 sheep being harvested. And I wouldn't want to take any
7 formal action that would affect our subsistence users in
8 our area as to how that designated hunter provision is
9 used.

10

11 MS. H. ARMSTRONG: Let me respond to a
12 couple of things. Anaktuvuk Pass, I believe, still has a
13 community harvest limit, don't they? Anaktuvuk Pass
14 still has a community harvest and they -- and the
15 regulation specifically does not apply if you have a
16 community harvest system in place. So they're not
17 included in this because they have a community harvest
18 system. And I think because they have a community
19 harvest system they don't have the designated hunter
20 system there in Anaktuvuk. They do one or the other if
21 I'm remembering right.

22

23 So Anaktuvuk Pass doesn't apply here.
24 It's just Point Lay and Point Hope. And I'm not sure
25 that very many people right now have been getting any
26 sheep from Point Hope or Point Lay. I think they have in
27 the past. Whether they have right now, I don't know.
28 And so I just wanted to make sure we didn't worry about
29 Anaktuvuk Pass in there.

30

31 We haven't had any harvest.....

32

33 MS. DEWHURST: They haven't even
34 requested permits.

35

36 MS. H. ARMSTRONG: They haven't even
37 requested permits Donna's just telling me, which is on
38 Page 72 in your book. So even though they have C&T, they
39 haven't actually been getting any sheep lately and it's
40 probably because it's a brand new hunt and the numbers
41 have been so low. It's a long way for them to go. And
42 because the sheep population isn't very high, then, you
43 know, I think the return is pretty low. And like you
44 were saying, Harry, you guys don't go up in the mountain
45 the same -- all that much. So, you know, I think it's a
46 few people. I don't know if anybody from Atqasuk goes up
47 there, Paul, ever, to get sheep. You do? To get sheep?
48 Up in the Gates but not up in the DeLongs?

49

50 MR. BODFISH: There are some people that

00138

1 do go up into the DeLong Mountains from our village.

2

3 MS. H. ARMSTRONG: Okay. Well, they do
4 have C&T so it's, you know, it's certainly legal but I'm
5 not sure how much it's happening.

6

7 MR. PATKOTAK: Mr. Chairman.

8

9 CHAIRMAN BROWER: Mike.

10

11 MR. PATKOTAK: This area right here.
12 This thing has a lot of holes in it and a lot of areas
13 that concern other Regional Advisory Councils. And
14 especially No. 2 on Page 58 where it says prohibiting the
15 designated hunter from retaining the head, hide or horns
16 from any sheep taken for a beneficiary. The horns and
17 the skins are used by local artists in terms of ulu
18 handles and carvings and knife handles, of that sort, and
19 the concerns I've heard from those area hunters is that
20 they're trying to take away their source of livelihood.
21 So that gives me concern. Having heard and knowing --
22 having become a forced artist lately, I see the value of
23 the art or the traditional uses of the horns and the
24 skin. And that, I think, is not something we want to act
25 on without knowledge of what Northwest Arctic hunters and
26 hunters in Anaktuvuk Pass are wanting to do.

27

28 CHAIRMAN BROWER: Yes, Mike I hear your
29 concern. But I think we need some clarification as to
30 what is hunter designee not qualifying to keep the horns
31 and hide in the regulation, what it really means -- what
32 it really is meant there for. I think what I'm hearing
33 is not for the person that was designated to keep the
34 hide and horns for themselves, the person they hunted for
35 could keep those items. I just want to make sure that's
36 understood.

37

38 MR. PATKOTAK: I think there needs to be
39 wording added to it to clarify the intent because this
40 could be construed in a different way.

41

42 MS. H. ARMSTRONG: It's also just an
43 option, you don't even have to suggest it. I mean you
44 could come up with something else, too.

45

46 CHAIRMAN BROWER: So we haven't formally
47 made any motion, we're still under deliberations of the
48 Regional Advisory Council. The proposal did come from
49 Northwest Regional Advisory Council but it also includes
50 and affects our area because we have communities that are

00139

1 right in the boundary lines and the communities use both
2 sides of the boundaries and the representatives for those
3 communities are not present here at this meeting. I'm
4 just going to hint that we probably should have them
5 involved in making some type of decision regarding this
6 provision here. I know it's beneficial to some
7 communities and not so much so in other communities.
8 But, you know, those are the pros and cons that we are
9 faced with in making a decision here.

10

11 MR. PATKOTAK: Mr. Chairman.

12

13 CHAIRMAN BROWER: Mike.

14

15 MR. PATKOTAK: If there is any options
16 here that have the least amount of friction and that is
17 beneficial to all areas involved is option six. Because
18 I know some of my friends in Kotzebue, they tend to hunt
19 in the springtime when it's a lot warmer, the daylight is
20 longer and usually they don't even hunt during that
21 severe cold winter hunt.

22

23 CHAIRMAN BROWER: Thank you, Mike. Just
24 for Gordon's information, option six reads, eliminate the
25 fall hunt, Kotzebue only, this option would allow Noatak
26 hunters to hunt in the fall. It would eliminate the
27 problems in Kotzebue with the fall hunt. Just for your
28 information, Gordon.

29

30 MR. TAGAROOK: Mr. Chair.

31

32 CHAIRMAN BROWER: Terry.

33

34 MR. TAGAROOK: I'd like to make a
35 comment. We have hunters from Wainwright that were here,
36 Tuleminuk, (ph), and he went all the way back to our area
37 up, in the Procoal Mountains and then they could reach
38 Poco Mountains in 23 -- no, not really, not 23, but Poco
39 Mountain area and the DeLong Mountains, they could see
40 those mountains at Lookout Ridge. What if a person that
41 is hunting out there runs out of food and sees sheep and
42 gets one for survival; would that be allowable?

43

44 MR. CARROLL: Under State regulations, if
45 you're starving you can always harvest an animal if it's
46 a matter of life, that sort of thing.

47

48 MR. TAGAROOK: When we travel up here in
49 the Uktuk (ph) area, there's hardly any caribou that's
50 around there and most of the caribous are around by Icy

00140

1 Cape, Point Lay, along the coast, we hardly saw any
2 caribous in the Uktuk area. Maybe due to the predators
3 up there.

4

5 CHAIRMAN BROWER: I think we haven't
6 formally made a motion as to which way we want to proceed
7 with this proposals, you know, due to the complications
8 that we were are faced with in not having representatives
9 from the affective areas. You know, I think they would
10 be very important in making a decision here as to how we
11 sway our motion. And having said that, I think what I
12 would recommend would probably be to defer to take any
13 action on this proposal. That's my recommendation.

14

15 It's up to the Council to decide as to
16 how you want to proceed.

17

18 MS. H. ARMSTRONG: Mr. Chair.

19

20 MR. TAGAROOK: Mr. Chair.

21

22 MR. PATKOTAK: Mr. Chair.

23

24 CHAIRMAN BROWER: All three of you at
25 once. Terry, go ahead.

26

27 MR. TAGAROOK: I think it would be wise
28 to wait for the representatives from Point Lay and
29 Anaktuvuk Pass to see what their concerns are on this.

30

31 MS. H. ARMSTRONG: Mr. Chair, one thing
32 you could do, it wouldn't be an official vote but you
33 could just talk to them before the Board meeting and then
34 you could provide that information as an unofficial -- I
35 mean it wouldn't be a Council vote but you could say you
36 talked to, you know, Ray Koonuk, from Point Hope and he
37 was in support of whatever. You know, that could be
38 done. Right, Tim, would that be acceptable if you wanted
39 to have some input from those villages?

40

41 MR. JENNINGS: (Nods affirmatively)

42

43 CHAIRMAN BROWER: Thank you, Helen. We
44 could probably support the proposal only for Unit 23.
45 That might be one of the options that we could look at in
46 making a motion, you know, and deleting Unit 26, that
47 would resolve our problems and wait until we hear from
48 our representatives that are going to be affected within
49 the boundary line, Point Hope, you know, Point Lay.
50 Since Anaktuvuk's not going to be included within this

00141

1 area, I think we only have to be concerned with Point
2 Hope and Point Lay. And some of our users from
3 Wainwright do travel in those DeLong Mountains, I know
4 that for a fact, and Terry's here and he's voiced his
5 concern. So that's another option that I could see that
6 we could probably take, just to support the Northwest
7 Arctic proposal only within that unit, Unit 23. It's
8 another suggestion.

9

10 MS. H. ARMSTRONG: Point Hope is in 23,
11 too, you remember that?

12

13 CHAIRMAN BROWER: Okay, I do now.

14

15 MR. PATKOTAK: Mr. Chairman.

16

17 CHAIRMAN BROWER: Mike.

18

19 MR. PATKOTAK: I do know the concerns of
20 the other affected areas is an important issue but I also
21 realize that there are hunters, like say in Wainwright
22 and Atkasuk and that is why I highly favor option six and
23 passage of -- and backing up Northwest Arctic Borough in
24 their efforts to use the designated hunter system.
25 Which, in my case, I would -- I'd gladly use the system
26 and get a permit and pass it down to my relatives down in
27 Noatak and say, hey, send me some meat. And I think I'd
28 hear the typical response, okay, don't forget to send the
29 muk-tuk.

30

31 And so with that, my suggestion -- or my
32 feelings would be is to vote it in and pass it as such
33 with the recommendations that the concerns of the
34 additional villages be later instituted as amendments
35 because of the concerns of hunters in the areas like
36 Wainwright, Atkasuk and Nuiqsut and Point Hope and Point
37 Lay. Instead of closing the hunt for them, it would
38 still be open and
39 any concerns they have could be addressed in forms of
40 amendments at a later date.

41

42 I see that as a viable and good working
43 option. Because you're going to get hunters up on the
44 North Slope here that are going to stand up in arms and
45 say, why -- why did you close this for us, you've made us
46 illegal hunters again. So thank you.

47

48 CHAIRMAN BROWER: Mike, I hear your
49 concern on that. That's why I was just suggesting to
50 defer to take any action because if we sway the vote one

00142

1 way or the other, supporting or not supporting the
2 proposal we are going to be affecting the people that we
3 represent.

4

5 MR. PATKOTAK: Mr. Chairman.

6

7 CHAIRMAN BROWER: Mike.

8

9 MR. PATKOTAK: Mr. Chairman, may I
10 suggest that we take a vote among the Council members
11 here to see whether we should vote in favor of passing or
12 deferment. That's my suggestion. Because I could see
13 the solution -- I could see the solution being easily
14 handled in this situation because of this mostly being
15 the Northwest area, the vast majority of the hunters are
16 from there.

17 And with hunters in Atqasuk and Wainwright to be included
18 also, and any of their concerns, like I said -- I'm
19 repeating myself here, to be addressed later and if there
20 should be any amendments to them then that route be
21 taken.

22

23 Thank you, Mr. Chairman.

24

25 CHAIRMAN BROWER: Any comments as to how
26 you want to proceed with this. Gordon.

27

28 MR. PATKOTAK: Gordon, you have to wake
29 up.

30

31 MR. G. BROWER: Yeah, I'm here I'm just
32 listening.

33

34 CHAIRMAN BROWER: Well, the Staff
35 recommendation is neutral. Alaska Department of Fish and
36 Game had no recommendation. We have no public comments.
37 The North Slope Regional Advisory Council
38 recommendations, we're still considering which way to
39 sway the vote. And the proposal did come from Northwest
40 Arctic Regional Advisory Council to rescind the
41 designated provision for sheep. And it's up to our
42 Council whether to support or take any type of action.

43

44 MS. H. ARMSTRONG: Mr. Chair.

45

46 CHAIRMAN BROWER: Helen.

47

48 MS. H. ARMSTRONG: I just wanted to
49 reiterate, I guess, that one of the reasons why we
50 remained neutral was, I believe that the Northwest Arctic

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1 Council made the recommendation without full information
2 because they didn't understand that if they eliminated
3 the designated hunter permit it would affect subsistence
4 users. They didn't realize that there were so many
5 people out there who had asked for them last time and so
6 that's one reason why we remained neutral we felt they
7 need to have more complete information than they had
8 received last year. That it would affect -- even though
9 they asked for it, to rescind it, I think that -- I think
10 that when we go before them this time they may feel
11 differently about it, I'm not sure. Barb might have a
12 better sense of that. But that's one reason why we went
13 neutral. We don't really like to oppose the Council
14 unless we have a really solid reason for it. But you
15 could break for lunch and decide afterwards.

16

17 CHAIRMAN BROWER: Maybe we could take
18 that option and break for lunch, is that what the Council
19 members want to do on this, to take a lunch break and
20 come back after lunch and continue our discussions on the
21 proposal.

22

23 MR. PATKOTAK: All right.

24

25 CHAIRMAN BROWER: Okay, Helen we'll take
26 up your recommendation to go on lunch break and think
27 over the proposal at this time. So we'll recess for
28 lunch.

29

30 MR. G. BROWER: Yeah, what time will we
31 be returning, Mr. Chairman?

32

33 CHAIRMAN BROWER: About 1:30 would
34 probably be good Gordon.

35

36 MR. G. BROWER: Okay, I'll stand by the
37 phone at 1:30.

38

39 CHAIRMAN BROWER: All right, thank you,
40 Gordon.

41

42 (Off record)

43

44 (On record)

45

46 CHAIRMAN BROWER: Good afternoon ladies
47 and gentlemen, we'll call the meeting of the North Slope
48 Regional Advisory Council back to order. We're still on
49 discussion regarding Proposal 38, rescinding designated
50 hunter for sheep in Unit 23 and 26(A). I think we did

00144

1 have discussions this morning on the issues that are
2 before us in regards to the options whether to support or
3 not or oppose the proposal. That remains to be acted on.
4

5 Helen, did you have any other information
6 that you wanted to share with us?

7

8 MS. H. ARMSTRONG: Mr. Chair, not that I
9 want to cause more problems. But it was pointed out to
10 me over lunch that option six, eliminate the fall hunt in
11 Kotzebue only, we really can't do because that would be
12 cutting out a group without cutting out others and it
13 wouldn't be fair to the Kotzebue hunters if we cut them
14 out in the fall if we're not cutting out all the rest of
15 the people in the fall. So that would really be kind of
16 an .804 hunt because you're distinguishing between users,
17 saying these users can and these can't. So that may not
18 be a viable option after all.

19

20 CHAIRMAN BROWER: Yes, there's going to
21 be some questions regarding some clarification on that as
22 to eliminating one user group from another user group, I
23 don't think that's what we want to do in regards to that
24 option. Any further comments. Paul.

25

26 MR. BODFISH: I think the affected
27 villages not being present, I think it would be it would
28 be appropriate to defer this to a later date to when they
29 are present.

30

31 CHAIRMAN BROWER: Thank you, Paul.
32 Gordon, do you have any further comments that you'd like
33 to make regarding this proposal?

34

35 MR. G. BROWER: I don't have any further
36 comment. I think I expressed my views earlier. I think
37 Staff recommendations, I think are, if I recall, they do
38 nothing at this point; is that correct?

39

40 CHAIRMAN BROWER: Yes, it's to stay
41 neutral regarding the proposal.

42

43 MR. G. BROWER: Yeah, and the nature in
44 which the concerns arose probably from the Northwest
45 Arctic Council and they may take up the situation, I
46 guess, whenever they can better assess how to handle it.
47 But the only way I can see is to -- that would be, like I
48 said earlier, through an .804, that way hunters that are
49 directly dependent on these animals are not -- they're
50 the only ones not affected by this type of a decision.

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1 But that is a special way to handle it, though, I think.

2

3 CHAIRMAN BROWER: Thank you, Gordon.
4 Terry.

5

6 MR. TAGAROOK: I think it would be best
7 if we deferred this and find out from Northwest Regional
8 Advisory Council on how they feel about this and then
9 from there we could make our decisions on what they
10 decide on.

11

12 CHAIRMAN BROWER: Thank you, Terry. Any
13 further comments. We still need to make a motion as to
14 whether we want to act on this proposal or not act on it.
15 It's up to the Council as to which way we're going to go.

16

17 MS. H. ARMSTRONG: Mr. Chair.

18

19 CHAIRMAN BROWER: Helen.

20

21 MS. H. ARMSTRONG: I just wanted to
22 clarify that if you did decide to defer it, the Northwest
23 Council will be meeting at the end of March and the Board
24 meeting is in May, so I mean we'd have to -- I thought
25 this would be a question for Tim, if you did want to have
26 a teleconference on this, to vote on it, I mean is that
27 possible to do that, because it would have to be public
28 -- we have to do our meetings in public by the FACA
29 rules. I don't know. There might not be enough -- I
30 mean we're not meeting again before May so there might
31 not be an opportunity to vote again on this.

32

33 MR. JENNINGS: That's correct, Mr. Chair.
34 However, the telephone poll could occur. And you could
35 go to the Council [sic] meeting expressing input from
36 members of your Council. It just wouldn't be an official
37 recommendation from your Council unless we had a public
38 meeting under the rules that govern the Council, the
39 Federal Advisory Committee Act, the FACA rules.

