

00107

1 NORTH SLOPE FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL
2 PUBLIC MEETING

3 North Slope Borough Assembly Room
4 Barrow, Alaska

5 January 29, 1997, 9:00 o'clock a.m.

6 VOLUME II

7 Members Present:

8 Fenton Rexford, Chairman

9 Harry K. Brower, Jr., Secretary

10 Terry L. Tagarook

11 Benjamin A. Hopson

12 Gordon C. Upicksoun

13 Ray F. Koonuk, Sr.

14 Frank Long, Jr.

15 Barbara Armstrong, Coordinator

P R O C E E D I N G S

(On record)

CHAIRMAN REXFORD: Good morning, I'd like to call the recessed meeting back to order. At this time before we call role we'll have a moment of silence to help with our deliberations and discussions today.

(Moment of silence)

CHAIRMAN REXFORD: Thank you. Okay. I'm not sure if we need to call roll, but we went on a recess yesterday so I'll just continue on the meeting. I think that's the right protocol, I think if we recessed we can continue our meeting. We do have a quorum this morning, Gordon is here and Ben and Ray will be in an little while so we'll wait for them before we make any actions.

I've been told that we need to get back with number 7, the letter E, number 1. Maybe both 75 and 76, but we did number 2 yesterday, Donna gave an update on that part, so we need to discuss and deliberate on the sheep, customary and traditional use determinations for Unit 26.

Anyway, I'd like to welcome those, before we get started, welcome those that came to our meeting and also stayed on a little extra day or two, I appreciate those folks staying here for the two day meeting, I know there's a lot that you guys covered yesterday and I tried my best to get over here but things just didn't pan out the way it should have, but anyway I want to thank Harry for chairing the meeting and the other members and staff for his work that he did yesterday. So, Harry, I want to thank you for handling the meeting yesterday.

We have a lot before us this morning. I wonder where Helen is at.

MS. B. ARMSTRONG: She went to do some copying, Fenton.

CHAIRMAN REXFORD: Oh, yeah, that letter from Ben. Okay, 75 and 76, those were done yesterday?

MR. BROWER: We did those yesterday.

CHAIRMAN REXFORD: We have some additional addendum or -- on the c&t determinations for Unit.....

MR. BOYD: Helen was prepared to do those, it's

50 proposal 74.

00109

1 CHAIRMAN REXFORD: Okay. That doesn't cover just sheep
2 it covers other.....

3
4 MS. B. ARMSTRONG: (Inaudible - away from microphone)

5
6 MR. BOYD: We could do that, I was just getting
7 prepared to set that up, Mr. Chair.

8
9 CHAIRMAN REXFORD: The fisheries portion?

10
11 MR. BOYD: The fisheries portion and I may need an
12 extension cord to plug this in up here.

13
14 MR. BROWER: Okay.

15
16 MR. BOYD: I could go ahead with a couple of other
17 briefings before we did that one.

18
19 CHAIRMAN REXFORD: Okay. Let's hear your.....

20
21 MR. BOYD: Here we go.

22
23 CHAIRMAN REXFORD: Oh, I was going to introduce the
24 Mayor, but it looks like he's helping Helen out too.

25
26 MR. BOYD: We wanted to bring to your attention under
27 Tab F, just before Tab G in your book, just a few pages before,
28 there's a memorandum addressed from me to all of the Council
29 members dated January 17th. And the subject of this
30 memorandum, I'll wait till everyone has found it. Okay. The
31 subject of this memorandum is a Memorandum of Agreement with
32 the Alaska Department of Fish and Game between the Federal
33 Subsistence Program and the Department of Fish and Game.

34
35 Just in the way of background, Memorandum of
36 Understanding, MOAs as we call them, are -- also I might change
37 that term MOA to MOU which means Memorandum of Understanding,
38 Memorandum of Agreement. Generally they're similar documents
39 but the mean almost the same thing, so if I use these terms
40 they mean almost the same thing. But MOUs or MOAs are standard
41 means used by the State and Federal Fish and Wildlife agencies
42 to formalize working relationships.

43
44 Such agreements generally define agency roles and
45 responsibilities, promote cooperative programs, establish
46 procedures for inner-agency communication and coordination,
47 provide for cooperative funding mechanisms and generally result
48 in reduced legal and administrative conflicts and improved
49 resource and public benefits. MOUs are particularly useful

50 when State and Federal agency legal authorities overlap in

00110

1 resource management jurisdictions are intermixed.

2

3 As all of you are probably aware and by even Geoff
4 Carroll's presence with us in this meeting, you're aware that
5 there's a great deal of coordination and cooperation that
6 occurs between the Federal program and the State of Alaska
7 Department of Fish and Game. And this program, the Federal
8 program has been in place since 1990. There has been ongoing
9 cooperation with the State at various levels within the
10 organization. At the field level between biologists as well as
11 the program level, where I work, there's a lot of discussion
12 between us and the State and I think at this point the State is
13 seeking a more formal mechanism for cooperation. And so they
14 proposed, I should say we proposed again a Memorandum of
15 Agreement, some document that formalizes our cooperative
16 structure. And we wanted to make you aware that these
17 discussions were beginning and will be going on in the future.
18 And to outline some of the things that the State has proposed
19 to us that they would like to see in a Memorandum of Agreement.

20

21 We haven't agreed to any of these things yet, but many
22 of the things that are laid out in this memorandum are some of
23 the things that are before us and we will be discussing and
24 some of these things we look favorably upon. And we want to
25 make all of the councils aware of these discussions before we
26 took them.

27

28 Going back to some background, the Federal agencies
29 have since statehood have had Memorandum of Agreements and
30 Memorandum of Understandings with the Department of Fish and
31 Game and periodically they've been revised as agency mandates
32 or resource management becomes more complexed. More recent
33 versions of MOUs between the Federal agencies represented in
34 this program and the State occurred in the 1980s.

35

36 In 1990 when we began the program, the Federal
37 Subsistence Program, the roles and responsibilities the Federal
38 agency with regard to management of fish and wildlife on
39 Federal public lands changed the traditional relationship
40 between the Federal agencies and the Department established
41 under these earlier MOUs. The Department proposed revisions to
42 the existing MOUs to accommodate the new Federal Subsistence
43 Program, however the Federal agencies and the Department were
44 unable to reach agreement on proposed revisions and no new MOUs
45 were finalized at that time.

46

47 With the impending expansion of Federal Subsistence
48 Fisheries management the Department has again proposed the
49 development of an MOA with the Federal subsistence management

50 agencies. In an October 24th, 1996 letter to the Regional

00111

1 Director of Fish and Wildlife Service the Commissioner of the
2 Department of Fish and Game has identified four objectives that
3 the Department would like addressed in a new Memorandum of
4 Agreement. And we've attached that October 24th, 1996 letter
5 behind my letter to you in this tab I just pointed out. That
6 lays out some of the concepts that the Alaska Department of
7 Fish and Game would like to see in a future agreement with the
8 agencies.

9
10 These include -- I'll just briefly list them here, but
11 these include improved public involvement through an approved
12 interaction between State and Federal Boards, Advisory
13 Committees and Regional Councils. The second one is improved
14 involvement by the State in the Federal regulatory process,
15 particularly in the development of proposal analyses. Three
16 would be appropriate compensation for State assistance to the
17 Federal Subsistence Program. And four, development of a
18 coordination plan that would guide the development of joint
19 area specific resource management plans.

20
21 The Staff Committee that represents all the Federal
22 agencies had an initial meeting with representatives of the
23 Department of Fish and Game on January 13th, just recently, to
24 discuss the concepts in the Department's proposal, the letter
25 from October that I just pointed out. And on January 14th, the
26 next day the Federal Board was meeting in executive session or
27 a working session, I should say, and this was presented to them
28 to see if they wanted us to move forward with more
29 deliberations and discussion with the Department. The Board
30 endorsed the idea in principle, instructed the staff to proceed
31 with further discussions with the Department that could lead to
32 a Memorandum of Agreement.

33
34 The Board recognized the need to keep the Regional
35 Councils fully informed on the progress of the discussions with
36 the Department, to involve the councils on issues which they
37 have an interest. No further discussions with the Department
38 have been scheduled yet, but soon we will be talking with them
39 to lay out sort of a process that we will follow through in
40 trying to establish a working agreement with the State.

41
42 I think I would like to emphasize that -- and I've said
43 already that the State and Federal agencies are already
44 cooperating and this would be a way to formalize that working
45 relationship. And as you're aware the State has met --
46 Mr. Carroll has met in your meetings, provided, I think,
47 valuable information to the councils as you've deliberated
48 proposals and other issues.

49

00112

1 has laid out, I think the ideas that they laid out are positive
2 ideas of improved public involvement through better interaction
3 between the boards themselves, the Federal Board and the State
4 Board, as well as the Advisory Committees and the Regional
5 Councils will only strengthen, I think, the decision making
6 process.

7

8 Improved involvement by the State in the Federal
9 regulatory process. The State is already involved in the
10 regulatory process in a number of ways. When we use
11 information about wildlife populations, for example, a lot or
12 much of that information comes from the State of Alaska.
13 There's ongoing interaction with the Federal and State funding
14 that work together to do some population surveys, for example,
15 and this information is used in both the State and the Federal
16 regulatory process.

17

18 And appropriate compensation for State assistance to
19 Federal Subsistence Program. I should mention that currently
20 there is a cooperative agreement. My office has a cooperative
21 agreement with the State of Alaska that helps to some degree to
22 compensate for the coordination activities that occur between
23 the State, the Federal Program and the Department of Fish and
24 Game. Essentially it helps to defer costs for their liaison
25 activities.

26

27 We have also provided funding to the State to help
28 facilitate the development of cooperative plans, management
29 plans for certain wildlife population, so there's an ongoing
30 exchange of funds with the State of Alaska and this would, I
31 think, help formalize that some more.

32

33 Let's see, Item 4, development of a coordination plan
34 that would guide the development of joint various specific
35 resource management plans. I think it's essentially their
36 desire to develop a set of guidelines that we all commonly
37 understand as we develop cooperative management plans for a
38 specific population.

39

40 I think in closing I just would like to say that we
41 wanted to make you aware in case you had some concerns about
42 this. That we didn't want to operate sort of behind the
43 scenes, that we wanted to be open about our discussions with
44 the State as we move forward in trying to formalize some better
45 mechanism for cooperation.

46

47 CHAIRMAN REXFORD: Okay. Any questions for Mr. Boyd?

48

49 MR. UPICKSOUN: Mr. Chairman.

00113

1 CHAIRMAN REXFORD: Gordon.

2

3 MR. UPICKSOUN: I have a question. Do you have copies
4 of the existing MOUs? If we had copies of the existing MOUs
5 you have with the Department then maybe we would be able to
6 comment more on what Memorandum of Agreement that you're trying
7 to develop.

8

9 MR. BOYD: If I could characterize, Mr. Chairman, the
10 existing MOUs. The existing MOUs exists between each Federal
11 agency and the Department of Fish and Game. They were
12 developed prior to the Federal Subsistence Program and they, I
13 think, talked generally about cooperative agreements between
14 that specific agency and the Department. We could provide
15 copies of those, I'm not sure -- and they would certainly be
16 used by us as we deliberate, but I'm not sure they're exactly
17 the model or the example that we would be following in
18 developing an MOU with the State that deals with the arena of
19 subsistence management. But certainly we would provide them if
20 you would like them.

21

22 CHAIRMAN REXFORD: Okay. That would be helpful.

23

24 MR. BOYD: Okay.

25

26 CHAIRMAN REXFORD: Any other questions for Tom?

27

28 Ray, I want to say good morning and we're touching on
29 the MOU under Tab F towards the end near Tab G.

30

31 MR. KOONUK: Good morning.

32

33 CHAIRMAN REXFORD: I have -- this might be an
34 opportunity to also let you folks know that there are local
35 governments and tribal governments that already have local fish
36 and game committees. North Slope Borough has a fish and game
37 committee, I don't know what other areas of Alaska have
38 established department so wildlife or other agencies that deal
39 with wildlife management. I would surely like to have all
40 local and tribal governments get involved in such an MOU as
41 well to sit on the table at our -- be it an advisory capacity
42 like the others, along with the staff, you know, when we're
43 meeting at the Federal Subsistence Board, staff analyses that
44 we also have comments from the State of Alaska and also from
45 Regional Advisory Council.

46

47 And government to government relationships I know are
48 in the mill, that we want to work towards that endeavor and our
49 regional tribal government is getting underway and that would

50 be an opportunity for them to be involved in such an agreement

00114

1 to manage the wildlife population. I think not only the
2 Regional Advisory Council should be not just informed and
3 involved but included somehow. Not maybe the Regional Councils
4 but maybe the local and tribal government should be included in
5 the MOU. I like that being informed and involved, but they
6 should also be a capacity with local and tribal governments.
7 That's my opinion. I don't know what the others are feeling,
8 but I know they are working toward tribal management -- I mean
9 regional tribal government for this North Slope. And there are
10 probably established ones elsewhere in part of Alaska. But
11 working with government to government I think would be an
12 opportunity for the local governments or tribal governments to
13 involved in such a important aspect of the program of Federal
14 Subsistence Program.

15
16 Any other questions or comments for Mr. Boyd?

17
18 MR. UPICKSOUN: Mr. Chairman, that was a point well
19 made. As the subsistence issue is debated in the Legislature,
20 the regional tribal governments will be involved in subsistence
21 management. The wildlife management in the regions and it was
22 a point well made there, Mr. Chairman. They will be very
23 involved, the regional tribal governments.

24
25 CHAIRMAN REXFORD: Just for your information, I'm
26 pretty sure just about everybody has heard, there's a
27 conference in the middle of February, I think 15th, 16th and
28 17th talking about the statewide issues of subsistence
29 management and the overview of all the programs in the State of
30 Alaska which would be a good opportunity for everybody to hear
31 what is happening or talks about changes in ANILCA. So I don't
32 know what those kind of changes are, that this new Congress in
33 Washington D.C. are up to, but that will be an opportunity for
34 us to find out what are Alaska delegates are working towards
35 amending. I think they're moving towards amending ANILCA and
36 that's going to be a very heavy impact toward that. It might
37 be a lobbying effort but I think they're all from the folks in
38 the rural areas are very interested in that meeting. So we'll
39 find some ways or means to have some of our representatives go
40 down, possibly from the Borough or maybe the Fish and Wildlife
41 Service could help in that part for some members.

42
43 But anyway, I was just touching up on thanking for
44 getting us, the Regional Advisory Councils, informed and
45 involved, but I'd like to see our local governments or tribal
46 government be included in that MOU or MOA.

47
48 MR. UPICKSOUN: Mr. Chairman.

49

00115

1 MR. UPICKSOUN: We touched on that yesterday when were
2 discussing trapping issues and we mentioned the fact that RurAL
3 CAP is sponsoring a statewide conference and they will probably
4 be several hundred people from all the villages at that
5 conference and it's going to be a very important conference.

6
7 CHAIRMAN REXFORD: Any other questions or comments for
8 Mr. Boyd on the MOA? Harry.

9
10 MR. BROWER: Tom, has there been any interaction from,
11 you know, different regions on these advisory committees or
12 during meetings at the Federal (indiscernible - paper
13 rattling).....

14
15 MR. BOYD: Yes, I can't speak to specific instances,
16 but I'm aware that the local advisory committees have been
17 active to some degree in the Federal program. I know that we
18 have received a number of proposals over the years from local
19 advisory committees. We've had sporadic involvement with the
20 local advisory committees attending some of the council
21 meetings as well as attending the Federal Subsistence Board
22 meeting. It hasn't been something that's been widespread, it's
23 not a common situation, but there has been some involvement by
24 local committees in the Federal program. Certainly the program
25 is open to the involvement of the local committees to provide
26 input to the Regional Councils, for example, and I know perhaps
27 even in this region there's been to some extent some degree of
28 that.

29
30 I think one of the problems that we want to focus on as
31 we look at this MOA is a way to perhaps to look at State
32 regulatory process and our regulatory process to try to align
33 it in time, it would further facilitate councils and committee
34 interaction, for example. So when the council was deliberating
35 a proposal or a set of proposals it might be in common or
36 overlap with proposals that are being deliberated by a council
37 that we can arrange the system so that they can do it in a way
38 that is meaningful to both bodies. And then as they move apart
39 into their various decision making processes that we can have
40 better decisions on both the State side and the Federal side.
41 So we're going to be looking at ways to align those process to
42 get them more involved.

43
44 One of the things we would like to do, which I don't
45 think we can do right now and we may not be able to do in the
46 future until we get more funding is to get more involvement by
47 the local committees but it's very difficult to do that right
48 now, we just don't have the funding.

49

MR. BROWER: All right. Thank you.

00116

1 CHAIRMAN REXFORD: In coordinating this one and our
2 working that we're doing on the Musk Ox Management Harvest
3 Plan, the Harvest Management Plan we did not go through a, what
4 you call it, a proposal. You know when something is going to
5 be brought up before the Federal Subsistence Board it has to go
6 through a process, either through a proposal or something to
7 have the Federal Subsistence Board act on this. I'm trying to
8 say that either MOA or a Harvest Plan is sufficient or a
9 proposal like this. I mean, it's not a subsistence regulation
10 proposal, but at least on the State level -- what I'm trying to
11 say is -- maybe I'll touch on that when we get to the Musk Ox
12 Management Plan, how do we prove relationship or handling
13 management of the animals.

14
15 Anyhow, any other questions for Mr. Boyd? If not, do
16 you have any additional comments, Tom?

17
18 MR. BOYD: No, I don't, Mr. Chair, thank you.

19
20 CHAIRMAN REXFORD: Okay. Thank you very much, Tom.
21 Back to our agenda. We needed to.....

22
23 (Off record comments -- whispering)

24
25 CHAIRMAN REXFORD: Sheep proposals, sheep c&t,
26 Ms. Armstrong on number 7, E-1.

27
28 MS. H. ARMSTRONG: This is in Tab D, I believe and Page
29 -- right in the beginning, Page 3, it's Proposal 74. I'm Helen
30 Armstrong from the Fish and Wildlife Service, Office of
31 Subsistence. Before I begin I just wanted to make a comment
32 that these analyses are always draft and that's why we put at
33 the top that they're preliminary and they may be modified. And
34 what I've tried to do in this is present to you the information
35 we have from the literature. And the information we get from
36 our harvest databases.

37
38 And I know, based on the comments made yesterday, some
39 people were getting upset about what was in here. But I don't
40 want in anyway for you to feel that what's said here is what's
41 going to happen when we take it to the Board. I think, Fenton,
42 you know that the Board listens very hard to what this Council
43 says. But what I've tried to do is present the information I
44 could find and then what I want from you is to give me
45 supplementary information because in some villages there's just
46 not any information available. And that what we do have may be
47 incorrect or it may be old. So I don't want people to get at
48 all worried about that.

49

This proposal was submitted by this Council and it

00117

1 requests a customary and traditional use determination for
2 sheep in 26(A), (B) for all residents of Unit 26, Point Hope,
3 Anaktuvuk Pass and Wiseman. And for 26(C) for all residents of
4 Unit 26, Point Hope and Arctic Village.

5
6 You may recall we deliberated for quite a while as to
7 how we wanted that to be because we didn't want to give Wiseman
8 c&t for the Slope and we didn't want to give Arctic Village c&t
9 for the whole North Slope.

10
11 Dall sheep are present throughout the Brooks Range and
12 as you're well aware they've been historically hunted by the
13 North Slope Inupiat as well as the Gwitchin Athabaskans for
14 many centuries. There's -- I'm going to maybe just kind of
15 skim over some of this information that's in here because a lot
16 of it you've heard before. You know the percentage of public
17 land, you know what the population of your villages are.

18
19 As you remember from doing this before we have to do
20 c&t based on the eight factors that are currently in our
21 regulations. I will make a note that we are in the process of
22 beginning to think about how we might want to change those
23 eight factors because some of those factors it's very hard to
24 find information on and they're not significant enough to give
25 or take away.

26
27 The first factor is a long term consistent pattern of
28 use excluding interruptions beyond the control of the community
29 or area. Prior to the establishment of permanent village both
30 on the Slope as well as in the Gwitchin territory, people were
31 quite nomadic and they moved long distances to hunt a variety
32 of resources. And I think that it's that element that, you
33 know, gives sometimes communities, and this isn't as much in
34 this proposal as I've seen in some others, where a long time
35 ago people move really wide distances to hunt resources. But
36 particularly the Gwitchin a long time ago they were coming up
37 to the North Slope more than they do today to harvest sheep in
38 particular.

39
40 The Kaktovik residents are the primary sheep hunters on
41 the North Slope. There's excellent information, there's no
42 doubt that they harvested sheep for many centuries. They
43 averaged somewhere around 50 sheep a year, maybe more, maybe
44 less. We don't have real, real good harvest data for them but
45 that's an estimate that's in some of the reports.

46
47 In 1994 you may remember we authorized transferable
48 permits for sheep hunting for Kaktovik residents. We still
49 don't have harvested records of what the harvested sheep are,

50 so we don't know exactly. There have been a number of

00118

1 subsistence use studies in Kaktovik and those have recorded
2 harvest of 47, 17 and 44. And sheep provides a fairly large
3 percentage of the meat for people in Kaktovik, between 45 and
4 25 percent of the meat that they harvest.

5
6 Anaktuvuk Pass also is a major sheep hunter in the
7 Brooks Range. You heard a lot of discussion yesterday about
8 sheep hunting. They also don't have harvest information from
9 the State permit data but in the North Slope Borough study it's
10 -- I think Harry will be very happy to know that we're using
11 his data, they did record a total of 24 sheep that were
12 harvested last year. Actually that's from June 1st, 1994 to
13 June 30th, 1995. And in other subsistence use studies they've
14 noted similar harvest levels, anywhere between 23 and 67. The
15 67 was back in 1950.

16
17 Where I start I have some -- it becomes a little bit
18 ifier (sic) is when we get to some of the other villages. I
19 was able to find in the literature some references to Barrow
20 Inupiat harvesting sheep. In Murdock's reporting 1892, he
21 talked about some sheep harvest, i.e., there's nothing
22 specific, I don't know where people were going, but I suspect
23 they were on long winter hunting trips.

24
25 In the sheep harvest data there were one sheep permit
26 from 1993 to 1995 and one sheep harvested in '93 and one in '94
27 and both of those were in 26(A). The report that -- and I
28 spent some time talking to Steve Braund about this. There is a
29 very, very long term, I mean in terms of subsistence use
30 studies, long term, they did a three year subsistence use study
31 in Barrow that was done, I think pretty heavily with
32 consultation with the North Slope Borough.

33
34 And in that study they found that 12 sheep were
35 harvested but those harvest were so far over they were outside
36 of the normal -- what they call the normal subsistence use area
37 and so they weren't mapped. I tried calling Steve to try and
38 find out exactly where they were and he didn't -- without
39 having gone to great lengths he couldn't tell me what he had
40 readily available as to where those harvests were. They also
41 did a stratified sample in that study so that they didn't
42 interview every single household, they interviewed the heavy
43 hunters, the medium hunters and the very, very infrequent
44 hunters and they randomly sampled those groups.

45
46 So the actual number of harvest was very low and then
47 what they did was they extrapolated how many harvest there
48 would be. And he said to me that when it was a low harvest
49 those numbers become less accurate, so I'm not even sure if the

50 estimated 12 harvested is really accurate or not.

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1

2 But I need some input from the Council as to whether or
3 not you feel, particularly Harry, if you feel that people in
4 Barrow do hunt sheep and whether they should have c&t. This
5 was one of the area where I was uncertain. The comment that
6 was made in the report who were hunting sheep were going by
7 plane, they were going over to the border between 26(C) and
8 26(B) and that they were generally not from Native households.
9 And that it was not a community wide subsistence pattern. So I
10 leave it up to the Council to decide if that use is enough to
11 give them c&t or not. I don't have an opinion on it, I'm just
12 giving you the information that I found.

13

14 Then Nuiqsut also -- there was some problems in what
15 was available in the databases and the literature. There's
16 been extensive field work done in Nuiqsut, although not
17 recently. And there have been no sheep recorded, and I'm
18 emphasizing recorded, in the literature since Nuiqsut was
19 settled. And that's not to say that there might be sheep
20 harvested. We has some discussion a couple of years ago about
21 this and there was some discussion of a couple of hunters going
22 up into 26(C) and that there, I think, was faster snowmachines
23 that people are able to go farther, so it appears that there's
24 local knowledge that Nuiqsut hunters do hunt some sheep. I
25 don't know how much, I don't know exactly where they go, so I'm
26 looking to Frank to provide us with that information.

27

28 And what I'll do is taking that information you give us
29 today I will then put that into this document and then with the
30 revised version that will go to the Federal Subsistence Board
31 with your recommendation. But I wanted to make it on the
32 record here that we put that information in there. And I'm
33 doing that partly because I was criticized by some people in
34 the State for putting in information into documents that hadn't
35 been collected in a systematic way or had not been part of the
36 public record. And so I wanted to make it part of the public
37 record. We have a court reporter, it's in the record, that you
38 guys tell me what we need to do to change this, okay?

39

40 Then when we get to Wainwright there were no records of
41 harvesting sheep, nothing in the databases, and the same for
42 Point Lay, Point Hope or Atqasuk, so I again need to get the
43 information from the Council here.

44

45 For the Gwitchin Athabaskans, we know historically that
46 they hunted throughout the mountains of the upper Alatna River,
47 the John River and the middle fork of the Koyukuk. And that
48 sometimes they would go over to the Brooks Range into Unit 26.
49 There has been -- the sheep hunting appears to have ceased

50 almost completely except for very rare hunts.

00120

1

2 The Arctic Village -- we're doing a cooperative
3 agreement with TCC and we're gathering harvest information for
4 Arctic Village and actually for a number of those TCC villages.
5 Oh, I'm sorry the TCC one is with -- the cooperative agreement
6 is with CATG not TCC. And the only village that had sheep
7 harvest at all in that study was Arctic Village. And that
8 harvest actually occurred very, very close to the border of
9 Unit 26, close enough that I think you could easily say
10 somebody could go another couple of miles and go into 26. So
11 there is some evidence that Arctic Village people are going
12 over -- or it's quite possible they're still going over to 26.

13

14 In terms of the seasons that people have harvested,
15 sheep were traditionally harvested opportunistically year round
16 by both the Inupiat and the Gwitchin, although they are usually
17 harvested in the fall when they are in prime condition.

18

19 Kaktovik sheep harvest occur in late October as soon as
20 the ice is safe to travel on and through late November, as well
21 as in March and early spring in conjunction with furbearer and
22 caribou hunting.

23

24 Anaktuvuk Pass sheep harvest from 1994 to 1995 occurred
25 from July through November and then again February through
26 April. And I was interested to hear yesterday from Ben that
27 those -- that the Anaktuvuk Pass people don't want to have a
28 season through April, that they are happy with it ending in
29 December.

30

31 The Barrow sheep harvest that we have on record
32 occurred entirely in August and Arctic Village residents
33 harvested the three sheep from 1992, practically all of those
34 were in November. And then there's no evidence in the
35 literature for any of the other remaining communities as to
36 date. There's no evidence that they hunted sheep so we don't
37 have any evidence as to when it would have been.

38

39 In terms of the efficiency and economy of effort and
40 cost that the methods and means. Sheep hunting in Kaktovik is
41 highly efficient and hunters take as many sheep as they can
42 safely carry to promote efficiency. The Unit 26 hunters use
43 firearms for taking sheep and hunting generally occurs in
44 groups, although some hunting is carried out by individuals as
45 well.

46

47 Snowmachines are use, in the past dog teams were used
48 but this is a method that's not been continued since the 1960s.
49 And in Anaktuvuk Pass they use snowmachine, Argo and also quite

50 a bit by foot. The sheep hunting, as all of you know generally

00121

1 requires considerable walking, climbing and packing heavy loads
2 over rugged terrain and the time and effort that you spend
3 hunting sheep, the return you get is actually relatively small,
4 especially when the legal harvest limit per hunter is limited.
5

6 One source I talked to thought that institution of the
7 legal restrictions is believed to be at least part of the
8 reason of the decline in the Gwitchin hunting practices, as
9 well as the method that are required. That it became -- the
10 return was too small and so people quit hunting as many sheep.
11

12 I've already discussed the areas in the long term, I've
13 covered most of this as to what we knew. The Kaktovik hunting
14 occurs in 26(C), it goes from the Canadian border all the way
15 over into 26(B). Anaktuvuk Pass sheep harvest are known to
16 occurred in 26(B) and also in 26(A). Arctic Village sheep
17 hunting has, we know, recently was between the border of 26(B)
18 and (C). And then we don't know where any of the other
19 villages might have hunted sheep.
20

21 Also Wiseman, I forgot to mention Wiseman. It appears
22 that their hunting has occurred almost in 26(A). The report on
23 Wiseman doesn't specifically say where it occurred, but I
24 talked to Steve Ulvi about this and he felt that it was almost
25 entirely by airplane and in 26(A), most of their hunting is in
26 Unit 25, they don't get too much up into 26(A).
27

28 The handling, preparing, storing of sheep is very
29 similar with other resources, people they eat it dried, boiled,
30 baked, frozen. They also will enjoy fresh sheep meat. It's a
31 highly desired meat on the North Slope. Sheep hunting
32 practices have been passed down from generation to generation
33 and mixed age groups travel together to facilitate the
34 intergenerational transition of knowledge regarding appropriate
35 hunting techniques. I don't think it's any different, really,
36 with sheep than with other resources in how all of the
37 knowledge is passed down from generation to generation.
38

39 In terms of sharing sheep is also highly shared as are
40 other resources on the North Slope. The families who have
41 access to sheep, particularly in Kaktovik, share it extensively
42 with their extended family throughout the village. It is also
43 eaten at various celebrations at Thanksgiving and Christmas and
44 Nalukataq and shared with other households and other
45 communities. There is a wide reliance on fish and wildlife
46 resources throughout the North Slope and I don't think there's
47 any question that these communities up here are heavily
48 dependent on their subsistence resources.
49

50 The preliminary conclusions without the input from the

00122

1 Council would be to modify the proposal to provide a positive
2 customary and traditional use determination to the residents of
3 Anaktuvuk Pass for 26(A). Residents of Anaktuvuk Pass,
4 Kaktovik and Wiseman for 26(B) and residents of Kaktovik and
5 Arctic Village for 26(C). I think I made a mistake earlier
6 when I saying people in Wiseman go into 26(A), it's actually
7 26(B).