40

41 So, Helen is correct. If you want to
42 weigh in later on, after the Northwest Arctic Council
43 takes this up at the end of March, we could have a
44 teleconference and you could have an exchange of
45 information and then you could take that information to
46 the Board meeting in May and represent it as Council
47 input but it wouldn't be an official position. So that's
48 one alternative.

49

50 CHAIRMAN BROWER: Thank you, Tim. Right

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1 before lunch there was another option that was to take no
2 action on the proposal at all due to the complications of
3 trying to understand the options and what the affected
4 areas that would be encompassed in making that decision
5 and not having the representation from those affected
6 communities might be something that we also might want to
7 consider, is taking no action on this.

8

9 So there's several options that we can go
10 -- or take to address this proposal. What's the wish of
11 the Council?

12

13 MR. PATKOTAK: Excuse me, Mr. Chairman.
14 I think maybe deferring would be the best case in this
15 option here now, considering all the complications we
16 have an members that are affected and not being present.
17 I think the best source here would be just table it until
18 the next available meeting that we have.

19

20 MR. G. BROWER: Yeah, Mr. Chairman,
21 Gordon.

22

23 CHAIRMAN BROWER: Go ahead, Gordon.

24

25 MR. G. BROWER: Yeah, I think that may be
26 appropriate but we need to have a place at the next time
27 to be able to consider this again. If this is the only
28 time to vote on it, then maybe we need to seriously
29 consider one of the other alternatives if we're not going
30 to be able to voice our opinion later on because of
31 affecting, possibly, Point Lay and Point Hope. We need
32 to try to make a decision on their best interests.

33

34 MR. JENNINGS: Mr. Chair.

35

36 CHAIRMAN BROWER: Tim.

37

38 MR. JENNINGS: Yes, Mr. Chair. If
39 there's a concern about changing the status quo without
40 input from some of the affected communities, one option
41 would be for the Council to oppose any changes until
42 further discussion with the affected communities in your
43 region could be done. I lay that forward as an option.
44 That way if you defer action, it might get lost that
45 you're concerned about changes that may affect your
46 communities and if you want to have that discussion later
47 on it might be a stronger position to go to the Board
48 saying you would prefer to have no, you oppose any
49 changes at this time because you've not had the
50 opportunity to discuss those changes with the affected

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1 communities. So that's another option I'd put forward
2 for your consideration.

3

4 CHAIRMAN BROWER: I think that's one of
5 the better one's I've heard yet to, you know, opposing or
6 making deferrals because regardless of deferring a
7 proposal, it will still come back to us whether there's
8 been an action by the Board or not in trying to make our --
9 our representatives from this community that are going
10 to be affected being present at the meeting. I think
11 that option you're presenting would be something that we
12 should probably take to oppose any -- to take any action,
13 to make any changes to the current regulations.

14

15 MR. JENNINGS: Mr. Chair, that's not to
16 imply that when we go to the Board meeting in May, the
17 Board still could take an action. But if it would be in
18 opposition to say your recommendation to oppose, the
19 Board would have to have substantial evidence to go
20 against a Council recommendation.

21

22 MR. PATKOTAK: Mr. Chairman, I entertain
23 a motion to table the proposal until further
24 investigation into those villages that are affected and
25 that we table it with prejudice.

26

27 CHAIRMAN BROWER: There's a motion for
28 the Council in regards to tabling the proposal until it
29 has been reviewed by the affected communities?

30

31 MR. PATKOTAK: Yes, sir.

32

33 CHAIRMAN BROWER: We need a second if
34 we're going to continue.

35

36 MR. G. BROWER: Mr. Chairman.

37

38 CHAIRMAN BROWER: Go ahead, Gordon.

39

40 MR. G. BROWER: A question for Tim, I
41 guess he's the one that was talking a little bit awhile
42 ago, by tabling it now is that enabling us to revisit it
43 with the involvement of the two communities that may be
44 impacted from Region 10?

45

46 CHAIRMAN BROWER: Mr. Jennings.

47

48 MR. JENNINGS: Mr. Chair and Gordon, that
49 would be the recommendation as I understand it, if
50 there's a second and this passes by the Council, that

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1 would go forward to the Board for consideration and the
2 Board would take that under advisement as well as
3 whatever the Northwest Arctic Council's action is on this
4 proposal. And that would be at the May meeting. So it's
5 uncertain, Gordon, if the Board would take an action. I
6 guess it depends upon what the Northwest Council
7 recommendation would be to and whatever other information
8 is before the Board. If the Board concurred with the
9 deferral then, yes, there would be an opportunity at the
10 fall meeting to take this back up. The unknown is
11 whether or not the Board might proceed and take an action
12 in May. We might have a better indication -- or we will
13 have an indication after the Northwest Arctic Council
14 meets and what their recommendation is and then there's
15 the option of having a teleconference in between that
16 meeting and the Board. But the only way to get your
17 other communities involved would be through a
18 teleconference prior to the Board meeting.

19
20 So there is some uncertainty. I can't
21 answer your question really conclusively that you would
22 definitely have an opportunity at the fall meeting to
23 come back to discuss this issue.

24
25 MR. G. BROWER: This is Gordon. Is there
26 a possibility to do a teleconference and then express our
27 views to the Northwest Arctic Council in their
28 deliberation over this matter?

29
30 MS. H. ARMSTRONG: Could we
31 teleconference them into the Northwest Council meeting?

32
33 MS. DEWHURST: We could.

34
35 MR. G. BROWER: It seems that, you know,
36 the concern comes from there but being that this crosses
37 two borders makes it also a decision that affects us also
38 but the concern is coming from the other side primarily.

39
40 MR. JENNINGS: Well, let me respond
41 quickly to Gordon's question. Any action that this
42 Council would take, either today or views that are
43 expressed through a teleconference, unofficial
44 recommendations but views expressed through
45 teleconference, if they're done prior to the Northwest
46 Council meeting, those views or the recommendation today
47 would be taken to the Northwest Council meeting for their
48 consideration.

49
50 CHAIRMAN BROWER: Barb.

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1 MS. B. ARMSTRONG: You know, in the past
2 when you've had this problem before and this one is a
3 Northwest Arctic proposal and then they're the deciding
4 factor and then whatever they decided, and then Harry
5 will be representing this Council at the May meeting and
6 then the Chairs will get together. And then Harry,
7 talking to the people from that area, the Council members
8 will hear what he needs to hear from his Council members
9 and then reports what the use is for those areas to the
10 Chair for the Northwest Arctic and then they usually --
11 it melts in, fine, then when the Northwest Arctic is
12 supporting their proposal. So you have that option, too,
13 to work it out in that manner. But we can set up a
14 teleconference when Northwest Arctic is discussing this
15 proposal in Kotzebue on March 21.

16
17 CHAIRMAN BROWER: Gordon, did you have
18 any further comments.

19
20 MR. G. BROWER: No further comments, Mr.
21 Chairman.

22
23 CHAIRMAN BROWER: The motion was to table
24 the proposal until we....

25
26 MR. TAGAROOK: Didn't it die for a lack
27 of a second.

28
29 CHAIRMAN BROWER: (In Native) second,
30 Mike.

31
32 MR. PATKOTAK: Yeah, I realize that.

33
34 CHAIRMAN BROWER: Okay, so the motion is
35 denied due to a lack of a second. So we'll continue on
36 with the deliberations on this proposal. What approach
37 does the Council want to take? We've heard the other
38 options.

39
40 MR. PATKOTAK: Mr. Chairman.

41
42 CHAIRMAN BROWER: Mike.

43
44 MR. PATKOTAK: With what Barbara had to
45 say and in light of the next meeting and the actions --
46 the implications that she made was that our input in this
47 is highly valued and I've been told that several times
48 already, not only in this panel but on different panels.
49 So I think, maybe, the implication here is that they want
50 our input. There's no going around it. And that is

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1 probably one of the reasons why I chose option six and,
2 albeit it has some negative impacts it still would keep
3 our area open for the different options in making changes
4 should the time come.

5
6 CHAIRMAN BROWER: Thank you, Mike. I
7 think this is one of the problems that we're faced with
8 having communities right next to a boundary line divided
9 by two units and having no representatives -- the
10 representatives for those communities being directly
11 affected from our decisions is somewhat complicating --
12 or would have a negative impact in some way if we
13 supported the proposal without their input.

14
15 MR. PATKOTAK: Well, that's exactly why I
16 asked for deferment, table the proposal until that input
17 is given. Which, to my understanding occurs in May -- in
18 March and the option of teleconference was open to us
19 there.

20
21 So in light of that fact and with the
22 problems of the ones that you just stated, I don't see
23 why nobody wants to second the motion. I'll entertain it
24 again. I entertain a motion to defer the proposal until
25 further input from other Council members.

26
27 CHAIRMAN BROWER: There's a motion before
28 the Council to defer the proposal under we have further
29 view from our other Council members.

30
31 MR. TAGAROOK: When you say other Council
32 members, the Council members here or with the Northwest?
33

34 MR. PATKOTAK: I guess I should clarify
35 myself, both. Both areas, North Slope Regional Council
36 members and Northwest Regional Council members.

37
38 MR. TAGAROOK: Mr. Chair, I second that
39 motion.

40
41 CHAIRMAN BROWER: Thank you, Terry. The
42 motion is to table the proposal until it has been
43 reviewed by affected communities in the North Slope
44 communities and the Northwest Arctic Borough. Any
45 further discussion on the proposal. Barb.

46
47 MS. B. ARMSTRONG: Mr. Chair, I think he
48 said defer and not table; is that right, Mike? You said
49 defer or table? Salena?

50

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1 REPORTER: Defer.

2

3 MR. PATKOTAK: Defer.

4

5 MS. B. ARMSTRONG: Defer, okay.

6

7 MR. PATKOTAK: It's really, accurately
8 both, table, defer, I don't know. I don't know the
9 nuances of the English language so somebody has to
10 correct me.

11

12 MS. B. ARMSTRONG: Well, I just wanted
13 clarification for my writing, thank you.

14

15 CHAIRMAN BROWER: Well, it would probably
16 take both -- table and defer. Any further discussion on
17 the motion and the proposal.

18

19 MR. BODFISH: Question.

20

21 CHAIRMAN BROWER: Question has been
22 called. All in favor to table the proposal until it has
23 been reviewed by the affected communities in the North
24 Slope Regional Advisory Council and the Northwest Arctic,
25 please signify by saying aye.

26

27 IN UNISON: Aye.

28

29 CHAIRMAN BROWER: Okay, thank you.
30 Motion passed. We have another proposal before us.

31

32 MS. H. ARMSTRONG: Mr. Chair, may I ask
33 just a question of clarification?

34

35 CHAIRMAN BROWER: Helen.

36

37 MS. H. ARMSTRONG: Do you want to then
38 have this Council teleconferenced into the Council
39 meeting on the 21st with Northwest Arctic? Is that your
40 preference to do that?

41

42 MR. PATKOTAK: Mr. Chairman.

43

44 CHAIRMAN BROWER: Mike.

45

46 MR. PATKOTAK: I think maybe that's one
47 of the main reasons why we chose to defer it.

48

49 MS. H. ARMSTRONG: Okay.

50

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1 MR. PATKOTAK: It was with the
2 understanding that we'd have a teleconference.

3
4 MS. H. ARMSTRONG: Okay. So put that on
5 your calendar, March 21st and I'm sure we can probably
6 make it the first thing on the agenda after the
7 introductory stuff so we can kind of pick a time so
8 everybody can be sort of knowing that you won't have to
9 be on the phone all day, I would think, make it the first
10 proposal we do. I don't know. We'll let everybody know.
11 What you would do is call in -- I don't know how we're
12 going to work that.

13
14 MR. JENNINGS: We'll coordinate that with
15 the Chair of the other Council.

16
17 MS. H. ARMSTRONG: Yeah.

18
19 MR. PATKOTAK: Barbara, isn't that why
20 you're the coordinator?

21
22 (Laughter)

23
24 MS. B. ARMSTRONG: I'll set it up for
25 you. We'll have to borrow equipment from the Chukchi.

26
27 MS. DEWHURST: We could bring it from
28 Anchorage.

29
30 MS. H. ARMSTRONG: Yeah, we could bring
31 it from Anchorage, couldn't we?

32
33 CHAIRMAN BROWER: Mike, did you have any
34 other comments you wanted to add on?

35
36 MR. PATKOTAK: Pardon?

37
38 CHAIRMAN BROWER: Did you have any other
39 comments? We were just discussing the timeframe as to
40 when the teleconference would be taking place. Do we
41 need to be calling in -- so Barb, you'll be getting back
42 to us as to the number we need to call and time?

43
44 MS. B. ARMSTRONG: And the time. We'll
45 probably do Proposal 38 and 39 first because we'll get to
46 it right away after all the stuff and then I'll give you
47 a time that we'll be calling each and every one of you.
48 And I want a promise that you guys are going to be
49 sitting by your phones. No. I'll let you know. I'll
50 send out a notice. You guys are good in getting your

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1 faxes.

2

3 MR. PATKOTAK: Mr. Chair.

4

5 CHAIRMAN BROWER: Mike.

6

7 MR. PATKOTAK: I think maybe you're in
8 the position of Chairman, you're the designee, if all
9 else fails.

10

11 CHAIRMAN BROWER: Yes, I understand that,
12 Mike. But I was just shutting my mouth.

13

14 MS. B. ARMSTRONG: That's the other
15 option you guys can have, is to have your designee go and
16 attend. That's another option.

17

18 CHAIRMAN BROWER: Well, we'll work with
19 Barb as to who wants to participant in the conference.
20 We'll make that available for each of you to decide as
21 participants to the teleconference.

22

23 MR. PATKOTAK: Mr. Chairman, what day is
24 March 29?

25

26 MS. B. ARMSTRONG: It's March 21st.

27

28 MR. PATKOTAK: Or March 21st, what day is
29 that, Tuesday, Wednesday?

30

31 MS. DEWHURST: It's in the middle of the
32 week.

33

34 MS. B. ARMSTRONG: Thursday.

35

36 MR. PATKOTAK: Thursday?

37

38 MS. B. ARMSTRONG: Thursday.

39

40 MR. PATKOTAK: Provided I'm given the
41 right information about times and stuff I don't mind
42 volunteering for the position and provided I'm given a
43 round trip ticket to Kotzebue.

44

45 (Laughter)

46

47 CHAIRMAN BROWER: I think the
48 teleconference would be a little bit cheaper, Mike.

49

50 (Laughter)

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1 CHAIRMAN BROWER: Anyway, like I said, I
2 think it will be up to each of the Council members to be
3 willing to participate in the discussions because it does
4 entail our communities that are going to be affected.
5 And it would be good for you to know what decisions are
6 being made regarding our region. Is there any further
7 discussions on the date and time of the teleconference?

8
9 Tim.

10
11 MR. JENNINGS: Well, Mr. Chair, I just
12 want to emphasize that I think we ought to do our utmost
13 to include the opportunity for the affected communities
14 of Anaktuvuk, Point Lay and Point Hope Council members to
15 be on teleconference if they so choose and if they're
16 available.

17
18 CHAIRMAN BROWER: Yes, I think Anaktuvuk
19 is not basically included in this proposal but Point Lay
20 and Point Hope are. But it would be good for them to
21 know about what's happening and including them in the
22 teleconference, I agree. Thank you, Tim. Any further
23 comments. If not, we'll continue on with our next
24 proposal, and it's Proposal 39.

25
26 MS. DEWHURST: Boy, I hate to get into
27 this one. This one is real similar to the one we just
28 dealt with. It's the same issue. The underlying issue
29 is that the concern was that the Kotzebue folks were
30 getting too many of the sheep in the harvest. There's a
31 fix number of sheep being allowed to be taken and most of
32 them were being taken by Kotzebue hunters. And they
33 wanted to try and figure out some way to distribute it
34 more broadly among the different villages.

35
36 And what was presented and what's in this
37 proposal was to -- basically there were a couple of
38 things. One was to destroy the trophy value, which we've
39 already talked about. Destroy the trophy value of the
40 horns. And then the other thing was to vary the dates of
41 the seasons with the seasons being announced -- the
42 quotas and the seasons being announced by the local Park
43 superintendent. The thought there was the way the season
44 is right now, the one season ends sometime in September
45 and the other season starts October 1. And often or at
46 least the past couple of years, as of October 1 they
47 still don't have enough snow to use snowmachines so the
48 airplane guys can still go out and get sheep. And the
49 idea of the winter season was it was going to be a non-
50 airplane hunt. So the thought was if we let the

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1 superintendent decide the dates, he would wait until
2 there's enough snow and not open the season until there's
3 adequate snow to use snowmachines.

4

5 Given what you just decided on the last
6 proposal you might want to consider something similar on
7 this one because it's right along the same lines. And
8 the options that Helen presented in the last proposal, a
9 lot of those apply to this proposal also. So I suspect a
10 lot of the same information we just discussed would
11 apply to this proposal also.

12

13 Bottom line is neither one of these are
14 biological issues. They're more user allocation in
15 trying to figure out how to be fair with the hunt, which
16 it's tricky. That concludes the analysis.

17

18 The Staff recommendation was -- it's
19 basically the same proposal with just modification to
20 clarify the language. There was some rewriting of the
21 language to try to simplify it. It's a very complicated
22 language. We tried to simplify it a little bit and
23 that's really the only modification, was to try to clean
24 the language up.

25

26 CHAIRMAN BROWER: So the Staff
27 recommendation is support with modification?

28

29 MS. DEWHURST: Correct. But keeping in
30 mind that the options that Helen brought up in the last
31 proposal, most of those would apply also to this
32 proposal, even though they weren't the Staff
33 recommendation.

34

35 CHAIRMAN BROWER: Thank you, Donna.

36

37 MR. PATKOTAK: Mr. Chairman.

38

39 CHAIRMAN BROWER: Mike.

40

41 MR. PATKOTAK: In light of our actions on
42 Proposal 38, I recommend that we table, the summary of 39
43 until further input from North Slope Regional Advisory
44 Council members that are affected and Northwest Arctic
45 Regional Advisory Council members who are affected.

46

47 CHAIRMAN BROWER: Mike, can I finish the
48 process and then we'll.....

49

50 MR. PATKOTAK: Oh, yeah, yeah, there I go

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1 again, jumping the gun, uh?

2

3 CHAIRMAN BROWER: Yes.

4

5 (Laughter)

6

7 MR. PATKOTAK: I must be looking at my
8 watch.

9

10 CHAIRMAN BROWER: Instead of just jumping
11 the gun, let's at least give them the opportunity to
12 state their comments on the record, if that's okay with
13 you.

14

15 MR. PATKOTAK: I'll postpone my motion.

16

17 CHAIRMAN BROWER: Thank you, Mike. ADF&G
18 comments on the proposal.

19

20 MR. CARROLL: Alaska Department of Fish
21 and Game comments is to support with modification. The
22 proposed opening of the sheep season in Units 23 and
23 26(A) by announcement would make it more difficult for
24 the public to comply with regulations and would eliminate
25 consistent State and Federal subsistence hunting seasons.
26 Eliminating the use of aircraft for these hunts or
27 delaying the season openings to mid-October or early
28 November would solve some of the problems identified in
29 this proposal and would make the Federal regulations more
30 consistent with the State subsistence regulations.
31 Although destroying the trophy value would be consistent
32 with the approach taken in subsistence muskox and brown
33 bear hunts, it might not discourage highly motivated
34 hunters unless the trophy is substantially defaced and
35 even then the effect of this requirement would be
36 uncertain. Taxidermists can fabricate realistic horns
37 and antlers with epoxy and animals can be scored for
38 record books prior to devaluation so there still might be
39 motivation for trophy hunters to get in there and get
40 sheep.

41

42 That's all.

43

44 CHAIRMAN BROWER: Thank you, Geoff.
45 Written public comments.

46

47 MS. H. ARMSTRONG: There were none.

48

49 CHAIRMAN BROWER: Thank you. North Slope
50 Regional Advisory Council recommendation. Mike, I'll put

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1 you first on the floor in being recognized.

2

3 MR. PATKOTAK: And I entertain a motion
4 to table Proposal 39 until further discussions with
5 Regional Advisory Council members affected.

6

7 CHAIRMAN BROWER: There's a motion for
8 the Council in regards to Proposal 39 to table until
9 further Council members have reviewed the proposal in the
10 affected areas on the North Slope and the Northwest
11 Arctic Borough.

12

13 MR. BODFISH: Mr. Chairman, I second that
14 motion.

15

16 CHAIRMAN BROWER: Thank you, Paul. All
17 in favor of the motion signify.....

18

19 MR. G. BROWER: Mr. Chairman.

20

21 CHAIRMAN BROWER: Sorry, Gordon, go
22 ahead.

23

24 MR. G. BROWER: Are we under discussion
25 now?

26

27 CHAIRMAN BROWER: Yeah, I almost jumped
28 the gun there. We're into discussions now. Go ahead,
29 Gordon.

30

31 MR. G. BROWER: Yeah, I would just like
32 to say with modifications and it seems to me that it
33 would be trying to accommodate more of the subsistence --
34 local subsistence harvesters on this and I know it's in
35 line with the other proposal that we decided to table,
36 but I think whatever's good for the subsistence user,
37 which most of the subsistence users use snowmachines and
38 access generally available to them, and limiting more of
39 these -- these flying hunters which are -- seems to be
40 coming out of Kotzebue, I think it would be supportable
41 with that modification.

42

43 Anyway, that's just my two cents, I
44 guess.

45

46 CHAIRMAN BROWER: All right, thank you
47 Gordon. It will be noted in the minutes from this
48 meeting, so it will be noted. Terry did you have any
49 comments.

50

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1 MR. TAGAROOK: No, I have none, but I
2 call for the question.

3
4 CHAIRMAN BROWER: Thank you. All in
5 favor of tabling this Proposal 39 until it has been
6 reviewed by the North Slope and the Northwest Arctic
7 Council members' communities for their review -- I better
8 restate the motion here. All in support of the proposal --
9 in tabling Proposal 39 signify by saying aye.

10
11 IN UNISON: Aye.

12
13 CHAIRMAN BROWER: The proposal is tabled
14 until that time. Do we have any other proposals that we
15 need to review?

16
17 MS. H. ARMSTRONG: That's it, Mr. Chair.

18
19 MR. PATKOTAK: Well, Mr. Chairman.

20
21 CHAIRMAN BROWER: Mike.

22
23 MR. PATKOTAK: If at all else, I'd like
24 to have -- Helen, when you have those meetings down
25 there, to delete the portion and add requirement to
26 destroy value of horns.

27
28 MS. H. ARMSTRONG: Is this in Proposal 39
29 or 38?

30
31 MR. PATKOTAK: In 38 and 39.

32
33 MS. DEWHURST: That part of the proposal
34 was actually made by the Northwest Arctic Council. They
35 were the ones that requested to have the horns destroyed.

36
37 MR. PATKOTAK: Really.

38
39 MS. B. ARMSTRONG: Uh-huh. (Affirmative)

40
41 MS. DEWHURST: They expressed two things.
42 One, they said that there are virtually no craft use of
43 the horns in their region.

44
45 MR. PATKOTAK: There must be a
46 stipulation somewhere that subsistence users are going to
47 be able to take these horns home.

48
49 MS. DEWHURST: The other thing they
50 expressed was they thought it was more important to get

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1 the meat distributed more broadly, get the sheep
2 distributed more broadly than the crafts. That's just
3 the two things they had said at the meeting.

4

5 MR. PATKOTAK: Okay.

6

7 MS. DEWHURST: So it came from them.

8

9 MR. PATKOTAK: All right. Thank you.

10

11 CHAIRMAN BROWER: We could add another
12 requirement, have them shipped to the North Slope.

13

14 (Laughter)

15

16 MS. H. ARMSTRONG: Thank you, Mr.
17 Chairman.

18

19 CHAIRMAN BROWER: Thank you, Donna and
20 Helen.

21

22 MR. JENNINGS: Mr. Chair.

23

24 CHAIRMAN BROWER: Tim.

25

26 MR. JENNINGS: Yes, Mr. Chair, apparently
27 there was a discussion over lunch about some fine tuning
28 of language on Proposal 44 that dealt with the controlled
29 use area and Geoff would like a moment to address that.

30

31 CHAIRMAN BROWER: Okay, go ahead, Geoff.

32

33 MR. CARROLL: Thank you, Mr. Chairman.
34 Yeah, Greg and Bill pointed out to me that there was a
35 little mistake in the wording on Proposal 44 that had to
36 do with the controlled use area and I want to go back to
37 Page 26, it has the wording on that. And where it reads,
38 however, this provision does not apply to the
39 transportation of moose hunters, their hunting gear, or
40 parts of the moose by aircraft, now it says, to or from a
41 publicly owned airport in the area. And they pointed out
42 that if you started from a publicly owned airport then
43 you could fly out onto a sand bar and hunt moose the way
44 it's written now. And I'd like to -- I was on the phone
45 over lunch and talked to the Fish and Game lawyer and
46 other people and we're going to change the wording in the
47 regulation so that it says to or between publicly owned
48 airports, period. And that means that you can fly
49 between airports but you can't land on a gravel bar
50 somewhere and hunt moose. It's kind of a.....

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1 MR. PATKOTAK: Could you repeat it again?

2

3 MR. CARROLL: What we'll do is we'll
4 scratch out from a and we'll have to -- okay, by aircraft
5 to or between publicly owned airports, period, and we'll
6 scratch out the, in the area at the end.

7

8 CHAIRMAN BROWER: Take out to and put
9 from?

10

11 MR. CARROLL: Well, no, we're going to
12 take out from and we're going to put in between. We
13 could take out to or from and just put between. That was
14 kind of my original idea, I guess.

15

16 Parts of moose by aircraft between
17 publicly owned airports.

18

19 CHAIRMAN BROWER: Okay.

20

21 MR. CARROLL: Yeah, just put between.
22 And then at the end we'll make airport, airports and just
23 put a period after that.

24

25 MR. JENNINGS: And strike in the area.

26

27 MR. CARROLL: Yeah, scratch out, in the
28 area.

29

30 CHAIRMAN BROWER: Do we need to take any
31 formal action on this modification?

32

33 MR. JENNINGS: Yes, Mr. Chair. You could
34 entertain a mutual consent by the Council if they're
35 agreeable to that wording change. It's just
36 clarification language but I think to be on the record it
37 would be good to have the unanimous consent of the
38 Council to make that change.

39

40 CHAIRMAN BROWER: Okay. Thank you, Tim.

41

42 MR. JENNINGS: Or if there's not
43 unanimous consent you could vote on the change as to
44 whether or not it's appropriate or not.

45

46 MR. CARROLL: Basically with the wording
47 the way it was, there was a little loophole there where
48 people could fly in and use aircraft to hunt moose and
49 this gets rid of that. It makes it so that people can't
50 use aircraft to hunt moose.

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1 CHAIRMAN BROWER: Thank you for catching
2 that. We've dealt with another loophole in regards to
3 the Haul Road, so that was kind of frustrating trying to
4 make that correction so I think it would be appropriate
5 to make the corrections now than having to deal with it
6 later after the fact.

7

8 So we have a motion that needs to be made
9 in regards to the modification of the language on
10 Proposal 44 before us.

11

12 MR. TAGAROOK: Mr. Chair.

13

14 CHAIRMAN BROWER: Terry.

15

16 MR. TAGAROOK: I ask for unanimous
17 consent in the change on Proposal 44 on the modification.

18

19 CHAIRMAN BROWER: Any objections to the
20 request for the unanimous consent? Hearing none, so
21 ordered.

22

23 MR. CARROLL: Thank you.

24

25 CHAIRMAN BROWER: Our next item on the
26 agenda would be -- we don't need to deal with anything on
27 the fisheries proposals. We're into the customary trade.
28 Council review and suggested revisions to proposed
29 language and briefing on tribal consultation. Tim.

30

31 MR. JENNINGS: Yes, Mr. Chair. I'll give
32 the briefing on this and it will be one combined
33 briefing. I anticipate that this will take us a little
34 while to move through this and I don't know if you'd like
35 to entertain a brief break at this time or if you want me
36 to proceed. Either way is fine with me.

37

38 CHAIRMAN BROWER: Let's take a few minute
39 break here and that will help before we get started into
40 the long discussion here. Thank you. Gordon, we'll take
41 a few minutes here to stretch out for after lunch. We're
42 getting tired of sitting with full stomachs here.

43

44 MR. G. BROWER: Okay.

45

46 (Off record)

47

48 (On record)

49

50 CHAIRMAN BROWER: We'll call the meeting

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1 back to order of the North Slope Regional Advisory
2 Council. We're currently under agenda Item X, and that's
3 customary trade and we're just getting into the
4 discussions with Tim in regards to the briefing with the
5 Regional Advisory Council. So Tim, I'll give you the
6 floor.

7

8 MR. JENNINGS: Thank you, Mr. Chair.
9 This briefing is behind Tab G. For the record, my name
10 is Tim Jennings. And at Tab G there is a briefing
11 regarding customary trade. And this is for all Regional
12 Advisory Councils, we'll be taking this briefing to all
13 10 Councils this meeting cycle. And it summarizes the
14 actions that the Federal Subsistence Board recently took
15 in developing a proposed rule addressing customary trade
16 and upon completion of my briefing, there is a specific
17 action requested by the Council here today to obtain your
18 input and recommendation on the proposed regulation that
19 the Federal Board approved to go -- well, they approved a
20 proposed regulation and we want your input on that.

21

22 My presentation will cover six areas. I
23 want to briefly discuss the history and background of why
24 this issue of customary trade is before you. I will
25 summarize the Board actions taken during the December
26 meeting and we will have -- I will briefly give you an
27 update on tribal consultation. And then discuss the
28 schedule of events or time line that we're working under
29 towards a final rule. We'll discuss briefly the
30 importance of the Regional Council input and finally
31 focus in on the proposed regulatory language.

32

33 So on Page 1 of your briefing behind Tab
34 G begins with the history and the background. Title VIII
35 of ANILCA specifically identifies customary trade as a
36 recognized part of subsistence uses. The term, customary
37 trade, is defined in regulation as the exchange of cash
38 for fish and wildlife resources to support personal or
39 family needs which, as long as this does not constitute a
40 significant commercial enterprise. And there is a
41 distinction in regulation between customary trade and
42 barter. Both of which are provided for in Title VIII.
43 And as I mentioned, customary trade is the exchange of
44 subsistence resources for cash, where barter is defined
45 as the exchange of subsistence resources for something
46 other than cash. Fish for moose meat or something like
47 that or other non-cash items.

48

49 The proposed regulation that the Board is
50 asking input on deals only with customary trade involving

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1 fish. And I want to just emphasize that we're not
2 talking about wildlife resources here or birds or whales.
3 The proposed rule only addresses customary trade of fish
4 resources. In late 2000, over a year ago, the Board
5 established a Customary Trade Task Force. It was
6 composed of representatives of the 10 Regional Councils
7 and then other Staff members from the various Federal and
8 State agencies. And Mike Patkotak was the Council
9 representative from the North Slope Council. The Task
10 Force was charged with developing draft regulatory
11 language to help define the intent of customary trade as
12 identified in Title VIII of ANILCA. And in developing
13 the draft regulatory language, the Task Force identified
14 three different types of customary trade. And on Page 2
15 of your briefing there's a discussion about the Customary
16 Trade Task Force.

17

18 The three different types of customary
19 trade that was identified by the Task Force involved, No.
20 1, transactions between rural residents; No.2,
21 transactions between rural residents and others, where
22 others is defined as all commercial entities other than
23 fisheries businesses and individuals other than rural
24 residents. And then the third type of customary trade
25 identified by the Task Force was purchases by fisheries
26 businesses.

27

28 And you will recall, preliminary draft
29 language was developed by the Task Force last summer and
30 in the early fall and we brought that language before the
31 Council at the fall meeting in September. Additionally
32 at that time tribal consultation was initiated with the
33 229 Federally-recognized tribes and we also solicited
34 general public review and comment on the preliminary
35 draft language developed by the Task Force. After the
36 fall meetings concluded by all 10 Councils, the Task
37 Force met again one more time to consider all the
38 comments that came from the Council meetings and from
39 tribal consultation and from the public and eventually
40 developed their final draft language that was presented
41 to the Board in December. And this was presented as
42 option one of six options that the Board considered and
43 these six options are summarized in your briefing
44 document on Pages 2 through 4.

45

46 Option 1 was the Task Force
47 recommendation.

48

49 The full text of the options that Board
50 considered is an appendix to this briefing and that's on

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1 Page 7 through 13 in your briefing packet. It's the full
2 text of the customary trade options that the Board
3 considered at their December meeting.

4

5 During the review of the draft Task Force
6 recommendations at the Regional Council meetings in the
7 fall, you'll recall that we asked for input on
8 regionalization of the language and seven of the 10
9 Councils made specific regional recommendations. Your
10 Regional Council recommendation, along with others, can
11 be found beginning on Page 11 of the briefing. Excuse
12 me, actually it begins on Page 10 under Option 4. And
13 this is organized by the fishery management areas. So at
14 the top of Page 11, the second item down, in bold, Yukon
15 northern area, that encompasses the North Slope. And the
16 regional language that was recommended by this Council
17 and others was that the total cash value per household
18 member of salmon, just salmon, taken in the Yukon
19 northern area exchanged in customary trade or barter to
20 others may not exceed a thousand dollars annually. And
21 that was referred to as the thousand dollar cap for
22 customary trade or barter of salmon.

23

24 Generally the Regional Council comments
25 agreed with the monetary cap and you can see throughout
26 Option 4 the different fisheries areas generally agreed
27 with this thousand dollar cap for salmon. However, there
28 were some differences. Some Councils thought that \$1,000
29 was too high, for instance, the Bristol Bay area. Others
30 thought it was too low. Several Council members
31 expressed concern that allowing sales or exchange of cash
32 for subsistence taken salmon in areas experiencing
33 subsistence shortages and limited opportunities were of
34 concern. And, for instance, in recent areas such as --
35 in recent years areas such as the Yukon and the Kuskokwim
36 Rivers have had very poor salmon runs, returns requiring
37 managers to reduce subsistence fishing schedules and in
38 some instances closed subsistence fishing and, therefore,
39 some Regional Council members and Councils were concerned
40 that this created a problem to allow any exchange of cash
41 where there are depressed fish stocks. Additionally,
42 some Council members and Councils were also concerned
43 that the draft language restricted barter between rural
44 residents and others.