8
9 The justification is that there is clear evidence that
10 Kaktovik, Anaktuvuk Pass and Arctic Village have customary and
11 traditionally harvested sheep. Wiseman residents have
12 harvested sheep although the nature of the community has
13 changed through time. Only a small percentage of the residents
14 have lived in Wiseman more than a decade. Kaktovik, Anaktuvuk
15 Pass, Arctic Village and probably Wiseman meet all or most of
16 the eight factors for determining use of sheep. Kaktovik's
17 uses are in 26(B) and (C); Anaktuvuk Pass uses are in 26(A) and
18 (B); and Wiseman's in 26(B); and Arctic Village's are mostly in
19 26(C).

20
21 The other communities that were in the original
22 proposal, Fort Yukon, Venetie and Chalkyitsik, historically
23 harvested sheep in 26, but there's no usage of sheep in recent
24 decades and we don't have evidence of Point Hope, Wainwright,
25 Point Lay and Atqasuk in the literature of harvesting sheep.

26
27 And in Barrow, again, the question I had about whether
28 those few sheep that are harvested if that's actually part of
29 the normal subsistence hunting pattern or if this is people who
30 -- one comment I forgot to make that was in the report was that
31 the people who had hunted sheep -- most of the people who had
32 hunted sheep in Barrow had nothing else except that we know
33 right then that they're not your normal, if you will,
34 subsistence user. Then the data on Nuiqsut is limited but
35 there may be some use in 26(B) and (C).

36
37 With that I leave it to you to give me more information
38 and tell me how you want to go on this. It's a very
39 complicated one.

40
41 CHAIRMAN REXFORD: Anyway, going through c&t she just
42 briefly mentioned that there are eight factors in making the
43 determination for the animals -- for each of the animals,
44 whether they're furbearer or moose or a big animal, so that is
45 the criteria we're going through now. But I do have some
46 comments, but any of the Regional Council members have any
47 questions or comments, additional information that she can use
48 to make this a final analyses?

49

MR. LONG: Mr. Chairman.

00123

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2

CHAIRMAN REXFORD: Yeah, Mr. Long.

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MR. LONG: I have a comment and I think a question for Helen. You've indicated and named some of the communities that studies have not been -- or there is no recording or history of hunting such animal. My feeling is different, you know, and how I know, traditional knowledge that I know opposing what you're saying. And looking at the map here on the wall, Unit 26 is a big area, but as hunters, as we are, there is unlimited travel that we have to do, either with today's transportation or past transportation that was utilized by many dog team.

And I don't think this proposal that we're going to working on will be strictly on Unit 26 as a whole. But what I'm thinking of right now is, you know, sheep hunting I think will become a popular hunt in the future because as the village of Nuiqsut, a reestablished village, who in the past used to do all that is not recorded.

And I wouldn't only perceive that they hunt on Unit 26(B) or Unit 26(A). For instance, another village like Point Hope or Point Lay, you know, could go as far as Unit 23, 24 and 25 which before 1949 whereas our parents or our parents' parents used to travel in new areas are beginning by our people today are being revisited.

So I have a question in my head on this proposal that if we're going to establish, say, Unit 26 as a whole for sheep hunting area then we won't have to go and bother Steve Ulvi here at the Gates of the Arctic where the sheep are, you know.

MS. H. ARMSTRONG: Can I ask.....

MR. LONG: Because every area in the Brooks Range has sheep, all the way from Point Hope to the Canadian border.

MS. H. ARMSTRONG: Do you know of people who have this past year or the year before, recently gotten sheep who were from Nuiqsut?

MR. LONG: Well, it's just more or less, you know, being reintroduced and what I'm thinking of -- if they find out that sheep is available, you know, then the transportation is not only by air because we got access now, you know, through the Haul Road. We got dogs, 10 times the power of dogs, snowmachines that can go long distance. And I know there are a few people that love sheep, like myself, and we meant to get ours from Kaktovik, you know, the availability of it and the

50 permitting or the licensing, the hunt is -- really hasn't been

00124

1 introduced to us. But there are people that would go out, I
2 know, and do some sheep hunting regardless of it's in the
3 spring or the fall because there's access to it now that they
4 never did have other than dog team, you know.

5

6 MS. H. ARMSTRONG: And you think the Nuiqsut people
7 would go through out the -- in (A), (B) and (C) or just (B) and
8 (C)?

9

10 MR. LONG: I would think of (A) and (B) which would
11 include maybe part of 24.

12

13 MS. H. ARMSTRONG: Well, we'll leave that to another
14 proposal, 24 has to -- actually we are discussing that today,
15 later, but that's another proposal.

16

17 MR. LONG: Thank you.

18

19 MR. KOONUK: Mr. Chairman.

20

21 CHAIRMAN REXFORD: Mr. Koonuk.

22

23 MR. KOONUK: Yeah, Point Hope the last few years have
24 been sighting sheep and a few hunters got some sheep and I
25 think mostly they're in the summertime, that's when they
26 usually sight these sheep, from Cape Lisburne all the way down
27 to Cape Thompson we'd spot a few here and there. And I don't
28 think anything was recorded in Point Hope.....

29

30 MS. H. ARMSTRONG: Yeah.

31

32 MR. KOONUK:as far as hunters in the past, you
33 know, getting sheep, but I know there's some people that got
34 some sheep the past few years.

35

36 MS. H. ARMSTRONG: Okay.

37

38 CHAIRMAN REXFORD: I have a comment on, you know, to
39 make addition or changes to your draft. Mr. Neil Allan was
40 from Nuiqsut, he and his wife travel extensively by snowmachine
41 from Nuiqsut to Inuvik during the spring, so I know that is
42 evidence that his family was nomadic or opportunistic in
43 visiting relatives. He is an example of visiting relatives,
44 he's stayed at Kaktovik and his close relatives helped him
45 catch sheep. And then either he transported them back to
46 Canada or to Nuiqsut.

47

48 We also have during the DEW Line days relatives, very
49 close relatives, blood relations, Ray Amowok (ph) from

50 Wainwright who is working Kaktovik sent his sheep that he

00125

1 harvested, I'm sure at the Weightmight (ph) in Barrow. Frank
2 Reault (ph) from Nuiqsut also worked in Kaktovik, he had a
3 family in Kaktovik and I'm sure he supported his close
4 relationship in Barrow and in Nuiqsut. And that was just
5 fairly recently with in the mid '70s or early '70s. Roy Amowok
6 (ph) in the early '50s, maybe, traveled around too, going west
7 and hunting as a missionary.

8
9 So those type of activities would continue and if we at
10 this time historically cease customarily and traditional use by
11 any residents that go into Kaktovik area I don't think we'll be
12 right because we're all relate and at this point in January 29
13 we were making history to cease all customary use determination
14 for those that have harvested not only sheep but other animals
15 as well, so I want to put that down in the record that there
16 are pictures at Kaktovik that supported or bartered not only
17 with Nuiqsut and Wainwright but also in Barrow just recently or
18 to this day they are still trading and bartering the sheep meat
19 for other resources.

20
21 So I wanted to get that in the record that it may even
22 go as far as Point Lay, we've had some Point Lay folks in our
23 area come and work in Kaktovik and, again, sent sheep meat back
24 to the villages. So I know Atqasuk is a fairly recent
25 community, I don't know what their history is, but I'm sure
26 their elders and relationships also traveled extensively to
27 hunt sheep, but they were recorded. If we are to stop c&t for
28 sheep for any of the village will be -- it's bad to my --
29 anyway what should I call it, palate, you know, it leaves a
30 bitter taste and it would leave a bitter taste if we were to
31 cut off the other villages to go into Kaktovik area,
32 customarily and traditionally they've hunted before, so if we
33 went through data that, as you know, our oral history has been
34 primarily taken unless it's written by Spencer or those early
35 ethnography -- a very good book of his also described what they
36 used to do as well.

37
38 Anyway, I just wanted to add that on. Any additional
39 Council comments. This will be in the record and if we ceased
40 c&t or stopped c&t for the other villages we'll, I don't think
41 is right.

42
43 MR. UPICKSOUN: Mr. Chairman, to touch up on what you
44 said regarding hunts. We have a hunt occurring, that's the
45 Anaktuvuk area hunting from Atqasuk Koyokon. In fact they're
46 interested whether they came back or not so, you know, we have
47 incidence of someone from Atqasuk hunting in the Anaktuvuk area
48 right now. And the make up of Nuiqsut, you say you don't have
49 no data from Nuiqsut, the make up of the village -- if you were

50 to see the elders' background, they didn't live in Nuiqsut, per

00126

1 se, they lived in that area.

2 And their history is very interesting, they lived in
3 that area, not in Nuiqsut. Their elders, their parents, they
4 lived with their parents in that area not in Nuiqsut, per se,
5 in that area, so the customarily and traditional methods you
6 can't pinpoint, like Chairman Mao (sic) said to his area, he
7 used Kaktovik as an example.

8
9 And in Point Lay we have current residents that have
10 hunted in the Noatak National Preserve, hunting sheep. The
11 Stocker family, their dad and his two boys, Jacob Stocker
12 Senior, William Stocker and Jack Stocker have hunted sheep in
13 the Noatak National Preserve. And my Grandpapa Supochinook
14 (ph) has hunted in that area also.

15
16 These are past residents of Point Lay and current
17 residents of Point Lay. Although their sheep hunting was in
18 the Noatak area, it has become the Noatak National Preserve
19 now, but they have hunted sheep in that area, the currents
20 residents of Point Lay and past residents.

21
22 MS. H. ARMSTRONG: Have they also hunted in 26(A)?

23
24 MR. UPICKSOUN: Not to my knowledge, no, but they have
25 hunted primarily in what has become the Noatak National
26 Preserve, they have hunted sheep.

27
28 MS. H. ARMSTRONG: We need to change that c&t
29 determination then to include Point Lay.

30
31 MR. UPICKSOUN: I'll go hunting over there one of these
32 days. Thank you, Mr. Chairman.

33
34 MR. TAGAROOK: Mr. Chairman?

35
36 CHAIRMAN REXFORD: Mr. Tagarook.

37
38 MR. TAGAROOK: I'd like to make a comment. I'm looking
39 at the map. We have some hunters from Wainwright up in the
40 mountains, and if they see a sheep I don't think they'll pass
41 up a chance to get one.

42
43 MS. H. ARMSTRONG: Have you ever heard of anybody
44 getting any?

45
46 MR. TAGAROOK: Not to my knowledge, but a long time
47 over there before they had snow machines, they used to go up
48 through the mountains traveling by dog team and.....

49

MR. UPICKSOUN: Mr. Chairman, we have -- adding on to

00127

1 what Terry said. We have hunters all winter between Point Lay
2 and Point Hope. Wainwright hunters go to -- you can't be area
3 specific, like the point that our Chairman made. He used
4 Kaktovik as an example, that when Terry mentioned areas where
5 they hunt, all winter we've had hunters between Point Lay and
6 Point Hope, Wainwright hunters. So, you know, they go that
7 distance. They've been there always on and off. Thank you,
8 Mr. Chairman.

9
10 MR. TAGAROOK: There was one year that we had our
11 hunters going to Noatak and then when they get back say they
12 were hunting out in the mountain and they got too close to
13 Noatak so they came into Noatak.

14
15 MS. H. ARMSTRONG: That's quite true.

16
17 CHAIRMAN REXFORD: What is the cut-off date then if
18 there is to be a cutoff date, or are we going by the eight
19 factors to say that there is no current picture or current
20 history written down where we traditionally and customarily,
21 even though it's not recorded, ever stated there were anything
22 like that.

23
24 MS. H. ARMSTRONG: Well, it doesn't have to be
25 recorded. I mean the information you provide me I think is
26 information that the Board will listen to. And it certainly
27 doesn't need to be recorded in order to be given c&t because
28 the Board recognizes traditional knowledge as being very
29 important.

30
31 And there have been many cases where decisions have
32 been made based on what the Council has said and there is
33 absolutely no information in the literature. So that's not a
34 concern at all.

35
36 CHAIRMAN REXFORD: Well, there's another name I could
37 throw in there, Ned Presonginer (ph), Sr., the famous male
38 runner on the North Slope also lived in Kaktovik and hunted
39 musk ox, sheep. And anything that he caught I'm sure he sent
40 over to Barrow and shared with his family.

41
42 So these are not Kaktovik residents, but temporary
43 residents that come and visit relatives that want to have that
44 taste or get to taste some of the foods that they've
45 experienced in the past. Because I know seasonally when it's
46 time to hunt some certain species, that the elders say I want
47 fresh fish, I want fresh sheep and tell their young ones to go
48 out and get it.

49

But, anyway, we could go on and on and record the names

00128

1 at least in Kaktovik. But, anyway, I just hate to have this
2 Council or anybody seize or cut off customary and traditional
3 uses for the animals for any of the villages.

4
5 MR. UPICKSOUN: Mr. Chairman, my parents have lived in
6 Kaktovik also and they've participated in the lifestyle. They
7 just were living in another town. They stayed there a couple
8 of years in Kaktovik and they participated in the subsistence
9 lifestyle that existed at that time. They're back in Point Lay
10 but they have lived in Kaktovik and participated in their hunts
11 there.

12
13 CHAIRMAN REXFORD: Mr. Koonuk.

14
15 MR. KOONUK: We have a lot of whaling captains in Point
16 Hope that prepare year-round to get meat, supplies, and they
17 travel all over, you know, just to get the caribou. And if
18 they run into sheep, they'll get the sheep.

19
20 And they travel up to Noatak area and they'll go get
21 some fish or what not. These whaling captains have something
22 to do with hunting these sheep too. They just prepare, you
23 know, and they stockpile all of their meat and the caribou,
24 sheep and whatever they could get just to feed their crew.

25
26 MR. UPICKSOUN: Mr. Chairman.

27
28 CHAIRMAN REXFORD: Mr. Upicksoun.

29
30 MR. UPICKSOUN: Helen, the North Slope Borough puts out
31 a quarterly magazine, it's called the Uiniq. In that magazine
32 it has our elders are represented, all the elders on the Slope.
33 And there is a quarterly magazine with pictures and stories of
34 what area around Nuiqsut those elders lived.

35
36 And Doreen Lampe from Planning Department is here. She
37 can help you get copies of that quarterly magazine, especially
38 regarding Nuiqsut where it states that there is no recorded
39 history of Nuiqsut harvesting.

40
41 Now you're getting area specific, which I don't think
42 is right. If you were to get that quarterly from Doreen Lampe
43 where it features the Nuiqsut elders and you started reading
44 like how they lived around that whole area. And it tells you
45 what area they grew up at, their parents and the brothers and
46 sisters. It's very interesting. And, Doreen, can you get
47 copies for Helen Armstrong of the quarterly.....

48
49 MS. LAMPE: We can check with the Mayor's office.

00129

1 MR. UPICKSOUN: Okay. It's a very interesting
2 quarterly.

3
4 MS. H. ARMSTRONG: I'd like that. Yeah, I'd like to
5 read that.

6
7 MR. UPICKSOUN: There's a lot of information regarding
8 Nuiqsut elders.

9
10 MR. BROWER: Mr. Chairman.

11
12 CHAIRMAN REXFORD: Mr. Brower.

13
14 MR. BROWER: Helen, I currently haven't heard anybody
15 harvesting sheep from Barrow, but that won't indicate that
16 there aren't any hunters that go out from Barrow. In recent
17 years I haven't heard of any, but there's always hunters going
18 out up in the Colville and Nowana (ph).

19
20 I've been out on some of those hunts and seen sheep
21 around that Tatitlek area, but they're up so high we can't get
22 to them and we don't have access to get away before the hunt.
23 So I know I seen them out there personally, it's just that
24 trying to get up to the sheep to the bluffs is very difficult.
25 I know I wouldn't want to climb that bluff in the wintertime.
26 Don't have the resources to climb up, you know, on the bluffs,
27 they get pretty high.

28
29 Anyway, I just wanted to mention that there's been
30 bartering, like what Fenton said earlier, with different
31 communities like Anaktuvuk and Kaktovik that harvest sheep.
32 There's been bartering and trading that's been going on for
33 many years from the residents of Barrow.

34
35 And then there's traditional informa -- I think we had
36 some information in our area that there was hunters that
37 traveled up into the Brooks Range and harvest sheep and brought
38 sheep back. I need to look into that area, you know.

39
40 I just want to mention that there's been harvest of
41 sheep of in the past, but in recent years I haven't heard of
42 any. And there's opportunity for people to go out there in the
43 fall, in August, when the hunting season open for sheep with
44 aircraft and there's some folks that do go out but, you know,
45 it's very costly for them to go, especially from Barrow and
46 spending that time out there. I just want to pass that
47 information on.

48
49 CHAIRMAN REXFORD: Okay. I think we've heard pretty

50 much a lot of comment that the communities in the Slope have

00130

1 hunted or taken sheep either through hunting, trading or
2 bartering. And I think the consensus is here in the Council
3 that they do not want to see the determination or not make the
4 determination that customary and traditional uses by the
5 villages is detrimental to our traditions and lifestyles. To
6 have the Federal government seize any of the villages to hunt
7 no more sheep is wrong. So I'll just leave it at that.

8

9 MR. UPICKSOUN: Mr. Chairman, how do we in this
10 proposal, in trying to establish customary and traditional
11 patterns, how do we delete or address what our chairman
12 mentioned and still fulfill the eight factors that must be
13 addressed? How do we do that?

14

15 MS. H. ARMSTRONG: That's a good question. I mean the
16 Board has given c&t where there hasn't been fulfillment of the
17 eight factors.

18

19 MR. UPICKSOUN: Maybe you can flabbergast them and
20 they'll okay it.

21

22 MS. H. ARMSTRONG: I think what I'll do is, I'm going
23 to characterize what you're talking about. I mean I don't
24 think this is different from some other regions in the state
25 either, but I mean I sort of look at this as being one large
26 extended family. People are all related to each other and when
27 they're.....

28

29 MR. UPICKSOUN: And you'll really understand that when
30 you get a copy from the Planning Department, represented by
31 Doreen Lampe. If you get a copy of it, just use Nuiqsut as an
32 example. You'll have information that you can use before the
33 Board.

34

35 MR. LONG: Now that transportation is so powerful
36 today, you know, we're traveling in this whole area. We
37 wouldn't actually need to go to Kaktovik to get our hunting
38 area. Maybe a part of Anaktuvuk Pass and go in part of Gates
39 of the Arctic. Whereas maybe Point Lay and Point Hope would be
40 in this area. This whole area over here is sheep hunting. And
41 there is nothing we can do about it because it's where they
42 live.

43

44 And I want to comment on Harry. Man, you've been on
45 the flat land too line. It's a lot of fun up there.
46 Especially when you can't get down the other side after you go
47 up.

48

49 CHAIRMAN REXFORD: Okay. Any additional comments or

50 questions for Ms. Armstrong on the c&t for sheep? I think

00131

1 we've got a general consensus from the Council here and maybe
2 that can be passed on to the Federal Subsistence Board, not to
3 seize the determinations for the villages.

4
5 MS. H. ARMSTRONG: Well, I'll put this into the
6 analysis and then when you give your comments to the Board,
7 they'll be really looking towards you for your support of that.

8
9 CHAIRMAN REXFORD: Yeah. We've got a consensus here.
10 I think you've heard or got comments from.....

11
12 MS. H. ARMSTRONG: Is the consensus then to support the
13 proposal as it's on Page 3 at the top of the page under issues,
14 is this the way you want it to go in; that you would provide a
15 c&t for sheep in 26(A) and (B) for all residents of Unit 26,
16 Point Hope and Anaktuvuk Pass and Wiseman, and for 26 (C) for
17 all residents of Unit 26, Point Hope and Arctic Village, is
18 that what you want to see?

19
20 MR. UPICKSOUN: Wiseman in 26.....

21
22 MS. H. ARMSTRONG: Wiseman's in 24 and they go up into
23 26(A). They may not go into.....

24
25 CHAIRMAN REXFORD: I think Ben had made a comment that
26 there were some.....

27
28 MS. H. ARMSTRONG: B. It's not A. I correct that,
29 26(A) for Wiseman and.....

30
31 CHAIRMAN REXFORD: Anyway, I think in our previous
32 meeting Mr. Hopson from Anaktuvuk Pass mentioned that we should
33 keep it on that way by my recollection.

34
35 MS. H. ARMSTRONG: So Wiseman should have 26(B), is
36 that right, Steve, and not A?

37
38 MR. ULVI: Yes.

39
40 MS. H. ARMSTRONG: This is incorrect here. All right.
41 That's Steve's feeling. I don't know how you want to -- I mean
42 he's not on the Council.

43
44 CHAIRMAN REXFORD: Yeah. I wish Ben were here.
45 Anyway, I think we looked at the previous meeting where Ben
46 mentioned that Wiseman was skipped on there. I think that's
47 why we kept it on there. Other than that, I think it's pretty
48 -- consensus is to keep everyone on and not exclude any of the
49 villages. Mr. Boyd.

00132

1 MR. BOYD: Yes. I don't know if you plan to do this,
2 Mr. Chair, but we've suggested some procedure in the agenda in
3 terms of receiving public comment on this or agency comment.

4
5 CHAIRMAN REXFORD: Okay. Yeah. I saw that.

6
7 MR. BOYD: Okay.

8
9 CHAIRMAN REXFORD: I left it opened. Okay. Any public
10 comments on this? Mr. Ulvi, I saw your hand earlier. I'm
11 sorry, I kept.....

12
13 MR. ULVI: All right. Thank you, Mr. Chairman.

14
15 CHAIRMAN REXFORD: Okay.

16
17 MR. ULVI: Steve Ulvi with the Park Service. Just two
18 things about Helen's presentation, which was a long
19 presentation and a good one. One is, is that clarification at
20 the end, that the way her proposal read was is that the
21 analysis showed that Wiseman used 26(B) and probably not 26(A)
22 anymore.

23
24 CHAIRMAN REXFORD: Okay.

25
26 MR. ULVI: And I understand you just clarified that.
27 And the other thing was that in her write-up she mentioned that
28 Gwitchin had used the John and Alatna Rivers to access 26, and
29 that would be the Koyukon on the Upper Koyukuk there, puts you
30 much farther east. A minor correction.

31
32 CHAIRMAN REXFORD: Okay. Thank you, Mr. Ulvi. Mr.
33 Koonuk.

34
35 MR. KOONUK: Also I think that the borderline need to
36 be changed. We talked about that.

37
38 MS. H. ARMSTRONG: Oh, the map being wrong right now?

39
40 MR. KOONUK: Yeah.

41
42 MS. H. ARMSTRONG: Yeah. These maps are incorrect up
43 here of the border for the division between Region 10 and
44 Region 8. It follows the GMU line and it's supposed to be
45 straight across over to include Point Hope in Region 10.

46
47 I've told our map maker to correct it and hopefully the
48 next time we have a map it'll be right. It's incorrect in the
49 book too. It was one of those errors that got in there and

50 nobody saw I think for a while and recently I saw it and said

00133

1 Point Hope's not in there, this is wrong. And I had an old
2 map. So I showed them the old map.

3

4 CHAIRMAN REXFORD: Okay. Any additional comments for
5 Ms. Armstrong? If not, the Chair will entertain a motion for a
6 10 minute recess.

7

8 MR. TAGAROOK: So moved.

9

10 CHAIRMAN REXFORD: You second it. All in favor, say
11 aye.

12

13 IN UNISON: Aye.

14

15 (Off record)

16

17 (On record)

18

19 CHAIRMAN REXFORD: Now, before we proceed I think we
20 had another proposal that affected Anaktuvuk Pass. But before
21 we leave the subject of the sheep c&t I think there was a
22 general consensus, but I think the Chair didn't entertain a
23 motion.

24

25 Anyway, the general consensus was not to -- how should
26 I put it, not to exclude any of the villages in the North Slope
27 Region or Region 10 from the c&t determination of sheep, or the
28 taking of sheep. So the Chair at this time will entertain
29 either by motion or unanimous consent to oppose any deletion of
30 the villages that have hunted sheep.

31

32 (Off record comments - whispering)

33

34 CHAIRMAN REXFORD: Okay. The issue on Proposal 74
35 submitted by the Regional Advisory Council requested positive
36 c&t determination or use determination for the sheep in Unit 26
37 (A) and (B) for all of the residents of Unit 26, to also
38 include Point Hope, Anaktuvuk Pass and Wiseman. And Wiseman
39 will be in 26(B). And for Unit 26(C), for all residents of
40 Unit 26(C), Point Hope and Arctic Village included.

41

42 I think it was the general consensus or I've got the
43 feeling from the Councilmen here that the c&t determination
44 should not be deleted or any of the villages should be deleted
45 from the take or that use of sheep.

46

47 So it's right before you on Page 3 of the issues. The
48 Chair would entertain a motion to that effect.

49

MR. UPICKSOUN: Mr. Chairman.

00134

1
2 CHAIRMAN REXFORD: Mr. Upicksoun.

3
4 MR. UPICKSOUN: I put your statement in the form of a
5 motion and I ask for unanimous consent.

6
7 MR. BROWER: Second.

8
9 CHAIRMAN REXFORD: Mr. Upicksoun has asked for
10 unanimous consent to approve Proposal 74 with a minor amendment
11 for Wiseman in 26(B). I think I stated that again, proposal
12 submitted by the North Slope Regional Advisory Council to
13 request a positive c&t or customary and traditional use
14 determination for sheep in 26(A) and (B), for all residents of
15 Unit 26, to Point Hope, Anaktuvuk Pass and Wiseman. Wiseman
16 will be 26(B). And for Unit 26(C), for all the residents of
17 the unit, also include Point Hope and Arctic Village.

18
19 Any objections? Hearing none, so ordered.

20
21 MR. UPICKSOUN: Motion is passed.

22
23 CHAIRMAN REXFORD: Helen, there's one more proposal
24 where.....

25
26 MS. H. ARMSTRONG: Actually four.

27
28 CHAIRMAN REXFORD: Four proposals that affect our
29 region. So she'll go over those very briefly.

30
31 MS. H. ARMSTRONG: These are in this packet that was
32 given out when you arrived. You should have had it in front of
33 you. Does everybody have it? It says Supplemental Materials
34 on the top. It's not in the book. It's an extra packet like
35 this. Everybody find it? Harry, did you get a copy of this?

36
37 MR. BROWER: I'm using his copy.

38
39 MS. H. ARMSTRONG: Okay. We have more. Can you give
40 one to Fenton.

41
42 CHAIRMAN REXFORD: Thank you, Steve. Okay. These are
43 supplemental materials that did not get on the agenda.

44
45 MS. H. ARMSTRONG: They didn't get in the agenda and
46 they also didn't get into the book. They're from the Western
47 Interior Regional Council. They're all from Unit 24. And my
48 sincerest apologies that they didn't get into the book.
49 Fenton, you weren't here yesterday, but we've had severe

50 personnel problems.

00135

1

2 George Sherrod, who's the anthropologist for that
3 region, his wife died of cancer last week and he's been taking
4 care of her, so we were shorthanded and things have been
5 backlogged. Next year I hope no one gets sick. This office
6 has a history of having people get sick and furloughs and what
7 not and we seem to have problems.

8

9 But, anyway, these four proposals are c&t. There's a
10 black bear, brown bear, caribou and sheep for Unit 24. And
11 three of them came from the Stevens Village Council, the Dinyee
12 Corporation. And what I'm going to describe -- all three,
13 except for caribou came, or is that right -- there was one that
14 did not come from them. No, the sheep one didn't come from
15 them.

16

17 What Stevens Village has been trying to do is create a
18 use area for Stevens Village and only for Stevens Village. And
19 so the way these were written, to give you some background, was
20 that they were going to give c&t to Stevens Village and they
21 didn't care about anybody else. But when we get a c&t proposal
22 we look at then the uses of everyone in that region. So that's
23 why Anaktuvuk becomes an issue in these. Rather than only
24 looking at what Stevens Village does, we look at what everyone
25 does in Unit 24.

26

27 And I think I'll just briefly summarize. I don't know
28 that it's really worth going into this in great detail. I also
29 want to say that these are drafts. They have not been approved
30 by our management or by the Staff Committee and there are some
31 errors in there. So I apologize for the little errors here and
32 there that are in there.

33

34 Unit 24 black bear, the existing regulation is for all
35 rural residents, which means that there's never been a
36 determination made. And this is typical throughout the State,
37 that black bear because they are so abundant, the State of
38 Alaska when they made their c&t determinations they had not
39 gotten around to doing black bear determinations. And so what
40 they did was made it a determination for all people who were
41 rural.

42

43 We adopted those c&t determinations that they had made,
44 which we're now in the process of looking at ourselves. So
45 right now anybody who is a rural resident who qualifies under
46 our program can hunt black bear in Unit 24. And their request
47 was to make that for residents of Stevens Village.

48

49 The villages that were looked at in this were

50 Allakaket, Alatna, Anaktuvuk Pass, Bettles, Evansville, Hughes,

00136

1 Huslia, Stevens Village and Wiseman. And the largest black
2 bear hunters are farther down in the Koyukuk area but there is
3 evidence that all of those communities have hunted black bear.
4 And without going into great detail, they fulfill all of the
5 eight factors.

6
7 Anaktuvuk Pass isn't a really heavy user of black bear,
8 but they do occasionally get them. It's not one of their
9 primary resources by any means. And in the study that was just
10 done by the North Slope Borough they didn't find any harvested
11 that year, but I don't think that's particularly significant
12 because they do have history of hunting black bear.

13
14 So Anaktuvuk Pass was included in the conclusion. The
15 preliminary conclusion was that the c&t should be for residents
16 of Unit 24 and residents of Wiseman, but not including any
17 other residents of the Dalton Highway Corridor Management Area.
18 And, actually, when this was looked at it didn't appear that
19 Stevens Village does use Unit 24. So it'll be interesting to
20 see what they say when they get to review this at their Council
21 meeting.

22
23 Do you want me to give more detail than that, or is
24 that good enough?

25
26 CHAIRMAN REXFORD: Do you need any more detail on this
27 proposal on black bear?

28
29 MS. H. ARMSTRONG: Anaktuvuk fulfills the eight
30 factors.

31
32 CHAIRMAN REXFORD: What is the wish of the Council to
33 include Anaktuvuk Pass to continue using black bear?

34
35 MS. H. ARMSTRONG: Mr. Chairman, you can do one of two
36 things. You could support just the Anaktuvuk part and leave
37 the rest of it.

38
39 CHAIRMAN REXFORD: Yeah. I think since this proposal
40 affects or touches Anaktuvuk Pass, I shall entertain a motion
41 to support this proposal as presented?

42
43 MR. UPICKSOUN: Any support that any region gets from
44 another region in regards to c&t would be welcome. I think
45 they would appreciate our support in making the c&t.

46
47 CHAIRMAN REXFORD: Any.....