45

46 So now I want to move onto the next part
47 of the briefing, which is the summary of the Federal
48 Board action. The Board reviewed the six options that
49 are summarized on Pages 2 through 4 and in more detail on
50 Pages 7 through 13 at the December meeting. And the

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1 Board opted -- elected to move forward with Option 5.
2 And Option 5 is described on the bottom of Page 3 or your
3 briefing. And that results in the actual language of the
4 regulation, it's on Page 5, the proposed rule.

5
6 And, Gordon, I don't know if you have
7 this language before you so -- do you have a book before
8 you, Gordon?

9
10 MR. G. BROWER: I don't have the book
11 before me but I read part of the language, five, but it
12 would be good to read it into the record, I suppose.

13
14 MR. JENNINGS: Yeah, I thought maybe I'd
15 just cover these three areas of customary trade that the
16 Board took action and make sure you had the benefit of
17 what the Board moved forward with.

18
19 Paragraph 11, under subsistence taking of
20 fish, C11, transactions between rural residents. The
21 proposed regulatory language there was that the exchange
22 between rural residents in customary trade of subsistence
23 harvested fish, their egg, their parts or their eggs
24 legally taken under the regulations in this part or under
25 the subsistence regulations that are unprocessed or
26 processed using customary and traditional methods is
27 permitted. So it's permissive. It's allowable. And
28 there weren't any limits or restrictions placed upon
29 transactions between rural residents.

30
31 The second paragraph, Paragraph 12
32 addresses transactions between a rural resident and
33 others. Customary trade for fish, their parts or their
34 eggs legally taken under the regulations in this part
35 from a rural resident to commercial entities that are
36 other than fisheries businesses -- and this is my
37 editorial note, fisheries businesses are dealt with in
38 the next paragraph, 13, so it's commercial entities other
39 than fisheries businesses or from a rural resident to
40 individuals that are other than rural residents so it
41 would be an urban resident or an out of state resident is
42 permitted as long as the customary trade does not
43 constitute a significant commercial enterprise. And this
44 basically left in place the status quo where one of the
45 issues is that significant commercial enterprise is not
46 defined in regulation and there was enough concern raised
47 about the thousand dollar cap and whether or not there
48 was a need for a permitting requirement or a reporting
49 requirement to keep track of the exchange for cash up to
50 a thousand dollars or some other limit that, for the time

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1 being in the proposed regulation, the Board elected to
2 keep the status quo and allow the Councils to weigh in
3 again and the public with additional information in terms
4 of whether there was regional language that was needed
5 here, thousand dollar cap on salmon or some other
6 limitation and whether or not a permitting requirement or
7 a reporting requirement would be needed. And we'll come
8 back to this paragraph at the end of the discussion
9 again.

10

11 The final paragraph in the proposed
12 regulation is 13 there at the bottom of the page; no
13 purchase by fisheries businesses. If you are required to
14 be licensed as a fisheries business under Alaska Statute
15 and it gives the statute as Alaska Statute 43.75.011; you
16 may not purchase or receive for commercial purposes or
17 barter or solicit to barter for subsistence taken fish,
18 their parts or their eggs. This is basically a
19 prohibition of customary trade with fisheries businesses
20 that are licensed under that Alaska statute.

21

22 Okay, in taking this action, the Board
23 felt that most customary trade among rural residents
24 subsistence users under Paragraph 11, transactions
25 between rural residents were between local users and
26 involved only typically small amounts of fish and the
27 Board presently believes that there's not a need to
28 further limit this as this rule would not create any
29 additional incentive for additional harvest of resources
30 nor will result in additional fish that will create --
31 that will end up being sold in commercial markets.

32

33 Let me move onto tribal consultation
34 briefly. The Federal Subsistence Board initiated tribal
35 consultation in the fall and we are in the process of
36 initiating it again with this proposed rule with the 229
37 Federally-recognized tribes. Consultation will be
38 conducted pursuant to policy and regulations. We have a
39 Department of Interior Alaska policy on government to
40 government relations with Alaska Native tribes. And the
41 consultation period for tribal consultation will be
42 conducted through, at least, March 29th. And its' being
43 initiated by, from our office, Carl Jack, is taking the
44 lead for that and it's being done in close cooperation
45 with the Alaska Inter-Tribal Council.

46

47 In terms of a time schedule that the
48 Board is currently working on, if you look at Page 6 of
49 the briefing, you can see that working towards a final
50 rule, we are currently at that first step of Regional

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1 Council meetings commenting on proposed rules,
2 February/March of 2002. Concurrently there's tribal
3 consultation going on. We anticipate that the public
4 comment period will end March 29th. And then the next
5 milestone would be the Federal Board meeting in May where
6 we anticipate that the Board will deliberate and take an
7 action on the proposed rule. The action that the Board
8 could take is to move forward with a final regulation
9 that will put in place what is currently proposed or they
10 could modify the proposed language, they could add some
11 regional language or further modify the proposed
12 language. Or the third option is the Board could decide
13 to defer taking a final action until some later date. If
14 they do take an action, there will be publication of a
15 final regulation in June approximately and then the new
16 regulations would become effective July 1.

17

18 So the proposed rule is now before the
19 Regional Councils and the public for further input prior
20 to implementing a final rule. The Board invites and
21 wishes to have comments and recommendations on this
22 proposed rule. Not only on the language that is before
23 you on Page 5 but if there is any parts of the options,
24 including the regional language that was discussed, the
25 Board would like to hear your input on any of those.

26

27 Additionally, it is important to
28 understand that this rule would become part of our, what
29 we call Subpart (D) regulations, and, therefore, it would
30 be subject to an annual review process so that each year
31 revisions, as needed could be taken up for consideration
32 on an annual basis.

33

34 So Mr. Chair, the focus now would be on
35 Page 5 and those three paragraphs, 11, 12 and 13. As you
36 move forward in your deliberations, you could choose to
37 take customary trade up as the entire package or you may
38 want to address the paragraphs one at a time and focus on
39 rural to rural exchange being unlimited. Paragraph 12,
40 the transaction between rural residents and others. And
41 then finally the prohibition on fisheries businesses,
42 Paragraph 13. It may be easier for you to break it into
43 those three pieces and make a recommendation on each of
44 those individually. But it's really up to how you want
45 to proceed.

46

47 I know this is a fairly quick overview.
48 There's a lot of information here. The Task Force worked
49 very hard and a lot of credit goes to Mike and others who
50 worked on the Task Force, they did a lot of really

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1 significant work in a fairly short amount of time. And
2 if there's any questions that you have regarding the
3 briefing or these options or the Customary Trade Task
4 Force, I'm available or I'm sure Mike is also available
5 to answer questions.

6

7 So I'll stop there, Mr. Chair, and see if
8 you have questions about my briefing or if you want to
9 proceed to deliberations.

10

11 CHAIRMAN BROWER: Thank you, Tim. I
12 think I'll ask Gordon to hold off until we get into this
13 discussion regarding customary trade -- I almost started
14 with Gordon since he was voicing concerns in regard to
15 the issue this morning, so now I'll start with you,
16 Gordon, do you have any comments or suggestions as to how
17 we should proceed on the customary trade?

18

19 MR. G. BROWER: Yeah, Mr. Chairman,
20 Gordon.

21

22 CHAIRMAN BROWER: Go ahead, Gordon.

23

24 MR. G. BROWER: Yeah, I had read some of
25 this stuff on the customary trade and the proposed rule.
26 I don't have any problem with the proposed rule in all of
27 its entirety for rural to rural to rural to others and
28 prohibition to fisheries businesses. The only concern I
29 had, to what extent are you going to define the
30 significant commercial enterprise portion that needs to
31 be identified and I think we may want to weigh ourselves
32 in on that portion. I think I've already written down my
33 views to the customary trade issue and thought there was
34 some very alarming trends with the proposed regulations.
35 And now seeing that the Board is looking at a proposed
36 rule, that looks pretty good. I wouldn't have any
37 further comments on it.

38

39 But the one for the significant
40 commercial enterprise, because it may have some
41 consequences up north for individuals such as whaling
42 captains which are the source of major gathering spots
43 that we need to weigh ourselves in. Because those
44 individuals in those kind of positions like whaling
45 captains, they provide a lot of food for villages,
46 especially around (In Native) time and they gather all
47 year-round so that (In Native) can be a festival --
48 worthy festival. That's gone on for a lot of years. And
49 we need to be able to recognize regionally because just
50 one individual has a major obligation to feed a lot of

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1 people. That's where I think we need to weigh ourselves
2 in as well.

3

4 MR. JENNINGS: Mr. Chair.

5

6 CHAIRMAN BROWER: Tim.

7

8 MR. JENNINGS: I would just reiterate
9 again and I'm not sure if Gordon was referring to the
10 festival and whaling captains involvement, if that
11 involves customary trade or some of the resources
12 obtained from whales. I'll just remind us all that this
13 regulation only deals with fish. It doesn't deal with
14 whaling. It doesn't deal with birds or wildlife species
15 like moose or caribou or bears. Only with fish.

16

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

18

19 CHAIRMAN BROWER: Gordon, maybe let's
20 have Tim finish his comments.

21

22 MR. JENNINGS: I'm done.

23

24 CHAIRMAN BROWER: Okay. Go ahead,
25 Gordon.

26

27 MR. G. BROWER: Yeah, I mean I'm
28 absolutely clear. And what I'm trying to get a point at
29 is because a whaling captain will fish a whole lot to
30 feed his crew members, his families and also to provide a
31 source of food for villagers. And also whatever he's got
32 leftover from that fall, all of that, you'll always see
33 it Olgoonik (whaling festival), a lot of fish is
34 distributed there. So festival is not limited to just
35 whale but that is the primary reason for the (In Native)
36 is the whale but there is other foods that are fed,
37 caribou, fish, (In Native).

38

39 MR. JENNINGS: Okay, well, thanks.....

40

41 MR. G. BROWER: Looking at how these
42 whaling captains gather food. Because they provide a
43 significant source of fish to the villages.

44

45 CHAIRMAN BROWER: Thank you, Gordon. Tim.

46

47 MR. JENNINGS: I appreciate that
48 clarification, Gordon. What this regulation does not
49 address sharing of resources, that still is allowed as
50 before. What this regulation would address is if there's

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1 any exchange of fish resources for cash. And if it's
2 done between rural residents within the North Slope
3 Borough where everybody's a rural resident, the proposed
4 regulation would not even limit the exchange of cash
5 between rural residents for fish resources. So I believe
6 the concern raised by Gordon, if it's primarily sharing
7 of resources, it's clear that that sharing of resources
8 and bartering of resources is appropriate and it's
9 authorized and this proposed regulation would not change
10 that in any way.

11

12 MR. G. BROWER: Thank you. I was pleased
13 to hear that and to make sure that, you know, our views --
14 you know, regionally we're different because, you know,
15 we do provide on an individual basis and also -- you
16 know, to try to feed a lot of people. And that's how
17 we've survived all these years. I'm afraid, where you
18 need to define a significant commercial enterprise, I'd
19 like to see the language because that's tied into part of
20 the language of the proposed rule, that we need to
21 identify -- what do you mean by significant commercial
22 enterprise?

23

24 MR. PATKOTAK: Mr. Chairman can I answer
25 that question?

26

27 CHAIRMAN BROWER: Gordon, I'll have Mike
28 respond to your comment and then we'll continue from
29 there. Go ahead, Mike.

30

31 MR. PATKOTAK: Yeah, Gordon, significant
32 commercial enterprise is under No. 12. And it reads,
33 rural -- between a rural resident and others. Now, that
34 refers to people in places like Fairbanks, Anchorage or
35 even out of state and to different folks of different
36 diverse nationalities. And what significant commercial
37 enterprise is he selling or receiving more than he needs
38 and this really refers to others. That means to other
39 people in those cities and it doesn't really affect the
40 situation that you are talking about. The situation that
41 you're talking about falls under No. 11. And the intent
42 of No. 11 was the situation, is where you're saying that
43 the distribution of fish is unlimited from rural to
44 rural. And the situation that you're talking about is --
45 if you fish and let's say fill a warehouse 40 by 40 from
46 complete floor to the very ceiling of it, you can still
47 give it away and it would not affect the definition under
48 commercial significant enterprise. Because in the rural
49 to rural status thing, that was the intent, that the --
50 whether it was monetary or exchange of other assets,

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1 fish, caribou, that type of thing, is under the scenario
2 that you were discussing, it's unlimited.

3

4 Does that answer your question?

5

6 MR. G. BROWER: Yeah. That makes it much
7 more clear. Thank you very much. Because this is a good
8 topic that we need to all be in tune together with
9 because, you know, all of us we do our part to make sure
10 everybody who loves to eat has a chance to have a variety
11 of food, whale, fish and we share and we barter.

12

13 MR. JENNINGS: Mr. Chair.

14

15 CHAIRMAN BROWER: Thank you, Mike and
16 Gordon. Go ahead, Tim.

17

18 MR. JENNINGS: Yes, Mr. Chair, thank you.
19 I'll offer a comment here to help maybe facilitate the
20 discussion and focus the discussion. During the fall
21 Council review and public review of the three paragraphs
22 and as recommended by the Task Force, there was general
23 consensus on paragraphs 11 and 13. Not complete. But
24 generally under paragraph 11 there was not a lot of
25 concern expressed for transactions between rural
26 residents. The one exception in terms of the Councils
27 was Bristol Bay region and there they recommended a
28 limitation between rural residents of, I believe a
29 thousand dollars per household. Yes, on Page 11.
30 Chignik area and the Alaska Peninsula area, the Bristol
31 Bay area there's -- well, I guess just the -- well,
32 excuse me, Bristol Bay area is under paragraph five near
33 the top. The total cash value per household member of
34 salmon taken, this is, again, just salmon directed, taken
35 in Bristol Bay exchanged in customary trade or barter
36 between rural residents may not exceed a thousand
37 dollars. And the next paragraph that they recommended
38 was from a household to others, rural residents to others
39 be limited to 400. So they were recommending a little
40 more restrictive language. That's the only Council that
41 made that recommendation.

42

43 So my comment is that generally paragraph
44 11 was supported. And generally paragraph 13 was also
45 supported, the prohibition on sales or exchanges to
46 licensed fisheries businesses.

47

48 So I would offer that as a starting
49 point, where, if you felt like, as a Council, you still
50 supported those two paragraphs we could take those up and

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1 dispatch with those paragraphs and then move to paragraph
2 12. There is some additional information or discussion I
3 could provide that will tie into what Mike just said
4 about exchanges between rural residents and others.

5
6 CHAIRMAN BROWER: Thank you, Tim. Do you
7 have anymore comments Gordon?

8
9 MR. G. BROWER: You know, I don't have
10 very much more to comment. I think I like what the
11 proposed rule is. And we should support that, I would
12 think, because -- and I really think we shouldn't be
13 limited. We shouldn't try to put limits on ourselves
14 because we've existed thousands of years with this
15 economy. We never overharvested. We never used things
16 up to where they don't come back and that's how we are.
17 If we were different then all the animals would have been
18 gone because we're very efficient hunters.

19
20 So I would just like to say that we take
21 into mind our values that these animals have a right to
22 be here and they sustain us. And the limitations by
23 regulation, it's not a traditional way to limit somebody
24 in this way. I always thought, in my own mind, that the
25 only overharvesting, overfishing that ever occurred that
26 I've ever seen is these commercialized industries and
27 then that hurt our local subsistence economy, because
28 that's what we are, we're local subsistence economy, and
29 that's gone on for thousands of years without running
30 anything down.

31
32 Anyway, yeah, that's all I wanted to say,
33 I have no further comment. And I hope we find some
34 common ground to agree that the proposed rule, I think,
35 is the best rule.

36
37 CHAIRMAN BROWER: All right, thank you,
38 Gordon. We'll keep that in mind. Is there any further
39 Council comments.

40
41 MR. TAGAROOK: Mr. Chair.

42
43 CHAIRMAN BROWER: Terry.

44
45 MR. TAGAROOK: This proposed regulation,
46 is it just salmon that they're talking about or does it
47 cover all the other species?

48
49 MR. G. BROWER: Yeah, Mr. Chairman.

50

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1 CHAIRMAN BROWER: Go ahead, Gordon.

2

3 MR. G. BROWER: To my understanding, I
4 thought this was not only to salmon but it can be
5 proposed to other fisheries. That's what it kind of --
6 if you read the details to it.

7

8 MR. JENNINGS: Mr. Chair, this is Tim
9 Jennings. Yes, that's correct. It is all fish. Where
10 salmon came into discussion was under the \$1,000 cap was
11 only for salmon that was proposed by the Task Force in
12 the exchange from a rural resident to others. And others
13 is either non-rural residents or outside entities or
14 commercial businesses that are not licensed as fisheries
15 businesses like restaurants and stores, et cetera. And
16 the focus came up on salmon because as you know in some
17 areas of the state, salmon is a very important resource.
18 Yukon and Kuskokwim Rivers, they've got trouble with some
19 fish runs and they wanted to place an appropriate
20 limitation on the exchange of cash for salmon to others.
21 So there is that salmon component that was discussed.
22 But in the broadest context, the proposed rule does
23 address all fish.

24

25 CHAIRMAN BROWER: Thank you, Tim.

26

27 MR. TAGAROOK: Mr. Chair, I have another
28 question. I have a question for Mike, what was the Task
29 Force consensus on this recommendation? Did you guys
30 come up with a recommendation on this?

31

32 MR. PATKOTAK: A recommendation on what?

33

34 MR. TAGAROOK: On this -- on this

35 proposal.

36

37 MR. PATKOTAK: The Task Force
38 recommendation was for -- there was a mutual consent --
39 there was mutual agreement on and Section 11, like Tim
40 said, and No. 13 there was mutual agreement on all
41 Regional Advisory Councils. Where the problem lay was in
42 No. 12. And just like Tim said, it was mostly from
43 Southwest region that -- and also the definition of what
44 significant commercial enterprise meant. And the
45 monetary values that were implied.

46

47 Now, there was some ideas thrown around as to
48 different regions to set their own monetary value and in
49 some of these different areas, those pages that were
50 identified by Tim, those subpart regions in Pages 10 and

00174

1 11 are some of the areas where exactly what they come up
2 with, the money value -- monetary values in terms of
3 significant commercial enterprise, those limitations were
4 set.

5
6 The North Slope right here is at the
7 table to discuss that, to set that limitation. To
8 establish what you think the limitation should be. And I
9 think this Regional Advisory Council was the only one
10 that -- and the understanding I had so far was for it to
11 be unlimited.

12
13 So does that answer your question?

14
15 MR. TAGAROOK: Yes, thank you.

16
17 MR. JENNINGS: Mr. Chair, I have a follow
18 up.

19
20 CHAIRMAN BROWER: Go ahead, Tim.

21
22 MR. JENNINGS: Yes, Mr. Chair. I
23 appreciate Mike's comments because they were leading into
24 what I also wanted to also comment on Paragraph 12 where
25 there was some discussion. The Board specifically did
26 want additional input on Paragraph 12, as to whether or
27 not there needs to be some sort of regional limitation.
28 The Board backed away at this time from placing any sort
29 of regional limitation because there wasn't consensus.
30 They may come back in May with additional input from
31 Councils and others put some limitations on that
32 Paragraph 12, exchange to other entities.

33
34 And so I'd just highlight what Mike said,
35 the Board would like to have some input on Paragraph 12.
36 And additionally, if there's a cap and any sort of
37 monetary cap placed or recommended, there was a
38 discussion at the Task Force and the Board meeting, how
39 do you keep track of that and so the Board talked about a
40 permitting system versus a record-keeping system.
41 Permitting system is whereby somebody who wants to
42 exchange fish for cash to other entities would have to
43 have a permit and then record these exchanges on a
44 permit. And the permit would be turned in at the end of
45 the year, that's one concept. Another concept was a
46 little simpler version of a record-keeping -- it'd be
47 like, perhaps in the -- in a wildlife -- it'd be the
48 fisheries regulations booklet, there could be like a log
49 form included in the booklet where somebody could just
50 keep a log, a record of exchanges, wouldn't have to apply

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1 for a permit, wouldn't have to turn it in but it would
2 have to be kept as a record. And then if an enforcement
3 person asked for the records of sales then the individual
4 would produce this form, so that was viewed as a simpler
5 method. So the Board, if there's some sort of cash
6 limitation recommended by a Council, the Board is also
7 requesting input on how do we keep track of that cash
8 limit? Is it best done by permitting or best done by
9 record-keeping.

10

11 And then finally, I want to emphasize
12 what Mike said. The other problem with Paragraph 12, as
13 it exists is the term or phrase, significant commercial
14 enterprise is not defined in regulation and therefore
15 it's not really enforceable our law enforcement people
16 tell us. So basically it's -- it's unlimited as written.
17 In some regions of the state that may be appropriate to
18 leave it as is or to say that we don't want a limit. But
19 in some regions, there may be some concerns about these
20 kinds of exchanges and the Regional Councils may want to
21 substitute language for significant commercial enterprise
22 and say a certain limit for that exchange.

23

24 So those are the issues that I'm aware of
25 with Paragraph 12.

26

27 MR. PATKOTAK: Mr. Chair.

28

29 CHAIRMAN BROWER: Mike.

30

31 MR. PATKOTAK: To further elaborate a
32 little bit. The understanding I also got, now, correct
33 me Tim if I'm wrong, was that there was a reluctance in
34 terms of setting any type of monetary caps or to mention
35 money in terms and the idea was to have each region set.
36 And the other was to keep it the way it is and have each
37 region set their own limits and their own definition of
38 what the regulation is. But the main bone, like that --
39 that I first saw was that term of the definition of what
40 significant commercial enterprise really was and to have
41 it definitely defined. And to set a cap on it.

42

43 MR. G. BROWER: Mr. Chairman.

44

45 CHAIRMAN BROWER: Gordon.

46

47 CHAIRMAN BROWER: Thank you, Mike.

48

49 MR. G. BROWER: Yeah, those are the same

50 concerns I had and some of the interpretation by, I

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1 think, Tim, that maybe we don't need to define that right
2 now. It may be later on, if it's open to question right
3 now. Some of the things that I see behind this, you
4 know, you start demanding non-traditional activities such
5 as permit your activities, record all your transactions,
6 those kind of things, I thought, in my mind would lead
7 into more infringements on a traditional economic
8 lifestyle, which has gone on for a long time and then the
9 Federal government imposes some kind of a tax. Because
10 now you could see and reflect income based on these
11 records.

12
13 So those are some of the fears that I can
14 see that could be looming around to where you're required
15 and starting to make regulations on a traditional
16 activity. In the past, I understand that bartering and
17 trading for boots, sleds, dogs, that was -- that was
18 okay, we never had any limits. Today, you know, you
19 can't go to the store and pay for it with fish, buy some
20 boots. You can't go to the gas station and give them
21 five fish and get some gas. You know, the world's a
22 little bit different but we still do our things. So we
23 have to have a means of converting that through trade.
24 And it would hurt us more to try to yield to permitting
25 practices and something that's traditional.

26
27 MR. PATKOTAK: Mr. Chairman.

28
29 CHAIRMAN BROWER: Mike.

30
31 MR. PATKOTAK: I think once again, we'll
32 fall back to Paragraph 11 on that Gordon. Once again,
33 rural to rural, it's unlimited. And as you mentioned
34 earlier, it's -- we're self-policing when it comes to
35 sustained yield. And I think it would be safe for me to
36 say that we're the model when it comes to self-
37 conservation. And I think we're the model. You can put
38 us on a pedestal when it comes to that in terms of self-
39 conservation. And I think the whaling is a prime example
40 of that.

41
42 So your concerns are taken care of under
43 Section 11. I think what the interpretation is right now
44 is under the rule that the Board wants is in defining
45 Section 12. And to come up with recommendations that
46 will conform to their definition of what is under this
47 proposed rule.

48
49 CHAIRMAN BROWER: Tim.

50

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1 MR. JENNINGS: Yes, Mr. Chair. I just
2 had another thought that might help us here. I hope it's
3 a good thought. In looking to the Regional Councils,
4 especially on Paragraph 12 and 11 or on 13, is to allow
5 what is appropriate in terms of customary trade that fits
6 with a traditional subsistence uses and exchanges and
7 allowing those without turning subsistence into a
8 commercial-type enterprise which could then, in turn,
9 endanger the very essence and nature of subsistence. So
10 on a regional basis, like under Paragraph 12, we can ask
11 ourselves on the North Slope, what kind of appropriate
12 exchange for cash is there that's been traditional for
13 residents in your region to exchange fish for cash to
14 other entities, other commercial businesses other than
15 fisheries businesses or other folks other than rural
16 residents? And it could be, and I don't know the region
17 very well in this regard, but it could be that there is
18 very little of this kind of activity that occurs, that
19 it's mostly rural to rural, within the region. But if
20 there is more of it going on outside the region into
21 others or other commercial entities then that would also
22 give you some knowledge about what might be appropriate
23 from a subsistence perspective. And I think that's kind
24 of the framework that the Board is looking for, is,
25 what's appropriate to allow from a subsistence
26 perspective, allowing these traditional practices to
27 continue but yet not endangering the very nature of
28 subsistence by having it become too commercialized. And
29 some -- a few people might take advantage of it and it
30 would bring down the others who really and need the basic
31 subsistence uses.

32
33 CHAIRMAN BROWER: All right, thank you
34 Tim. Before we go any further I think I'll ask the
35 Council to excuse me for a minute and have Delbert
36 Rexford make comments, he's representing part of the
37 public and have him make some comments on this customary
38 trade issue that we're discussing. Delbert, just come up
39 to the seat here and please state your name and your
40 affiliation, please.

41
42 MR. REXFORD: Delbert Rexford. Resident
43 of Barrow. Member of the Barrow Whaling Captain's
44 Association. Registered Whaling Captain with the Alaska
45 Eskimo Whaling Commission. It's good to see my high
46 school buddy, Tim, once again.

47
48 As the commission and the regulatory
49 agencies promulgate future legislation that has far-
50 reaching effects, I just came back from Washington, D.C.

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1 on legislation that effects every Indian nation across
2 the United States. And I had the opportunity to travel
3 to Dillingham and see the devastation of the fish economy
4 in Dillingham, when we speak about commercial activities.
5

6 Every since State and Federal agencies
7 have promulgated legislation, rules, regulations that
8 affect our life, there has been demise to the numbers of
9 wildlife. You look at the Bristol Bay fisheries, who
10 managed it? Who caused the demise? We, as indigenous
11 peoples are not commercialized to the extent that we can
12 make that threat as Mr. Brower stated earlier. What I am
13 concerned about as I listen to the proceedings here is
14 that my understanding, according to Mr. Jennings, is that
15 once you define commercial enterprise then you have put a
16 cap. The elders that are living in Southeast Alaska or
17 Southwest Alaska, Aleutian Chain all the way up here to
18 the North Slope will be subject to the same rules and
19 regulations once those rulings are passed.
20

21 I would plead with the Commission do not
22 define as suggested, because once you define it, then you
23 put a threshold cap. Then the people living in Northwest
24 Alaska, who, through customary trade and custom will be
25 affected just like we will be here. I have had chance to
26 travel to St. Lawrence Island, where my wife comes from,
27 that the subsistence economy there is the harvest of
28 walrus. That will have adverse effect on them. They
29 take a tusk of walrus at \$35 a pound, take it to the
30 store and exchange it for goods. Now, my understanding
31 of this is that there may be indirect effect to our
32 economy to a community with over 90 percent on
33 unemployment. Customary and traditional practice of
34 harvesting walrus carve all year in trade with the local
35 Anica store.
36

37 Please, do not define at this time the
38 commercial enterprise limits because it's going to affect
39 the Tlingit-Haida in the Southeast, it's going to affect
40 the Central-Yup'ik in the Southwest, the Aleuts and the
41 Inupiat in the north.
42

43 So just from observation, Mr. Jennings, I
44 think that once you get your definition then you'll say,
45 Delbert, that's your threshold cap. And I don't want a
46 threshold cap placed on my people who are dependent on
47 trade.
48

49 This other -- let me share with you,
50 during the third week of June we have the Blanket-Toss

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1 Festivals, people, hundreds of people come to Barrow and
2 to the villages and they use commercial flights. Is that
3 an indirect impact if they come in on commercial flights,
4 they've expended \$3,200 on the charter to bring in foods.
5 Are they going to be affected? And then as Mr. Brower
6 stated, our customary and traditional use of our country
7 foods will be infringed on.

8

9 Those are my brief comments of the
10 discussions that I hear this afternoon as you go through
11 these proceedings. Do not define it. Once you define it
12 then that's the threshold that we obligate all indigenous
13 peoples in the harvest of fish and other wildlife.

14

15 Thanks.

16

17 CHAIRMAN BROWER: Thank you, Delbert. I
18 think to continue on with our discussions on this
19 customary trade proposed rule, I got a couple of points
20 that I'd like to bring out. Is that, when we first
21 started out in our meetings and appointing Mike, our
22 representative to this Task Force, we had made some
23 suggestions and made some recommendations to remain
24 status quo with our regulations without providing anymore
25 regulations to our subsistence fishing and gathering of
26 wildlife resources. And I think we just need to bring
27 that out sometimes and keep reminding ourselves that that
28 was our position that we took in staying status quo
29 without making anymore new regulations that would put a
30 hardship on our subsistence users.

31

32 So I just wanted to bring that up and let
33 remind you folks as to what we had made the comments on
34 before we started all these discussions.

35

36 Mike.

37

38 MR. PATKOTAK: Mr. Chairman, I really
39 appreciate your comments on that, and I'm glad you
40 reminded us of what our position was. And, Mr. Rexford,
41 we took the stand and there are many occasions during the
42 meetings, they're on record where I officially expounded
43 on the position of the North Slope Regional Advisory
44 Council and the different majority of individuals that --
45 and I think in some ways or another I made some of our
46 fellow Regional Advisory members from the different
47 regions mad at me because I, in no simple terms,
48 expounded the fact, I said, that once you start
49 regulating something that's the beginning of the end.
50 And that was -- I mentioned that fact many times. And

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1 many times I was singled out by some of the other
2 enforcement people that are demanding that a definition
3 be put out. This is our opportunity to put down these
4 regulations in our language, the way we want them.

5
6 And the other choice is, we have no input
7 at all and have it enforced and imposed on us without our
8 input at all. That was always the return comment. In
9 other words, if we don't put in something that we like
10 and whether we compromise or not, but we do get something
11 that we can live with that is beneficial to the Native
12 community. And after thinking it over and listening to
13 some of the points that were reiterated to me after I
14 expounded the fact that we wanted status quo was that,
15 well, you either do it, you either define it or we will.

16
17 So with that, I think that this is an
18 opportunity that -- it's something that we have to
19 reluctantly have to take. And it is something that we
20 have fought for and if we don't do it they'll do it for
21 us and that was the message I got. And when the final
22 meeting came about, I once again came up with the point,
23 please, don't try to fix something that ain't broke. But
24 to no extent and to no -- it's like blowing into the
25 wind, we either do it or we don't. And we either get
26 something -- we get stuck with something that somebody
27 from Washington, D.C. wrote or we get something that we
28 can live with that we introduced ourselves. And you got
29 to remember that this proposed rule is amendable and can
30 be changed by consensus as each year goes by in the
31 proposed rulemaking process.

32
33 Thank you.

34
35 CHAIRMAN BROWER: Thank you, Mike.

36
37 MR. JENNINGS: Mr. Chair.

38
39 CHAIRMAN BROWER: Tim.

40
41 MR. JENNINGS: Yes, Mr. Chair, I
42 appreciate Mike's comments and also Delbert, it's good to
43 see you and appreciate you coming in and providing
44 comments on this important issue. I think the Board --
45 the Federal Subsistence Board really does understand the
46 sensitivity of this issue and I think they're taking a
47 great deal of care to listen to the local input and the
48 Regional Council input. And on Paragraph 12 where there
49 was some discussion and some concerns about a cap, that
50 the Federal Board decided it was best not to move forward

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1 with the proposed rule including a cap. They didn't want
2 to put it in there at this time. They wanted to wait and
3 hear additional input from the Councils and from the
4 public. So I think your input is important and the
5 public input is important for the Board to hear. And if
6 you believe that it's not appropriate for this region to
7 have a cap of any kind of salmon or for other species, I
8 believe the Board will weigh that input very seriously as
9 they decide to move forward.

10

11 CHAIRMAN BROWER: Thank you, Tim. I was
12 going to make a comment before you said something and
13 then it just went right by me again. I'm trying to think
14 of what I was trying to think of saying here before you
15 said something Tim and I lost my thought. Just give me a
16 few seconds here, I guess.

17

18 MR. G. BROWER: Mr. Chairman.

19

20 CHAIRMAN BROWER: Gordon, go ahead.

21

22 MR. G. BROWER: Well, just a few more
23 thoughts. I guess, I am still in support of the proposed
24 rule. But if it comes down to some time and I guess it's
25 appropriate now to talk about it is what will constitute
26 a significant commercial enterprise. I think some
27 thought needs to be put together on that. Maybe at some
28 later date we need to -- I think this is an issue that
29 needs to be dealt with from the Advisory Council and then
30 forwarded to the Board to consider instead of having them
31 decide on their own. Personally, to try to define that
32 you would have to think about what is a commercial
33 enterprise? Well, you have to have a business license
34 for one and you may be employing people, which all of
35 those aspects are missing from subsistence activities.
36 So those should be part of the criteria if, you know, if
37 there's solicitation for comments on any aspect of the
38 proposed rule and there's one aspect of it and that's
39 what constitutes significant commercial enterprise. And
40 I think a significant commercial enterprise, you would
41 have a business license, you would have employees working
42 for you which is not traditional. In traditional
43 activities, they don't have that.