48
49 MR. BROWER: So moved, Mr. Chairman.

00137

1 CHAIRMAN REXFORD: Moved by Harry Brower to support
2 Proposal 55.

3
4 MR. TAGAROOK: Second.

5
6 CHAIRMAN REXFORD: Seconded by Terry Tagarook.

7
8 MR. KOONUK: Question?

9
10 CHAIRMAN REXFORD: Questions called. All in favor of
11 the Council to approve or support Proposal 55 since it affects
12 or Anaktuvuk Pass is included, say aye.

13
14 IN UNISON: Aye.

15
16 CHAIRMAN REXFORD: Aye. Those opposed, same sign.

17
18 (No opposing responses)

19
20 CHAIRMAN REXFORD: Thank you.

21
22 MS. H. ARMSTRONG: Mr. Chairman, I just need to clarify
23 if when you say support Proposal 55, actually Proposal 55 only
24 gave c&t to the residents of Stevens Village; that what you in
25 fact wanted to do was support it as modified in the report.

26
27 CHAIRMAN REXFORD: Yes, that's right. To include
28 Anaktuvuk Pass.

29
30 MS. H. ARMSTRONG: I just wanted it in the record that
31 we were including Anaktuvuk Pass.

32
33 CHAIRMAN REXFORD: Yes, ma'am. Yes, that's what I was
34 saying.

35
36 MS. H. ARMSTRONG: Okay.

37
38 CHAIRMAN REXFORD: What the Council was saying.

39
40 MS. H. ARMSTRONG: Okay. The next proposal is Proposal
41 58A. It's an A because there were two parts, but the other one
42 was -- I mean 58A was withdrawn. 58B is the one that we
43 addressed. And this was for brown bear for Unit 24.

44
45 The existing regulation is for residents of Unit 24 and
46 Wiseman, but not including any other residents of the Dalton
47 Highway Corridor Management Area. And so as it stands right
48 now, Anaktuvuk has c&t for Unit 24.

49

The Stevens Village people wanted to take out that c&t

00138

1 and they asked for c&t only for residents of Stevens Village.

2 And, again, Anaktuvuk Pass is a much heavier user of
3 brown bear than they are of black bear. The same communities
4 that were included in the black bear proposal are in the brown
5 bear proposal. And in the same way there is evidence of those
6 communities harvesting brown bear.

7
8 Anaktuvuk Pass, the two years we have data for, in '73
9 they got five brown bear, in '94 they got two. It's not
10 something that they harvest a lot but they do harvest them
11 opportunistically when they encounter them and when the occasion
12 arises.

13
14 Just as a matter of interest, there is some information
15 in here about some of the uses of Stevens Village particularly
16 in their brown bear hunting and it's a little bit controversial
17 how much they even actually harvest brown bear anymore, but
18 that's not an issue for this Council to be too concerned with.

19
20 We know that Anaktuvuk harvest brown bear in their
21 general subsistence use area and that it meets all the eight
22 criteria of being shared, passing down from generation to
23 generation.

24
25 The preliminary conclusion was to reject the proposal
26 that was written that only gave c&t to Stevens Village and it
27 actually eliminated the existing c&t. But what we want is to
28 retain the existing c&t determination for residents of Unit 24
29 and residents of Wiseman, but not including any other residents
30 of the Dalton Highway Corridor Management Area.

31
32 And as this is written, a finding of no subsistence was
33 the preliminary conclusion for Stevens Village for brown bear.
34 That may change. That hasn't gone through enough review to
35 know if that's going to be in existence there.

36
37 I think there's adequate evidence that Anaktuvuk Pass
38 meets all of the eight factors, as well as the other residents
39 of Unit 24 and Wiseman.

40
41 There was insufficient evidence that brown bear were
42 hunted by Stevens Village. There also was insufficient
43 evidence to indicate if residents of Galena, Tanana, Koyukuk or
44 Nulato have hunted brown bears in 24. And they're also waiting
45 for further input from the -- this says Eastern Interior but
46 it's supposed to be Western Interior Regional Advisory Council.

47
48 If that's enough information I'm going to -- all of
49 these proposal analyses are submitted into the record, rather

50 than spending a lot of time going over all of it.

00139

1

2 CHAIRMAN REXFORD: Okay. What is the wish of the
3 Council? Again this affects or includes Anaktuvuk Pass. But
4 I'm understanding that this 58A or 58B was submitted by Stevens
5 Village. Again I think we've heard from the Council that we
6 should not exclude those other users, even though they are from
7 other units (indiscernible) in the prior c&t proceeding. So
8 what is the wish of the Council on Proposal 58B, after hearing
9 from Ms. Armstrong?

10

11 MR. BROWER: Mr. Chairman, I have a question.

12

13 CHAIRMAN REXFORD: Mr. Brower.

14

15 MR. BROWER: Are we able to modify this proposal to
16 include Anaktuvuk in this proposal, or what.....

17

18 MS. H. ARMSTRONG: Yes. I mean that's in fact -- well,
19 the existing c&t includes Anaktuvuk. So that's why this
20 proposal was rejected, because the proposal was to delete the
21 existing c&t and give c&t for Stevens Village.

22

23 And this is an aside, I'm not sure that's what they
24 really meant to do, but that's in effect what they did, was
25 they were wanting to give c&t to Stevens Village and not to
26 anybody else. I just can't believe that that's what they
27 wanted to do. It's kind of beyond my imagination that they
28 would have wanted to cut everybody else out.

29

30 So there is already a c&t determination that includes
31 all the residents of Unit 24. So, in effect, you can reject
32 the proposal and then that's giving c&t to Anaktuvuk.

33

34 MR. BOYD: Or make a positive statement.....

35

36 MS. H. ARMSTRONG: Make a positive statement.

37

38 MR. BOYD:about Anaktuvuk Pass.

39

40 MS. H. ARMSTRONG: Yeah. You could make a motion that
41 this Council has a finding of a positive customary and
42 traditional use determination for brown bear for Anaktuvuk Pass
43 in Unit 24.

44

45 CHAIRMAN REXFORD: Okay. You've heard the issues
46 before us, that Proposal 58 is excluding Anaktuvuk Pass, but
47 previous c&t determinations did include Anaktuvuk Pass. So
48 what we've heard brought before us is that we'd like to
49 continue that c&t for Anaktuvuk Pass and Unit 24.

00140

1 MR. LONG: Mr. Chairman.

2 CHAIRMAN REXFORD: Mr. Long.

3

4 MR. LONG: I would move to approve Proposal 58 with a
5 amended inclusion of Anaktuvuk Pass.

6

7 CHAIRMAN REXFORD: The motion is to amend 58 or to
8 include Anaktuvuk Pass. I think that's a proper motion. Yes.

9

10 UNIDENTIFIED VOICE: Can I get a clarification whether
11 we modify it.....

12

13 MR. LONG: The reason that I'm approving it, Mr.
14 Chairman, is because if they exclude any of the villages,
15 including the ones that are in the Utility Corridor of the
16 Dalton Highway, it's going to do away with Wiseman.

17

18 MS. H. ARMSTRONG: It actually.....

19

20 CHAIRMAN REXFORD: Okay. The motion -- we'll come back
21 to the motion here.

22

23 MS. H. ARMSTRONG: I'm sorry.

24

25 CHAIRMAN REXFORD: That's okay.

26

27 MS. H. ARMSTRONG: It actually.....

28

29 CHAIRMAN REXFORD: We'll make another motion.

30

31 MS. H. ARMSTRONG: It actually says and Wiseman, just
32 to include them.

33

34 MR. LONG: But it also states that -- but if we exclude
35 any of the villages that are further away than Wiseman from the
36 Corridor, Wiseman won't be.

37

38 CHAIRMAN REXFORD: Harry, did you have a comment on
39 this?

40

41 MR. BROWER: What was mentioned earlier was to oppose
42 the proposal as presented. I think that's what the motion
43 should state, that we need to oppose the proposal. Anaktuvuk
44 already has a positive c&t determination for brown bear.

45

46 CHAIRMAN REXFORD: Okay. With that motion then, Mr.
47 Brower.

48

49 MR. BROWER: I would so move.

00141

1 CHAIRMAN REXFORD: Okay. Mr. Brower moves to.....

2 MR. KOONUK: Was that amended motion or.....

3

4 CHAIRMAN REXFORD: No. That motion died due to lack of
5 second. So after further deliberations we can -- I think for
6 further clarification for those folks in Stevens Village, that
7 we oppose -- or seconded by I think was that Terry?

8

9 MR. KOONUK: Make your motion again.

10

11 CHAIRMAN REXFORD: Harry, repeat your motion.

12

13 MR. BROWER: I would like to make a motion to oppose
14 this resolution, Proposal 58, due to the fact that Anaktuvuk
15 Pass already has a c&t determination. In this proposal it
16 requests for the residents of Stevens Village only.

17

18 CHAIRMAN REXFORD: Okay. You've heard the motion. I
19 think it's understood. Need a second.

20

21 MR. LONG: Okay.

22

23 CHAIRMAN REXFORD: Seconded by Frank. Discussion?
24 Yeah, I think it's fairly clear too that the existing
25 regulation does include AKP and to exclude them is not right.
26 So any further discussion? Gordon, did you have a question?

27

28 MR. UPICKSOUN: Yes. Regarding when he said Anaktuvuk
29 was excluded.

30

31 CHAIRMAN REXFORD: In Proposal 58B.

32

33 MR. UPICKSOUN: But it says Unit 24. In the proposed
34 regulation, what does it say about.....

35

36 CHAIRMAN REXFORD: It's dealing anything and only
37 saying that the c&t will be only for the residents of Stevens
38 Village. So they're doing away with the existing regulations
39 for the c&t determinations for Anaktuvuk Pass and other
40 villages around there.

41

42 MR. BROWER: Mr. Chairman.

43

44 CHAIRMAN REXFORD: Mr. Brower.

45

46 MR. BROWER: Helen, could you restate what was
47 mentioned earlier about why we want to oppose this proposal?

48

49 MS. H. ARMSTRONG: I'm sorry, Harry, say that again?

00142

1 MR. BROWER: Could you restate what was mentioned
2 earlier about why we want to oppose this proposal?

3
4 MS. H. ARMSTRONG: Okay. The proposal is, if you look
5 on Page 13 of your packet, the proposed regulation is there
6 kind of in the first quarter of the page. Is to delete the
7 existing c&t determination which is for residents of Unit 24
8 and Wiseman, that includes Anaktuvuk Pass, but not including
9 any of the residents of the Dalton Highway Corridor Management
10 Area. To delete that and only give c&t to the residents of
11 Stevens Village.

12
13 So if you want to support giving Anaktuvuk Pass c&t,
14 you need to not support this proposal. You need to reject it.

15
16 MR. BROWER: Right.

17
18 MS. H. ARMSTRONG: And on Page 23, at the top,
19 Preliminary Conclusions say, reject the proposal. The existing
20 customary and traditional use determination for residents of
21 Unit 24 and residents of Wiseman, but not including any other
22 residents of the Dalton Highway Corridor Management Area,
23 should be retained. A finding of no subsistence should be in
24 place for Stevens Village for brown bear in Unit 24.

25
26 If you don't want to get into the issue of Stevens
27 Village, which I would suggest not getting into that. I'd
28 leave it to the other Councils.

29
30 CHAIRMAN REXFORD: Okay. This preliminary conclusion
31 is the Staff analysis, right?

32
33 MS. H. ARMSTRONG: Right.

34
35 CHAIRMAN REXFORD: Okay.

36
37 MS. H. ARMSTRONG: And so you could just reject the
38 proposal and not say anything about Stevens Village if you so
39 choose.

40
41 CHAIRMAN REXFORD: Okay. Does that answer your
42 question.

43
44 MR. KOONUK: Are we still on the discussion?

45
46 CHAIRMAN REXFORD: Yeah.

47
48 MR. KOONUK: Question called.

49

CHAIRMAN REXFORD: Question is called for. Just one

00143

1 minute. Harry, did that answer your question.

2 MR. UPICKSOUN: No, I -- Mr. Chairman.

3

4 CHAIRMAN REXFORD: Gordon's got a point. One more
5 question. Mr. Upicksoun.

6

7 MR. UPICKSOUN: You know, I know all the people in
8 Stevens Village and they're very subsistence oriented. And
9 they're very subsistence oriented. To oppose a c&t
10 determination from brown bear, I find that very hard to block
11 any c&t determinations on brown bear for Stevens Village.
12 They're very subsistence oriented. They're a small community.
13 I know many individuals in that town. And the leadership of
14 our Regional Tribal Government, most of them are from Stevens
15 Village.

16

17 MS. H. ARMSTRONG: You could include them in your --
18 you could modify the proposal to include Stevens Village, but
19 to retain the existing -- or to add Stevens Village to the
20 existing c&t determination. You could do that too.

21

22 MR. UPICKSOUN: That was my statement.

23

24 CHAIRMAN REXFORD: Okay. Your point is very well
25 taken. To oppose any towns that want c&t, I can see that
26 repercussion where -- your point is taken that we should
27 include or get Stevens Village in that existing regulation. I
28 don't know what their rationale or why they wanted to exclude
29 the others.

30

31 MS. H. ARMSTRONG: I can go over the Stevens Village
32 portion of this analysis, if you'd like me to.

33

34 CHAIRMAN REXFORD: I just want to see why they want to
35 -- yeah, what they're trying to do is -- maybe they didn't want
36 to exclude anybody but I don't know -- maybe they want to make
37 an inclusion to that existing regulation.

38

39 But our motion right now is to oppose the proposes
40 regulation. Hearing that, the Chair would entertain an
41 amendment to the main motion to clarify that opposition. Or
42 Gordon's point is well taken I think. For a Regional Council
43 to make opposition to a town is not -- that's not our function;
44 to make opposition to a regulation that I know is there's, it's
45 not our unit, but we want to also include Anaktuvuk Pass in
46 their proposal and it's not in there.

47

48 So how would we fix the motion to that effect, because
49 Gordon brought up a very good point.

00144

1 MR. BROWER: We are to have positive c&t determinations
2 for brown bear in Anaktuvuk Pass.

3
4 MR. UPICKSOUN: That's what she said, but then I didn't
5 understand why are we -- how does Unit 24 affect us?

6
7 MR. BROWER: Anaktuvuk Pass residents hunt in Unit 24.

8
9 MR. UPICKSOUN: In Unit 24. Okay.

10
11 MR. BROWER: And this is only for the residents of
12 Stevens Village.

13
14 MR. UPICKSOUN: Okay. No. When Anaktuvuk get one --
15 when they get one brown bear, the meat they consume right away,
16 with the skin they can make a hundred masks. They use it for
17 (indiscernible). They make masks in Anaktuvuk and that skin --
18 one skin for brown bear goes a long ways.

19
20 And we all know that Anaktuvuk is very good in making
21 masks out of caribou and they always put (indiscernible) with
22 brown bear and that one skin goes a long ways for Anaktuvuk.

23
24 CHAIRMAN REXFORD: Okay. I'm hearing around the table
25 here that we do not -- at least we're not opposing Stevens
26 Village wanting c&t for brown bear. Is that right? But we're
27 opposing the regulation because it's excluding residents of
28 Anaktuvuk Pass.

29
30 Maybe the proper motion is to make an amendment to
31 their proposal or a suggestion to amend their proposal rather
32 than oppose it? I think would be a proper protocol.

33
34 MS. H. ARMSTRONG: That's right.

35
36 CHAIRMAN REXFORD: Or a proper communications.

37
38 MR. BROWER: And I will need to withdraw my motion.

39
40 CHAIRMAN REXFORD: Okay. Would that be agreeable to
41 the Council here?

42
43 MR. LONG: Yeah.

44
45 CHAIRMAN REXFORD: Okay. I thank you, Frank and Harry.
46 I think the discussion before us is now that we do not want to
47 oppose Stevens Village in trying to get their c&t determination
48 for brown bear, but we oppose the way they presented it, but we
49 want to include our residents of Anaktuvuk Pass in that

50 proposal.

00145

1

2 So the Chair would ask that we include the rest that's
3 in their proposal and ask for amendment to their proposal and
4 send it down that way for the next meeting. I think that would
5 be more proper.

6

7 MR. BROWER: So moved, Mr. Chairman.

8

9 CHAIRMAN REXFORD: Harry moves. We'll just clarify
10 your motion to support proposed regulation submitted by Stevens
11 Village but make the amendments to include in the previous
12 regulation, existing regulation.

13

14 MR. LONG: Second the motion.

15

16 CHAIRMAN REXFORD: Seconded by Frank. Again, the
17 existing regulation includes out everyone else. It should have
18 just been to include the Stevens Village residents. I think
19 that is the main gist of our discussion here. Any further
20 discussion?

21

22 MR. TAGAROOK: Question.

23

24 CHAIRMAN REXFORD: Question by Terry. All in favor of
25 supporting proposed regulation submitted by Stevens Village,
26 but to include the residents of Unit 24, Wiseman and Anaktuvuk
27 Pass residents. Is that what we're saying? All in favor, say
28 aye.

29

30 IN UNISON: Aye.

31

32 CHAIRMAN REXFORD: Those opposed, same sign.

33

34 (No opposing responses)

35

36 CHAIRMAN REXFORD: Thank you.

37

38 MR. UPICKSOUN: It's clear to the Staff what we
39 discussed here? Okay. All right.

40

41 CHAIRMAN REXFORD: Thank you. Next proposal.

42

43 MS. H. ARMSTRONG: Okay. The next proposal is on Page
44 26 in this packet, Proposal 59.

45

46 This one is for c&t determination for caribou in Unit
47 24, again affecting Anaktuvuk Pass. And the existing one was
48 again a no determination that meant all rural residents could
49 hunt caribou in Unit 24. And the request is for rural

50 residents of Unit 24 and the residents of -- this says and the

00146

1 residents of Anaktuvuk Pass, Koyukuk, Galena, Tanana, and
2 Stevens Village. And this is in error because Anaktuvuk Pass
3 is in Unit 24. So I've clarified that in here trying to make
4 -- the person who wrote this I think forgot because it's right
5 on the border and it's hard to see when you look at the map
6 where Anaktuvuk Pass is.

7
8 This proposal was submitted by the Western Interior
9 Regional Advisory Council and Jack Reakoff.

10
11 The proposal would replace the existing no
12 determination. In addition, this one would be done just for
13 caribou. All of the c&t determinations we are doing in the
14 Federal program are for caribou and not for a specified herd.
15 And, if you recall, we've talked about that before; that
16 especially in areas where more than one herd goes through it's
17 really hard for the local people to know which herd they're
18 allowed to be hunting from. And so they don't know. Caribou
19 don't wear little tags saying which herd they're from.

20
21 I'm not sure how this -- why the State didn't do a
22 determination for Unit 24 before. We actually went back and
23 looked to see if there had been an error somewhere and we
24 couldn't find any record of the State having done one. I think
25 it may have been an oversight, because they did a c&t
26 determination for the Western Arctic herd in 26 and 23 and 22.
27 All of those other surrounding units, so I'm not sure how it
28 got missed.

29
30 I think especially with caribou we don't -- we have no
31 doubts that caribou are a customary and traditional resource
32 for Anaktuvuk Pass, especially I think they harvest per capita
33 more caribou than anybody in the State. I may be wrong on that
34 statement, but they harvest a lot of caribou and they don't get
35 a whole lot else as we know.

36
37 I thought it was interesting, this is kind of an aside,
38 but on Table II on Page 31, to look at the records we have of
39 what harvests are in 1973, it was a thousand caribou in
40 Anaktuvuk Pass and down to 322 in 1994. But they're getting a
41 lot of caribou there for the number of people who live there.

42
43 I think it probably would be redundant to go over all
44 of the eight factors, but let's just summarize by saying that
45 Anaktuvuk Pass does fit all of the eight factors.

46
47 CHAIRMAN REXFORD: Okay. Yeah.

48
49 MS. H. ARMSTRONG: And the preliminary conclusion was

50 to modify the proposal to provide a customary and traditional

00147

1 use determination for caribou for residents of Unit 24 and
2 residents of Wiseman, and Galena, but not including any other
3 residents of the Dalton Highway Corridor Management Area.
4 Anaktuvuk Pass is within the Unit 24 boundary, and also is
5 included in this determination.

6
7 And with input from the Western Interior Regional
8 Advisory Council, Kobuk, Stevens Village and Koyukuk could also
9 be included.

10
11 CHAIRMAN REXFORD: Okay.

12
13 MS. H. ARMSTRONG: Okay.

14
15 CHAIRMAN REXFORD: All right. Again, I just want to
16 remind those that are the public it's opened and there's anyone
17 that want to have an opportunity to make any testimony or
18 comments on our proposals, I just want to make that reminder
19 here.

20
21 Anyone from the audience want to comment on the
22 proposals? Okay.

23
24 All right. Proposal -- what number is that?

25
26 MS. H. ARMSTRONG: 59, I think.

27
28 CHAIRMAN REXFORD: 59 is before us. Again, a quick
29 summary is that Anaktuvuk Pass is within Unit 24. The
30 recommendations or preliminary conclusions by the Staff is to
31 modify the proposal to provide a customary and traditional use
32 determination for caribou for the residents of Unit 24 and the
33 residents of Wiseman, Galena, but not including any other
34 residents of Dalton Highway Corridor Management. Anaktuvuk
35 Pass is within the Unit 24 boundary and it's also included
36 within this determination.

37
38 So, again, this is making a c&t determination for Unit
39 24. The Chair would entertain a motion to support the Staff
40 analysis.

41
42 MR. BROWER: So moved, Mr. Chairman.

43
44 CHAIRMAN REXFORD: Mr. Brower moves to support the
45 Staff analysis.

46
47 MR. UPICKSOUN: Seconded.

48
49 CHAIRMAN REXFORD: Seconded by Gordon. Any further

50 discussion on this Proposal 59?

00148

1
2 MR. TAGAROOK: Question.

3
4 CHAIRMAN REXFORD: Question's called. All in favor of
5 Proposal 59 supporting the Staff analysis, say aye.

6
7 IN UNISON: Aye.

8
9 CHAIRMAN REXFORD: Those opposed, same sign.

10
11 (No opposing responses)

12
13 CHAIRMAN REXFORD: Thank you. Helen, please proceed.
14 One more.

15
16 MS. H. ARMSTRONG: Okay. Proposal 60 is for sheep c&t
17 determination in Unit 24. This proposal is to retain the
18 existing determination, which is for rural residents of Unit 24
19 residing north of the Arctic Circle and residents of Allakaket,
20 Alatna, and Anaktuvuk Pass. Again, they included Anaktuvuk
21 even though they are north of the Arctic Circle, and to add --
22 this is just one that wants to add Hughes and Huslia.

23
24 And the conclusion was that Anaktuvuk Pass has
25 sufficient information and all of the eight factors to give
26 them c&t for sheep.

27
28 I just want to make a side note that this has not been
29 approved yet by our management and there's still some
30 discussion about whether Huslia should be included or not.
31 That's just a side note.

32
33 The conclusion in here was to adopt the proposal. That
34 would be to add Hughes and Huslia to Unit 24, c&t for sheep.

35
36 CHAIRMAN REXFORD: What is the -- any minutes or
37 summary of the Advisory Committee from Koyukuk?

38
39 MS. H. ARMSTRONG: They haven't met yet, so I'm unsure
40 what will happen on that.

41
42 MR. UPICKSOUN: But they met -- you know for a fact
43 that Huslia and Hughes.....

44
45 MS. H. ARMSTRONG: Go up there?

46
47 MR. UPICKSOUN: The eight factors, are they.....

48
49 MS. H. ARMSTRONG: Hughes I think does, Huslia is a

50 little bit more of a question of whether or not they do. And

00149

1 if you really wanted to hear more about that I might invite
2 Steve Ulvi up to make a few comments on it. Is that okay?

3
4 CHAIRMAN REXFORD: Yeah, let's.....

5
6 MS. H. ARMSTRONG: Is that okay? He's going to kill
7 me.

8
9 CHAIRMAN REXFORD: Mr. Ulvi.

10
11 MS. H. ARMSTRONG: This isn't my area, so I'm not very
12 knowledgeable about it. That's why I'm letting Steve say
13 something. Sorry.

14
15 MR. ULVI: Thank you, Helen. Steve Ulvi with the Park
16 Service. I don't know that I really have a lot to offer you,
17 except hearing your previous discussions about Stevens Village
18 and other areas where you don't want to go on the record as
19 obstructing their efforts in any way.

20
21 I would suspect you might just want to handle this
22 proposal in the same way. My professional opinion, and if you
23 look at the way the proposal's written, they've sort of implied
24 that they want to give c&t for sheep in Gates of the Arctic
25 Park to Huslia, which right now they're not eligible unless
26 individuals with a history of use came to us and got a permit.
27 They're not part of our resident zone. So that's kind of a
28 side issue that's really not addressed in this analysis.

29
30 But my professional opinion is, is it's a long ways to
31 sheep habitat from Huslia. And that certainly some families
32 there who used to reside in Allakaket and Hughes and other
33 villages there, similar to your movements here and the North
34 Slope, have hunted sheep in the Brooks Range in the past. So
35 it's really kind of a question of how many people that
36 currently live there have a pattern of use of sheep hunting.

37
38 Now there are sheep outside of Gates of the Arctic in
39 GMU 24. So it's certainly not strictly a park issue. So I
40 guess I have -- I would like to see further analysis for that
41 particular community before we weigh in on that.

42
43 But for your purposes here, I don't know that I have
44 anything else to add.

45
46 CHAIRMAN REXFORD: Okay. Those folks from Huslia
47 probably know more about what their history of subsistence
48 hunting and -- anyway, rather than hindering or for the folks
49 from the Koyukuk River Advisory Committee, what is the wish of

50 the Council on Proposal 60, since it affects or it touches on

00150

1 our residents of Anaktuvuk Pass?

2 MR. UPICKSOUN: Mr. Chairman.

3
4 CHAIRMAN REXFORD: Mr. Upicksoun.

5
6 MR. UPICKSOUN: If Huslia makes a good case on their
7 own behalf -- the proposal may pass if they make a good case on
8 their own behalf regarding the c&t determination.

9
10 CHAIRMAN REXFORD: Okay.

11
12 MR. BROWER: Mr. Chairman.

13
14 CHAIRMAN REXFORD: The justification real quickly is to
15 adopt the proposal, justification there is sufficient evidence
16 that Huslia and Hughes should be added to the c&t for unit 24.
17 Mr. Brower.

18
19 MR. BROWER: I don't know if there would be any problem
20 if we defer to take any action on this proposal.

21
22 MS. H. ARMSTRONG: None whatsoever.

23
24 CHAIRMAN REXFORD: There's no affect on this proposal
25 to delete or anything, to exclude Anaktuvuk Pass, so it's moot.

26
27 MS. H. ARMSTRONG: No, it won't affect.....

28
29 MR. UPICKSOUN: Could we.....

30
31 CHAIRMAN REXFORD: Mr. Upicksoun.

32
33 MR. UPICKSOUN: Mr. Chairman, can we expand on what
34 Steve said regarding including Huslia into hunting Gates of the
35 Arctic. They are -- like he said, there are sheep in Unit 24
36 already that -- but then the way this is worded they would be
37 eligible to hunt sheep in Gates of the Arctic.

38
39 MS. H. ARMSTRONG: No.

40
41 MR. UPICKSOUN: No?

42
43 MS. H. ARMSTRONG: They aren't a resident zone
44 community. So individuals could apply for a permit, but as a
45 community they could not. So, in essence, even if they get
46 c&t, they really can't -- they could hunt outside of the park,
47 but they couldn't hunt in the park.

48
49 MR. UPICKSOUN: Then I misunderstood Mr. Ulvi. I

50 thought he said that would make the eligible to hunt.

00151

1
2 MS. H. ARMSTRONG: No.

3
4 MR. UPICKSOUN: Or they're trying to get -- I
5 misunderstood you. I thought that they would be eligible to
6 hunt in all of the Gates of the Arctic.

7
8 MR. ULVI: Mr. Chairman. No, I may have not spoken
9 clearly, but if you were to support this proposal, then you
10 would be supporting their notion for positive c&t for sheep in
11 GMU 24. But their eligibility from those communities or
12 individuals to hunt sheep in the park is a separate issue.

13
14 MR. UPICKSOUN: Okay.

15
16 MR. ULVI: They can still have positive c&t, but they
17 would have to come to us or ask that that community be added to
18 our resident zone through different regulations.

19
20 CHAIRMAN REXFORD: Well, since the proposal, does not
21 delete or amend or affect AKP on this, what is the wish of the
22 Board -- I mean the Council or no action?

23
24 MR. UPICKSOUN: There's a lot of information we don't
25 have. This is a little more complicated than us supporting
26 Stevens Village on another issue. And a point well made, maybe
27 we should delay action on this.

28
29 CHAIRMAN REXFORD: Okay. Mr. Long.

30
31 MR. LONG: I think I would move for further analysis
32 before we take any action.

33
34 CHAIRMAN REXFORD: Okay. The Council wants to look at
35 it a little bit longer.

36
37 MR. BROWER: Mr. Chairman.

38
39 CHAIRMAN REXFORD: Mr. Brower.

40
41 MR. BROWER: I would move to.....

42
43 CHAIRMAN REXFORD: There's a motion,.....

44
45 MR. BROWER: Oh, I'm sorry.

46
47 CHAIRMAN REXFORD:Frank, to.....

48
49 MR. BROWER: Second on the motion.

00152

1 CHAIRMAN REXFORD: Frank's motion was to have the
2 Council further analyze before making any action.

3
4 MR. UPICKSOUN: Question.

5
6 CHAIRMAN REXFORD: Question's called. All in favor,
7 say aye.

8
9 IN UNISON: Aye.

10
11 CHAIRMAN REXFORD: Those opposed, same sign.

12
13 (No opposing responses)

14
15 CHAIRMAN REXFORD: Thank you, Ms. Armstrong.

16
17 MS. H. ARMSTRONG: Thank you. It's always a pleasure
18 to work with this Council.

19
20 CHAIRMAN REXFORD: Okay. Let's see, where does that
21 take us now? We've got 15 minutes before lunch. I need help
22 here. Where will this take us next to, the fisheries? Could
23 you cover that in 10 minutes, 15 minutes.

24
25 UNIDENTIFIED VOICE: I don't know.

26
27 CHAIRMAN REXFORD: Okay. What is the wish of the
28 Council, do you want to move to another portion of our agenda?

29
30 UNIDENTIFIED VOICE: We can do the fisheries and the
31 lake.....

32
33 CHAIRMAN REXFORD: Okay. Let's move on to Barbara's
34 Corner.

35
36 MS. B. ARMSTRONG: Very, very short.

37
38 CHAIRMAN REXFORD: Okay.

39
40 MS. B. ARMSTRONG: On Barbara's Corner you see the
41 annual report. We have a draft that is due in March to go in.
42 So if there are any issues that you have in your regions I need
43 to hear so I can draft up the letter for you to see and discuss
44 amongst yourself. So if there are any issues in your region I
45 need to hear about them, and then get them all set for Fenton
46 to see. That needs to come up like in March. So I need to
47 hear from you before March regarding your annual report issues.

48
49 CHAIRMAN REXFORD: Okay. Maybe we can discuss that

50 now.

00153

1

2 MS. B. ARMSTRONG: You can if you want.

3

4 CHAIRMAN REXFORD: Okay. Again, I think talking about
5 annual reports, I would like to incorporate a copy of our
6 minutes of our actions taken by the Council. I think that
7 would give us a summary of our two meetings a year that we have
8 and talking about issues that are before us should be included
9 in the annual report maybe. Would that be.....

10

11 MS. B. ARMSTRONG: Yeah, that can be done.

12

13 CHAIRMAN REXFORD:a good enough report to
14 Secretary Babbitt? Okay. I think using the minutes of our
15 previous meetings, I think there are some pending issues,
16 existing issues and issues that are going to be coming before
17 us. I think are well documented in our minutes of our Council
18 Meetings.

19

20 MS. B. ARMSTRONG: Okay. So you want me to go through
21 the transcripts from last fall and this meeting, and then to
22 get those together for you and then get them back?

23

24 CHAIRMAN REXFORD: Yeah. I think we've got summaries
25 of those minutes too, or a summary of those transcripts.

26

27 MS. B. ARMSTRONG: Okay.

28

29 CHAIRMAN REXFORD: I think we can round those up.

30

31 MS. B. ARMSTRONG: I have them.

32

33 CHAIRMAN REXFORD: Okay.

34

35 MS. B. ARMSTRONG: I can do that for you.

36

37 CHAIRMAN REXFORD: So I think we started in '90. I
38 don't know how many minutes we have or maybe we can compile
39 them or put them together or something, keep them together.

40

41 MS. B. ARMSTRONG: Okay.

42

43 CHAIRMAN REXFORD: Put them -- bind them together so we
44 can have that, a continuing dialog of what's been happening in
45 our Council.

46

47 MS. B. ARMSTRONG: Okay.

48

49 CHAIRMAN REXFORD: Okay. Mr. Brower.

00154

1 MR. BROWER: And do the annual report -- something
2 noted in there regarding the caribou problem that Anaktuvuk
3 Pass had for the past two to three years? And just for that to
4 be noted in the minutes? And that would be appropriate in
5 helping them getting like emergency openings for moose or,
6 depending on how you want them to harvest them.

7
8 CHAIRMAN REXFORD: Yes. Make them aware. Yeah. Good
9 point, Mr. Brower. Any other input on the annual report?
10 None. Okay.

11
12 MS. B. ARMSTRONG: Okay.

13
14 MR. UPICKSOUN: Mr. Chairman. Tom, you have anything
15 to add regarding our annual reports?

16
17 MR. BOYD: Let me just say that regarding annual
18 reports, I know that over the course of the Federal Subsistence
19 Program it was handled -- the process for handling annual
20 reports was not well defined until this past year. I'm hoping
21 that now that we've developed I think a meaningful internal
22 process within my office and within the Federal agencies that
23 deal with these, and with the Board, there will be more prompt
24 response to the Council from the annual reports and more
25 effective responses.

26
27 Over the past year we've kind of come to grips with
28 this. We've recognized that there were several reports from
29 past years that were not adequately responded to or weren't
30 responded to at all, and we've taken steps to develop an
31 internal process for handling those more effectively and more
32 efficiently.

33
34 I know that you've received copies of responses to your
35 annual report, as well as the other Councils this year. We're
36 caught up in that regard. And we hope that we will continue to
37 be timely in our responses to you and actions following-up from
38 those Council annual reports.

39
40 CHAIRMAN REXFORD: Any other questions for Barbara on
41 the annual report or further -- I think you've heard our
42 consensus to have the annual report include the minutes?

43
44 MS. B. ARMSTRONG: Um-hum (affirmative). Okay. Now,
45 on the travel vouchers, I've passed these out for you. I've
46 got some back already. I've got two people on this Council
47 that have problems returning these travel vouchers and I think
48 you know who you are. And Janice has been nice enough to cover
49 for you, to get your per diem to these meetings, but we need to

50 get these back. We need to have these back mailed to us.

00155

1 They're ready right here, just fill them out and give them your
2 ticket receipt, if you have it. If you don't, if you have any
3 receipts that need to go, just send it back to her, sign it.
4 That's what she's asking that the Council do this.

5
6 CHAIRMAN REXFORD: Okay. Very important.

7
8 MS. B. ARMSTRONG: And there was a Statewide Report
9 last month and the only one that came out clean was Northwest
10 Arctic, they returned theirs. They have three travelers --
11 four travelers on their Council. So -- and then you are
12 second, with one other Council, except for the two vouchers
13 that were missing for North Slope. So please try to return
14 those as soon as you get done with your traveling.

15
16 And then on the update on the RAC nominations, we have
17 three Councils here that their terms are up. That's Edward
18 Itta, Ray Koonuk and Frank Long. If you are interested in
19 getting reappointed to your positions, on your seats, please
20 fill out those applications and send them in. There are some
21 applications out there on the table out front on your way out.
22 Please fill those in and send them in to us.

23
24 CHAIRMAN REXFORD: They're due by?

25
26 MS. B. ARMSTRONG: They're due by February 28. Last
27 date deadline.

28
29 CHAIRMAN REXFORD: And we have the applications, I
30 think copies of it in our booklet.

31
32 MS. B. ARMSTRONG: Yeah. There's the one in your
33 folder there.

34
35 And then on the alternates, we've discussed this at the
36 fall meeting but Fenton wasn't here, so the Council asked to
37 delay this. On the alternates we need to hear from you what
38 you want to do on alternates. There are some other Councils
39 that have asked that they don't want any alternates. They are
40 some that asked for two, like from two different regions, one
41 from north and one from south, they (indiscernible) that way.
42 And then there are some that ask for all Councils have
43 alternates.

44
45 Now we need to hear from you to see what you think
46 about having alternates for your Council members here. You can
47 have one from up that way, and one from that way and then -- or
48 however you want to deal with that. I need to hear.....

49

CHAIRMAN REXFORD: Okay.

00156

1

2 MS. B. ARMSTRONG:your discussion on how you feel
3 about having alternates.

4

5 CHAIRMAN REXFORD: Well what is the wish of the
6 Council? I know alternates would be helpful in making a
7 quorum. So far I think when we first started out we canceled
8 one meeting. And does that have to -- do we have to -- I mean
9 I know the procedure now is to make an amendment to our charter
10 to include Advisory Council -- I mean alternate Advisory
11 Council members. And that is due up in 1998. We could
12 possibly discuss it again this fall. What is the time line in
13 '98. Anyone?

14

15 MS. B. ARMSTRONG: That would be in December '98,
16 right? They need it be next fall. If you want to discuss it
17 again, this fall would be your last time to discuss what you
18 plan on doing with your alternate.

19

20 CHAIRMAN REXFORD: This fall and January, or.....

21

22 MS. B. ARMSTRONG: This fall, September or October,
23 whenever you're going to make this fall meeting. You can
24 discuss it again. Then that would have to be finalized.

25

26 MR. BROWER: This fall?

27

28 MS. B. ARMSTRONG: This fall.

29

30 CHAIRMAN REXFORD: Okay.

31

32 MS. B. ARMSTRONG: So if we need to delay it one more
33 time, you still can discuss this in this fall; maybe all your
34 Council will be here.

35

36 CHAIRMAN REXFORD: Yeah. I think the Southeast Region
37 deferred action since there are going to be amendments to the
38 charter in 1998, is their reason for not making any action.

39

40 MS. B. ARMSTRONG: Um-hum.

41

42 CHAIRMAN REXFORD: Alternates were not needed or --
43 what is the wish of the Council? Do you want to wait for '98
44 or this fall to talk about alternates, or are we going to make
45 that decision now? Again, we've been having quorum but
46 sometimes it gets close of not getting enough members.

47

48 MR. UPICKSOUN: We were close to not having a quorum
49 this meeting.

00157

1 CHAIRMAN REXFORD: So it might be best for us to have
2 some sort of alternate.

3
4 MR. UPICKSOUN: Just discussion on it, Mr. Chairman.
5 If we were to ask for some alternates or maybe at large
6 alternates, this wouldn't require additional funding? It would
7 not require additional funding, would it?

8
9 CHAIRMAN REXFORD: I don't think so, unless it's from
10 transportation costs.

11
12 MR. BOYD: Yeah, possibly it could. I mean if
13 alternates were appointed I think it would be appropriate to
14 provide some orientation or training for them. So there's a
15 cost incurred there. It may be that we have them attend a
16 meeting. And we haven't really worked through the details on
17 this yet, but certainly we would want them prepared to come to
18 the table and work with the Council.

19
20 So a lot of the discussions regarding what the costs
21 are aren't fully developed, but I think there would be some
22 costs incurred with alternates.

23
24 MR. UPICKSOUN: There will be other issues that we will
25 address from -- when we choose to amend our charter. I move we
26 -- like Region 1 abstain from this issue until we get to the
27 point where we start amending our charter, which we probably
28 will in our fall meeting.

29
30 CHAIRMAN REXFORD: Okay. All right. Seconded, or was
31 that a motion?

32
33 MR. UPICKSOUN: That was in the form of a motion, Mr.
34 Chairman.

35
36 CHAIRMAN REXFORD: Form of a motion. Second -- we need
37 a second.

38
39 MR. LONG: Second.

40
41 CHAIRMAN REXFORD: Seconded by Frank Long. Discussion
42 on the motion to -- you want to state your motion again,
43 Gordon.

44
45 MR. UPICKSOUN: Similar to Region 1 abstaining from
46 this issue because we'll be.....

47
48 CHAIRMAN REXFORD: Going through the amendments to the
49 charter.

00158

1 CHAIRMAN REXFORD: We'll be amending our charter in our
2 fall meeting, and that this will be one of the items we will
3 discuss further at the fall meeting when we will be probably
4 amending our charter some.

5
6 CHAIRMAN REXFORD: Okay. You guys understand the
7 motion? Any further discussion?

8
9 MR. TAGAROOK: Call for the question.

10
11 CHAIRMAN REXFORD: Question's called. All in favor of
12 the motion, say aye.

13
14 IN UNISON: Aye.

15
16 CHAIRMAN REXFORD: All opposed, same sign.

17
18 (No opposing responses)

19
20 CHAIRMAN REXFORD: Thank you.

21
22 MS. B. ARMSTRONG: Okay. Number 3 will be discussed by
23 Tom Boyd this afternoon, number 5 will be discussed by Fenton
24 this afternoon. Thank you.

25
26 CHAIRMAN REXFORD: Okay. Thank you, Barbara.

27
28 MR. BOYD: Mr. Chairman, with regard to that item
29 number 3, I want to pass this letter out to the Council now and
30 maybe you'll have an opportunity to read it before I get to it
31 later this afternoon.

32
33 CHAIRMAN REXFORD: Okay.

34
35 MR. BOYD: This is a letter from the Solicitor's Office
36 in Washington, D.C., in response to a letter regarding the
37 inclusion of rural residency as a requirement for Council
38 membership. And I'll be briefing you on that later, but I
39 thought you ought to have that in your hand before I briefed
40 you.

41
42 CHAIRMAN REXFORD: Okay. I'm just reviewing our agenda
43 here. We've pretty much covered all of old business except A,
44 am I correct, and C? And anything about that we've also
45 covered? Okay. I think this is a good time to go for our
46 lunch break and we'll.....

47
48 MR. UPICKSOUN: I have one.....
49

CHAIRMAN REXFORD: Mr. Upicksoun.

00159

1

2 MR. UPICKSOUN:quick question. Could Geoff
3 update us on what's happening down in Point Lay? Did you have
4 a chance to talk to the biologist from Kotzebue in regards to
5 the caribou situation? Fast update?

6

7 MR. CARROLL: Well, he's out and.....

8

9 MR. UPICKSOUN: He was at a meeting.....

10

11 MR. CARROLL: He had to go down to a musk ox meeting in
12 Nome. They're talking about inserting them for the musk ox.
13 So he wasn't able to fly yesterday or today.

14

15 I did get a note from Earl Kinnick (ph) and he.....

16

17 CHAIRMAN REXFORD: Geoff, you need to come up to the
18 microphone.

19

20 MR. CARROLL: I was yelling.

21

22 MR. UPICKSOUN: Mr. Chairman, that was the note that
23 Earl furnished yesterday.

24

25 MR. CARROLL: Yeah, that's.....

26

27 MR. UPICKSOUN: And there's been no further update
28 since that.

29

30 MR. CARROLL: No, but from his note it's looking like
31 what he was concerned about is something that's actually north
32 of Point Hope. So we really don't know very much about what's
33 going on there.

34

35 MR. UPICKSOUN: Okay.

36

37 MR. CARROLL: We need to check into it further.

38

39 MR. UPICKSOUN: I thought it would be interesting to
40 have a -- I thought maybe you had a chance to talk to Mr. Dau
41 in Kotzebue.

42

43 MR. CARROLL: Yeah. He's doing the same thing I am.

44

45 MR. KOONUK: Mr. Chairman, (indiscernible) on this
46 issue?

47

48 CHAIRMAN REXFORD: Yeah, I read that. Terry talked to
49 me a little bit about it.

00160

1 MR. KOONUK: As I was talking yesterday, the other area
2 we lost quite a few caribou right by Cape Thompson and they're
3 now further north.

4
5 MR. UPICKSOUN: Was it just by Cape Thompson?
6

7 MR. KOONUK: About a year ago, yeah. It was about
8 3,000 that we lose last year.....

9
10 MR. CARROLL: Yeah.
11

12 MR. KOONUK:by Cape Thompson. And now it's going
13 up further north. But now the caribou may be starting.

14
15 MR. CARROLL: What's that?
16

17 MR. KOONUK: I say the (indiscernible) jump off into
18 the ocean.

19
20 MR. CARROLL: From what Earl is describing here, it
21 looks like the caribou were out on the ice and he's afraid they
22 drifted off. So, I don't know, like I say, we've still got a
23 lot to learn about the situation. I'm not sure.

24
25 CHAIRMAN REXFORD: Okay. Does that answer your
26 question or.....

27
28 MR. UPICKSOUN: I thought he would be able to say.....
29

30 CHAIRMAN REXFORD: Okay. The Chair calls for a recess
31 until 1:00 o'clock.

32
33 UNIDENTIFIED VOICE: 1:30.

34
35 CHAIRMAN REXFORD: Oh, 1:30. 1:30 it is. We'll be
36 back at 1:30.

37
38 (Off record)

39
40 (On record)

41
42 CHAIRMAN REXFORD: I'll call the North Slope
43 Subsistence Regional Advisory Council back to order from the
44 lunch recess.

45
46 Just for the information for those that -- what we did
47 this morning was to talk about 7-E-1 or the sheep customary and
48 traditional use determination for most or all of Unit 26.

49

The Council unanimously approved that the villages

00161

1 should continue having that determination and not make any
2 deletion since there is history, oral history and knowledge
3 that most or all of the villages go out and get sheep when
4 there is an opportunity.

5
6 We also heard on some proposals. There were four
7 proposals this morning, they were supplemental materials.
8 Proposal 55 talking about c&t determination for black bear. We
9 wanted to include Anaktuvuk Pass in there, so we did that.

10
11 Brown bear was another proposal. c&t determinations
12 submitted by residents of Stevens Village. We at first opposed
13 the proposal submitted by Stevens Village, but we by consent of
14 the motion makers, we approved the proposal or supported the
15 proposals but to include the existing regulation to be part of
16 that. Or, in essence, making the residents of Stevens Village
17 be able to have that customary and traditional determination.

18
19 The other Proposal 59 talked about caribou. C&t
20 determinations for the residents of Unit 24. We know that
21 Anaktuvuk Pass is in there so we supported the resolution.

22
23 The last proposal, Proposal Number 60, we did not make
24 any action on that, awaiting further information or further
25 analysis for this group to consider the proposal.

26
27 The other topics that we talked about this morning was
28 we heard from Barbara's Corner about annual reports. We will
29 be using our minutes during the year, to use that as a basis
30 for submitting our annual report since it also talks about
31 issues and motions or actions that the Council have made during
32 the year.

33
34 Travel vouchers, Barbara wanted to make sure that we
35 continue or shortly thereafter the meetings to turn in our
36 vouchers. There is included a self-addressed stamped envelope,
37 so she's encouraging those that need to turn those in.

38
39 Update on the Regional Advisory Council nomination was
40 also briefly discussed. There's information in the back for
41 those. There's Ray, Frank Long and Edward Itta that are up for
42 re-nominations if they so wish. And alternates, what did we
43 decide to wait till this fall to take up the discussion of
44 alternates I think is what we did.

45
46 Tom Boyd also talked about the Memorandum of Agreement
47 with the Alaska Department of Fish and Game dealing with
48 management of subsistence resources and trying to work out our
49 memorandum of agreement. And we also mentioned that we wanted

50 to have the local and tribal governments not only be involved

00162

1 and informed, but also be included in the MOA on that part.

2 So before we move on, we have I think three items,
3 three or four other items we need to pursue here. But before
4 we continue Mr. Hopson wanted to comment on Proposal 74. So
5 we'll -- did you want to make some comments?

6
7 MR. HOPSON: Yeah.

8
9 CHAIRMAN REXFORD: We'll probably make conclusions on
10 that.

11
12 MR. HOPSON: In our handout with our meeting material,
13 Section D, Page 5, the first sentence reads: Kaktovik
14 residents are the primary sheep hunters on the North Slope.
15 The Anaktuvuk comments on this first sentence needs to be
16 revised for the record and state that Anaktuvuk Pass is the
17 major user of sheep.

18
19 Such a statement has major implications, contrary to
20 our proposal Number 75. So the record has to state that
21 Anaktuvuk Pass is a major user of sheep in this first sentence.

22
23 CHAIRMAN REXFORD: Okay. That's a point well taken and
24 I'm glad you were able to point that out. Helen, are you
25 taking note of those comments?

26
27 MS. H. ARMSTRONG: I got it. That will be done.

28
29 CHAIRMAN REXFORD: Okay. I thank you, Ben. Did you
30 have any additional comments on Proposal 74?

31
32 MR. HOPSON: Not at this time.

33
34 CHAIRMAN REXFORD: Okay. That brings us to the rest of
35 the agenda. I know we've been fairly flexible this morning or
36 the past couple of days on following our agenda.

37
38 This afternoon I would like to -- since the update on
39 the Fisheries Management is about half an hour presentation, I
40 know maybe it'll take a little longer with questions. We have
41 the finalization of Musk Ox Management Plan. We have eight
42 under old business on Letter D. I'll give an update on that,
43 which also includes under Barbara's Corner on the same subject
44 the Federal Board structure. And Tom will also give us an
45 update on the rural inclusion in the charter.

46
47 So let me begin to give you an update on the Joint
48 Federal Subsistence Regional Advisory Chair meeting we had last
49 November. I forgot what tab you'll find that in -- what tab

50 was that? Let's see, H. The Old Business D, the Joint Federal

00163

1 Subsistence Regional Advisory Chair Meeting held in November,
2 November 20.

3
4 In the meeting summary work session it shows that
5 Edward Itta was there, however I know I attended that meeting
6 and I'm not sure if Edward was there or not. Tom, do you
7 recall I was at that meeting and I think this might be a typo
8 or an error in the attendance on, let's see, the fourth page of
9 Tab H.

10
11 MR. UPICKSOUN: Okay. I've got you.

12
13 CHAIRMAN REXFORD: Anyway, I think it might be better
14 if I went through the fourth page and go over the meeting
15 summary fairly briefly. I don't want to take up too much time
16 but we had a lot of action items that we needed to follow-up
17 on. There was a real good turnout of the Regional Council
18 Chairmen.

19
20 Prior to this meeting, just for your information, we
21 had a meeting of the Chairmen, so we're trying to organize or
22 strengthen our unity. We elected Sheldon Katchatag to be the
23 President of the Chairman of the chairs, which I think was a
24 concept brought forth by Craig Fleener, the new Chairman of the
25 Eastern Interior.

26
27 So, anyway, very briefly we talked about Council
28 members stipends or per diem or honorariums. As you know, we
29 spend about three or four days to attend a two day meeting and
30 most or all of us have to be excused from work. So it's sort
31 of on a voluntary basis. And you know that the \$150.00 per
32 diem or the checks that we get is not enough to compensation
33 our work that we do during our Regional Council meetings. So
34 that is being studied and I think there is an update further in
35 here, but the main reason was that we feel that the current per
36 diem and lodging reimbursement is insufficient to compensate
37 the Council members for income producing opportunities lost
38 while we attend the Regional Council meetings.

39
40 So that was the main reason why we felt -- and they
41 were going to look at various equivalents ranging from \$180.00
42 to \$200.00 per day, equivalent to a GS-12 pay that they receive
43 for reimbursements. So that was the main reason why we brought
44 that up, was the reimbursement is insufficient. So we're
45 looking toward maybe getting for attending meetings a range
46 from \$180.00 to \$200.00 per meeting. That's just for the
47 meeting. You know, they take care of lodging and per diem as
48 well, so that's another separate issue. So they're seriously
49 looking into that matter. So that will help us a lot.

00164

1 Any questions on that?

2 MR. BOYD: Mr. Chair, I might add that on the second
3 page of Tab H is a follow-up to that issue on Regional Council
4 compensation.

5
6 The Board met in a working session on November 20th --
7 I'm sorry, on January 14th, or just a couple of weeks ago and
8 decided to forward the Chair's request on to the Secretary of
9 Interior for reimbursement. The Board was concerned about
10 setting a wider precedent, implicating other advisory bodies,
11 not just the Regional Advisory Councils, but there's a number
12 of advisory bodies that advise the Federal agencies, even in
13 Alaska. And as a result of that consideration they thought it
14 best to defer to the Secretary's larger decision making
15 authority.

16
17 We will -- as a matter of fact, the Staff is preparing
18 a package to send to the Secretary with the information
19 essentially summarizing what you've said already. So we will
20 be forwarding that soon.

21
22 CHAIRMAN REXFORD: Okay. Let's see, I wonder if
23 there's any action that we need to do on this.

24
25 UNIDENTIFIED VOICE: Compensation?

26
27 CHAIRMAN REXFORD: Yeah. Okay. Well, I think
28 everybody is well aware that it would help for the Council
29 members to come to a.....

30
31 MR. UPICKSOUN: Mr. Chairman, did Tom say that the
32 package was sent to the Secretary of the Interior regarding
33 compensation? Have you guys sent the package already?

34
35 MR. BOYD: Not yet.

36
37 MR. UPICKSOUN: Not yet. Okay.

38
39 MR. BOYD: We are preparing the package to be sent
40 right now, actually. I have Staff working on that to pull the
41 information together. We will be forwarding it to the
42 secretary. I think we will be specifying, as Mr. Rexford has
43 pointed out, a GS-12 equivalent pay. We will be requesting
44 essentially an increase in the budget to fund this. Currently
45 our budget would not cover the cost. And we estimate somewhere
46 in the neighborhood of a hundred to \$150,000.00 to cover the
47 costs associated with compensating the Councils for their time.
48 So we will be requesting an increase in our budget to do that.
49

Timing associated with this, I don't know how long it

00165

1 will take if we go through the normal budget process. We are
2 currently -- the Agencies and the Department is currently
3 preparing for the FY '99 budget, which starts in October of
4 '98. So we always plan two years in advance when we do budget
5 planning. So I can't tell you if it will be sooner than that,
6 or if it will be then, or if the Secretary will even approve
7 it. So I want to make that clear, but we are forwarding the
8 request to the Secretary at this time and preparing the
9 package.

10

11 CHAIRMAN REXFORD: Okay. Thank you, Mr. Boyd. If you
12 run into Mr. Young or Stevens or Murkowski, talk to them about
13 that. They're in powerful committees now.

14

15 MR. BOYD: Okay.

16

17 CHAIRMAN REXFORD: But, anyway, I thank you, Mr. Boyd.
18 Any questions on the stipend or per diem or honorarium for the
19 Council members?

20

21 MR. UPICKSOUN: If it's going to take till '99, we'll
22 ask our Congressional members for retroactive.

23

24 CHAIRMAN REXFORD: Okay. The other topics that we
25 talked about were annual reports. We touched briefly on that
26 this morning. Members or comments from the other Regional
27 chairs were that the responses are somewhat bureaucratic in
28 style and substance and they're rhetoric rather than frank
29 dialog. So they will be touching Council to Council or Council
30 case per case, I think.

31

32 Annual reports and their responses on Board meetings of
33 communications between the Board and Regional Council and
34 should be treated as such. This will sort of in essence
35 provide more communications between the Regional Council
36 members and the Federal Subsistence Board actions or the
37 Regional Council actions.

38

39 In order to provide better reports there also has been
40 a request to have access or lap top computers to insure
41 continuity of information in case there's new Council members
42 of Council Chairs. New Regional Council members need training
43 so they're working to update the Operations Manual. They'll be
44 looking into preparing a training video. So some of the
45 follow-up items are as follows: Make Board responses to annual
46 reports more forthright and less perfunctory. I recognize that
47 annual reports are a significant means of communications
48 between the Regional Councils and the Board.

49

50 Also to revise the Regional Operations Manual to

00166

1 include a flow chart showing the various responsibilities of
2 the entities involved in the management of subsistence decision
3 making.

4
5 Again, the staff will pursue options in developing a
6 video to orient the new members and they'll be involved with
7 the Subsistence Management Program. But, in essence, Barbara
8 talked about this morning, was that some of the annual reports
9 were not answered properly or in due time. So we're making
10 these matters aware and I'm glad we had that November meeting
11 to bring up a lot of issues that need to be followed-up.

12
13 Any questions on the annual report or any additional
14 comments? Tom.

15
16 MR. UPICKSOUN: Mr. Chairman, you know it would be
17 interesting to have -- the other Councils, have they prepared a
18 packet like this prior to their meetings? It'd be interesting
19 to have access to those packets, what the other Regional
20 Councils -- Advisory Councils are doing.

21
22 CHAIRMAN REXFORD: Okay. Barbara, did you hear what
23 Gordon was saying?

24
25 MS. B. ARMSTRONG: I did not hear what he was saying.

26
27 CHAIRMAN REXFORD: He's saying that these meeting
28 packets are prepared for the other Regional Councils, maybe we
29 have access to their packets to learn from how they handle
30 meetings and reports in the other regions.

31
32 MS. B. ARMSTRONG: Okay. They're about all the same.
33 They have the same information that you do and the other
34 regions do. This is the first time we've tried this in sending
35 out the packets. And in most of the information now the
36 booklets are about the same.

37
38 MR. UPICKSOUN: I was telling Sheldon it would be
39 interesting and informative to have access to the different
40 regions packets.

41
42 MS. B. ARMSTRONG: I can get a list of the things that
43 are in the other packets, but then they're pretty much the same
44 as what you have here. But then I can get a listing of the
45 index of each of the booklets for you from the other regions,
46 if you want. Then you can tell what's on there and whatever
47 interests you I can give you a copy for.

48
49 CHAIRMAN REXFORD: Okay.

00167

1 MR. UPICKSOUN: Yes, thank you.

2 CHAIRMAN REXFORD: Thank you, Gordon. The next topic
3 on Page 3 is the Federal Subsistence Fisheries Management in
4 Navigable Waters. Mr. Boyd will be presenting a report on that
5 matter this afternoon.

6
7 Restructuring of the Federal Subsistence Board. This
8 issue was raised at the Chair's preparatory meeting the evening
9 before we had a joint meeting with the Federal Subsistence
10 Board on the 19th of November. The Chairmen felt that the
11 current makeup of the membership consisting of Agency/Statewide
12 Directors is inadequate and unnecessary for the purposes of
13 taking care of Title VIII of ANILCA. And suggestion is to
14 restructure the Board so that it would be composed of Regional
15 Council Chairs. There's three options that we talked about.

16
17 Anyway, this decision to restructure the Board is the
18 responsibility of the Secretary of Interior and Agriculture and
19 not under the purview of the Federal Subsistence Board. So
20 accordingly if the Regional Council Chairs choose to pursue
21 this restructuring, it should be directed to the Secretaries of
22 both the Interior and Agriculture.

23
24 The three options that we talked about or suggested was
25 restructuring the Board included, to have the Board consist
26 solely of the Regional Council Chairmen -- of the 10 Regional
27 Council Chairmen. The other option was to have a mix of
28 Regional Council Chairs and Agency representatives, either
29 Statewide Agency Directors or a Representative from the
30 Department of Interior and Representative of Department of
31 Agriculture.

32
33 The third one was to have a Board composed of citizens
34 representatives who are not necessarily members of the Regional
35 Council members.

36
37 So I think we'll need to discuss this very briefly or
38 talk about this at a later date. But the main reason why we
39 talked about this was in ANILCA and I don't see -- anyway, as
40 you know, the Board structure changes about almost every three
41 years where we have new members that substitute for the regular
42 Directors of the various Agencies and we have to educate them
43 at every meeting when there is a new member there. So one of
44 the reasons why they are not familiar with living out there and
45 experience our subsistence lifestyle, they do not live in the
46 villages or out in the rural areas.