44

45 Just something to toss but I think if
46 we're commenting on the proposed rule, that's the only
47 question I have, is what is the Federal government going
48 to say about significant commercial enterprise? We
49 shouldn't have to yield to say, well, we need to put a
50 cap to determine a significant commercial enterprise. I

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1 think you need to look at the workings of what is a
2 commercial enterprise, what they do versus what's
3 traditionally caught and harvested. So that would be the
4 difference, not the cap, but in the method of what you're
5 doing.

6

7 CHAIRMAN BROWER: Thank you, Gordon.
8 While you were making your comments I think I found what
9 I was thinking about and wanting to comment on, was
10 either Tim or Mike, was there any thought from any of the
11 Regional Advisory Council representatives during the
12 Customary Trade Task Force or from the Federal
13 Subsistence Staff in regards to being exempt from this
14 regulation if it's changed? If there is a change to this
15 regulation and it's applied, in regards to this, No. 12,
16 as long as the customary trade does not constitute a
17 significant commercial enterprise and that definition is
18 applied, is there any thought as to whether there could
19 be an exemption placed for a region that wished to be
20 exempt from this regulation?

21

22 MR. PATKOTAK: Mr. Chairman.

23

24 CHAIRMAN BROWER: Mike.

25

26 MR. PATKOTAK: Under -- you'll notice
27 that transactions between a rural resident and others,
28 customary trade for fish, their parts, their eggs,
29 legally taken under the regulations in this part from a
30 rural resident to commercial entities other than
31 fisheries businesses or from a rural resident to
32 individuals, other than rural residents is permitted so
33 long as customary trade does not constitute a significant
34 commercial enterprise. I think what this says is you'll
35 see that it's residents to commercial entities other than
36 fisheries businesses. What they mean by these fishery
37 businesses is the commercial fishing process, anything
38 that is associated with the commercial fishing process
39 like a rural resident can take to the Native co-op which
40 they have a lot in in Southwest Alaska and trade for --
41 trade for -- some of their subsistence fish for fixing of
42 their -- for -- okay, here's X amount of -- you're going
43 to give me certain credit at the store for these
44 resources. And then they, in turn, gave you credit at
45 the store for that. Now, where it -- where the problem
46 came was -- in that definition of what constituted
47 significant commercial enterprise. And the argument
48 always was that the significant commercial enterprise is,
49 in my idea, is defined by sustained yield. We know how
50 much to catch. We know how much the community can take

00183

1 without wasting the remainder of what it has taken.

2

3 And like, say for instance, like what

4 Gordon said earlier, a whaling captain catching fish to

5 distribute at (In Native) or the Christmas and

6 Thanksgiving feast. How much can he give out? Well,

7 what the community can sustain. And I think maybe if we

8 hold that in mind, what the community can sustain, like

9 Barrow, for instance, could sustain quite a bit of fish.

10 I mean a lot of fish. And there's 4,000 Natives up here

11 and over the winter I, myself, and my family will consume

12 up to four or five or even six sacks of different species

13 of fish, preferably (In Native) from Nuiqsut. And (In

14 Native) from the ship (In Native). And the Board wanted

15 to ask the Regional Advisory Councils to define that.

16 And the problem came in is how do you define sustained

17 yield versus commercial -- significant commercial

18 enterprise? How do you balance the two? I mean is it by

19 population consumption averages per community? You know

20 and I know that if we overfish the river we're not going

21 to have no more fish. Plain and simple. A lot of these

22 guys -- I've seen guys quit fishing because there's not

23 going to be no more fish if they fish anymore.

24

25 So given the fact that the Federal

26 government and you folks, as regulators, must understand

27 sustained yield as it is defined from our standpoint.

28 And I think we must be given that credibility if there's

29 any credibility to be considered at all. And I think

30 that makes it quite simple, it's just sustained yield.

31 And judging from the different areas and the amount of

32 seals that are up here now, the fisheries up here are

33 increasing. Now, they may be shifting from one location

34 to another as they are in the rest of the state,

35 devastating in some areas and getting better in another

36 area. I think maybe what we're going to have to balance

37 here is how to define sustained yield in our community

38 versus balancing it with significant commercial

39 enterprise.

40

41 Thanks.

42

43 CHAIRMAN BROWER: Thank you, Mike.

44

45 MR. JENNINGS: Mr. Chair.

46

47 CHAIRMAN BROWER: Tim.

48

49 MR. JENNINGS: I thought I'd attempt to

50 address your question, Mr. Chair. About whether or not

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1 there's an opportunity for -- as I understood your
2 question, for an exemption from these regulations.

3

4 CHAIRMAN BROWER: For this specific
5 regulation.

6

7 MR. JENNINGS: Yeah, for this specific
8 regulation. And I think the answer is in the regional
9 variation or the regional input that the Board is
10 seeking. It could be for instance, Southeast region took
11 the -- if you look on Page 12, for Yakutat area and
12 Southeastern, in the middle of the page there, they
13 basically were concerned about setting any cap or any
14 limitation and they said that they didn't want to have
15 cap so they just said is not limited. And that's a way,
16 in terms of regional language, under Paragraph 12, if you
17 didn't believe a cap was appropriate or if you didn't
18 want to have significant commercial enterprise even in
19 the language, you could just say that it's authorized or
20 it's not limited, either way.

21

22 The one question that comes up is if you
23 think that's appropriate for your region and that there's
24 not a concern with commercialization of your fisheries as
25 a result. And if the exchange of some fish to businesses
26 other than fisheries businesses, could those businesses
27 in turn resell to others and is that a potential problem
28 and I don't know the region. It might not be even a
29 practice at all. But those are the kinds of questions
30 and ramifications that the Board wanted consideration
31 given on a regional basis.

32

33 But the short answer to your question is
34 that the Board is looking for regional input and if the
35 regional input says, we don't think in this instance it
36 really applies to our region very well, therefore, we
37 want these exchanges to be unlimited or not regulated,
38 that's the regional input that can go to the Board.

39

40 CHAIRMAN BROWER: Thank you, Tim.

41

42 MR. G. BROWER: Mr. Chairman.

43

44 CHAIRMAN BROWER: Delbert, hold on a
45 second, let me recognize Gordon. Gordon, go ahead.

46

47 MR. G. BROWER: Yeah, I think that's
48 something that we should really consider. I think the
49 language of that proposed rule was the significant
50 commercial enterprise, that particular language, if we

00185

1 remove that that would remove -- well, to monitor. Well,
2 if you have that language in there it invites the
3 monitoring, the permitting, up to how much -- I think
4 that's the problem right there. That's the key language,
5 I think, that we should -- we're having a problem with
6 because we don't want to hurt our region and we don't
7 want to hurt the subsistence lifestyle to where they're
8 limited. Because when we fish we have to fish before all
9 the eggs are gone or before the -- you know, there's only
10 a certain amount of time you have to fish. It's not --
11 we're not fishing year-round, we're fishing to feed other
12 people. So I think those kind of languages should be
13 excluded from subsistence regulatory languages that talk
14 about what constitutes significant commercial enterprise.
15 I think with that -- I think that kind of hit it in on
16 the button in my mind if you -- if we decided what we
17 should look at.

18

19 I think the proposed rules are okay, but
20 I think that's what we're hinged on and stuck on is the
21 commercial enterprise because we're going to have to
22 define it. It sounds like we could remove that language.

23

24 Thank you.

25

26 CHAIRMAN BROWER: Thank you, Gordon.
27 Delbert.

28

29 MR. REXFORD: Mr. Chairman, members of
30 the panel, I need a point of clarification here on Page
31 11, subsection 21(i)(3), Yukon Northern area. The total
32 cash value per household member of salmon taken in the
33 Yukon Northern area exchange in customary trade or barter
34 to others may not exceed one thousand annually. This
35 leads me to believe that there's a predetermination that
36 significant commercial enterprise may be that threshold.
37 Now, when economic times are hard in the villages within
38 the Yukon Northern region, it may exceed a thousand -- a
39 thousand dollars annually so that they can buy gas,
40 ammunition and grub for the sustained utilization of
41 renewable resources within our respective regions. Can
42 someone clarify to me if this is the limit that we're
43 looking at.

44

45 CHAIRMAN BROWER: Tim.

46

47 MR. JENNINGS: Yes, Mr. Chair, I can
48 address that. Delbert, I'm not sure when you arrived at
49 the meeting, I'm not sure if you were here when I began
50 my briefing.

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1 MR. REXFORD: Uh-huh. I was late, I'm
2 sorry.

3
4 MR. JENNINGS: That's okay. The language
5 there that you mentioned was one of the options that you
6 see on Page 4 -- or excuse me on Page 10, option four,
7 that talks about -- these were some options considered by
8 the Board and these were some regional caps that were
9 considered. The actual proposed language that went into
10 the proposed regulation is on Page 5, paragraphs 27(c)
11 11, 12 and 13. And that regional language that you were
12 referring to was considered as part of Paragraph 12
13 originally. The Board elected not to move forward with
14 that at this time and they wanted to go back to the
15 Regional Councils for additional input before making any
16 final recommendations. So that language is not currently
17 in the proposed regulatory language it was considered as
18 an option.

19
20 MR. REXFORD: So my understanding is that
21 it is not applicable and this is not a threshold, on Page
22 11, it was considered but not accepted, so it has no
23 bearing on 12, subsection 27?

24
25 MR. JENNINGS: Correct. Unless the
26 Councils wanted to come back and say, we want that in
27 there Federal Subsistence Board, because we think in our
28 region it is appropriate and then the Board would
29 consider, for the final regulation, to put it in. Right
30 now we have a proposed regulation for comment that
31 currently does not have that in there.

32
33 MR. REXFORD: And the Federal regulatory
34 agencies recommendation is a thousand?

35
36 MR. JENNINGS: No, at this time it's not
37 anything other than to go back and get input. These were
38 options for consideration and input and comment, the
39 Federal agencies don't have a specific recommendation on
40 that. We're trying to get input from the local
41 subsistence users and the public through tribal
42 consultation and through the Regional Council system.

43
44 MR. REXFORD: I would like to echo Mr.
45 Brower's comments on this issue and support his comments
46 that are critical to our future sustained utilization of
47 renewable resources in our region.

48
49 Thank you.

50

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1 CHAIRMAN BROWER: Thank you, Delbert.
2 Any further comments.

3

4 MR. G. BROWER: Mr. Chairman.

5

6 CHAIRMAN BROWER: Gordon.

7

8 MR. G. BROWER: Mr. Chairman, Gordon, how
9 are we on the agenda?

10

11 CHAIRMAN BROWER: This is our last item
12 and we just need to set one more issue in regards to time
13 and place of our next meeting after completing this task --
14 or agenda item, excuse me. We have this customary trade
15 is the one we're dealing with right now. I don't know if
16 we have other new business, I don't think we have any
17 identified. The only issue that would be left would be
18 time and place of the next meeting. So once we complete,
19 whether we make a recommendation or not, that's the other
20 issue that we need to deal with.

21

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

24

25 CHAIRMAN BROWER: Gordon, go ahead.

26

27 MR. G. BROWER: Are we going to have an
28 action item on this to have a recommendation forwarded to
29 the Board from this regional for the customary trade on
30 the proposed rule?

31

32 CHAIRMAN BROWER: Well, that was the
33 request from the Federal Subsistence Board to hear
34 recommendations from the Regional Advisory Councils in
35 regards to this proposed rule.

36

37 Did that answer your question, Gordon?

38

39 MR. G. BROWER: Yes, it does. I just
40 wanted to see where we're heading with all the
41 deliberation here.

42

43 CHAIRMAN BROWER: Yes, there's lots of
44 issues that need to be understood and discussions --
45 there's quite a few discussions in regard to the Task
46 Force and Regional Council members and then the Staff and
47 then including the Federal Subsistence Board so we need
48 to keep an open mind with all the issues that's been
49 addressed and are in the packet and the options that have
50 been suggested to be reviewed and then make any

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1 recommendation from our discussions.

2

3 MR. JENNINGS: Mr. Chair.

4

5 CHAIRMAN BROWER: Tim.

6

7 MR. JENNINGS: I'll make this
8 recommendation again and you can see if it makes sense.
9 Is that, the Paragraphs 11 and 13 were generally -- there
10 was general consensus on and you might want to address
11 those as a separate issue. If you find you want to
12 support those paragraphs as written and then deal with
13 Paragraph 12 separately. Either to replace the language
14 and remove significant commercial enterprise and allow
15 unlimited exchange or as appropriate, substitute some
16 other language on a regional basis. That might be a way
17 to move forward a little more quickly if you believe that
18 there's still consensus for Paragraphs 11 and 13.

19

20 CHAIRMAN BROWER: Thank you, Tim. I
21 suggest taking that route, you know, we're going to be
22 continuing to deliberate whether we like this portion or
23 that portion. And in addressing what you just stated,
24 Mr. Jennings, it would be addressing No. 11 and 13 at
25 this time and then dealing with No. 12, whether we want
26 to modify the language that's presented or add more
27 language to it.

28

29 MR. G. BROWER: Mr. Chairman.

30

31 CHAIRMAN BROWER: Gordon.

32

33 MR. G. BROWER: Do you need a motion on
34 the floor now?

35

36 CHAIRMAN BROWER: In regards to the
37 Subsection 27(c)(11) and then on 13, we could probably
38 act on them individually, that would probably speed
39 things up for us.

40

41 MR. JENNINGS: So, Gordon, I think the
42 answer is yes.

43

44 MR. G. BROWER: Okay.

45

46 MR. JENNINGS: In terms of a motion.

47

48 MR. G. BROWER: Mr. Chairman, I make a
49 motion to accept Staff recommendation for 11 and 13. And
50 Mr. Chairman, I'd like to see some modification for No.

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1 12 to remove significant commercial activity -- or
2 enterprise and substitute that with some appropriate
3 language which does not reflect commercialization.

4

5 CHAIRMAN BROWER: Thank you, Gordon.

6

7 MR. BODFISH: Mr. Chairman.

8

9 CHAIRMAN BROWER: Paul.

10

11 MR. BODFISH: I second that motion.

12

13 CHAIRMAN BROWER: There's a motion before
14 the Council in regards to adopting the Staff Committee
15 recommendations on 27(c)(11) and 13 as presented, and the
16 continuation of that would be to modify the language on
17 27(c)(12), deleting the wording from; as long as the
18 customary trade does not constitute a significant
19 commercial enterprise; is that what you were referring to
20 Gordon?

21

22 MR. G. BROWER: Yes, Mr. Chairman. I
23 don't know the exact language to substitute that with but
24 it should just be that it is allowed.

25

26 CHAIRMAN BROWER: That it is not allowed.

27

28 MR. JENNINGS: That it is allowed.

29

30 CHAIRMAN BROWER: Oh, that it is allowed.

31

32 MR. JENNINGS: Is that correct, Gordon?

33

34 MR. G. BROWER: Right.

35

36 MR. JENNINGS: So I think.....

37

38 MR. G. BROWER: You may have to do some
39 wordsmithing there because I don't have the documents
40 with me here and I'm just playing by ear all the way
41 here.

42

43 CHAIRMAN BROWER: Yes. Yes, I think we
44 were wanting to address it as one item at a time but
45 you've kind of included all of them all at once in the
46 motion. So it's making it somewhat complicated to
47 address. But anyway, the motion was to adopt the Staff
48 recommendations on 11 and 13.

49

50 MR. PATKOTAK: Pardon me, Mr. Chairman.

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1 CHAIRMAN BROWER: Mike.

2

3 MR. PATKOTAK: That was to take Paragraph
4 11 and 13 just the way they are, and then we're having
5 trouble with significant commercial enterprise, and I
6 think the question here is to not to commercialize it and
7 to keep it within sustainable yield. How about if we add
8 the language on the second paragraph or something like
9 this, that significant commercial enterprise shall be
10 defined in this case as defined by sustained yield
11 according to Title VIII of ANILCA. In other words, it's
12 still unlimited in a sense but limited by sustained
13 yield. And I think this clearly defines -- clearly
14 defines an avenue where our limitations are status quo,
15 just the way they are, sustained yield by that definition
16 means that we're not going to overfish, we're not going
17 to commercialize this thing and we're going to keep it to
18 where we can -- we're going to self-conservate here.

19

20 And I think maybe referring to Title VIII of
21 definition of sustained yield will be quite acceptable in
22 this case and can be changed in the future. And would
23 make the Board happy in the process. I don't know what
24 the Staff would think about that but I think it covers --
25 adding that sentence would cover everybody's concern in
26 this case.

27

28 Now, I'm not a legal eagle but that seems
29 to be a compromising sentence when it comes to our
30 concerns as a whole.

31

32 CHAIRMAN BROWER: Thank you, Mike. Tim.

33

34 MR. G. BROWER: Mr. Chairman.

35

36 CHAIRMAN BROWER: Go ahead, Gordon.

37

38 MR. G. BROWER: It's a little bit hard, I
39 guess, to substitute language when, you know, you're
40 unhappy with what's being said about your activities. So
41 I would propose that significant commercial enterprise
42 just be replaced with as long as sustained yield
43 practices are governing and remove significant commercial
44 enterprise, that type of language altogether.