47
48 With the present Board structure the Regional Chairs
49 expend significant effort in attempting to educate Board

50 members on subsistence practices and Board members are

00168

1 routinely replaced and have substitutes act on their behalf.
2 The Board composed of subsistence users would not require this
3 expenditure of effort. The counter-argument is that the Board
4 activities are one way in which Agency Directors maintain
5 sensitivity to subsistence oriented concerns.
6

7 The impetus for Board restructuring is a perceived
8 break down of accountability, faith and trust in the Board's
9 decision making. It is difficult for Regional Council Chairs
10 to explain Board decisions to other Regional Council members
11 and to the subsistence users.
12

13 So the Regional Council Chairmen will work together to
14 develop a proposal to the Secretary of Interior and Agriculture
15 to restructure the Board. Our Councils will discuss this issue
16 at their February '97 meetings. Board members and Regional
17 Council Chairs tentatively scheduled a meeting on around March
18 30, but that's been changed to the week of April 7, immediately
19 prior to the Board's week long spring meeting to develop a
20 written proposal to the Secretary. Anyway, they rescheduled
21 the meeting due to Easter Sunday.
22

23 So, anyway, we should discuss this. Do we have a copy
24 of ANILCA, or anyone have a copy of Title VIII? Anyway, I want
25 to get a copy of that to make a point to the Regional Council
26 members here that the main reason why we wanted to restructure
27 the Federal Subsistence Board, clearly states in Title VIII of
28 ANILCA what the Board or the structure should be. Bear with
29 me, we're trying to get a -- Helen. Thank you. Where was
30 that?
31

32 MS. H. ARMSTRONG: You know where it is?
33

34 CHAIRMAN REXFORD: Yeah, I know where it is. Just give
35 me a moment here. Anyway, the present Board structure that the
36 folks that are sitting on the chair, we do a lot of educating
37 and we feel that the Chairmen would be the adequate -- or give
38 a better understanding of how to work on subsistence
39 regulations. I'm trying to find that section where it's.
40

41 MR. BOYD: I may be able to assist you here, is this
42 what you're looking for?
43

44 CHAIRMAN REXFORD: Yeah. Okay. The section that we
45 looked at or that led us to this is the structure, the
46 administrative structure. And it should be established for the
47 purpose of enabling rural residents who have personal knowledge
48 of local conditions and requirements to have a meaningful role
49 in the management of fish and wildlife and subsistence uses on

50 the public lands in Alaska.

00169

1

2 So we'll be meeting again in April to work out sort of
3 a plan or policy among the Chairmen to work on restructuring
4 the Board this spring. So any comments from the Council? Any
5 questions on that matter?

6

7 MR. TAGAROOK: I have one. Is there another charter
8 for the Chairs, or are you using the same charter? Is it the
9 same?

10

11 CHAIRMAN REXFORD: We don't have bylaws or anything for
12 the Chairmen. Okay. Any questions on restructuring of the
13 Board? Harry.

14

15 MR. BROWER: Do we have to take any action on that?

16

17 CHAIRMAN REXFORD: We can discuss it or I'm not sure we
18 want to make any action at this time.

19

20 MR. BROWER: I was just asking because I wasn't sure.

21

22 CHAIRMAN REXFORD: Okay. Mr. Hopson.

23

24 MR. HOPSON: Yes. I have a comment. It seems like a
25 very good idea to involve the Chairman of each region in the
26 decision making group of the FSB. So I hope something comes
27 out of it where we actively play a part in the decision making
28 process.

29

30 CHAIRMAN REXFORD: Okay. Thank you, Ben. The next
31 topic is the Alaska Native Tribal Policy. As you know, there
32 is Alaska Native Policy that's been written. I'm sure most of
33 you heard of this policy. We wanted to incorporate or to
34 include this Alaska Native Policy in working out -- again,
35 we'll convene to develop an Alaska Native Policy. The comments
36 pertaining to these issues were as follows. And the policy is
37 a means of assuring that commitments to Alaska Natives and
38 subsistence users are fulfilled. This assurance is necessary
39 given the Federal Government's lack of commitment to
40 subsistence management, as evidenced by its claim that it is
41 administering the Title VIII priority only until the State can
42 resume subsistence management authority.

43

44 So this policy is a means of assuring continued
45 recognition of, and opportunity for exercise of, Native
46 subsistence rights. The Chairs will give the Board two drafts
47 to review. The one policy will focus solely on items within
48 the Board's purview, the other policy will be a broader scope
49 encompassing issues outside of the Board's jurisdiction, such

50 as subsistence opportunities for residents of non-rural areas.

00170

1

2

3 We have some relatives that may live in Anchorage or
4 Fairbanks, we wanted to give them an opportunity in the Alaska
5 Native Policy to continue subsistence. Any questions on that?

5

6

7 MR. UPICKSOUN: Mr. Chairman, do you have any examples
8 on the issue of subsistence opportunities for non-rural
9 residents?

9

10

11 CHAIRMAN REXFORD: There was one discussion by the
12 Representative from the Bristol Bay or Yukon/Kuskokwim area.
13 As you know, several years ago there was this person bringing
14 in geese.....

14

15

16

17

18 MR. UPICKSOUN: Geese, yes.
19 CHAIRMAN REXFORD:to Anchorage to his relatives.
20 So that is one of the reasons why he brought that up, was he
21 got caught delivering geese to Anchorage.

20

21

22

23

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49

CHAIRMAN REXFORD: Yeah. They will. Okay. The last

00171

1 item that we discussed, or next to the last items, were
2 independent legal counsel for the Regional Councils. It was
3 suggested that the Council should be provided with legal
4 counsel separate from that provided by the Department of
5 Interior's Regional Solicitor's Office.

6
7 The legal counsel presently available to the Regional
8 Councils is constrained by responsibilities to the entities
9 with whom the Regional Councils sometimes disagree with.
10 Section 805(B), which requires provision for adequate qualified
11 staff to the Regional Councils, was cited as the statutory
12 basis for the request. Additional comments: Additional
13 attorneys would most likely escalate conflict rather than seek
14 cooperation and consensus-building. Supplemental legal
15 services is available through other avenues, such as Alaska
16 Legal Services, but Mr. Gould said he could be available at any
17 time if we needed an attorney. So that's one of the issues we
18 brought up.

19
20 Proposals for customary and traditional use
21 determinations. Rosa Meehan gave us a report of the backlogged
22 and deferred proposal for customary and traditional use
23 determinations. And the Staff, we concede, they've provided a
24 region specific list of the backlog with deferred proposals.

25
26 The next Regional Advisory Chair board meeting/work
27 session will be the evening before the week long session of the
28 Board. And that is I think April 7th through the 11th. So
29 we'll meet on the 6th to discuss the various proposals for the
30 changes for the new regulations.

31
32 Any questions on the Federal Subsistence Board Chair
33 meeting?

34
35 There is a letter from Mitch Demientieff addressed to
36 me. Anyway, he was just thanking us for that meeting that we
37 had. He summarized the meeting, was November 20th work
38 session. The work session was a very productive one. We
39 engaged in frank exchange of ideas and concerns about a variety
40 of issues.

41
42 As a result of the meeting the Board members have sort
43 of an improved understanding of the concerns of the Regional
44 Councils and will pursue commitments made at the work session
45 to address the concerns within its purview. So there were some
46 items or issues that weren't under the purview of the Board, so
47 we'll be sending those off to the Secretary.

48
49 Follow-up items. I think there were these follow-up

50 questions or follow-up on those issues that we brought up on

00172

1 the first pages there, the stipends. Anyway, the Staff is
2 working to work on a package. There was also comments not only
3 to compensate the Regional Council members for the days they
4 attend the meeting, there was also comments from the Council
5 Chairs to provide an additional 40 hours per year for the
6 Council Chairmen since they spend some time preparing for and
7 conducting Regional Council meetings or businesses, along with
8 the Federal Subsistence Board in Anchorage too.

9
10 So these parameters are subject to change if
11 subsistence fisheries management is implemented. So they're
12 researching appropriate pay levels and also a strategy to
13 pursue such funding through OMB and it's been reported at the
14 January meeting.

15
16 Annual reports. Responses to annual reports will be
17 more forthright and less perfunctory. So they will recognize
18 that the annual reports are an important means of communication
19 with the Council and the Board.

20
21 Council member training. I think it's a very good idea
22 to revise the Council operations manual, including flow charts
23 showing the responsibilities of various agencies. So this
24 manual will be updated and circulated for review before it's
25 finalized.

26
27 Working on a video. Staff will annually prepare a
28 table of Regional Council recommendations and corresponding
29 Board actions, by region. So sort of, in essence, give us
30 better reports.

31
32 Proposals to restructure FSB. I've discussed that very
33 well. The chairs will develop a proposal to Interior and
34 Agriculture Secretaries to restructure the Boards so it'll be
35 composed of Regional Chairs with those options that we
36 discussed.

37
38 We'll again, prior to the week long spring meeting, go
39 over that with the other Chairmen.

40
41 The Alaska Native Policy. We'll draft two by the
42 Council Chairs. Will draft two Alaska Native policies for the
43 Board to review. Again, one under the Board's purview, the
44 other one is broader scope.

45
46 And at the end of this tab there's a summary of the
47 backlogged c&t determinations.

48
49 That pretty much covers Old Business D and E-5. Are

50 there any questions before we leave this? Okay. Before we

00173

1 hear fisheries I wanted to have Tom give us an update. Oh,
2 there is a letter in here that was handed out, dated January
3 21, from the solicitor.

4
5 MR. BOYD: That's right.

6
7 CHAIRMAN REXFORD: Tom, you want to go over that, and
8 then we'll go on to the Fisheries and then the musk ox plan.

9
10 MR. BOYD: Thank you, Mr. Chair. This issue regarding
11 rural residency as a requirement for membership on the Regional
12 Advisory Councils came up last year as Staff was preparing
13 revisions to the Regional Council charters, which come up every
14 two years. And so in '96 we were working on that.

15
16 And the issue arose whether or not the requirement for
17 membership should restrict membership to only rural residents
18 of the region. And the conflict arose when we looked into
19 Title VIII of ANILCA and in the section regarding Regional
20 Advisory Councils, the language was that Council membership
21 shall be composed of residents of the region, without
22 specification of whether it's rural or not.

23
24 That was objected to and some of the Regional Advisory
25 Councils weighed in on that. We did at that time request a
26 review by the Regional Solicitor's office in Anchorage and at
27 that time the Regional Solicitor gave the opinion that we
28 should stick with the plain language of the law, meaning that
29 the charter should read that membership would be for residents
30 of the region without any mention of whether they're rural or
31 non-rural.

32
33 This was also brought before the Board when they were
34 forwarding and developing their recommendations for the Council
35 charters and forwarding them to the Secretary of Interior for
36 approval. The Board heard all of the concerns and decided to
37 forward it with the recommendation that the plain language of
38 the statute be retained in the charters, which was rural --
39 excuse me, which was residents of the region without mention of
40 rural or non-rural.

41
42 While all of this was going on three of the Council
43 chairs from this region, from the Northwest Arctic and from the
44 Seward Peninsula region forwarded a letter to the Secretary --
45 or provided us a letter. We forwarded it on to the Secretary.
46 And among other things it requested that the charters read
47 rural residents of the region. And that letter went in on June
48 11th of this past year. And the letter that I passed out to
49 you just before lunch, dated January 21st, to Mr. Demientieff,

50 the Chair of the Board, is the response to the letter from the

00174

1 three Chairs, essentially.

2 And it's signed by John Leshy, who is the Solicitor in
3 the Department of Interior. And this was his opinion in which
4 he essentially confirmed or affirmed or agreed with the
5 Regional Solicitor.

6
7 And I would focus you on the last page of that letter.
8 The paragraph -- the last two paragraphs I hope you've had a
9 chance to read the whole letter, but I think this sort of
10 summarizes or comes to the point that he's making, where he
11 says, in our review of ANILCA and its legislative history, our
12 review of ANILCA and its legislative history thus shows that
13 the plain language of the Section 805(A) of ANILCA clearly
14 places only one limit on the residency of Regional Advisory
15 Council members. Thus, they must be residents of the region.

16
17 And I'll highlight one other point for you. This is in
18 the last paragraph, second sentence. Furthermore, the
19 Secretary has imposed the additional requirement that Regional
20 Council members must be knowledgeable about the region and
21 subsistence uses of the public lands therein. This is an
22 important limitation that the Secretary will follow when making
23 his selections for the Regional Councils.

24
25 Thus, while there are arguments going either way, the
26 policies of protecting subsistence uses and favoring
27 participation by rural residents can be met by considering
28 these policies in the appointment process, rather than by
29 grafting a rural resident requirement onto the statute, which
30 we cannot do.

31
32 I am providing this to you as a matter of information.
33 I really can't discuss any further than what is presented here.
34 It's a legal opinion, essentially, from the Department
35 answering the request that was made early on that the charters
36 be changed to specify the membership be restricted only to
37 rural residents of the region. The current charters read
38 residents of the region.

39
40 In the case of your region I might say that all
41 residents of this region are rural residents, so for this
42 region it's immaterial, but there are other regions in the
43 State where it might be possible that, for instance, residents
44 of Anchorage could be a Regional Advisory Council member of the
45 Southcentral Region. Or in Southeast, a resident of Juneau or
46 Sitka, or Ketchikan could be a member of the Southeast Council.

47
48 And, in fact, I will point out that Bill Thomas, the
49 Chair of the Southeast Council, is from Ketchikan and is a non-

50 rural resident. So that's the only case that I'm aware of

00175

1 where there is a non-rural resident on a Council.

2 But I just wanted to provide this to you for
3 information. It is the Secretary's Solicitor that is
4 responding to that request.

5
6 That's all I have, Mr. Chairman.

7
8 CHAIRMAN REXFORD: Okay. Thank you, Mr. Boyd. There's
9 two arguments or both ways. The Chairmen feel that rural
10 residency should remain in or get into our charter. So we'll
11 have to take that up in our revision of the -- we'll need to
12 extend some effort to work on including, as was requested by
13 the Chairmen, to include the word rural in our charter.

14
15 Again, the arguments on this side or from the Council
16 Chairs, if Congress found and declares that the continuation of
17 the opportunity for subsistence use by rural residents of
18 Alaska. So that's one of the reasons why we wanted to discuss
19 this matter. What is the feeling of the Council members about
20 deleting or working -- our present charter says rural.

21
22 MS. B. ARMSTRONG: It just says residents. The rural
23 is out right now in your charter. And that's a question,
24 whether you want to rural residents back. And in this letter
25 that they have written to you is only the Solicitor's opinion.

26
27 CHAIRMAN REXFORD: Right.

28
29 MR. UPICKSOUN: Mr. Chairman.

30
31 CHAIRMAN REXFORD: Mr. Upicksoun.

32
33 MS. B. ARMSTRONG: Like Tom said, it's listed as
34 opinion.

35
36 MR. UPICKSOUN: This is where independent counsel
37 provided to the Regional Councils in the.....

38
39 CHAIRMAN REXFORD: Exactly.

40
41 MR. UPICKSOUN: This is a case where an independent
42 counsel for us, the Regional Councils, would come in handy.
43 The source of general interpretation of ANILCA may not be the
44 gospel truth. That's his interpretation of it. This is where
45 the independent counsel that you guys brought up in one of our
46 requests would help us in that. And then when you guys meet
47 the day before the Board meeting, if this issue -- you guys
48 stuck together, all the Boards in regard to the rule rather
49 than to a requirement that they would prefer, maybe it'll have

50 a lot of weight with the Board and the Board will back you guys

00176

1 up in that regard by the sheer pressure of the Councils in that
2 regard.

3

4 MR. BOYD: Mr. Chair, I could point you to Tab I. I
5 failed to do that earlier. This is an update or a summary, if
6 you will, of where all the Councils have come down on this
7 issue; where they've indicated. And you've taken this up as a
8 Council and your opinion -- I can't remember when this was
9 discussed with your Council, but not too long ago, was to put
10 the rural requirement back in the charter, and that was your
11 opinion at that time.

12

13 This is a summary of all the Councils and what their
14 feelings are on that issue.

15

16 CHAIRMAN REXFORD: Okay. Thank you, Mr. Boyd. Any
17 other questions on this issue? Harry?

18

19 MR. BROWER: Tom, when the Secretary of Interior or the
20 Secretary of Agriculture is reviewing the nominations of the
21 people that submitted letters of interests, isn't there a
22 criteria they follow to identify if they're residents or non-
23 residents of the area?

24

25 MR. BOYD: Yeah, but they must be residents of the
26 region that they're in. So all of you must be residents of
27 Region 10.

28

29 MR. BROWER: But then there must be a procedure that
30 they follow when they're reviewing the applicants or letters of
31 interest for the Councils, right?

32

33 MR. BOYD: Generally there is a Staff review in Alaska
34 of all of the applicants and there are interviews conducted and
35 references are just checked. And this information then is
36 brought before the Federal Subsistence Board and the Board
37 develops a recommendation that goes forward to the Secretary
38 based on this information.

39

40 But the Secretary does make these decisions. But it's
41 generally based on the recommendations that are forwarded from
42 the Federal Subsistence Board in Alaska.

43

44 And I did read this in one of the letters, it is a
45 policy that we look for people on the Councils that have a
46 knowledge and understanding of subsistence in the region. That
47 policy is generally pretty limiting in terms of who -- I mean
48 we wouldn't want to look for someone that doesn't understand
49 subsistence and that's what we look for when we look for

50 Council members.

00177

1

2 For the most part they've all been rural members,
3 except one that I'm aware of, perhaps another, but I can't
4 recall that one. But I've been with the program from the
5 beginning and I'm only aware that Bill Thomas from Ketchikan is
6 the only non-rural member of the 10 Councils in the past. So
7 as a rule they've been rural residents.

8

9 CHAIRMAN REXFORD: Okay. Thank you, Mr. Boyd. Any
10 other questions on this issue? If not, that concludes our old
11 business, except for items under the fisheries. Let's see, I'm
12 trying to make this timing here. What is the wish of the
13 Council here, do you want to talk with either musk ox or
14 Federal fisheries management? Fisheries management will be
15 half an hour? About 20 minutes?

16

17 MR BOYD: Twenty minutes to a half an hour and then you
18 may have questions.

19

20 CHAIRMAN REXFORD: Cover the fisheries or the musk ox?

21

22 MR. KOONUK: Fish.

23

24 CHAIRMAN REXFORD: Fish. Okay. Let's go and then
25 we'll take a break after that.

26

27 (Pause - setting up for fisheries presentation)

28

29 CHAIRMAN REXFORD: What tab is that?

30

31 MR. BOYD: Tab E, Mr. Chair. Can all of you see this?
32 If you can't, under Tab E all of these slides are in Tab E and
33 you can follow me there as well. And the briefing that I will
34 be speaking from it's also summarized underneath the overheads
35 that are displayed in your book.

36

37 As most of you are aware, expanding Federal fisheries
38 management has sort of been in the works since the beginning of
39 the program when the Federal program was taken to court under
40 what's become known as the Katie John lawsuit. And in that
41 lawsuit they requested that the Federal Government expand its
42 jurisdiction to include all navigable waters of the State.

43

44 When the program began our jurisdiction was limited
45 only to at that time non-navigable waters for the most part,
46 except for navigable waters in what we called lands that were
47 withdrawn prior to Statehood or pre-Statehood withdrawals we
48 called them.

49

In your area the National Petroleum Reserve is a pre-

00178

1 Statehood withdrawal. So all the waters within the NPRA were
2 considered under Federal management at the time the Federal
3 Government assumed management of subsistence in 1990.

4
5 As that lawsuit wound its way through the courts, in
6 1995 finally the Ninth Circuit Court of Appeals ruled that the
7 Federal Government should assert its jurisdiction on those
8 navigable waters for which the United States had reserved water
9 rights. Not quite the same as what Katie John requested in her
10 lawsuit; all navigable waters of the State, but only to those
11 waters in which the Federal Government had an interest. And
12 that was by virtue of Federal Reserve water rights.

13
14 So what I'm about to go through today is kind of where
15 we are in terms of the process of taking over or expanding our
16 role in fisheries management.

17
18 There are two things that we're doing right now and
19 they have to track fairly closely together. One is that we're
20 preparing an Environmental Assessment on this Federal action;
21 and the other is that we're preparing right now a Proposed Rule
22 making that would implement this court decision.

23
24 As far as the Environmental Assessment goes, the
25 assessment itself is a requirement of the National
26 Environmental Policy Act. It's the same act that requires
27 environmental impact statements or EISs that I'm sure many of
28 you are familiar with.

29
30 Regarding the EA or the Environmental Assessment, we
31 are using a lot of the information, or we were tiering, or
32 we're using a lot of the information from the existing
33 environmental impact statement that was prepared prior to this
34 program coming on line, the Federal Subsistence Program coming
35 on line. So much of the programmatic information is already
36 presented in that EIS and will not be repeated in this EA that
37 we're preparing.

38
39 An EA is generally a much smaller document and it does
40 several things. But it will first of all identify alternatives
41 that we're considering in developing a set of regulations. The
42 second thing is it's evaluating the effects or the
43 environmental effects related to each alternative. And the
44 third is determining whether the effects are environmentally
45 significant; and if they are, then it will evaluate the need
46 for an environmental impact statement.

47
48 The Preliminary Draft Proposed Rule that we're
49 preparing will be derived from the existing State regulations,

50 as was done when we began the program in 1990 for the

00179

1 terrestrial program.

2 Regarding our schedule, we're limited as to how far we
3 can go by the Congressional prohibition called a moratorium
4 that was placed in our budget this year by Congress. We are
5 prohibited from preparing a final rule, however, we're not
6 prohibited from preparing a Proposed Rule. We are currently
7 striving to have that Proposed Rule, or at least a draft of it
8 forwarded to Washington, D.C., by the end of April this year.
9 So we're currently working on that.

10
11 I might also add that in your packet we've given you a
12 copy of the Preliminary Draft Proposed Rule and be asking you
13 to take a look at that as we move through this briefing.

14
15 I think that one of the first things I want to do is
16 kind of give you an overview of the Environmental Assessment.
17 That's an outline before you of what's contained in that
18 Environmental Assessment. I would have a document here to give
19 you but we're still working on it and it's not complete yet.
20 But we did want to kind of give you a quick overview of it.

21
22 The introduction contains a lot of the background
23 material and the purpose of the document that I've just gone
24 over, stating that it will tier from the existing Subsistence
25 EIS that was prepared in 1990. We've used a lot of that
26 material by reference and we're not repeating it again.

27
28 This is something I want to focus on. Two important
29 assumptions in the EA are that the program will maintain
30 healthy resource populations. In other words, we're going to
31 pass regulations that don't violate the principle of conserving
32 healthy fish and wildlife populations, similar to what we do in
33 the ongoing program. And two, we will work to cooperate with
34 the State and maintain hopefully mutual management goals to
35 provide escapement to maintain stock and maintain a subsistence
36 harvest priority.

37
38 Under the alternatives, let me just show you a map here
39 so I can give you a better picture of this. I've kind of
40 structured the environmental analysis and organized it by
41 region in the State, very similar to what you see up here on
42 the -- I've passed out this map to you so you can see that.
43 Very similar to what you can see here, we've grouped your area
44 in with the Northwest Arctic and the Seward Peninsula for
45 purposes of analysis because of the similar fishing practices
46 throughout this region. It was just easier to do that. So
47 we've organized the EA essentially as you see on this map. We
48 have several regions and we're doing an analysis by each
49 region.

00180

1 The three alternatives in the analysis that we're
2 pursing are 1) no action, that a requirement of the law that we
3 follow when we prepare these documents. In other words, if we
4 don't do anything what would happen. The second alternative we
5 call limited jurisdiction. Under that alternative essentially
6 what we're saying is that we're limiting jurisdiction to the
7 waters within conservation system units. And by conservation
8 system units what I mean are the refuges, parks, monuments and
9 National Forest, if you will, and when I say parks, I mean
10 parks, monuments and preserves and then National Forest. Those
11 are conservation system units. And we're limiting jurisdiction
12 only to those navigable waters that border on a part of public
13 land in those units.

14
15 And if I can kind of give you an example, if you can
16 look at the map that we've put on the wall behind you, probably
17 a clearer understanding of this might be looking at the
18 Yukon/Kuskokwim Delta. You see that area is surrounded by a
19 large dark line and within that are some pink lands and some
20 white lands. And in Alternative II, we would only be focused
21 on waters that occur within or adjacent to the pink part of
22 those lands. But not waters flowing through the white part
23 within that external boundary of that conservation unit.

24
25 For Alternative III, and just to contrast this, we
26 would include all waters within the exterior boundary, that
27 black line that surrounds, for instance, the Yukon/Kuskokwim
28 drainage. So all waters flowing through even the white part
29 within that drainage would be included in Alternative III.

30
31 Just to give you an example of what this means
32 statewide, under Alternative I there would be essentially no --
33 the only Federal waters that would be included in Federal
34 jurisdiction would be those in pre-Statehood withdrawals, like
35 NPRA and a few other areas.

36
37 Under Alternative II, 34% of the navigable waters would
38 be under Federal management and 66% under State. And under
39 Alternative III, that increases to 43% Federal and 57% State.
40 So that kind of gives you an idea of the scope of this.

41
42 We believe that Alternative III is what the court is
43 directing us to do. And essentially that means all navigable
44 waters within the exterior boundaries of Conservation System
45 Units would be included in this jurisdiction. For the North
46 Slope that means all navigable waters adjacent to or within the
47 external boundaries of the Arctic National Wildlife Refuge
48 would be included in this jurisdiction, as well as all waters
49 within and adjacent to the National Petroleum Reserve because

50 that one is a pre-Statehood withdrawal.

00181

1

2 I'm going to kind of get a little closer to home and
3 talk about the Arctic Region, since that's where we are. In
4 the EA this kind of gives you an example of what we're using in
5 the analysis to help us evaluate this. Under Alternative I,
6 all 56,000 -- well, that's not correct. If there were no
7 action the waters in the National Petroleum Reserve of Alaska
8 would be included. We're going to have to correct that.

9

10 But under Alternative II, 51% would be Federal; and
11 under Alternative III, 57% would be Federal. Not a great deal
12 of difference in this region, but in other regions those
13 numbers are quite far apart.

14

15 In terms of a description of the fisheries up here,
16 from what we understand right now, and I'll give you a quick
17 summary of that, fish are clearly a valued subsistence resource
18 throughout the region. Commercial fisheries are small and
19 localized and they're located primarily in marine waters and
20 are not affected by this action in this region.

21

22 Sport fishing is overall minimal throughout the Arctic,
23 although some concentrated sport fishing occurring for Arctic
24 (Indiscernible) in the northwest. Despite the geographic
25 extent of jurisdiction in the preferred alternative, 57%, most
26 villages are located adjacent to waters that will remain under
27 State jurisdiction.

28

29 MS. H. ARMSTRONG: Tom?

30

31 MR. BOYD: Yes.

32

33 MS. H. ARMSTRONG: You should probably make sure that
34 they understand that Arctic is not this region. It's also the
35 Northwest Arctic Region A as well as (indiscernible - away from
36 microphone).

37

38 MR. BOYD: Okay.

39

40 MS. H. ARMSTRONG: Otherwise, it would be confusing
41 about commercial fisheries.

42

43 MR. BOYD: That's true. Let me just back up to that
44 map. I went through it pretty quickly. For purposes of
45 analysis in the document, we're considering Arctic to mean
46 obviously all the area from Kotzebue -- or Seward Peninsula
47 around to the North Slope. So when I made that description
48 that includes all of that area. Let's see, where are we.

49

Let me back up a minute and talk about public input

00182

1 into this process so far. In May of 1996, after a document
2 known as the Advance Notice of Proposed Rule came out, kind of
3 indicating the jurisdictional components of a Proposed Rule
4 that might follow from the court action, the Katie John court
5 action, after that notice was published 11 public hearings were
6 held, and they were held in Anchorage, Juneau, Sitka, Kotzebue,
7 Bethel, Nome, Kenai, Dillingham, Fairbanks and Ketchikan.
8 There were 64 written comments received in addition to the
9 public testimony that we got in those meetings.

10
11 And just as a general overview, most of the comments
12 were either in support of the expansion of Federal
13 jurisdiction, or in support of the State retaining
14 jurisdiction. In our Regional Council meetings that we had
15 subsequent to that, we presented information on the status of
16 the Proposed Rule making and requested comments on the program
17 structure, and on an issue that we're concerned about known as
18 customary trade.

19
20 Most of the Council supported retention of the existing
21 Council size and structure and existing Regional Council
22 boundaries. Of note, the Interior Councils and the Yukon Delta
23 identified a need to coordinate closely. In other words,
24 because of the extent of the river drainage from the mouth of
25 the Yukon through the Interior Region, they thought it would be
26 necessary for those Council to work together on fisheries
27 issues.

28
29 Most Council commentators described a strong regional
30 component to customary trade, therefore, a statewide monetary
31 limit on customary trade would not be appropriate. The
32 Councils felt fairly strongly that customary trade would need
33 to be regulated on a regional basis and not a statewide basis.

34
35 In our written comments, again over 70 comments were
36 received. Comments on customary trade were evenly divided. 1)
37 prohibit trade or sale of subsistence caught fish, that was one
38 view; another view was to limit it to barter, no cash sale of
39 subsistence caught fish; and the third view was do not regulate
40 customary trade. Similar to what the Councils were saying,
41 that it should be done on a regional basis and that they would
42 provide advice to the Board on how to deal with that.

43
44 I focused on customary trade because that seems to be
45 one of the primary issues that the Environmental Assessment is
46 going to be focusing on. We think that the importance of
47 customary trade cannot be overstated and the goal of the
48 Preliminary Draft Proposed Rule was to protect current
49 traditional practices, however, concern has been expressed by

50 fishery managers that the sale of subsistence-caught fish,

00183

1 primarily salmon roe, could result in an increased market
2 demand and resulting increased pressure on fisheries.

3
4 I'm not sure that that's so much a concern in this
5 region as it is in some of the other regions of the State, but
6 it's certainly something we're looking at very closely in the
7 assessment and in the regulations.

8
9 The next steps -- we're almost through with the EA.
10 There's four chapters, generally, four or five, and we're
11 almost through writing it. The first three chapters are
12 drafted. We hope to complete this draft by the end of
13 February. We're briefing you now on where we are and the draft
14 EA will be reviewed by the Staff Committee, the interagency
15 group, the first week of March. And then the draft EA will go
16 to the Board for review prior to the April Board meeting. And
17 that'll occur the 7th through the 11th of April.

18
19 I think I'm going to stop right there for a minute.
20 I'm going to go on to the Proposed Rule in a minute. I've kind
21 of given you an overview of the Environmental Assessment and
22 how it's organized and what we're doing and the schedule that
23 we're on. All right. Let me just pause right there to see if
24 there are any questions before I talk about the Proposed Rule.

25
26 CHAIRMAN REXFORD: You're going to cover that letter
27 from Mitch, or you're going to start off.....

28
29 MR. BOYD: Say again?

30
31 CHAIRMAN REXFORD: There's a letter to the Council
32 members dated January 17th.

33
34 MR. BOYD: What tab is that in?

35
36 CHAIRMAN REXFORD: E. He talks about the staff is
37 doing preliminary planning and preparing an EA.

38
39 MR. BOYD: Right.

40
41 CHAIRMAN REXFORD: But will not prepare, publish or
42 implement a final rule until Congressional prohibition is
43 lifted.

44
45 MR. BOYD: That's correct.

46
47 CHAIRMAN REXFORD: Could you extrapolate on that, why
48 there's a prohibition?

49

MR. BOYD: Okay.

00184

1

2 MR. BROWER: What's the length of that moratorium?

3

4 MR. BOYD: Okay. I was going to bring that up in a
5 minute, but I'll answer the question now.

6

7 MR. BROWER: That's good.

8

9 MR. BOYD: The moratorium is in effect until October of
10 this year when our current budget runs out. It's unknown
11 whether or not that moratorium will be extended, but it runs
12 out there. So it's very possible that we could be implementing
13 a final rule or preparing a final rule after that moratorium is
14 lifted. Does that answer your question?

15

16 MR. BROWER: Yes.

17 CHAIRMAN REXFORD: Any questions for Mr. Boyd? Ben?

18

19 MR. HOPSON: What is best management practices?

20

21 MR. BOYD: Good question. I said earlier I think
22 essentially what it means is that we will manage the fishery in
23 order to protect the fish stocks. In other words, we won't
24 allow over-harvesting. We'll establish regulations in a
25 regulatory process involving the Regional Councils, similar to
26 what we do for upland wildlife, caribou and moose for example.
27 We'll set regulations that protect the resources essentially,
28 that's what it means in a nutshell.

29

30 MR. HOPSON: And what is exactly this rule making? Can
31 you briefly, you know.....

32

33 MR. BOYD: Yeah, that was my next step.

34

35 MR. HOPSON: Oh.

36

37 MR. BOYD: I was just pausing now on the EA, but I'll
38 go into a briefing on the Proposed Rule.

39

40 MR. HOPSON: Yeah, if you could.

41

42 MR. BOYD: If you want me to do that I'll just dart
43 ahead.

44

45 MR. HOPSON: Okay. I think that's where you want to
46 focus.

47

48 CHAIRMAN REXFORD: Describe to me the difference
49 between EA and -- I liked that EIS when we went through the

50 Federal Subsistence Program, I think gave every community an

00185

1 opportunity to make the choices and input into that with
2 several alternatives or options. Would you explain why you're
3 going through EA rather than a EIS?

4
5 MR. BOYD: Under the law, the National Environmental
6 Policy Act, which requires the preparation of an EIS for a
7 major Federal action, it allows an agency to prepare an
8 Environmental Assessment, which is a much lesser document and
9 doesn't require all of the formal public involvement process
10 that an EIS does. It allows an EA to be prepared. If there's
11 some sense that the action taken does not have significant
12 environmental effect.

13
14 However, the purpose of an EA is to find out whether or
15 not you have a significant environmental effect. If you do
16 after you do this EA, then you must prepare an EIS. I think it
17 was the thinking of the Federal Board that the particular
18 action that we're talking about developing a set of regulations
19 was programmatic in nature. It was setting up a program and
20 therefore would not likely have a significant environmental
21 effect, particularly when the program is structured such that
22 regulations would be developed to protect resources, as opposed
23 to exploit them. Allow exploitation, but to protect them.

24
25 So there was a sense that we could do this, that it
26 would be less expensive, that it would satisfy the requirements
27 of the law and that we could move ahead quickly to get some
28 regulations in place. So we were directed to prepare and
29 Environmental Assessment as opposed to an EIS.

30
31 Moreover, I think it was recognized that an
32 environmental impact statement was prepared for the program
33 when we first started and that many of the issues dealing with
34 the programmatic structure of the program, the Board, the
35 Councils and some other items that were covered in that former
36 EIS were already taken care of in that EIS, and so we didn't
37 need to repeat that.

38
39 So I think the Board felt that this lesser document
40 would suffice for the requirements of that law.

41
42 MR. UPICKSOUN: Mr. Chairman.

43
44 CHAIRMAN REXFORD: Gordon.

45
46 MR. UPICKSOUN: You stated that you liked the
47 environmental impact statement because that gave you an
48 opportunity to insert language and.....

49

CHAIRMAN REXFORD: Yeah, provide input, comments, make

00186

1 a choice between various alternatives. I think with the EA --
2 I don't know if we have that same opportunity, the public
3 hearing opportunities.

4
5 MR. BOYD: Yes, you would.

6
7 MR. UPICKSOUN: Okay. That was my question.

8
9 MR. BOYD: Let me try to answer I think the concern
10 here. As we move through this process, and I haven't really
11 been able to brief it yet, I was just pausing between EA and
12 Proposed Rule.

13
14 When we publish a Proposed Rule somewhere in the
15 future, and we don't have a date yet, it will open up an
16 opportunity for public comment at that time. And our
17 anticipation is that we will be conducting public hearings all
18 around the State on the rule making itself. So there will be
19 an opportunity to look at that.

20
21 With regard to alternatives, we are evaluating
22 alternatives in the EA itself, similar to what we would do in
23 an EIS. I think however we're fairly limited to what the court
24 ruling is with regard to what alternatives are going to be
25 selected. We've got two alternatives. Of the three, two
26 alternatives would probably be considered viable.

27
28 Currently we're looking at Alternative III which is the
29 most expansive form of jurisdiction that we could conceive
30 under the court decision as our preferred alternative. And by
31 expansive I mean more rivers would be included than under
32 Alternative II. And we're currently considering that as the
33 preferred alternative. And it's certainly the direction that
34 we're getting from the attorneys interpreting the guidance that
35 we got from the courts in the Katie John case.

36
37 But the public and the Councils and everyone is going
38 to get another shot at this when we publish the Proposed Rule
39 making.

40
41 MS. B. ARMSTRONG: Tom.

42
43 CHAIRMAN REXFORD: Barbara.

44
45 MS. B. ARMSTRONG: I just want to ask him a question.
46 Since the Council is asking on the EIS, if the Council decide
47 not to follow what you guys are doing right now with the EA and
48 wish to go for EIS, what would happen then?

49

MR. BOYD: Yeah. I think that certainly the Council

00187

1 can suggest that to us. I think it would be up to the Board I
2 think to look at that request and weigh it. The Board is
3 providing direction and guidance to us right now on how to
4 proceed on this.

5
6 My assessment is that the Board is going to stick
7 pretty close to the EA unless we find there's a significant
8 environmental impact.

9
10 MS. H. ARMSTRONG: Mr. Chairman.

11
12 CHAIRMAN REXFORD: Ms. Armstrong.

13
14 MS. H. ARMSTRONG: I just have a comment. I've been on
15 this EA team, it's one of my many hats, and Tom may not have
16 wanted to say this, but the people who are writing this really
17 are writing it as if it were an EIS. It has a label that it's
18 an EA, but the difference between an EA and an EIS is often the
19 depth of which people analyze things.

20
21 And I think that people are analyzing this with just as
22 much depth as they would an EIS, having worked on EISs for many
23 years earlier in my Federal career. And one of the reasons
24 people are doing is because I think they just can't do it any
25 other way. They have to analyze it with that level of depth.
26 So I think when you see it you'll find that it won't be much
27 different from EISs that you've read.

28
29 And with the choice of alternatives and the opportunity
30 for public comment, there won't be a lot of difference in some
31 ways between them, I think. I don't know if that eases your
32 mind at all.

33
34 CHAIRMAN REXFORD: When you look at the big map joining
35 with Kotzebue Sound and the Arctic Region, there is vast
36 differences in commercial. And I see very few wordings to that
37 effect or there's more wordings for Kotzebue Sound or that
38 Norton Sound area than it is Arctic because of that difference
39 or between maybe more commercial opportunities in that area.

40
41 So would there be an opportunity like if we wanted to
42 make another unit rather than having five or six within the
43 State for fish management jurisdiction areas?

44
45 MR. BOYD: Why don't I get into that a little bit. The
46 areas that I described for you are only for purposes of
47 analysis in the Environmental Assessment. It's our intention,
48 and I'll kind of cover this when I go over the Proposed Rule,
49 to try to match the fishing areas or the fishing districts that

50 the State currently uses, which are.....

00188

1

CHAIRMAN REXFORD: The same, I think.

3

MR. BOYD: They're the same.

5

CHAIRMAN REXFORD: Pretty much the same, yeah.

7

MR. BOYD: Pretty much the same, yeah. That was our intent when we did the terrestrial program as well, to use their game management units, if you will, in our program. So that in comparing the regulations we had some basis in geography to make those comparisons.

13

CHAIRMAN REXFORD: Okay.

15

MR. BOYD: So it's our intent in these regulations to use the similar fishing districts and areas that the State does. But we needed some way to analyze these in the Environmental Assessment. So we did some grouping of some areas to make it more readable and more efficient to analyze.

21

CHAIRMAN REXFORD: Okay. There was Gordon and then Barbara.

24

MR. UPICKSOUN: Mr. Chairman, the existing State regulations will be used in the Proposed Rule eventually?

27

MR. BOYD: That's our intention right now, is to try to -- why don't I go through my briefing and I think it will answer that question.

31

CHAIRMAN REXFORD: Okay.

33

MR. BOYD: Could I do that?

35

CHAIRMAN REXFORD: Before you do that, Barbara.

37

MS. B. ARMSTRONG: Yeah, Tom, since you're showing or presenting the draft version of it right now in front of the Council, will there be another draft coming out before the final comes out for the Council to see, or is this the last one they see and the next one they see will be a final one?

43

MR. BOYD: No.

45

MS. B. ARMSTRONG: And they won't get to see the next one until it becomes final?

48

MR. BOYD: This is a preliminary draft that we're

49

50 providing for the Councils right now.

00189

1
2 MS. B. ARMSTRONG: All right.

3
4 MR. BOYD: The next rule that becomes public will be
5 the Proposed Rule, which is not a final rule. And I don't know
6 the timing on that or if it will coincide with another Council
7 meeting. Our hopes are that it will with the fall meetings.
8 So that the Councils will have an opportunity to comment on the
9 Proposed Rule at that time.

10
11 We're going to be recommending strongly to Washington
12 that the schedule proceed with the Proposed Rule coming out in
13 the fall so that the Councils can meet on that and comment on
14 that at the time. But we wanted to provide you with this draft
15 right now so you would see what we were doing and comment at
16 this time. Good point.

17
18 MS. B. ARMSTRONG: Yeah, so in the meantime, even right
19 now after they comment on it and then read up on it again some
20 more, is there a time line where they have a deadline for
21 commenting? Do they have a certain deadline? Do you know if
22 they can comment all the way up till the next meeting, or.....

23
24 MR. BOYD: Well, we haven't requested comments like
25 that. What I would like to do is get comments from them today
26 based on what they see for their area. There will be another
27 opportunity when a Proposed Rule is published as well.

28
29 MS. B. ARMSTRONG: Okay.

30
31 CHAIRMAN REXFORD: Could you highlight then on the
32 original, or would we draft the highlighted changed or
33 deletions rather than.....

34
35 MR. BOYD: What I'll do is cover that in my briefing.

36
37 CHAIRMAN REXFORD: Okay. I was looking through all of
38 this and there's 25 pages or so.

39
40 MR. BOYD: Okay.

41
42 CHAIRMAN REXFORD: Ms. Fox.

43
44 MS. FOX: I wanted to correct something, Tom. In
45 the.....

46
47 CHAIRMAN REXFORD: Could you come up to the mike?

48
49 MS. FOX: Yeah.

00190

1 CHAIRMAN REXFORD: All right.

2 MS. FOX: In the letter that was sent to the Council
3 members that told them that they could submit comments through
4 March 3rd, okay, on the material that's being presented today
5 and what's in your package.

6
7 MS. B. ARMSTRONG: We have till March 3rd. If you
8 review and you have a different than whatever there is this EA
9 that we are presenting to you, be sure and call them. Call me
10 or fax me or call Tom directly and let them know your concerns.

11
12 CHAIRMAN REXFORD: Mr. Brower.

13
14 MR. BROWER: Tom, on this moratorium again, if that
15 continues will this have an effect on what's being presented
16 here?

17 MR. BOYD: On the content?

18
19 MR. BROWER: Um-hum (affirmative).

20
21 MR. BOYD: Or of the rule making?

22
23 MR. BROWER: If that moratorium continues will this
24 continue too?

25
26 MR. BOYD: Well, if the moratorium continues, I don't
27 know exactly what the process will be along those lines. My
28 sense is if the moratorium continues we will essentially stop
29 what we're doing. We could publish a Proposed Rule and gather
30 public comments, but that's as far as we could go. We could
31 not publish a Final Rule.

32
33 MR. BROWER: Thank you.

34
35 CHAIRMAN REXFORD: Okay. Proceed, Mr. Boyd.

36
37 MR. BOYD: Okay. We wanted to get you a copy of the
38 preliminary, the draft, so that you would have it in front of
39 you today and as Peggy, I'm glad she clarified that and
40 corrected me, so that you would have a chance to look it over
41 and get comments back to us as quickly as possible.

42
43 With the guidance and the direction that we've
44 received, we've been on somewhat of a fast track to get all of
45 this accomplished. When we designed this process of preparing
46 the EA and the Proposed Rule, we set up a time line where we
47 hoped that we would hit the Council meetings in this winter so
48 that the Councils would have this opportunity.

49

The Preliminary Draft Proposed Rule is designed to

00191

1 provide a priority for subsistence uses of fish on the public
2 lands as I've defined, while at the same time maintaining the
3 existing State Fishery Management Systems to the extent legally
4 practical. And by that I mean we want to work with the State
5 like we do on the uplands to the extent that we can, but at the
6 same time maintain the priority, the subsistence priority
7 provided in ANILCA.

8
9 We want to have you, the Council, review this draft in
10 light of your understanding of the fisheries in your region and
11 your knowledge and experience in that area.

12
13 The Proposed Rule itself, or the Draft Proposed Rule
14 and the Proposed Rule will be -- I probably should kind of give
15 you a background on this a little bit, but the Proposed Rule
16 and even our existing regulations are composed of four parts.
17 We call them subparts.

18
19 Subparts A and B are the general provisions and program
20 structure. Subpart C is the customary and traditional use
21 determinations. And Subpart D is the, if you will, the
22 subsistence taking regulations. They're the annual seasons
23 harvest limits, methods and means. So when I used these
24 terminology, Subpart A and B and C and D you'll know what they
25 contain.

26
27 Generally, Subparts A and B follow the language that wa
28 contained in the Advance Notice of Proposed Rule Making that
29 was released on April 4th of this past year. There is one
30 difference that I want to point out to you. Let me just kind
31 of go through that with you in the Draft Proposed Regulations
32 themselves.

33
34 If you'll look on the page just following the letter
35 from Mitch Demientieff, you'll see at the top it says Regions
36 7, 8, 9 and 10 Regional Council Review Draft. Immediately we
37 begin with Subpart A. You'll see it at the bottom of that
38 page. I'm hoping everybody's following me.

39
40 CHAIRMAN REXFORD: What page?

41
42 MR. BOYD: Page 1, if you will, in that set of
43 regulations. And that's where we are. And if you'll flip the
44 page, under number 3 there it says, applicability and scope.
45 You'll see a list of all of the areas that are contained within
46 the Federal jurisdiction.

47
48 And you'll look under Part B, it says the regulations
49 contained in this part apply to all public lands including all

50 non-navigable waters located on these lands. And this is the

00192

1 addition here; on all navigable waters and non-navigable waters
2 within the exterior boundaries of the following areas, and on
3 inland waters adjacent to the exterior boundaries in the
4 following areas. So that kind of give you a rundown that it
5 includes all of the waters in which the U.S. has Federal
6 Reserve water rights that were as the court directed us to do.
7 So that's where we've added the jurisdiction.

8
9 And I'm looking for in your area. It certainly says
10 the Arctic National Wildlife Refuge, as well as the National
11 Petroleum Reserve are included in that list.

12
13 I should point out that other than the Arctic or other
14 than the National Petroleum Reserve and a couple of other
15 areas, most BLM land, waters flowing through BLM land are not
16 included because those waters do not have Federally reserved
17 water rights. So I'll just point that out to make you aware of
18 that. So that's the extent of jurisdiction under that.

19
20 All of the other items that you see highlighted in that
21 Subpart A were changes made to the existing regulations,
22 existing Federal Subsistence Regulations that resulted from
23 this court decision as well as two petitions for rule making
24 that were submitted to the Secretary.

25
26 One of those petitions would have had the authority for
27 the Secretary of Interior to extend jurisdiction off Federal
28 lands to protect subsistence uses on public lands. And what
29 we've done there, and this is the Federal Board, has
30 recommended this and this is what's in the Draft Rule.

31
32 If you could turn to Page 7 I'll summarize that. And
33 you'll look at the bottom of Page 7, under number 10, Federal
34 Subsistence Board; it talks about the Federal Subsistence
35 Board's authorities. In there it says essentially that the
36 Secretaries of Interior and Agriculture will retain their
37 authority, their existing authority to restrict or eliminate
38 hunting, fishing or trapping activities which occur on lands or
39 waters in Alaska, other than public lands.

40
41 They'll retain that authority to protect subsistence on
42 the public lands from hunting and fishing and trapping
43 activities that occur off the public lands. However, if you
44 turn the page, on Page 8 the Board will evaluate, and at the
45 bottom down there it's highlighted again. The Board will
46 evaluate whether hunting, fishing and trapping activities which
47 occur on lands or waters in Alaska other than the public lands
48 interfere with subsistence hunting, fishing, or trapping on the
49 public lands to such an extent to result in a failure to

50 provide the subsistence priority. And it also talks about

00193

1 appropriate consultation with the State of Alaska and the
2 Councils and the Federal agencies, and make recommendations to
3 the Secretaries for their action.

4
5 So I should point out that in the Advanced Notice of
6 Proposed Rule that was issued last year in May, it said that
7 the Secretaries would delegate this authority to the Board to
8 make those decisions. This is a change and now the authority
9 is being retained by the Secretary, but the Board still has the
10 authority to make the evaluation and make recommendations to
11 the Secretary. So that's a change from last year.

12
13 There was one other point, or several others in Subpart
14 A and B that I wanted to point out here. I'm looking for
15 selected, but not conveyed lands. Okay. I've found it. On
16 Page 4 is one other point. Just up from the bottom, number 4,
17 item number 4. And while this is not necessarily a fisheries
18 regulation per se, it is a change that we're proposing for the
19 existing regulations that resulted from a petition that was
20 submitted to the Secretary and essentially includes lands in
21 our jurisdiction that are selected by Native Corporations, but
22 not yet conveyed to them. They're still Federal lands.

23
24 Currently we do not call those public lands but this
25 would add them to the public land base and expand the base for
26 which jurisdiction for subsistence would occur. So those are
27 the major changes in Subparts A and B.

28
29 Before I go on to Subpart C, let me just stop there and
30 ask if there are any questions?

31
32 MR. BROWER: Tom, I was just going to say, are these
33 lands that aren't conveyed yet identified or identified on any
34 of the maps?

35
36 MR. BOYD: We don't have them described on a map right
37 now. I think it's going to be quite a complicated task to do
38 that.

39
40 MR. BROWER: Thank you.

41
42 MR. BOYD: But that language would add all of those
43 lands that are currently pending conveyance, that are Federal
44 lands that are currently pending conveyance.

45
46 Okay. Let me move on to Subpart C. And I'll just take
47 you to the page, that's Page 16. These are the customary and
48 traditional use determinations in that table that you see on
49 Page 16 that we're proposing for the fisheries regulations.

00194

1 As you can see for your area, the Kotzebue-Northern
2 area, is primarily for all species of fish, all residents of
3 the Northern District, except for those in State of Alaska Unit
4 26(B) .

5
6 Now, what we've done here is essentially carried over
7 the State customary and traditional use determinations that
8 were in place in 1990 when the Federal Government assumed
9 management.

10
11 At that time the State essentially said all rural
12 residents or all residents are subsistence users. So we
13 couldn't use the current State c&t determinations because they
14 don't really have any. So we went back to 1990 and we captured
15 that. So we want you to take a look at that to see if that's
16 accurate. So I'll point that out to you as well on Page 16.

17
18 CHAIRMAN REXFORD: That boxed area?

19
20 MR. BOYD: Right.

21
22 CHAIRMAN REXFORD: Okay.

23
24 MR. BOYD: So that's an area that you can highlight

25
26 Now I'll take you to Subpart D, which is I think at the
27 bottom of that page, which begins just at the bottom of that
28 page, just under that blocked area. It doesn't say Subpart D.
29 It starts with Number 26. I think I want to pass out that
30 stack that we had of regulations. Did you pass those out
31 already?

32
33 MS. B. ARMSTRONG: No.

34
35 MR. BROWER: Tom.

36
37 CHAIRMAN REXFORD: There's a question, Mr. Boyd.

38
39 MR. BOYD: Go ahead.

40
41 MR. BROWER: Down there under this box, to clarify
42 what's meant by that, except for those domicile in the State of
43 Alaska in Unit 26(B). On Page 16.

44
45 MR. BOYD: Right.

46
47 CHAIRMAN REXFORD: Harry, has a copy on Page 16.

48
49 MR. BOYD: Oh, I'm listening.

00195

1 CHAIRMAN REXFORD: Repeat your question, Harry.

2 MR. BROWER: Oh, I was asking if he could clarify what
3 is except for those domicile in the State of Alaska in Unit
4 26(B). Are they being exempted from the regulations?

5
6 MR. BOYD: That's the way I would read it, they would
7 be exempted from the regulations. They wouldn't be included.
8 Is Nuiqsut, for instance, in 26(B)?

9
10 MR. BROWER: Yeah.

11
12 MR. BOYD: That would be something you'd probably want
13 to comment on.

14
15 MR. BROWER: Would that effect them in their fisheries?

16
17 MR. BOYD: Yes, it would, if it were to stay like this.

18
19 CHAIRMAN REXFORD: Okay. We have a question from Ms.
20 Lampe. Doreen, identify yourself.

21
22 MS. LAMPE: For the record, my name is Doreen Lampe
23 from the Planning Department. I'm a Community Planner for the
24 North Slope Borough. I see this as a prime example of a clash
25 between subsistence users versus non-subsistence users. And
26 with the opening of the Haul Road I see this as something that
27 will effect the Haul Road area more and more. And with the
28 language up there that seems that all the State, Federal,
29 National agencies seem to have an interest to protect hunting
30 opportunities or fishing opportunities for non-subsistence
31 users.

32
33 If they would maybe consider that, you know, we're not
34 the enemy but we've managed the resources and hunted them for
35 so many years, that we don't wipe out any species or anything
36 of that sort. And that the language on this bothers me a
37 little because it says with the least disruption of existing
38 fisheries while still providing opportunities for subsistence
39 users.

40
41 It seems that they're taking commercial fisheries as a
42 priority over subsistence users. And if they would just change
43 their frame of mind to say with the least disruption of
44 subsistence users while still providing for existing fisheries,
45 that they would manage their resources better in the long run
46 because the subsistence users usually manage their harvests
47 very well. And I'd like to see some languages changed in that
48 regards in the near future and maybe in your new guidelines for
49 management within all agencies for your MAUs or your MOAs.

50 That would, you know, help us out because I don't see us as the

00196

1 enemy and it seems that we're always trying to defend ourselves
2 against the 270 million people that want the same rights or
3 opportunities to come into these lands. That's all I have to
4 say.

5

6 CHAIRMAN REXFORD: Thank you, Doreen.

7

8 MR. BOYD: I think that was a point well taken, Mr.
9 Chair. And I think the intent of that statement, while not as
10 clear as it should be, I'm glad you pointed that out. Is that
11 what we're trying to do is establish a fishery management
12 system that takes advantage of existing State system while at
13 the same time recognizing clearly that subsistence has a
14 priority over all other uses.

15 We don't want to disrupt an ongoing system that gathers
16 data and analyzes that data to make decisions. That's a good
17 system but it's the decision making that needs to be focused
18 on. And I think clearly what we want to do is maintain a
19 subsistence priority. But I take your point and I think we
20 need to revise that graphic to better word that. Thank you.

21

22 CHAIRMAN REXFORD: Proceed.

23

24 MR. BOYD: We just handed out another packet of
25 regulations. And go again to Page 16 on this packet. I think
26 that we have gone in since we made these packets and reviewed
27 them. And there's a few changes in this new packet that I just
28 handed out. Because you were the first Council meeting we were
29 still in the process of developing this. So you didn't get
30 this update, so I wanted this passed out.

31

32 In Subpart C we have one addition for herring and
33 herring roe that didn't get captured in the other one. There
34 are some marine waters that are part of -- the Maritime Refuge
35 didn't get captured in this original document, you'll see that
36 highlighted on that block on Page 16 of the hand-out. But the
37 other language remain the same.

38

39 And I should say before I moved into Subpart D, that
40 there are some items in Subpart D in this new hand-out that we
41 lined through where we don't think that we have Federal
42 jurisdiction, but I wanted to highlight those to you.

43

44 MR. LONG: Mr. Chairman.

45

46 CHAIRMAN REXFORD: Mr. Long.

47

48 MR. LONG: I have a question on this customary and
49 traditional use determination whereas it said residents of the

50 Northern District, except for those in Unit 26(B), which is

00197

1 State regulated. And if they just word it like this, then I
2 think I'm seeing only the opportunist or sports hunter which
3 dwelled around the Prudhoe Bay area have the only access to
4 those areas, instead of us that subsist all types of fish that
5 we have in the rivers and out in the bay and the ocean. Which
6 would mean the only way that I can fish is that I would have to
7 go beyond the State limit out in the waters, you know, to get
8 Federal fish, not to break any rules or laws of the State.
9 Because we do a lot of fishing in the Colville River.

10
11 And right now it doesn't have anything to do with this
12 regulation, except for NPRA. Whereas we do some fishing in
13 NPRA, not only in the rivers, including the lakes.

14
15 CHAIRMAN REXFORD: And Harry brought that up as well,
16 Mr. Long. We need to make sure that Nuiqsut make some comments
17 in regards to that. And they've got it recorded.

18
19 MR. BOYD: I just looked this up on the map. Nuiqsut
20 is in 26(A). It's just inside the boundary, so.....

21
22 MR. LONG: Nuiqsut is in 26(A), you're right, but we do
23 our hunting on 26(A), (B), (C), Gates of the Arctic, National
24 Park Preserve.

25
26 MR. BOYD: Right. This c&t determination in this part
27 is not for hunting, but for fishing and all this says is in the
28 whole Northern area, which is the whole North Slope, if you
29 will, that residents of the Northern District, except those
30 domiciled and it says here in 26(B), which are essentially the
31 residents of Prudhoe Bay.

32
33 It eliminates Prudhoe Bay as having c&t is what this
34 does for fishing. But all the residents of the North Slope can
35 fish anywhere in that Northern District, which is the whole
36 North Slope. So I thought Nuiqsut was in 26(B), but it's in
37 26(A). So it includes Nuiqsut. So that answers your question,
38 I think, Harry, from a few minutes ago.

39
40 MR. LONG: Yeah, but you come up the river from 26(B).

41
42 MS. H. ARMSTRONG: Are you sure about that?

43
44 MR. BOYD: Yeah, I just looked it up.

45
46 MS. H. ARMSTRONG: In that map?

47
48 MR. BOYD: In this map.

49

MS. H. ARMSTRONG: That map's not the current map.

00198

1
2 MR. BOYD: What is it?

3
4 MR. UPICKSOUN: Mr. Chairman.

5
6 CHAIRMAN REXFORD: Yeah.

7
8 MR. UPICKSOUN: Mr. Boyd, under Subpart C, fish and
9 shellfish determinations for the Northern District, under
10 species you have all fish, salmon, sheefish and char. I don't
11 see any crabs in there. We discussed crabbing have occurred
12 within the Northern District. We discussed crabbing done here.
13 I've seen crab pots here in Barrow, Mr. Carroll. And I don't
14 see.....

15 MR. BOYD: That's a good point.

16
17 CHAIRMAN REXFORD: Page 22.

18
19 MR. BOYD: Well, Subpart D are later. Subpart C is
20 here. And I think what I'm hearing from the Council is to
21 include shellfish as well as fish. And I think all fish
22 include shellfish but we need to make that clear and I think
23 that's the point.

24
25 CHAIRMAN REXFORD: And it says right there, number 2,
26 fish and shellfish determination.

27
28 MR. BOYD: Yeah.

29
30 MR. UPICKSOUN: And it says fish and shellfish.

31
32 MR. BOYD: Shellfish. So it should say fish and
33 shellfish is what you're saying.

34
35 MR. UPICKSOUN: Yes. And last night, Mr. Chairman,
36 amongst Council members we discussed crabbing activity here
37 within our region from Point Hope and here in Barrow also.

38
39 MR. BOYD: Again, these regulations are limited to
40 Federal jurisdiction under the Katie John rule.

41
42 MR. UPICKSOUN: In the event that that you have
43 jurisdiction where there's crab.

44
45 MR. BOYD: Okay.

46
47 MR. UPICKSOUN: And we shouldn't be limited because we
48 didn't mention it.

49

MR. BOYD: That is a good point.

00199

1
2 MR. BROWER: Mr. Chairman.

3
4 CHAIRMAN REXFORD: Mr. Brower.

5
6 MR. BROWER: Tom, could you also include what was
7 mentioned regarding that clarification on this domicile within
8 26(B) regarding to Prudhoe Bay? Could that be written in there
9 in that box, you know, it's gets confusing just reading that.
10 I think it would help if that was in there.

11
12 MR. BOYD: I'm not sure how easy it would be to do that
13 because Prudhoe Bay is getting spread out up there to other
14 areas. And we'll look at that though. I take your point.
15 Maybe there's a way of putting the communities in there, but we
16 need to make sure that you understand that Nuiqsut is included.

17
18 CHAIRMAN REXFORD: Proceed. Other questions? We're
19 getting to D.

20
21 MR. BOYD: Okay. These are the Subpart C regulations
22 for your areas. And we were focusing on these for your areas.
23 They get a bit more complicated throughout the State, but since
24 we're in Region 10 here we only highlighted these for you.

25
26 MR. LONG: Then from what you say here, although it's
27 written in a confused manner, that we are not really restricted
28 to 26(B)?

29
30 MR. BOYD: No.

31
32 CHAIRMAN REXFORD: Is that it, Mr. Boyd?

33
34 MR. BOYD: No. Look at Subpart D now.

35
36 CHAIRMAN REXFORD: Okay. Then we'll go on a quick
37 break and get on to musk ox.

38
39 MR. BOYD: The proposed wording of Subpart D is based
40 again on existing State subsistence regulations. However,
41 they've been extensively reorganized to make them read better.
42 And the primary modifications have been to accommodate past
43 Federal Board actions, that is making, for instance, rod and
44 reel a legal method of take. And in the Kodiak area, for
45 example, allowing the take of salmon 24 hours all day long and
46 restricting harvest limit and pot configuration when taking
47 king crab in the Kodiak area.

48
49 So for your area I think the primary change would be

50 the making rod and reel a legal method of take.

00200

1

2 Another change has been to eliminate specific
3 references to State non-subsistence areas, or other items
4 clearly inconsistent with the Federal program. Another change
5 is to replace references to the Commissioner as it refers to
6 the State Commissioner, with the Board and to remove Board of
7 Fish Management guidance to the Department of Fish and Game.