45

46 MR. PATKOTAK: Mr. Chairman, if I may.

47

48 CHAIRMAN BROWER: Mike.

49

50 MR. PATKOTAK: I think the intent of the

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1 Board to address customary trade in terms of not
2 commercializing it, that language needs to be in there.
3 And if we add significant commercial enterprise shall be
4 defined by sustained yield according to Title VIII of
5 ANILCA would kind of like put an umbrella over it. At
6 the same time we're protected by this -- In other words
7 we're not defining significant commercial enterprise but
8 in a way we are because we're going to -- it's sustained
9 yield, in a way, and not defining it in monetary terms.
10 We're limiting ourselves by saying sustained yield but
11 not limiting ourselves in another sense.

12

13 MR. JENNINGS: Mr. Chair.

14

15 CHAIRMAN BROWER: Tim.

16

17 MR. JENNINGS: I believe I understand
18 where Mike is trying to come from on this and also,
19 Gordon. There is an issue with the way it's being put
20 together though, with sustained yield in accordance with
21 Title VIII of ANILCA. Sustained yield really -- that
22 terminology isn't in Title VIII of ANILCA so it wouldn't
23 really have any strong definition or practical meaning.
24 There's terms, conservation principles in Title VIII of
25 ANILCA, which may be about the same thing but, again, the
26 conservation principles, it's not really defined -- well,
27 defined so what it would leave us with would be a good
28 concept in terms of what we wanted to do with this but it
29 wouldn't have any practical meaning in terms of knowing
30 what's -- what would be an appropriate limit. If there
31 was an enforcement issue, if somebody new came into the
32 community and started taking advantage of this
33 opportunity, there really wouldn't be -- they'd basically
34 be unlimited.

35

36 I mean, we've gotten back of track. I
37 thought we were headed down the road of doing just 11 and
38 13 and then we got back involved in Paragraph 12. So
39 could we, again, I would suggest if we just try to deal
40 strictly with 11 and 13, deal with that and then I think
41 Gordon had a suggestion earlier on 12 that we can come
42 back to that I could discuss a little further.

43

44 CHAIRMAN BROWER: Yes, I think, Tim,
45 you're right, we're getting a little sidetracked in
46 trying to find a portion -- or what constitutes a
47 significant commercial enterprise and not having
48 addressed 11 or 13 yet.

49

50 MR. JENNINGS: So I wonder if Gordon

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1 would be okay with -- and Paul, as a second, to modify
2 the motion just to address Paragraph 11 and 13.

3

4 CHAIRMAN BROWER: That was just what I
5 was leading to. We need to address the two separately
6 and then deal with 12 on its own. I think that was the
7 intent earlier and the motion just got lengthier and
8 included 12 in the motion. Did you understand that
9 Gordon?

10

11 MR. G. BROWER: This is Gordon. Does
12 Paul need to rescind his second so I can make a
13 modification to the motion.

14

15 MR. BODFISH: Yeah, Mr. Chairman, I think
16 I'll rescind my second so we can re-entertain the
17 proposal.

18

19 MR. JENNINGS: Yes, he's okay with that.

20

21 CHAIRMAN BROWER: Did you hear that
22 Gordon?

23

24 MR. G. BROWER: Well, Mr. Chairman, this
25 is Gordon.

26

27 CHAIRMAN BROWER: Go ahead, Gordon.

28

29 MR. G. BROWER: I make my modifications
30 to my motion to accept the language in 11 and 13.

31

32 MR. BODFISH: Okay, I'll second that
33 motion.

34

35 CHAIRMAN BROWER: Okay, we'll support the
36 language which was recommended by the Staff on 27(c)(11)
37 and 27(c)(13), as presented. And there was a second on
38 the motion. All in favor of the motion signify by saying
39 aye.

40

41 IN UNISON: Aye.

42

43 CHAIRMAN BROWER: I think I'll go by and
44 override the discussion. Okay, now, we're dealing with
45 the last portion of this, which is 27(c)(12), the
46 transaction between rural residents and others, which is
47 dealing with -- the last part of the sentence reads, as
48 long as the customary trade does not constitute a
49 significant commercial enterprise. I think we want to
50 delete that wording and modify the language to where it

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1 would be appropriate in addressing our region. Gordon,
2 did you have something in mind that you wanted to forward
3 in the form of a motion?

4

5 MR. G. BROWER: Yeah, Mr. Chairman.

6

7 CHAIRMAN BROWER: Go ahead, Gordon.

8

9 MR. G. BROWER: Yeah, I don't know how
10 exactly this is going to turn out but I would like to
11 make a motion that we modify the proposed language for
12 No. 12 to exclude significant commercial enterprise from
13 the language.

14

15 CHAIRMAN BROWER: There's a motion on the
16 floor.

17

18 MR. PATKOTAK: Motion dies for lack of a
19 second.

20

21 CHAIRMAN BROWER: Did you hear that,
22 Gordon, the motion dies because lack of a second. We're
23 still under that issue. Maybe we could have.....

24

25 MR. G. BROWER: Okay. Well, I guess we
26 need to hammer it out.

27

28 CHAIRMAN BROWER: Yes, that's what I was
29 just going to say we need to discuss further as to what
30 we want to deliberate -- how we want to deliberate this
31 item, No. 12, in regards to the language.

32

33 MR. G. BROWER: I think maybe people that
34 have worked with the language, such as Tim should at
35 least lend a hand into something that may sound better
36 for us. I think he's got the idea of what's going
37 through our minds.

38

39 CHAIRMAN BROWER: Tim, did you want to
40 give that a shot.

41

42 (Laughter)

43

44 MR. JENNINGS: Mr. Chair, I think maybe
45 Gordon puts a little bit too much confidence in me there.
46 Well, Mr. Chair, if I understand Gordon's concern, one
47 way to address it is -- under 12, is if we want to -- the
48 Council wants to allow customary trade between rural
49 residents and others with no limitations then the
50 language at the end, as long as the customary trade does

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1 not constitute a significant commercial enterprise, that
2 phrase could be deleted and then basically what we're
3 saying is it's permitted, it's allowed. It's similar to
4 the first paragraph, 11, where it says the exchange
5 between rural residents is permitted.

6

7 So that's one thought.

8

9 Another thought is if there is --
10 following up on what Mike has said, if there's a way to
11 allow it, to permit it but yet to have some sort of
12 sustained yield principle or conservation principle put
13 in place that would have language that would make it more
14 enforceable at some level of harvest or exchange, then
15 that language could substitute in place of significant
16 commercial enterprise. I don't have any recommendations
17 there. I don't believe sustained yield or conservation
18 principle language helps us from an enforcement point of
19 view. It's either a monetary cap, which I understand
20 there's a lot of problems involved with that. Or
21 there's, I think, Gordon had some ideas about defining
22 commercial entities or say it's not permitted to sell to
23 or exchange for cash to entities that had business
24 licenses and employed -- had employees as an entity. That
25 may be another avenue, a different way to put a
26 definition on that would be appropriate.

27

28 You know, I think I would be open to --
29 or the Board would be open to a different fresh look way
30 to define it if you want to go down the road of a
31 definition.

32

33 MR. PATKOTAK: Mr. Chairman.

34

35 MR. G. BROWER: Yeah, Mr. Chairman, this
36 is Gordon.

37

38 CHAIRMAN BROWER: Gordon, go ahead.

39

40 MR. G. BROWER: One of the views that
41 kind of gets me on this is sometimes that, you know,
42 there's an outlet and I think this is where this may be
43 affected is the ability to take your subsistence-caught
44 fish to a co-op store. In the past there used to be the
45 Brower store where you could go get (In Native) and they
46 were taking care of property, the fish didn't spoil and I
47 think that's where other comes in, to be able to get your
48 fish to the subsistence -- that people that eat
49 subsistence harvested food and I think that's where that
50 becomes an affect. Mr. Jennings, if you could correct me

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1 on that, if that would constitute other.

2

3 MR. JENNINGS: Yes, Mr. Chair and Gordon,
4 that is, a store would be encompassed in other and that
5 was some of the concern that was raised within the Task
6 Force and from the Councils that they wanted to be able
7 to have the opportunity to, exchange for cash, some fish
8 to a local store or a local business that wasn't licensed
9 as a commercial fish buyer or a commercial fish
10 processor. That these were fairly limited exchanges in
11 nature but they were in, some parts of the state, seen as
12 very important transactions for rural residents.

13

14 CHAIRMAN BROWER: Thank you, Tim. Mike.

15

16 MR. PATKOTAK: Mr. Chairman, and the
17 intent for Section 12 was also, if I remember correctly,
18 that there needs to be language that needs to be
19 enforceable by the Department of Fish and Game, or
20 Department of Agriculture or Horti -- or I forget what
21 all the other inclusions were. But that was the mandate,
22 that Section 12 was included and it was in, no uncertain
23 terms, mandated as it must be enforceable. And the
24 reason being was that there is such a large and growing
25 community of little rural Alaska in Anchorage and in
26 Fairbanks that some unscrupulous person can take
27 advantage of this and, quite legally, make a loophole to
28 it and, although, it's not a significant commercial
29 enterprise, make a healthy killing off of it. And also,
30 the intent was not to include the Native communities in
31 the urban area.

32

33 MR. JENNINGS: Mr. Chair.

34

35 CHAIRMAN BROWER: Thank you, Mike.
36 Before we go any further, I think we need to keep -- I
37 need to remind you folks that where the problem really
38 occurred was in the news as to how the sales of fish
39 through Cabela's was being monitored and the regulations
40 didn't address that issue that was being processed, and
41 the person selling fish to Cabela's which the fish, in
42 turn, were taken under subsistence and at that time the
43 fisheries was in a decline and had some restrictions
44 applied to that take. And this is where this definition
45 is starting to regulate that type of activity. I think
46 that's where it's starting to lead to get some type of
47 enforcement to keep that from continuing, if I remember
48 right.

49

50 MR. PATKOTAK: From happening again.

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1 CHAIRMAN BROWER: Yeah, from happening
2 again. Tim.

3

4 MR. JENNINGS: Yeah, Mr. Chair, to
5 clarify on that point, apparently those fish were not
6 subsistence caught fish. Although they were in Cabela's
7 they were advertised as Yukon River fish when there were
8 no commercial fisheries open and, therefore, there was an
9 understanding or a supposition that those fish were taken
10 in a subsistence fishery and sold to Cabela's.
11 Apparently that's not what happened. The advertisement
12 said it was from Yukon River fish and it was a carryover
13 from previous years when there were commercial fisheries
14 on the Yukon River.

15

16 Whoever didn't change that advertisement
17 in Cabela's, the fish actually came from the Kotzebue
18 area is what I've been told and came through a legal
19 commercial fishery.

20

21 So I guess, upon further investigation of
22 the Cabela's incident, there really wasn't a subsistence
23 fishery involved there.

24

25 I wanted to.....

26

27 CHAIRMAN BROWER: Thank you, Tim, for
28 correcting me.

29

30 MR. JENNINGS: Well, I wanted to mention
31 a couple of other things, Mr. Chair. The
32 commercialization of a fishery by taking action on 13,
33 prohibiting the sales to licensed fisheries businesses
34 really does address a large part of the issue. Because
35 when you think about a commercial entity and the amount
36 of processing numbers of fish to take a significant
37 dollar amount an entity needs the facilities and the
38 outlets, if you will, to move that kind of fish or to
39 process that kind of fish. So Paragraph 13 does address
40 that issue in a large part. However, it wouldn't address
41 an incident like Cabela's if it really had occurred
42 through a subsistence fishery. And so there was some
43 concern also about -- from the State that I want to just
44 put before you for consideration that the State was very
45 concerned about this regulation because the State,
46 through the Department of Environmental Conservation
47 regulates food, health and safety, like if fish were
48 subsistence-caught taken to a local store and then sold
49 to the general public, the State health laws would come
50 into play and there would have to be certain standards

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1 met in terms of safety and cleanliness and processing and
2 care of the fish.

3

4 We made a point that our regulation
5 doesn't address any of that and that those State
6 regulations are still in place and we didn't believe that
7 there was a significant amount of fish that were actually
8 going through those outlets and being resold through a
9 store or a restaurant, that it was mostly through rural
10 to rural or rural to an urban resident, a family member
11 in Fairbanks or Anchorage. There were concerns about, in
12 the Southcentral region where there's road-connected and
13 there's a lot of tourism, where fish could easily enter --
14 more easily enter the commercial market because of the
15 road system there.

16

17 So anyway, I just wanted to mention those
18 issues to give you a fuller picture that the State has
19 some concerns and does regulate the resale through stores
20 and restaurants, via the health regulations and those
21 regulations are unaffected by this rule.

22

23 CHAIRMAN BROWER: Thank you, Tim. Any
24 further comment. Delbert.

25

26 MR. REXFORD: For the record, Delbert
27 Rexford representing myself as a subsistence user. It
28 appears to me that a significant commercial enterprise,
29 the deliberations that continue needs to be clearly
30 defined as a commercial business licensed entity designed
31 for the sale of fish or renewable resources for profit.
32 Then you don't have a problem with the language. As Mr.
33 Brower alluded to, he felt that a significant commercial
34 enterprise would be licensed, they've got a business
35 license to practice, they got employees, and they've got
36 a targeted market.

37

38 My recommendation is to delete the last
39 part of the sentence and put a dot ending that sentence,
40 is permitted, period. But you will still need to
41 deliberate at a latter time of what a significant
42 commercial enterprise is. That's my understanding.
43 Because when you go to 13, you are required to be
44 licensed as a fisheries business under Alaska Statutes,
45 that seems to be the rule here. Is that, a significant
46 commercial enterprise under 13 is licensed under Alaska
47 Statute 43.75.011. So in effect, indirectly, the
48 definition is there.

49

50 MR. JENNINGS: Mr. Chair, can I clarify

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1 for Delbert. He might not have been here when I
2 discussed this previously.

3

4 CHAIRMAN BROWER: Go ahead, Tim.

5

6 MR. JENNINGS: That Alaska Statute,
7 Delbert, addresses fish processors and fish buyers that
8 are regulated by the Alaska Statute and so if they're
9 required to -- as they purchase fish and then resell
10 them, either processed or unprocessed, if they're
11 required to have a permit according to the statute, then
12 Paragraph 13 prohibits the sale to those fisheries
13 businesses, fish processors, fish buyers, like on the
14 Yukon River and elsewhere. So there are other entities
15 beyond that that could dabble in buying fish that don't
16 raise to that threshold under Alaska Statute that
17 wouldn't be captured in Paragraphs 13, like a store or a
18 restaurant or other kinds of businesses that don't meet
19 the definition of the statute. IT captures the larger --
20 as I understand it, it captures the bigger fisheries
21 businesses that are fish processors and fish buyers.

22

23 MR. REXFORD: Thank you for the
24 clarification. My recommendation on 12 would be to add
25 language as licensed under the State of Alaska under
26 Alaska Statutes bang, bang, bang as a commercial
27 enterprise then you have defined it. If I get a license
28 from the State of Alaska to go get whitefish and sell it
29 over the counter, which I am not going to do because the
30 grandfather rights have expired when my great-uncle
31 Alfred Hopson, Sr., passed away, his cafe no longer sold
32 it. When Brower's Cafe ceased to carry it over the
33 counter their grandfather rights expired. So do I have
34 the same type of representation to pursue. I go to
35 Canada, visit with Inuvig and basically they have the
36 capability of providing country foods but we, as
37 indigenous peoples of Alaska don't have that luxury, so
38 we're out in the cold. We're going to be defined into
39 this black and white area, this is what you can and
40 cannot do. But the non-Native and indigenous peoples of
41 our state, they can readily get a license, they can buy
42 them commercially. I think it's totally unfair so if we
43 defined it today as a state licensed business enterprise
44 for the sale and monetary gain or profit, if I go get a
45 license then I'm not -- I can't do -- I can't legally
46 take my subsistence fish and go to Jane Smith and sell it
47 because she's got a license.

48

49 I think there's going to be long
50 deliberations on this issue but my recommendations is

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1 look at the Alaska Statute that pertains to business
2 enterprises and insert it.

3

4 That's my recommendation.

5

6 CHAIRMAN BROWER: Thank you, Delbert. I
7 think I'd like to get back to what I had mentioned
8 earlier in regards to being exempt and Tim you had
9 suggested that there's Subsection 27(i)(12) [sic], it
10 references salmon, but I think we could modify it to
11 fish, within the North Slope, you know, to address the
12 North Slope concerns and that the significant commercial
13 enterprise language be taken out and this language would
14 exchange customary trade and barter -- and each household
15 member to others is not limited. I think that's what we
16 really want to get at and just remain status quo and keep
17 from making more stringent regulations to our members.

18

19 I think that's one thing I want to voice
20 for you Council members to think about, to remain status
21 quo and not make anymore stringent regulations on our --
22 the people that we represent.