8

9 CHAIRMAN REXFORD: Okay.

10

11 MR. BOYD: I want to point out, and I'll turn to the
12 pages and point you to them. Because of the extensive
13 reorganization of this we were not able to highlight changes
14 within this like we did in Subparts A and B. In Subpart D you
15 don't see any highlights.

16

17 I'll turn you to Page 19 and I want to point this out
18 to you. Numbers 11 and 12 on that have been modified from the
19 State regulations. They allow the Board to accommodate
20 regional differences in customary trade while prohibiting
21 commercialization of the sale of subsistence taken salmon or
22 salmon roe. It doesn't have a big impact on your area I don't
23 think. It does more in the lower areas like Yukon Region. But
24 we want to point those out to all the Councils that those are
25 changes.

26

27 And if you'll turn the page to Page 21, and if you'll
28 go up to near the top where it says Kotzebue-Northern Area,
29 under (h) (1) on Page 21, you'll see essentially the
30 regulations, the season and harvest limits regulations that
31 apply to your area.

32

33 And if I could sort of summarize, fish may be taken for
34 subsistence purposes without a permit. And in the Northern
35 area here it's relatively unlimited. The same as what the
36 State allows right now. So we're not proposing that they
37 change from the State regulations because the State regulations
38 are already pretty liberal for this area for subsistence.

39

40 MS. DEWHURST: Tom, one clarification. One
41 clarification. I was the one involved in doing the strike-
42 outs. And just for your own information, the only marine
43 waters that would be anywhere remotely near you are that Port
44 Clarence Area, which is down south of Kotzebue. That's the
45 only marine waters involved with Federal jurisdiction and it's
46 a very small area around that one point. It's not on any of
47 these maps. I think it's Region 7 is the map it's in. There
48 are no marine waters along the whole Northern section I believe
49 that are under Federal jurisdiction.

00201

1 So when you talk about the shellfish or marine
2 fisheries, there is a very small area that's involved. Just to
3 let you know that.

4
5 And most of these strike-outs you see are in the Nome
6 area. Nome area and south of Nome that are not Federal lands.

7
8 MR. UPICKSOUN: How about Noatak River?

9
10 MS. DEWHURST: I'm just talking marine waters.

11
12 MR. UPICKSOUN: Oh, okay.

13
14 MS. DEWHURST: That's why I say there's very little
15 marine waters in this whole area. And Alaska Maritime just has
16 one little tiny area right around Port Clarence. It's not on
17 this map. I think if you looked in.....

18
19 MR. BOYD: Page 116 in your books -- regulations.

20
21 MS. DEWHURST: Yeah, it would be Page 116 in the purple
22 book. There is a map and it's a very small area. It's not
23 delineated but it's right around Wales. There's some marine
24 water between Little Diomed and Wales that belong to I think
25 Alaska Maritime Refuge. And that's the only marine waters I
26 believe in that whole area. I might be wrong, but that's from
27 what I looked at. That's the only marine waters I could find
28 that would be under Federal jurisdiction.

29
30 So when you're reading this and looking at shellfish or
31 crabbing or anything else, be aware that's the only section
32 that would be under our jurisdiction.

33
34 CHAIRMAN REXFORD: Okay. Continue, Mr. Boyd.

35
36 MR. BOYD: Okay. Well, I think that covers the extent
37 of the regulations talk.

38
39 CHAIRMAN REXFORD: Okay. Very good.

40
41 MR. BOYD: And if you have any comments, I think like
42 pointed out by Ms. Fox, you could comment today. I already
43 have captured one comment regarding c&t determinations.

44
45 CHAIRMAN REXFORD: Okay. Very good. Any other
46 question for Mr. Boyd on the fisheries rule making? If not,
47 the Chair will entertain a 10 minute break.

48
49 MR. UPICKSOUN: So moved.

00202

1 CHAIRMAN REXFORD: Okay. Those in agreement, say aye?
2 IN UNISON: Aye.

3
4 CHAIRMAN REXFORD: 10 minute break.

5
6 (Off record)

7
8 (On record)

9
10 CHAIRMAN REXFORD: I'll call the meeting back to order
11 from a brief recess. I want to thank those that have been
12 making presentations today. We do have a request, Mr. Hopson
13 wants to talk about some correspondence that we've received
14 from one of the communities. So we'll take that up after
15 talking about musk ox issue here.

16
17 So, again, I want to thank you for your patience. And
18 I just found out that we received five resolutions from the
19 villages. I understood that we had four yesterday and five,
20 and I'm having the Wildlife Department Staff check on Nuiqsut
21 and Point Lay. And maybe those are the only ones left.

22
23 So we have a majority of supporting resolutions from
24 the cities or the villages. So at this time I think we're on a
25 roll on this harvest plan for taking of musk ox in the region.
26 At this time I want to request Peggy Fox, who's been helping us
27 facilitate this harvest plan over the last year -- you'll
28 recall we were instructed in the April meeting of last year by
29 Chairman Demientieff to have this region work on a Management
30 Plan and we're getting very close to a final draft.

31
32 I understand that we may have some additional comments
33 or some additions to the plan after sending this out to some
34 communities. So we'll hear on those additional comments and
35 additional wording to the Musk Ox Management Plan. Geoff will
36 talk about those minor changes will not have any effect to
37 provide an opportunity to harvest musk ox by the community. So
38 at this time I'll ask Geoff and Peggy to help go over the
39 finalization of the Musk Ox Management Plan.

40
41 Geoff, can you get up near a mike and proceed with this
42 finalization of the plan. What tab is that under?

43 MS. FOX: G. Tab G in your book.

44
45 CHAIRMAN REXFORD: G, go.

46
47 MS. FOX: Right.

48
49 CHAIRMAN REXFORD: All right. Go ahead. You're going

50 to summarize of how we've got this far?

00203

1

2 MS. FOX: Yes. I would like to summarize for
3 everyone's benefit how we got to where we are today.

4

5 As Fenton mentioned, last April the Board directed the
6 Council to sponsor the development of a Cooperative Musk Ox
7 Management Plan to resolve issues on the North Slope.

8

9 And Fenton initiated that Cooperative Management
10 Planning effort in July, last July, at a meeting of the North
11 Slope Borough Fish and Game Committee. At that meeting a wide
12 range of information on musk oxen was reviewed, including the
13 status of the populations and harvest of musk oxen, comparison
14 of musk oxen hunts in Alaska, and some discussion of those that
15 occur in Canada.

16

17 Then we also heard about a research proposal relating
18 to the need to develop musk oxen habitat mapping for Northern
19 Alaska. Professor Stein of the University of Alaska Fairbanks
20 presented that, along with some other information that he has
21 gathered to date.

22

23 Finally, Geoff Carroll, as you know from Fish and Game,
24 provided a draft that he'd been working on of the North Slope
25 Cooperative Management Plan for musk ox. And that provided a
26 starting point for specific discussions for where we wanted to
27 go with management.

28

29 With that body of information as a background, the
30 Committee identified issue and concerns relating to musk oxen
31 on the North Slope. The draft Management Plan goals were
32 reviewed and commented on for the purpose of developing a
33 second draft, and the Committee also identified a planning
34 group to take responsibility for future drafts.

35

36 Finally, it was agreed that all villages and the
37 general public would have an opportunity to comment on those
38 future drafts.

39

40 The Planning group that I mentioned was comprised of
41 Fenton, representing the North Slope Borough Fish and Game
42 Committee, and the Regional Advisory Council. Edward Itta also
43 representing the North Slope Regional Advisory Council, Geoff
44 Carroll, Patricia Reynolds from Fish and Wildlife Service, Dave
45 Yokel from BLM and Robert Suydam from the North Slope Borough
46 Wildlife Department.

47

48 They met in November to consider all the comments that
49 had been received on the draft plans to that date and line by

50 line reviewed and revised the plan. The Planning Group then

00204

1 distributed another draft to all members of the Council and the
2 Fish and Game Committee for their review prior to a joint
3 meeting last December, December 10th and 11th.

4
5 At the December 10th and 11th meeting the planners
6 reviewed, more comments were offered resulting in some further
7 but really minor modifications, and the Planning Group made
8 those modifications and that revised draft is in your booklet
9 in front of you today.

10
11 That draft was also distributed to the villages on the
12 North Slope with the intent that the villages review and
13 hopefully concur with the draft management goals and the
14 objectives.

15
16 And as Fenton indicated, five out of seven of them have
17 met and provided a positive resolution. However, we still have
18 some opportunity for some further comment should that come in
19 from the villages or from the agencies today.

20
21 After we take those comments, we will also layout what
22 are the next step following this meeting. Before that plan is
23 finalized, the entities sign off on it and it's presented to
24 the Board in April. So I would say unless there are questions
25 at this time, we'll entertain some further comments.

26
27 CHAIRMAN REXFORD: Just a brief comment on how we went
28 through the process and it took several days and several
29 meetings to get this going. And we've been talking about this
30 almost every meeting since 1990. And we've had some help from
31 the Staff and I want to thank Pat for hanging here or staying
32 with us today to go over this plan. And without her input and
33 knowledge of musk oxen we wouldn't have gotten here today. So
34 I want to thank Patricia for her input as well, and also the
35 other committee members or working groups.

36
37 MS. FOX: Thank you.

38
39 CHAIRMAN REXFORD: Was there any questions about how
40 we've gotten here so far? Mr. Koonuk.

41
42 MR. KOONUK: Yeah. You said there was what, five out
43 of seven villages that had responded?

44
45 MS. FOX: That's what I understand.

46
47 MR. KOONUK: And I guess Point Hope is one of the
48 villages that haven't responded, right?

49

CHAIRMAN REXFORD: We have that resolution at this

00205

1 point.

2 MR. KOONUK: Oh, okay.

3

4 CHAIRMAN REXFORD: It's over there. They're tracking
5 it down right now.

6

7 MR. KOONUK: Okay.

8

9 MS. FOX: Okay. Then I'll ask Geoff to provide his
10 comments, and then I know the Park Service has some comments.

11

12 MR. CARROLL: There are a few more things that people
13 wrote in as far as kind of minor changes in the thing. And,
14 you know, wording changes and things like that. And I'm not
15 quite sure what's the best way to handle those at this point.
16 I don't know if maybe we could make some of the suggested
17 changes and then circulate the document around to that planning
18 group that we had together when we re-wrote the plan to see if
19 these things should be initiated or should be included in the
20 document or not.

21

22 There aren't too many of them. I could just bring them
23 up now and we could talk them over a little bit.

24

25 CHAIRMAN REXFORD: Let's see what the Council feel
26 about them.

27

28 MR. CARROLL: Like one of them -- some of them are
29 probably a pretty good idea. They don't make too much
30 difference, they just make the document a little bit better.
31 But, for instance, just maybe the title instead of being
32 Management Plan for the Harvest of Musk Oxen on the North Slope
33 could be shortened a lot to North Slope Musk Oxen Harvest Plan,
34 you know, things like that. I don't know what's the best way
35 to handle this. I mean should we just get approval here to
36 make these changes, or I think we'd better wait till Fenton
37 gets back.

38

39 MS. FOX: Yeah. Well, this Council does need to concur
40 with any further changes. Edward isn't here. I don't know who
41 it goes to next if Fenton isn't here to run the meeting. Oh,
42 here he is.

43

44 CHAIRMAN REXFORD: Yes. I'm sorry.

45

46 MS. FOX: Fenton, we were wondering, as he goes through
47 these proposed changes, would you like to get Council approval?

48

49 CHAIRMAN REXFORD: Yeah.

00206

1 MS. FOX: Yeah.

2 CHAIRMAN REXFORD: I think I'll maybe hear them all, or
3 each changes maybe. Or what do you think, Geoff? We'll hear
4 them all first and then incorporate the.....

5
6 MR. CARROLL: Yeah, I think we can go through them
7 fairly quickly.

8
9 CHAIRMAN REXFORD: Okay.

10
11 MR. CARROLL: The first one was just to shorten the
12 title.

13
14 CHAIRMAN REXFORD: Okay.

15
16 MS. CARROLL: Which is a change from Management Plan
17 for the Harvest of Musk Oxen on the North Slope, to North Slope
18 Musk Oxen Harvest Plan.

19
20 CHAIRMAN REXFORD: North Slope Musk Oxen Harvest Plan.
21 Okay. Anybody have any problems with that? Okay. That will
22 change. That's fairly easy.

23
24 MR. CARROLL: And then the next one, just to shorten
25 things a little bit, instead of saying that whole thing again
26 in the sentence, just say this plan is being produced.

27
28 CHAIRMAN REXFORD: As a basis for managing musk oxen?

29
30 MR. CARROLL: Yeah.

31
32 CHAIRMAN REXFORD: Okay. Any problems with that from
33 the Council?

34
35 MR. UPICKSOUN: What was that second one?

36
37 MR. CARROLL: Well, in the first sentence of the plan
38 it starts out, the Management Plan for the Harvest of Musk Oxen
39 on the North Slope. Instead of saying all of that, just say
40 this plan is being proposed, because we just gave the title up
41 above.

42
43 MR. UPICKSOUN: Okay. No problem.

44
45 MR. CARROLL: Okay. Then there's just a few -- or I've
46 got extra commas and things in here. I don't know, I think we
47 can just go ahead and make those changes. I don't think they
48 need to be discussed too much.

49

But then, let's see, under the goals I know there was

00207

1 some discussion, we were kind of trying to decide whether the
2 management priority is to provide a hunt for residents of the
3 North Slope or is it to maintain a stable population. And this
4 suggestion was made that we can just kind of say both, we could
5 say that the priority is to provide an opportunity to harvest
6 musk oxen for residents of the North Slope while maintaining a
7 stable musk ox population. That would kind of cover both of
8 those as a major priority or we could leave it just the way it
9 is too.

10
11 The difference in the way it would read, now it reads
12 the plan would change the management priority from musk oxen on
13 the North Slope from one of maximum growth to managing for a
14 stable musk oxen population across the North Slope, thereby
15 limiting further population growth. And this other reading
16 would change the priority from one of maximum growth to
17 providing opportunities to harvest musk oxen for North Slope
18 residents while maintaining a stable musk ox population.

19
20 CHAIRMAN REXFORD: Any problem with that from the
21 Council members on that? I think we've talked about
22 stabilizing the population. Mr. Brower.

23
24 MR. BROWER: Geoff, is one out of the two going to
25 create a problem when we -- if this is presented like to the
26 Board of Game in that text as it is written?

27
28 MR. CARROLL: I don't think either one of those will.
29 I think either one of them is justifiable and they're all
30 right.

31
32 MR. BROWER: Yeah, I was just concerned whether there
33 would be any problems with, you know, that we submitted it like
34 to the Board of Game, the text or the language wasn't clearly
35 stated, it might create a problem.

36
37 MR. CARROLL: Do you have any opinion on that, that one
38 is more clear than the other or.....

39
40 MS. FOX: Dave does.

41
42 MR. CARROLL: Okay.

43
44 MR. YOKEL: I would just say that Goal 1 right belong
45 it includes that word already. So if the Board of Game was
46 going to be upset by that wording, that it would be anyway.
47 Goal 1 right below that paragraph says, provide reasonable
48 opportunities for the North Slope residents to harvest musk
49 oxen.

00208

1 MR. BROWER: Thank you, Geoff.

2 CHAIRMAN REXFORD: Anyway, on that first paragraph
3 under goals, what Geoff just went over, are there any concerns
4 or problems with the re-wording of that?

5
6 MR. UPICKSOUN: Are you referring to.....

7
8 CHAIRMAN REXFORD: The heading.

9
10 MR. UPICKSOUN:the heading? Just the heading.

11 CHAIRMAN REXFORD: Yeah. Okay. I see no problem with
12 that, Mr. Carroll.

13
14 MR. CARROLL: Okay. Now, another comment was that
15 under the first goal and the objectives, objective (b) we were
16 pretty specific there, but in (c) we're pretty vague. That
17 increase the allowable harvest in Game Management Unit 26(B) to
18 reflect the growing musk ox population. And I thought it would
19 help the Boards to give them a little more guidance in that.
20 Say that we would like to, for instance, harvest the population
21 beginning at a rate of five percent and then conduct surveys to
22 determine whether the population trend is up or down.

23
24 So I don't know, I guess I'd like to have a few more
25 discussions with Pat and come up with a percent that we feel
26 would have the best chance of stabilizing the population. I'm
27 not sure if five percent is the right number, but I think it
28 would be something close to that. But if we could.....

29
30 CHAIRMAN REXFORD: Okay. I think any percent rather
31 than nothing is better. So to put specific numbers on there
32 to provide opportunity for the Nuiqsut residents, also other
33 residents that they want to participate in that unit. So
34 anyway, I would trust the working group to come up with a
35 number or something like that, because they're a pretty good
36 working group, consisting of the Department of Wildlife, the
37 Regional Chair, the Fish and Game Committee and also a member
38 from the Regional Council Chair and also Fish and Wildlife and
39 ADF&G. So I wouldn't have any problem with that, unless the
40 Council members feel we need to get more specific on this
41 round.

42
43 MR. UPICKSOUN: Okay. Mr. Chairman, are we discussing
44 all the objectives now under Goal 1?

45
46 CHAIRMAN REXFORD: Yeah. Number 1. He's talking about
47 (c).

48
49 MR. UPICKSOUN: But you're talking about (d) now. Are

50 you going to discuss the other objectives under Goal 1?

00209

1

2 MR. CARROLL: Well, right now we're just going through.
3 We received some comments come in and I'm asking if it's okay
4 to make these changes, or if you want to make these changes or
5 not make the changes.

6

7 MR. UPICKSOUN: Okay. After that then we can comment
8 on the other objectives under Goal 1.

9

10 MR. CARROLL: Yeah, I think so.

11 CHAIRMAN REXFORD: Okay.

12

13 MR. CARROLL: Okay. And then the next comment on Goal
14 2, under management goals.....

15

16 CHAIRMAN REXFORD: Before you leave Goal 1, Gordon, did
17 you have questions?

18

19 MR. UPICKSOUN: Yes, I had questions regarding under
20 Goal 1, section (d), regarding.....

21

22 CHAIRMAN REXFORD: D as in dog?

23

24 MR. UPICKSOUN:establishing a hunt in 26(A).
25 What's the cooperator's position on section (d)? It's all so
26 very vague.

27

28 MR. CARROLL: Yeah, it is. Okay. Well, for all of
29 this we're going to have to submit proposals, but on (d), you
30 know, I think that'll require proposals both to the Federal
31 Board and to the State Board.

32

33 I guess one note I had was one suggestion we could make
34 is maybe there could be two permits per village or something
35 like that.

36

37 MR. UPICKSOUN: Okay. When this refers to Point Lay,
38 all the hunts have been consistent in stating when the musk ox
39 are around our traditional caribou hunting area, especially
40 when the caribou are fat, it interferes with our hunting. And
41 how do we decide that -- it's very vague. We already feel that
42 the musk ox are interfering with hunting and you're saying that
43 harvesting these dispersing males will have a minimal effect.

44

45 Is that just in effect saying go ahead and whenever you
46 feel that the dispersing males are displacing the caribou,
47 interfering with our caribou hunt, can we just go ahead and
48 hunt the musk ox? Are we being given permission in 26(A) to go
49 ahead and harvest the musk ox? This ties in with objectives in

50 Goal (2), section (b). Those two are closely related.

00210

1

2 MR. CARROLL: Well, you know, we're breaking new ground
3 here. We know where we want to go but I don't think any of us
4 are quite sure exactly how to get there.

5

6 MR. UPICKSOUN: It's very vague. Like you said,
7 section (c) was vague. Well, this is very vague also.

8

9 MR. CARROLL: Yeah.

10

11 MS. FOX: I would like to respond to Gordon as well.
12 What we tried to do with the Management Plan is get some
13 agreement on what the issues were and how we would resolve them
14 and how we want to manage musk ox across the North Slope. And
15 they are drafted here in the form of guidelines. In other
16 words, we agree with establishing a hunt, but the specifics of
17 that hunt would come through specific proposals to the Federal
18 Subsistence Board or, you know, the Board of Game, whichever is
19 appropriate.

20

21 But what we have by virtue of doing this plan is
22 agreement from the resource management agencies and from the
23 village that we will establish such types of hunts. And along
24 with that is agreeing on a certain number of animals that can
25 be harvested or a certain percent of a population. Those are
26 kind of overall guidelines then that the Boards can use when
27 they are asked to make a decision relative to a specific hunt.

28

29 So as I understand it, what was envisioned here is the
30 people that are involved in this plan are agreeing that this
31 type of hunt should occur and can occur, but the specific
32 numbers and perhaps the specific season, whatever might be
33 appropriate, would come in the form of a proposal and come back
34 through this Council to the Board.

35

36 MR. UPICKSOUN: Mr. Chairman, in line with what she
37 said, the criteria under which we would be hunting these males
38 that were dispersing at Point Lay. And we have to sit down and
39 heck, we'd be writing proposals left and right, but then we
40 would have a hard time justifying the eight factors that have
41 to be addressed when making proposals because of the nature of
42 the hunt. We have no traditional pattern, we're just trying to
43 get rid of the moose in our area because we know it's
44 interfering with our hunting caribou. We'd have a hard time
45 writing a proposal to hunt one or two musk ox that we thought
46 were interfering with our hunt because we had a hard time
47 justifying it.

48

49 CHAIRMAN REXFORD: For your information, I think two

50 year ago or perhaps three years ago all of the villages on the

00211

1 North Slope have already been determined that they use musk
2 oxen. Or the c&t has determinations that's already been made
3 for all of the village, so that eight criteria does not have to
4 be revisited.

5
6 MR. UPICKSOUN: Okay. Then that answers my.....

7
8 CHAIRMAN REXFORD: So that was taken care of about two
9 years ago.

10
11 MR. UPICKSOUN: Okay. That answers my concern. Thank
12 you, Mr. Chairman. Thank you.

13
14 MR. BROWER: Fenton, I think that's under the Federal
15 management.

16
17 CHAIRMAN REXFORD: Under the Federal Management
18 Program, yeah, we had that determination made. All of the
19 villages customarily and traditionally use musk oxen on the
20 North Slope.

21
22 MR. UPICKSOUN: We'd be writing proposals left and
23 right. Thank you, Mr. Chairman.

24
25 CHAIRMAN REXFORD: One question before we get out of
26 Goal 1. You mentioned there's this Kilbuck (ph) caribou
27 management and a couple other managements hunts through the
28 Subsistence Board. Now, are these management cooperative or
29 cooperation or whatever, co-management, did they have to go
30 through specific proposals too to have the management plan?

31
32 MS. FOX: Yes.

33
34 CHAIRMAN REXFORD: Okay. All right.

35
36 MR. CARROLL: The plan is general plan and then we get
37 down to specific proposals.

38
39 CHAIRMAN REXFORD: Okay. All right. Continue, Mr.
40 Carroll.

41
42 MR. CARROLL: Okay. The next one is in Goal 2. Under
43 management goals (a), the one that says the total number of
44 musk oxen will be controlled to avoid runaway population
45 growth. They didn't like the word runaway. Maybe excessive
46 population growth. And then they wanted to have that defined.

47
48 CHAIRMAN REXFORD: They want to have excessive growth
49 defined?

00212

1 MR. CARROLL: Yeah, excessive population growth. And
2 then they wanted to change runaway to excessive. Thought
3 runaway was too much of a problem, a term like that. And then
4 so I tried to quickly define excessive population growth. And
5 this might not be a very good definition, but what I came up
6 with quickly here, that population growth that is beyond the
7 ability of residents to control by hunting. I don't know,
8 that's.....

9
10 CHAIRMAN REXFORD: Anyone have any problem with that
11 definition? We want to hear it now before it goes to the
12 Federal Subsistence Board.

13
14 MR. UPICKSOUN: Okay. Mr. Chairman, I think they may
15 be referring to what happened in Banks Island where the musk ox
16 population probably displaced the caribou population. That was
17 in Banks Island. So maybe they were referring to runaway in
18 that regard without identifying it. But you can see why
19 they're uncomfortable with the word runaway. But that's
20 probably what they were referring to what happened in Banks
21 Island in Canada.

22
23 MR. CARROLL: Okay. And (b) also, the one that says if
24 it is determined that musk oxen are displacing caribou from a
25 traditional hunting area, or an area that is critical to
26 caribou populations, then hunting pressure can be directed to
27 reduce the number of musk oxen in that specific area. And the
28 question is who's going to decide that, you know. Who's going
29 to decide when the musk oxen are displacing it. If one guys
30 thinks that the musk oxen might be displacing the caribou, then
31 is that a justification to open the season on them, or should
32 it be left up to agencies that can issue an emergency order or
33 an emergency opening.

34
35 MR. BROWER: Mr. Chairman.

36
37 CHAIRMAN REXFORD: Mr. Brower.

38
39 MR. BROWER: Would there be a problem with the certain
40 community working with their Council to make that request?
41 Would there be a problem with that?

42
43 MR. CARROLL: If the community made the request?

44
45 MR. BROWER: I mean if the community has identified the
46 problem and they work with their City Council to make that
47 request, would that be a problem? Because see, it'll be more
48 than one person to take Council action.

49

MR. CARROLL: I don't know if that would be acceptable

00213

1 as far as a final decision, you know. I guess that got me to
2 thinking. That, plus our Goal (4) which says, work toward a
3 co-management system in which local people would be part of the
4 decision making process. You know, maybe the next step would
5 be to form a working group that's made up of something like our
6 planning group that has both agency and.....

7

8 CHAIRMAN REXFORD: This is Fenton for the record. I
9 know there is emergency openings or closures that either what
10 are they called RFRs or....

11 MS. FOX: Special actions.

12

13 CHAIRMAN REXFORD:special actions, yeah. That
14 the Federal Subsistence Boards do occasionally meet and have
15 some special actions on some proposals or concerns. I think
16 that could be the route. Did you have something else in mind
17 or.....

18

19 MR. CARROLL: Well, no. I think that's a.....

20

21 CHAIRMAN REXFORD:there's already an existing
22 structure or existing policy to take care of those type of
23 things maybe.

24

25 MR. CARROLL: I think that's a good route to go. I'm
26 just wondering if maybe we should have, you know, like a musk
27 ox working group that's something like was made up of a kind of
28 group like our planning group that could get together and talk
29 over.....

30

31 CHAIRMAN REXFORD: Like our Subsistence Board?

32

33 MR. CARROLL: Yeah. And then present that.

34

35 CHAIRMAN REXFORD: That'll be -- yeah. Mr. Brower.

36

37 MR. LONG: Mr. Chairman, may I ask a question of Geoff.
38 If you get a working group in place, as we stand now --well,
39 let me rephrase my question. If you get a working group, would
40 you be able to have the working group make our caribou come
41 back from the Western part of NPRA that has migrated over there
42 due to the runaway population of the musk ox in Unit B and also
43 of Unit A?

44

45 MR. CARROLL: Well, you know, a group wouldn't be able
46 to influence the caribou very well.

47

48 CHAIRMAN REXFORD: Mr. Upicksoun and then Mr. Brower.

49 Was that your.....

00214

1 MR. LONG: Yeah.

2 CHAIRMAN REXFORD: Okay. Gordon.

3

4 MR. UPICKSOUN: Geoff, in regards to under Goal (2) (b),
5 the problem of who determines that the musk oxen
6 (indiscernible) and also, you know, how fast do they act. The
7 prime hunting time is about maybe one month. Middle of August
8 to the first part of September in my area in 26(A). And if
9 musk ox were believed to be interfering with our caribou hunts
10 in that area during that time period, that wouldn't give
11 whoever decides that they are in fact musk ox that have
12 dispersed into our area are in fact interfering with our
13 caribou hunt. That time frame is so short, by the time they
14 act my feeling is that they would have negatively impacted our
15 prime hunting time.

16

17 MR. CARROLL: Yeah, that's a good point. I mean the
18 timing would be very difficult.

19

20 MR. UPICKSOUN: And who determines -- you know, you
21 have the signatories to this plan, and the North Slope Borough
22 Wildlife Management Committees are the signatories to this
23 plan.

24

25 MR. CARROLL: Yeah, working through that process it's
26 hard to imagine that we can come up with anything that would
27 work fast enough to help you out. However, if we put in a
28 proposal, for instance, that each community has a quota of two
29 musk oxen per year, you know, and if a musk oxen or two moves
30 into an area and is affecting their hunting, then, you know,
31 you could act on that immediately if you do have the ability to
32 harvest a couple of musk oxen per year. And that's kind of
33 what the idea of that is, is to give you the ability to deal
34 with a situation like that.

35

36 So, you're right, there is a timing problem there and
37 that's certainly something to think about. But we do have a
38 partial solution if you do have the ability to harvest a couple
39 of musk oxen a year.

40

41 I know there's been times near Point Lay where, you
42 know, a whole family group moved in and there were more than a
43 couple of musk oxen, but like usually most of these villages is
44 just one or two dispersing musk oxen that move in close to the
45 area, and that would take care of it. I think most instances
46 that would take care of the problem.

47

48 CHAIRMAN REXFORD: Mr. Brower. I'm sorry.

49

MR. BROWER: Geoff, my question is similar to what

00215

1 Gordon was mentioning regarding when the communities identify
2 the problem, who would be involved in that in identifying those
3 problems and who do they go to. You know, I wasn't really
4 clear as to how I phrased my question.

5
6 MR. CARROLL: Well, that's.....

7
8 MR. BROWER: Any one of the communities, for example,
9 Point Lay, they identify there's a problem with the musk ox
10 scaring the caribou away, and there is consensus in the
11 community, who do they go to to address that concern?

12
13 MR. CARROLL: Well, I guess that's why I'm suggesting
14 forming a working group that can deal with that. I think their
15 immediate contact would be the North Slope Borough Wildlife
16 Department and then you could, you know, at least contact the
17 people in the working group and come to -- you know, explain
18 the situation.

19
20 CHAIRMAN REXFORD: I think this is an important one
21 that we should note down and let the Federal Subsistence Board
22 know who's to make these determinations. And maybe with their
23 insight they can help us have that working group, or maybe make
24 a request for that working group to make that determination. I
25 don't think we'll make them extinct to that matter. Anyway,
26 there will always be musk oxen on the North Slope. It's just
27 these very valuable traditional hunting areas that we want to
28 protect. There always will be musk oxen around. We're not
29 annihilating them or getting rid of them.

30
31 So maybe with their insight they'll provide us input or
32 cooperation or something to have a working group on the North
33 Slope to address these concerns.

34
35 MR. LONG: I have a question.

36
37 CHAIRMAN REXFORD: Mr. Long.

38
39 MR. LONG: I have a question for Geoff. You indicated
40 that harvest could be two. Is that two for the whole region,
41 or is that two per village or community?

42
43 MR. CARROLL: Well, there's two different areas we're
44 talking about. In 26(B), you know, we're already harvesting
45 five per year there, and we're talking about increasing that
46 because the population is bigger there.

47
48 In 26(A), where we really don't have breeding
49 populations established, there are just musk ox dispersing into

50 the area that occasionally one or two of them show up at a

00216

1 village, then we're talking about -- I don't know, there isn't
2 any proposal written or anything. That's just one possibility.
3 Maybe that could be a proposal that each village would be
4 allowed to harvest two musk oxen per year.

5

6 MR. LONG: If we're going to be doing that we'd better
7 hurry up and get something in place because the residents of
8 Nuiqsut are beginning to treat musk ox as a bear. If it
9 bothers you or is in the vicinity of your camp, bang you go.

10

11 CHAIRMAN REXFORD: Okay. I think the Federal
12 Subsistence Board, with our written comments or written record,
13 that we will need some help or directions. And I think our
14 comments we are hearing from Geoff, is the working group could
15 address these concerns locally, rather than through the special
16 action or requesting reconsideration.

17

18 MR. CARROLL: Yeah, I think even the.....

19

20 CHAIRMAN REXFORD: Does that answer your.....

21

22 MR. CARROLL: I mean even the working group would kind
23 of have to come to a consensus and then get it cleared through
24 one of the management agents -- you know, one of the Boards.

25

26 CHAIRMAN REXFORD: Right. We probably can work
27 something out.

28

29 MR. CARROLL: Yeah.

30

31 CHAIRMAN REXFORD: Okay. Proceed, Mr. Carroll.

32

33 MR. CARROLL: Okay. Well, that's about all, but we
34 still need to write a title or a signature page for it at the
35 end. And so I guess we'll just kind of come up with a standard
36 signature page. I think we've already decided who needs to
37 sign it.

38

39 MS. FOX: On page are the signatories.

40

41 CHAIRMAN REXFORD: I just got word, just for your
42 information, that Wainwright and Nuiqsut, regarding the master
43 plan, have supported formally the resolutions. So they're
44 mailing in a signed resolution. So now we have seven out of
45 the eight supporting the resolu -- supporting the Musk Ox
46 Management Plan.

47

48 So, Mr. Brower, did you have a question?

49

00217

1

2 CHAIRMAN REXFORD: Did anyone have any questions before
3 we proceeded?

4

5 MR. UPICKSOUN: Yes.

6

7 CHAIRMAN REXFORD: Gordon.

8

9 MR. UPICKSOUN: On Goal (3), my village have
10 experienced enforcement problems because of infractions. Or
11 the individual had got two musk ox several years ago and he was
12 back and forth to court here. So how the enforcement officials
13 -- that's going to be another issue that has to be clarified.
14 Our village, Native Village, Point Lay has experienced problems
15 in that regard and the Native Village of Point Lay supported
16 that individual during a court proceedings. He had to make
17 several trips into Barrow because of the fact that he did hunt
18 musk ox. So that's got to be worked out somehow.

19

20 MR. CARROLL: I don't know that we can do much here,
21 other than encourage the enforcement people to work with the
22 villages. I mean I know in Point Lay that situation was just
23 reported straight to the enforcement people and so they got
24 into it to start with. I know in other villages there have
25 been instances where things happened and we didn't really get
26 the enforcement people involved. We worked through the Village
27 Council and, you know, people kind of locally dealt with it.
28 And I think that was a lot better solution.

29

30 It's the kind of thing that you can't tell the
31 enforcement people they can't come because they have a right to
32 come and enforce the law, but, you know, kind of a local way of
33 dealing with this, we can handle most of these things locally,
34 rather than get the outside enforcement people involved.

35

36 I think just what's stated there, I think that's about
37 the best we can do, is encourage them to work with communities
38 to provide local solutions. And, you know, that isn't
39 something that we can mandate or anything like that.

40

41 CHAIRMAN REXFORD: Yeah. And talking about that
42 infraction, taking musk ox, this is not an endangered species.
43 How should I put it, that there should not be -- I don't know,
44 I'll just leave it at that, it's not an endangered species and
45 should not be used to go against the.....

46

47 MR. UPICKSOUN: Go against a person's subsistence
48 hunting.

49

CHAIRMAN REXFORD: Yeah. So, anyway, I'll just leave

00218

1 it at that. And we'll come up with numbers, or hopefully
2 there'll be no more infractions in the future. And that was
3 the problem. So we don't want to take care of that with
4 numbers, the harvest numbers.

5
6 MS. FOX: Well, wait a minute. Mr. Chairman, I think
7 during the presentation to the Board we might take the
8 opportunity to surface items such as this that will need some
9 commitment from the agencies and follow through to, you know,
10 help the communities up on the North Slope to find ways in
11 which we could effect this kind of a solution.

12
13 All the, you know, agencies involved in law enforcement
14 just about.....

15
16 CHAIRMAN REXFORD: Locally, just as an example or a
17 sample or correlation between that, Alaska Eskimo Whaling
18 Commission deal with infractions locally, and they're pretty
19 strong about that. They get the captains together and they put
20 this guy on the stand. I mean they put a lot of pressure on
21 the person who wants to go over the quota. And if the village
22 didn't get theirs, they can transfer their quota to another
23 village. Maybe we can work towards that type of a system under
24 the Eskimo Whaling Commission. And maybe we can learn from the
25 way they deal with infractions. Okay. That's all I have.

26
27 MR. CARROLL: There's one other little wording change
28 here that is back on Goal 1, part (d). And it's harvesting
29 these dispersing males will have it says little effect rather
30 than minimal effect. Anybody have a strong feeling for one or
31 other on this?

32
33 CHAIRMAN REXFORD: What was that?

34
35 MR. CARROLL: Goal 1 under management goals, and part
36 (d), the second sentence I believe starts, harvesting these
37 dispersing males will have it says now a minimal effect and the
38 suggestion was change that to little, little effect.

39
40 CHAIRMAN REXFORD: Little?

41
42 MR. CARROLL: Yes.

43
44 CHAIRMAN REXFORD: Little effect. Okay. Any problem
45 with that? Okay.

46
47 MR. CARROLL: That's all I have.

48
49 CHAIRMAN REXFORD: Okay. Geoff, that wasn't very

50 difficult. The Councils supported the minor changes and

00219

1 wording. And just to summarize it real briefly, under (2)(b) I
2 think we'll use AWC's management plan for dealing with
3 infractions or those type of things and learn from local
4 enforcement or local management by the people on the North
5 Slope, might give them something to work with. Okay. Thank
6 you, Mr. Carroll. Peggy.

7
8 MS. FOX: Yes. Steve Ulvi of the Park Service has some
9 input on the plan. Actually a letter, I believe, from the
10 Superintendent.

11
12 MR. ULVI: Thank you. Steve Ulvi with the Park
13 Service. I guess after hearing this discussion too I just want
14 to emphasize that I drafted a letter for the Superintendent's
15 signature to the working group. I'll pass this along here, if
16 you'd like.

17
18 And because the Park Service was not able to attend the
19 last few meetings and because we're kind of peripheral to where
20 these populations are now and things, we're certainly taking
21 kind of a back seat in this thing. And we just wanted to get
22 into the record that we both appreciate your work and generally
23 agree with the goals and the findings.

24
25 So what you have here is a two page document. The
26 cover page is just the cover memo from the Superintendent to
27 Geoff and the team, and the second page is NPS's position on
28 the Management Plan for Harvest of Musk Oxen on the North
29 Slope.

30
31 And I don't know that it's necessary to read this into
32 the record or to take the time of this group, but essentially
33 what the National Park Service is saying in this letter is that
34 we believe from the archaeological evidence that we believe
35 exist and historic traditional knowledge, oral histories and
36 such, that very probably in the past there have been breeding
37 populations or musk ox present in the Central Brooks Range and
38 what is now the park.

39
40 So our hopes are that some day there will be musk ox in
41 Gates of the Arctic National Park. You know, I'll just be up
42 front with you. We believe that that would be the best
43 possible future scenario. But, as we go on to say here in this
44 position statement, we also recognize the contentious nature of
45 these reintroduced populations on the North Slope and the
46 communities concerns. And so that is why although we would
47 like to see musk oxen present in Gates of the Arctic Park, we
48 also realize that this is a long term cooperative planning
49 process. And we think that you've done good work and that what

50 you've come to so far we have no disagreement with.

00220

1

2 So we're supporting your efforts, but we just wanted to
3 get into the record that our management philosophy toward musk
4 ox as a species and this is just a summary of that. So that's
5 really all this is meant to be. And I think that with some of
6 the changes I just heard discussed, certainly at the Board
7 level if there's serious discussion about some additional goals
8 or changing some of these goals significantly or something, you
9 know, that might slightly change our perspective on things, but
10 I think I can characterize our general feeling toward this
11 whole effort is you've done a very good job, we appreciate the
12 work that's gone into this and we realize that in a cooperative
13 management plan everybody has to cooperate and give a little
14 bit, otherwise it isn't a cooperative management plan.

15

16 And we feel supportive of that and I guess hope that
17 the communities and the people of the North Slope will
18 eventually come to accept the presence of musk oxen and
19 therefore they may become reestablished in the park.

20

21 As a side note, I have had some people in Anaktuvuk
22 Pass ask about the possibility of harvesting some of the few
23 bulls that show up in the park. Every few years we get a
24 couple. So we also make a statement here that there may be a
25 growing interest in the future in harvesting musk oxen, but
26 we'll all deal with that when it comes along.

27

28 CHAIRMAN REXFORD: Okay. I thank you very much for the
29 support from NPS. So with that I want to ask Patricia Reynolds
30 if she wants to make any comment in front of the Council here
31 about what we've done so far since we've invited the Park
32 Service to comment.

33

34 MS. REYNOLDS: Patricia Reynolds here, with Fish and
35 Wildlife Service. I'd just like to say thank you to the time
36 and effort that's gone into this discussion. We certainly have
37 spent many years discussing this issue. And I think coming to
38 some cooperative efforts to put together goals that we can all
39 deal with. And so I appreciate all the time and effort that's
40 gone into all of the people that have dealt with this issue
41 over the last four years.

42

43 CHAIRMAN REXFORD: Okay. Thank you, Ms. Reynolds.
44 Dave, did you want to say anything? Any other Federal agency
45 we're missing here or is that it? Okay.

46

47 MR. YOKEL: This is Dave Yokel with BLM. I don't have
48 anything new to say, Mr. Chairman. We are also happy that all
49 the groups have been able to come together and agree on

50 something and we think it's a very positive circumstance and

00221

1 we're looking forward to continue to work together on musk oxen
2 management.

3

4 CHAIRMAN REXFORD: Okay. Thank you, Mr. Yokel. Ms.
5 Fox.

6

7 MS. FOX: Yes. Mr. Chairman, I think the last thing we
8 need to do is identify the next steps. And, as we heard from
9 the Council, they would like to see the planning group follow
10 through and incorporate the changes that were made today, and
11 with one specific action item to identify an appropriate
12 percent for harvest in 26(B).

13

14 Following that the document, and perhaps you'd like to
15 address these two other things in more detail, the document
16 will go to the North Slope Borough Fish and Game Committee for
17 approval, and then there will be a presentation to the Board in
18 April. And we can discuss in more detail how that would occur,
19 if you'd like.

20

21 CHAIRMAN REXFORD: Did you want to hear how we go to
22 the Board? Maybe that'd be -- go ahead, let's hear.....

23

24 MS. FOX: Well, in the past, at past Board meetings,
25 there has almost on an annual basis, I don't know if it's been
26 every year, but a need for the Board to be presented with a
27 management plan for species that effect subsistence use and the
28 resource agencies represented by the Board.

29

30 So on those occasions the Board has heard from some
31 representative of the group that put the plan together, and
32 from the associated Council Chair. For example, last year it
33 was Forty-Mile Caribou and representatives from the planning
34 group, there were two of them I believe, gave the presentation,
35 the Council Chair offered comments on the management plan, and
36 then there was a request for the Board to endorse that plan.
37 And the result was a resolution was passed by the Board that
38 supported the planning efforts and the end result.

39

40 And, Tom, do you have anything to add to that as to how
41 that could occur this year with regard to this plan?

42

43 MR. BOYD: Give me the specific question so I
44 understand what I'm answering.

45

46 MS. FOX: Well, I think the Council would like to know
47 how this will be presented to the Board and what response from
48 the Board we can anticipate.

49

MR. BOYD: In the past the Board has looked at several

00222

1 cooperative management plans and generally what's happened, and
2 there have been several entities that have presented them, in
3 one case, for example, the National Park Service presented a
4 plan for the management of caribou herd in Wrangell-St. Elias
5 area, and it was the Park Service that essentially presented
6 the salient points to the plan to the Board. And the Board
7 acknowledged the plan and supported the plan. And the Board
8 then subsequently used that plan as a sort of the foundation
9 for further management decisions, like regulatory decisions
10 that the Board would make.

11
12 So I would anticipate if the Board would view this plan
13 similarly and I would suggest that someone present the plan to
14 the Board, acknowledging the support from this Council, as well
15 as other entities that have voiced support in the plan. For
16 instance, the resolutions you mentioned earlier from the
17 various communities, and from the agencies that have
18 participated in the plan. And then that would form the basis
19 for the Board to acknowledge the plan, support the plan and
20 they would be on record, you know, in doing that.

21
22 And I think the Board then could use that plan as the
23 foundation for regulatory decisions for musk oxen.

24
25 CHAIRMAN REXFORD: Okay. Anything else, Ms. Fox? I
26 think Geoff wanted a signatory page. I think the working group
27 can work that. I wonder how long the process is. I don't know
28 how the bureaucracy, how long it takes to have the signatories
29 sign this. Do you know how long the process might take?

30
31 MS. FOX: I anticipate we will have the local managers
32 sign it, such as the District Manager for BLM, the Park
33 Superintendent and Patricia's shaking her head no, for the
34 refuge.

35
36 MS. REYNOLDS: (Inaudible - away from microphone).

37
38 MS. FOX: You know, it may vary by agency.

39
40 MS. REYNOLDS: Yeah, it may vary by agency.

41
42 MS. FOX: Okay. And it would be following the
43 concurrence from the North Slope Borough Committee but I think
44 we could almost do it with faxes and then formalize it at a
45 later date. We've done that type of thing before. So it can
46 be done rather quickly. I think definitely before the Board
47 meeting.

48
49 CHAIRMAN REXFORD: Okay. All right. We'll have the

50 signatories ready to sign as soon as the Board approves it.

00223

1 Okay. Very well. Anything else, Ms. Fox.

2 MS. FOX: No. Thank you, Mr. Chair.

3

4 CHAIRMAN REXFORD: Okay. I want to again thank the
5 Council members here for their input. We've come a long ways
6 and I want to thank you for your input an insight and knowledge
7 and also working on the musk ox or the taking of musk ox to
8 this point.

9

10 So with that I want to have this Council, with the
11 minor amendments, the Chair will entertain a motion to forward
12 this onto the Federal Subsistence Board.

13

14 MR. BROWER: So moved, Mr. Chairman.

15

16 CHAIRMAN REXFORD: Seconded.

17

18 MR. UPICKSOUN: I would second it. And referring to
19 the management plan, that is new language that we agreed to
20 insert in referring to the management plan, is there a new
21 title or when will that be done, when you'll insert the new
22 language and words?

23

24 MR. CARROLL: That will probably be done tomorrow.

25

26 MR. UPICKSOUN: Tomorrow. And recognizing that
27 management plan with the new title, I second the motion.

28

29 CHAIRMAN REXFORD: All right. It's been moved and
30 seconded to forward this Harvest of Musk Oxen on the North --
31 let's see, anyway the revised title, taking this managed
32 harvest plan to go before the Federal Subsistence Board in
33 April.

34

35 MR. UPICKSOUN: Question.

36

37 CHAIRMAN REXFORD: Question's called. All in favor of
38 the motion, say aye?

39

40 IN UNISON: Aye.

41

42 CHAIRMAN REXFORD: Those opposed.

43

44 (No opposing responses)

45

46 CHAIRMAN REXFORD: All right. Anyway, we've got this
47 off our back here. We want to proceed here real quickly. Ben
48 wants to make a comment or we have some correspondence or
49 concerns from Anaktuvuk Pass. Mr. Hopson. That's under any

50 other New Business, B.

1

2 MR. HOPSON: Mr. Chairman, I received a fax from Paul
3 Hugo with City of Anaktuvuk Pass and he wanted me to bring this
4 issue where Ada Deer made a visit to Allakaket last December.
5 And I guess what they wanted to say was they would have really
6 like to invite her to Anaktuvuk since she was so close to
7 Anaktuvuk, just a half hour flight away. So the Subsistence
8 Regional or the Subsistence Resource Commission Chairman for
9 Gates of the Arctic, Raymond Punyat (ph), he was pretty
10 unhappy. I guess they would have liked to discuss some
11 subsistence related issues. And I wonder which agency brought
12 her up. Is she with like Department of the Interior?

13

14 MS. H. ARMSTRONG: She's resigned.

15

16 MR. HOPSON: Oh, she's resigned.

17

18 MR. BOYD: She's resigned, yeah.

19

20 CHAIRMAN REXFORD: But who brought her up? Would that
21 be the U.S. Fish.....

22

23 MS. H. ARMSTRONG: BIA.

24

25 CHAIRMAN REXFORD: BIA. Okay.

26

27 MR. HOPSON: So they would have worked something out
28 with BIA then to get her to Anaktuvuk.

29

30 MS. H. ARMSTRONG: She may not have resigned yet. I
31 know she put in her resignation just very recently. But I
32 don't know how long she's there.

33

34 MR. UPICKSOUN: Her resignation is not effective yet.
35 I think she gave them ex-amount of time before it becomes
36 effective.

37

38 MR. HOPSON: And then they had one more concern. The
39 City of Anaktuvuk wanted to know if the Region 10 Council is
40 sending delegates to the Rural Cap Round Table Discussions on
41 Subsistence coming up in February.

42

43 CHAIRMAN REXFORD: What I've understood was there's a
44 letter in the mail or at my desk that this summit that's
45 happening next month is a lobbying effort. And that the
46 Federal government will not allow their Councils or anything
47 under their purview to go to these lobbying effort-type
48 conferences.

49

MR. HOPSON: Oh, okay. So no one's going?

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2

MR. BOYD: May I explain, Mr. Chairman.

3

4

CHAIRMAN REXFORD: Mr. Boyd.

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MR. BOYD: Yeah. I think the request was made of us that we fund the travel for Council chairs to attend this meeting. And I think you've stated it but if I can put it in other words, we're prohibited by law from providing funds for activities associated with discussing pending legislation. And it falls in the category of lobbying but more in general to discuss and advocate for changes to legislation.

And so we would be prohibited from funding that travel. That's not to say that we don't think that the meeting is worthwhile and it's not important. We certainly think the meeting is important and we would like to be able to do it, but we just can't. We're prohibited by law from doing that. We would hope that Council members that want to go can seek other funding sources and attend this important meeting, but we can't do it.

CHAIRMAN REXFORD: Okay. I won't say anything.

MR. BOYD: Okay.

MR. UPICKSOUN: Mr. Chairman.

CHAIRMAN REXFORD: Mr. Upicksoun.

MR. UPICKSOUN: Mr. Chairman, for your information, Ben, Arctic Slope Native Association has funds available to our sister Council. In that regard you might have Paul call Essie Mae. And they're administering programs on behalf of your community. Those are your funds.

MR. HOPSON: Okay.

MR. UPICKSOUN: So you can request assistance or Paul can ask for assistance in that regard to have somebody attend that summit.

MR. HOPSON: Um-hum (affirmative).

MR. UPICKSOUN: Thank you, Mr. Chairman.

CHAIRMAN REXFORD: Okay. Thank you. Any other comments before we adjourn? We need to pick a date for our winter -- for our fall Council meeting. And the window opens

50 from September 8 and closes during the week of the AFN

00226

1 convention on October 24th. YKA/Delta region have already
2 selected October 1 and 2. And, anyway, I would suggest that we
3 meet early on like we're doing today. There's a calendar at
4 the end of your packet, I think. To meet early on in the week,
5 Tuesday and Wednesday is my recommendation, unless there is
6 concern on that.

7
8 MR. UPICKSOUN: We discussed that some in our Council
9 under the caucus. Anchorage was mentioned again, they had not
10 really discussed it but last night we discussed this.

11
12 CHAIRMAN REXFORD: Yeah. The window closes on the 23rd
13 and that's the first day of AFN.

14 MR. UPICKSOUN: What day?

15
16 CHAIRMAN REXFORD: The 23rd. It's usually pretty tough
17 during AFN week to.....

18
19 MR. BROWER: September 8, 9 and 10.

20
21 CHAIRMAN REXFORD: Harry's got on the table 9 and 10 of
22 September.

23
24 MR. UPICKSOUN: Of September?

25
26 CHAIRMAN REXFORD: Um-hum.

27
28 MS. B. ARMSTRONG: September 9 and 10.

29
30 MR. BROWER: I'm just throwing those out.

31
32 CHAIRMAN REXFORD: He's just throwing that out for
33 consideration. Any problem with September 9 and 10?

34
35 MR. UPICKSOUN: I would say that if Harry wants it
36 September 9 and 10.....

37
38 CHAIRMAN REXFORD: That brings us to September 16 and
39 17.

40
41 MR. UPICKSOUN: September what?

42
43 CHAIRMAN REXFORD: 16 and 17.

44
45 MR. UPICKSOUN: So moved.

46
47 CHAIRMAN REXFORD: All right. Mr. Upicksoun moves for
48 September 16 and 17, starting at 9:00 on both days?

49

MR. KOONUK: Where at?

00227

1 CHAIRMAN REXFORD: We tried in the villages. It's
2 pretty difficult in trying to get all of the Federal agencies
3 in and out of the villages. So I think going to the hub in
4 Barrow would.....

5
6 MR. UPICKSOUN: We tried Kaktovik, we had people stuck
7 all over the country.

8
9 CHAIRMAN REXFORD: Okay. Any -- that was seconded by
10 who, Harry?

11
12 MR. BROWER: Second the motion.

13
14 CHAIRMAN REXFORD: Any further discussion on 9 and 10
15 in Barrow?

16
17 MR. UPICKSOUN: Question.

18
19 CHAIRMAN REXFORD: I mean 16 and 17.

20
21 MR. UPICKSOUN: Question.

22
23 CHAIRMAN REXFORD: Question's called. All in favor,
24 say aye?

25
26 IN UNISON: Aye.

27
28 CHAIRMAN REXFORD: Those opposed, same sign.

29
30 (No opposing responses)

31
32 CHAIRMAN REXFORD: My favorite item, number 11.

33
34 MR. TAGAROOK: So moved.

35
36 MR. HOPSON: Mr. Chairman, can we discuss comments on
37 the use of leghold traps in ANWR?

38
39 CHAIRMAN REXFORD: Oh, I'm sorry. I'm very sorry on
40 that. I'm glad you're here, Ben. Yeah, let's go over that.
41 And then we've got a draft letter here for me to sign. Maybe
42 we can talk about that. Okay. Go ahead, Ben.

43
44 MR. HOPSON: Yeah. Barbara and I got together the.....

45
46 MS. H. ARMSTRONG: Helen.

47
48 MR. HOPSON: Oh, I mean Helen. We got together
49 yesterday and we drafted up this letter. We had a discussion

50 yesterday at our first day of our meeting. So you guys can

00228

1 change the wording if you guys wanted to, or should I read it.

2
3 MR. BROWER: For the record.

4
5 MR. HOPSON: Okay. This letter is directed to U.S.
6 Fish and Wildlife Service, Division of Refuges, Attention:
7 Trapping Project in Arlington, Virginia at 3301 N Fairfax
8 Drive, Room 670. The title is: Comments on the use of leghold
9 traps on National Wildlife Refuges.

10
11 The North Slope Subsistence Regional Advisory Council
12 voted unanimously to oppose the prohibition on the use of
13 leghold traps on National Wildlife Refuges. The NSSRAC is an
14 advisory council to the Federal Subsistence Board in Alaska
15 composed of nine subsistence hunters residing on the North
16 Slope of Alaska. All of these council members are Inupiat
17 (Eskimos). The North Slope encompasses 88,000 square miles in
18 the northern portion of the State of Alaska along the Arctic
19 Ocean, bordering Canada.

20
21 Leghold traps are a customary and traditional method of
22 trapping used in Arctic National Wildlife Refuge and throughout
23 the North Slope region. Prohibition on the use of leghold traps
24 would create a severe hardship for subsistence hunters and
25 trappers in the North Slope. If leghold traps were prohibited,
26 currently there is no replacement for leghold traps available
27 to the North Slope trappers since the Brooks Range is
28 mountainous and very open with no timber. North Slope
29 residents trap wolf, fox, lynx, beaver, wolverine, marten,
30 weasel, and river otter. Trapped animals provide meat, fat,
31 furs for parkas, mittens, hats, winter pants, boots and arts
32 and crafts. Fur also provides some cash to households which
33 have no other way of obtaining cash. The North Slope region
34 has a high unemployment rate and few available jobs, thus this
35 extra cash is highly valued. Trapping is a traditional and
36 cultural activity that has been practiced by the Inupiat for
37 many centuries. In addition to providing food, clothing, and
38 cash, trapping is an activity that is shared between fathers
39 and their children, strengthening bonds between them and their
40 land. Trapping is a positive activity providing our children
41 and our people with an alternative to drugs and alcohol. To
42 deny the Inupiat of their ability to trap would be detrimental
43 to their unique way of life practiced by the Inupiat.

44
45 To state that leghold traps are inhumane is premature
46 since international trap standards are currently being
47 addressed by the International Standardization
48 Organization/Technical Committee 191. The draft international
49 standard for testing methodologies for killing and restraining

50 traps were accepted in November 1996. The International

00229

1 Standard Organization world members will be voting on these
2 standards in 1997. If approved, international trapping
3 standards will be in place that will apply to all trapping
4 worldwide.

5
6 No furbearers are threatened or endangered in Alaska.
7 Furbearers are professionally managed by the Federal and State
8 Government on a sustained yield basis.

9
10 Trapping is recognized in the legislative history of
11 the Alaska National Interest Lands Conservation Act (ANILCA) as
12 a customary and traditional use of Alaska refuges. It is also
13 closely tied to the requirement established in Titles III and
14 VIII of ANILCA that Alaska refuges provide the opportunity for
15 continued subsistence uses by local residents. Trapping is
16 allowed in the Arctic National Wildlife Refuge and has been
17 found compatible with refuge purposes.

18
19 We are also opposed to this attempted method of
20 legislating trapping. By attempting to place a restriction on
21 leghold traps into an obscure piece of legislation, there is no
22 incorporation of the public process in changing a regulation
23 that would have a major impact on Alaska residents. We have a
24 Federal Subsistence Management Program in place in Alaska; this
25 issue should have been brought forward to the Subsistence
26 Regional Advisory Councils for their consideration, comment and
27 involvement early on the process. An issue such as this that
28 would have such a major impact to our way of life should have
29 involved more discussions with us. Another issue we disagree
30 with is the usage of a survey sent to the refuges to gather
31 information on trapping. The survey would be adequate in the
32 lower 48 states, but not in Alaska. The refuges in Alaska do
33 not typically gather information on leghold traps, therefore
34 this survey will not adequately portray the trapping uses in
35 Alaska.

36
37 Thank you for providing us with this opportunity to
38 comment on the use of leghold traps on National Wildlife
39 Refuges. We hope that you will take our comments seriously, as
40 this is a serious issue for our people.

41
42 Sincerely, with Fenton Rexford signature, representing Region
43 10.

44
45 CHAIRMAN REXFORD: All right. Any questions or
46 comments for Ben. I want to thank the Council members
47 yesterday that worked on this matter. And I want to also thank
48 Ben for keeping on top and also being involved in the trapping
49 organizations. And I think that's nationwide and also

50 international.

00230

1 MR. HOPSON: International trap standards.

2
3 CHAIRMAN REXFORD: Good.

4
5 MR. UPICKSOUN: And Helen for helping.

6
7 CHAIRMAN REXFORD: And thank you, Helen. Okay. Any
8 other items or issues I may have overlooked.

9
10 MR. UPICKSOUN: You're going to sign it?

11
12 CHAIRMAN REXFORD: Yeah. I'll use a letterhead. I've
13 got a letterhead.

14
15 MR. UPICKSOUN: Okay.

16
17 CHAIRMAN REXFORD: I'll get a letterhead and get it
18 out. Mr. Boyd.

19
20 MR. BOYD: I want to just thank you and the Council for
21 making us feel at home. Your Council is very thoughtful and
22 careful in its deliberations and we in the program really
23 appreciate that. It helps us to do our job and convey the
24 information from the Council better to the Boards.

25
26 But, again, thank you for your hospitality and your
27 generous spirit here. And I don't get around very often to see
28 your Council because I try to get every year to a different
29 Council and I can't hit all 10, but you're is very much a
30 pleasure to interact with. Thank you.

31
32 CHAIRMAN REXFORD: Thank you, Boyd. Okay. Did that
33 motion die for lack of voting or what? Or was there even a
34 motion.

35
36 MR. BROWER: So moved.

37
38 MR. UPICKSOUN: It was seconded and questioned.

39
40 CHAIRMAN REXFORD: On adjourning?

41
42 MR. UPICKSOUN: Yeah.

43
44 CHAIRMAN REXFORD: I'm sorry. All those in favor, say
45 aye?

46
47 IN UNISON: Aye.

48
49 CHAIRMAN REXFORD: Okay. Thank you.

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(MEETING ADJOURNED)

* * * * *

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C E R T I F I C A T E

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

I, Joseph P. Kolasinski, Notary Public in and for the
State of Alaska and Reporter and Owner of Computer Matrix, do
hereby certify:

THAT the foregoing pages numbered 108 through 232
contain a full, true and correct Transcript of the North Slope
Federal Subsistence Regional Advisory Council, Volume II,
meeting taken electronically by me on the 29th day of January,
1997, beginning at the hour of 9:00 o'clock a.m. at the North
Slope Borough Assembly Room, Barrow, Alaska;

THAT the transcript is a true and correct transcript
requested to be transcribed and thereafter transcribed by Mary
E. Miller and myself to the best of our knowledge and ability;

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

DATED at Anchorage, Alaska, this 3rd day of February,
1997.

JOSEPH P. KOLASINSKI
Notary Public in and for Alaska
My Commission Expires: 04/17/00