23

24 Thank you.

25

26 MR. JENNINGS: Mr. Chair, yeah, that's
27 one of the options I thought I heard, was on Paragraph
28 12, on Page 5, is to put a period after -- the word is
29 permitted, and then strike, as long as the customary
30 trade does not constitute a significant commercial
31 enterprise, that would authorize the exchange. You could
32 always come back at a later time, at the fall meeting or
33 thereafter. If this regulation is enacted by the Board,
34 it will be reviewed and up for renewal annually and if
35 there's a way -- if we can't -- if the Council doesn't
36 feel comfortable reaching further conclusion today,
37 there's another opportunity in the future to do something
38 as suggested by Mr. Rexford or by Gordon or by Mike, in
39 terms of how better to define it to close further
40 loopholes, if there are any in your region. If you find
41 that there are some issues that you didn't think about
42 that are coming back to you, there will be that
43 opportunity in the future.

44

45 So if you want to move forward right now
46 and just say it's allowed, it's permitted, that would be
47 my suggestion and you strike the language, as long as a
48 customary trade does not constitute a significant
49 commercial enterprise; that is one way to go.

50

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1 CHAIRMAN BROWER: I think I would like to
2 proceed in that fashion. Again, we could make some
3 recommended changes at a later time if we see there's a
4 loophole that's affecting what we're trying to
5 accomplish.

6
7 Mike.

8
9 MR. PATKOTAK: Yeah, Mr. Chairman, you
10 got to remember that when trying to define significant
11 commercial enterprise and in the sense to make it
12 enforceable, there's no precedent for it so what we're
13 doing here is setting a precedent for, not just our
14 environment here, but for the environment as a whole.

15
16 So in light of that we've got to take the
17 historical aspects of what our ancestors considered as
18 something as significant commercial enterprise. And also
19 the other point is that we got to remember that we are
20 mandated to write enforceable language in terms of in the
21 end or they'll do it for us.

22
23 MR. JENNINGS: Well, Mr. Chair, that
24 would be enforceable if you -- it would just authorize
25 it, it would allow it. And then if there is a concern,
26 that it's actually more of it going on than you
27 considered, you can come back and revisit it. We're not
28 hearing any concerns in your region coming into this
29 discussion. You know, the major concerns that we were
30 hearing came out of primarily the Yukon, Kuskokwim area
31 and then Southcentral has some concerns because of the
32 road-connected systems.

33
34 CHAIRMAN BROWER: You know, you're right,
35 Tim, we don't have much of a problem because of the
36 fisheries -- we don't have much of a fisheries issue up
37 here. It's basically subsistence use for the fish and
38 that's why I've been repeating that we should remain
39 status quo. We don't have a problem, why open up a can
40 of worms that we don't want to really get into.

41
42 So in saying that, I've been repeating
43 myself in saying, remain status quo, we don't have a
44 problem. I think the language that's being provided, you
45 know, and just taking out some of that language and
46 making a little modification as to that we don't want to
47 see a limit -- or a cash limit in our subsistence, the
48 use of our subsistence resources in the fisheries, I
49 think that's all we need to state.

50

00201

1 MR. PATKOTAK: Mr. Chairman.

2

3 CHAIRMAN BROWER: Mike.

4

5 MR. PATKOTAK: I think maybe that kind of
6 points in the direction of something I suggested earlier
7 that we define significant commercial enterprise as
8 something that's sustained yield. Significant commercial
9 enterprise in Region 10 shall be defined by the sustained
10 yield principle in this case. I think they'd go for
11 that. In the meantime they'd have the trouble of
12 interpreting what sustained yield is themselves.

13

14 MR. JENNINGS: Mr. Chair.

15

16 MR. PATKOTAK: We do -- we, ourselves,
17 know how to conserve ourselves so let's throw the ball
18 back at them.

19

20 (Laughter)

21

22 CHAIRMAN BROWER: I'm not sure that was
23 the intent of this regulation and proposed rule. I think
24 they're trying to seek help from the Councils to move
25 along and progress forward as to whether to move forward
26 on this proposal or not with some modification to the
27 language provided.

28

29 MR. JENNINGS: Mr. Chair.

30

31 CHAIRMAN BROWER: Mr. Jennings.

32

33 MR. JENNINGS: I think your
34 recommendation is simpler and more enforceable. The
35 sustained yield principle is not in regulation, it's not
36 defined. It opens up a whole other host of questions.
37 The State of Alaska has a sustained yield policy for
38 fisheries and I don't really think we want to go down
39 that road, it's a very difficult one if we had that
40 directly. I think your suggestion is much preferable.

41

42 CHAIRMAN BROWER: Thank you, Tim. I
43 think I know from experience with the State's sustained
44 yield principles and the Western concept that they've
45 applied on subsistence management in the case and what's
46 caused a dilemma over a long period of time, trying to
47 apply that, we still need to focus on how we can address
48 that sustained yield principle, if it's still applicable
49 to our region.

50

00202

1 So I think that trying to define that
2 would cause us more harm than providing something that is
3 useful in the long-run.

4
5 MR. TAGAROOK: Mr. Chair.

6
7 CHAIRMAN BROWER: Terry.

8
9 MR. TAGAROOK: I think crossing out that
10 last line and putting a period after permitted would be
11 okay for now and then it could be revisited at a later
12 time to add the appropriate language in the future. I
13 think if we put that in a form of a motion we would get
14 done or else we'll end up working on this just like the
15 muskox issue.

16
17 CHAIRMAN BROWER: What's the wish of the
18 Council. I'm chairing the meeting here so it's got to
19 come from you folks.

20
21 MR. TAGAROOK: Mr. Chair.

22
23 CHAIRMAN BROWER: Terry.

24
25 MR. TAGAROOK: I shall move that we
26 strike out the last line, as long as the customary trade
27 does not constitute a significant commercial enterprise,
28 cross that out and put a period after permitted and then
29 this could be worked on at a later date.

30
31 MR. PATKOTAK: second.

32
33 CHAIRMAN BROWER: Thank you Terry and
34 Mike. We have a motion to strike out the language and
35 put the period after permitted and then the language
36 striked out would be as long as the customary trade does
37 not constitute a significant commercial enterprise. All
38 in favor of the motion signify by saying aye.

39
40 IN UNISON: Aye.

41
42 CHAIRMAN BROWER: I overrode the
43 discussion part again but due to the time we've spent on
44 this in discussion I think it would be all right.

45
46 Anyway, the next item we have is in
47 regards to -- and thank you, Tim, for all the help you
48 provided in these discussions. Did you have any other
49 issues that you wanted to bring up?

50

00203

1 MR. JENNINGS: Well, Mr. Chair, I just
2 would like to summarize and say that I know this has been
3 a difficult and maybe long discussion this afternoon, but
4 I think it's very important. And it's obvious that the
5 Council has taken this as a serious issue that's before
6 us today and I appreciate your careful deliberation and a
7 lot of the suggestions here today were very good and I
8 think builds a good foundation for us as we revisit this
9 topic in future meetings. I think the effort today that
10 you spent was well worth the time invested.

11
12 CHAIRMAN BROWER: Thank you, Tim. Did
13 you have any other issues you wanted to bring out under
14 the customary trade?

15
16 MR. JENNINGS: Nope.

17
18 CHAIRMAN BROWER: Like I said earlier,
19 when Gordon had asked what other issues we had, it's
20 looking at the calendar and time and place of next
21 meeting. I think we have a calendar before us and there
22 was some questions as to why our calendar got shorted.

23
24 (Laughter)

25
26 CHAIRMAN BROWER: Barb.

27
28 MS. B. ARMSTRONG: Pardon? I'm sorry.

29
30 CHAIRMAN BROWER: There was some
31 questions in regards to our meeting calendar, window
32 calendar as to why we got shorted on the dates, we only
33 got from September 15 to October 19 and we have some
34 concerns in regards to our hunting activities on the
35 North Slope at those times. Is there a reason why.....

36
37 MR. PATKOTAK: Nobody's home at that
38 time.

39
40 MS. B. ARMSTRONG: I think it's.....

41
42 CHAIRMAN BROWER:September 15th
43 through October 19 dates.

44
45 MS. B. ARMSTRONG: I think you would have
46 to pose that question to Mr. Jennings.

47
48 CHAIRMAN BROWER: Okay, thank you, Barb.

49
50 MR. G. BROWER: Is there an alternative

00204

1 date? Because between that time, you know, the tutu is
2 our prime and we usually would be out there hunting for
3 tutu in the first part of October or fishing.

4

5 CHAIRMAN BROWER: Yes, those are some of
6 the reasons that I heard earlier as to why we were kind
7 of shorted on this September month -- September and
8 beginning of October, I think something would be more
9 appropriate in the first week of September. I think
10 that's what I heard earlier from Council members. Mike.

11

12 MR. PATKOTAK: Yeah, Mr. Chairman. I
13 think maybe that would be preferable because lately, if
14 you remember, the Barrow Whaling Commission has been
15 postponing whaling until second week of October or even
16 the third week so that's the trend that's been happening.
17 So if we -- although it's a real busy time, I think maybe
18 like you said, maybe the middle -- some time in September
19 or the first part of October would be just right.

20

21 MR. JENNINGS: Mr. Chair.

22

23 CHAIRMAN BROWER: Tim.

24

25 MR. JENNINGS: As a suggestion for the
26 fall meeting, I doubt that there will be any fisheries
27 proposals for your region because as we talked yesterday,
28 the regulations are very broad and allow subsistence
29 opportunity, basically to the fullest extent, so there
30 weren't any recommendations for regulatory changes from
31 the Council. I would not expect any from the public in
32 general. There might be a statewide proposal that might
33 be brought before you. So I think the fisheries
34 regulatory part of it will be fairly small. You heard
35 Steve Fried yesterday discuss the Fisheries Monitoring
36 Program, the dollars are committed for three studies
37 pretty much. Next year there's \$300,000 statewide for
38 proposals. We don't know yet how that will be allocated
39 among the regions. But I think in comparison to previous
40 years, there will be fewer projects to review even on a
41 statewide basis.

42

43 So where I'm leading with this is I think
44 if we can manage our time very carefully and we could
45 have a one day meeting in the fall because I think the
46 issues will not be as great before us. I don't know if
47 we'll be revisiting customary trade in the fall, it
48 depends upon the action that the Board takes in May. But
49 it's very, I think, doable to have a one day meeting.

50

00205

1 CHAIRMAN BROWER: I have a question in
2 regards to the appointments that are going to be reviewed
3 over the rest of this year, I suppose, the deadline was
4 the 22nd, as to the Regional Advisory Council members.

5
6 MR. JENNINGS: Nominations.

7
8 CHAIRMAN BROWER: The nomination process,
9 is that going to be taken care of by the time our fall
10 meeting come around or how is that going to be dealt
11 with?

12
13 MR. JENNINGS: Mr. Chair, the nominations
14 process now has been, because we've experienced delays in
15 previous years and we've had so much difficulty getting
16 Washington Secretarial approval in time for the fall
17 meetings in September, we have moved the cycle now to
18 seat the new members at the winter meetings. So the
19 nominations process that is just now concluding for
20 applications, whoever the successful appointees are by
21 the Secretary will attend their first meetings a year
22 from now. So the fall meeting will be status quo.

23
24 CHAIRMAN BROWER: Okay.

25
26 MR. JENNINGS: We still have the one
27 vacant seat from Nuiqsut area from Leonard Tukle's
28 passing.

29
30 We do have, as you know, a couple of
31 alternates and we really need to make an effort next time
32 to get the word out and to really encourage our members
33 to come so we'll have a quorum.

34
35 CHAIRMAN BROWER: Yes, I agree. Anyway,
36 in terms of our time, is there a possibility of moving
37 the date up before September 15th? We're kind of
38 suggesting maybe the first week of September because of
39 our hunting opportunities for resources available. At
40 this time where we have the window opening it's right in
41 the prime hunting time, or season here.

42
43 MR. JENNINGS: Mr. Chair, I'm being
44 advised by my able Staff, who are more knowledgeable than
45 I am, that it's possible to have the meeting earlier.
46 The concern would be later, to go beyond the October 18th
47 date could be problematic. But if we wanted to hold a
48 meeting earlier, I'm told that that would be okay.

49
50 CHAIRMAN BROWER: Thank you, Tim.

00206

1 MR. G. BROWER: Mr. Chairman, Gordon.

2

3 CHAIRMAN BROWER: Go ahead, Gordon.
4 We're still under discussion of time and place.

5

6 MR. G. BROWER: Yeah, if we could find a
7 little bit earlier date because between the 15th and
8 19th, you know, we could be 70 miles inland and may not
9 be able to get into Barrow, you know.

10

11 CHAIRMAN BROWER: Yes, I agree, Gordon.
12 We're starting to look at the first week in September and
13 Labor Day is on Monday so that constitutes a three day
14 weekend and a lot of people will be going out hunting at
15 that time. That's a fact known. So September 3 is a
16 Tuesday and the weekend's on September 6 -- is Friday or
17 Saturday, I'm not sure if you guys want to meet on
18 Saturday. And then the following week starts September 8
19 is Sunday through the 14th, is Saturday. That leads into
20 the middle of the previous window.

21

22 MR. PATKOTAK: So September 11 and 12.

23

24 CHAIRMAN BROWER: I'd recommend probably
25 the first week, 3 and 4, that way we'd have a -- people
26 would already be returning back from the Labor Day
27 weekend and probably by Wednesday and Thursday we could
28 have a meeting set up for those two dates. That's
29 September 4 and 5.

30

31 MR. PATKOTAK: Well, let's go for it
32 then, September 4 and 5.

33

34 MR. BODFISH: September 4 and 5, sounds
35 good.

36

37 MR. TAGAROOK: Sounds good.

38

39 CHAIRMAN BROWER: Is that okay with you,
40 Gordon?

41

42 MR. G. BROWER: Yeah, I think the first
43 week, right there, that sounds pretty good. We will have
44 opportune time, you know, have that rest of the week for
45 hauling stuff or boating or hunting.

46

47 CHAIRMAN BROWER: Sure. Yes, I think
48 we're all in agreement for September 4 and 5. Meeting
49 place.

50

00207

1 MS. B. ARMSTRONG: When is Labor Day?

2

3 CHAIRMAN BROWER: September 2.

4

5 MS. B. ARMSTRONG: Oh, okay.

6

7 CHAIRMAN BROWER: Meeting place here in
8 Barrow.

9

10 MR. TAGAROOK: Yes.

11

12 MR. BODFISH: Yes.

13

14 MR. JENNINGS: So September 4 and 5, and
15 if we conclude in one day, September 4?

16

17 CHAIRMAN BROWER: Yes.

18

19 MR. JENNINGS: Okay.

20

21 CHAIRMAN BROWER: Yes, we'll probably
22 prefer to try to conclude the meeting in one day and we
23 will get back into our hunting activities.

24

25 MR. JENNINGS: Mr. Chair.

26

27 CHAIRMAN BROWER: Tim.

28

29 MR. JENNINGS: I was just conferring with
30 Steve Fried about the fisheries studies. And in terms of
31 the process, time frames that are already laid out
32 throughout the year, and Steve thinks that an earlier
33 time frame would still be okay. There are certain report
34 deadlines and summaries that are coming together at the
35 end of August and he thinks that they would be ready for
36 that first week in September. So I think we're okay. If
37 we go back to the office and find that we've overlooked
38 something, what we'll do is we'll coordinate with you,
39 via Barb, and if there's just no way we can do this time
40 frame we'll work with you to do another date. But right
41 now, September 4, and if needed, September 5 will work.

42

43 CHAIRMAN BROWER: Thank you. And I'd
44 like to thank everybody for participating in the meeting.
45 I know it's taking a long time away from your families
46 and work to spend time in Barrow, thank you all for being
47 here. Mike, Paul, Terry, Gordon, thank you for making
48 our quorum happen today.

49

50 MR. PATKOTAK: Mr. Chairman.

00208

1 CHAIRMAN BROWER: Mike.

2

3 MR. PATKOTAK: I appreciate you guys
4 putting up with me. I was absent that one day, I couldn't
5 help it and hopefully here I'll be getting healthier.
6 But I enjoy working on this board. It means a lot to me
7 because of my livelihood. I consider myself a
8 subsistence hunter and I feel it is a privilege to help
9 set a good record for subsistence coordination. I really
10 appreciate you -- my absence -- you accepting my absence
11 yesterday.

12

13 CHAIRMAN BROWER: Thank you, Mike. The
14 last item on the agenda is adjournment.

15

16 MR. BODFISH: I so move.

17

18 MR. TAGAROOK: Second.

19

20 CHAIRMAN BROWER: Moved by Paul and
21 seconded by Terry. All in favor of the motion signify by
22 saying aye.

23

24 IN UNISON: Aye.

25

26 CHAIRMAN BROWER: Bye, thanks, Gordon.

27

28 MR. JENNINGS: Gordon, thanks for being
29 on line today, we really appreciate it.

30

31 MR. G. BROWER: Okay, we'll talk to you
32 guys later.

33

34 (END OF PROCEEDINGS)

35

36

* * * * *

00209

1 CERTIFICATE

2

3 UNITED STATES OF AMERICA)

4)ss.

5 STATE OF ALASKA)

6

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

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18 THAT the transcript is a true and correct
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23 THAT I am not an employee, attorney, or party
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32 _____
33 Joseph P. Kolasinski
34 Notary Public in and for Alaska
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