

SOUTHCENTRAL ALASKA SUBSISTENCE
REGIONAL ADVISORY COUNCIL
MEETING

March 2, 1994

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(On record)

CHAIRMAN EWAN: I'll call the meeting to order. Good morning. My name is Roy Ewan. I'm the chairman of the Southcentral Regional Subsistence Advisory Council. May I have roll call, Helga.

MS. EAKON: Fred John, Jr.

MR. JOHN: Here.

MS. EAKON: Ralph Lohse.

MR. LOHSE: Here.

MS. EAKON: Gary Oskolkoff.

MR. OSKOLKOFF: Here.

MS. EAKON: Lee Basner.

MR. BASNER: Here.

MS. EAKON: Roy Ewan.

CHAIRMAN EWAN: Here.

MS. EAKON: Ben Romig apparently is here. He'll be coming along shortly. Gary Kompkoff wishes to be excused because not only do they have weather problems but there is a water shortage in his village of Tatitlek, and he said he's got to be there.

CHAIRMAN EWAN: Okay, for those of you that have not met the board yet, I'm Roy Ewan, from Gulkana area, and I'll just go around here and let you introduce yourselves and then we'll just start over there and let the guests introduce themselves then.

MR. BASNER: I'm Lee Basner, from Cantwell area.

MR. OSKOLKOFF: I'm Gary Oskolkoff, from the Ninilchik Traditional Council, Ninilchik area.

MR. LOHSE: Ralph Lohse, from Cordova.

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MR. JOHN: Fred John, from Mentasta.

1
2 MR. DIRKS: I'm Moses Dirks, with the Office of
Subsistence Management, Fish & Wildlife Service.

4
5 MR. CALLAWAY: I'm Don Callaway, Subsistence
Division, National Parks Service, Anchorage.

7
8 MR. SUMMERS: Clarence Summers, with the
National Park Service Subsistence Division, here in Anchorage.

10
11 MR. HUNTER: Paul Hunter, same group.

12
13 MR. MOSSMAN: Rick Mossman, with
Wrangell-St. Elias National Park, in Yakutat. I just flew in
here for the day.

16
17 JAY WELLS: I'm Jay Well, from
Wrangell-St. Elias National Park, Subsistence Coordinator.

19
20 MR. MIKE: Donald Mike, from Wrangell-St. Elias
National Park, Subsistence Division.

22
23 MR. TWITCHELL: I'm Hollis Twitchell, from
Denali National Park.

25
26 MR. CHAKUCHIN: Jobe Chakuchin, from Denali
Park also.

28
29 MR. MORRISON: John Morrison, Fish & Game
Department.

31
32 MR. FOWLER: I'm Joe Fowler, from
Port Alsworth. I'm the chief ranger at Lake Clark National
Park.

35
36 MR. COFFEEN: I'm Mike Coffeen, lead BLM
Biologist, from Glennallen.

38
39 CHAIRMAN EWAN: Okay. Have you all met Helga?

40
41 MS. EAKON: Helga Eakon, Coordinator.

42
43 CHAIRMAN EWAN: Next item on the agenda will be
Adoption of the agenda. Any additions or changes?

45
46 MS. EAKON: Mr. Chair. Janis Meldrum, who is
working for the National Park Service, would like to address
you regarding the Upper Tanana C & T.

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1 CHAIRMAN EWAN: Would you give me the name
2 again?

3
4 MS. EAKON: Janis -- J-a-n-i-s Meldrum -- M-e-
5-d-r-u-m. And she would like to go right under J.1., first
6 item under any Other New Business.

7
8 CHAIRMAN EWAN: Okay. Is there any other
9 additions or changes to the agenda?

10
11 MR. BASNER: Mr. Chairman, do we need to add to
12 the agenda a possible discussion of deferment of the C & T
13 determination in Kenai?

14
15 MS. EAKON: Mr. Chair. If you will just change
16 V.I., just leave it like Kenai C & T, cross out review and
17 development of recommendation to the Federal Subsistence Board,
18 so it would be Kenai C & T, Schedule.

19
20 CHAIRMAN EWAN: Any other additions, changes?

21
22 MR. BASNER: Move to adopt the agenda.

23
24 CHAIRMAN EWAN: There is a motion to adopt the
25 agenda. Is there a second?

26
27 MR. OSKOLKOFF: Second.

28
29 CHAIRMAN EWAN: Motion is seconded. Is there
30 discussion on the motion? If not, all in favor, say aye.

31
32 IN UNISON: Aye.

33
34 CHAIRMAN EWAN: Opposed, by same sign. Motion
35 carried.

36
37 Minutes of the last meeting. Is there an agenda here
38 I mean they're in the package here?

39
40 MS. EAKON: Yes. As a word of explanation,
41 everything in your bright blue folder pertains to items under
42 Old Business, and they're in the order that they are in the
43 folder. Everything in the grey folder pertains to New
44 Business, also in the order that they will be taken.

45
46 CHAIRMAN EWAN: Do you want some time to review
47 the minutes? Okay, I'll just take a minute or so -- a couple
48 minutes to review the minutes.

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1 MS. EAKON: Attendees, there are extra copies
 2 of the minutes on the first table over there.

3
 4 MR. LOHSE: I so move we accept

5
 6 CHAIRMAN EWAN: Okay, there's a motion to adopt
 7 the minutes.

8
 9 MR. LOHSE: the minutes.

10
 11 CHAIRMAN EWAN: To adopt the minutes?

12
 13 MR. LOHSE: Yes, adopt the minutes.

14
 15 CHAIRMAN EWAN: Is there a second?

16
 17 MR. BASNER: Second.

18
 19 CHAIRMAN EWAN: Motion is made and seconded.
 20 Is there discussion on the motion? If not, all in favor, say
 21 aye.

22
 23 IN UNISON: Aye.

24
 25 CHAIRMAN EWAN: Opposed, by same sign. Motion
 26 carried. The minutes are adopted.

27
 28 I guess we'll go on to Old Business. The first, under
 29, is the Draft Operations Manual. Should we have somebody
 30 sort of walk us through this real quick-like or how -- I think
 31 that would be a good idea. Is there anybody around here that
 32 has been involved in the drafting of this?

33
 34 MS. EAKON: You have received the first version
 35 of the September meeting. That was the blue-covered version,
 36 and I could go over the changes that have occurred, as a result
 37 of comments.

38
 39 The first change that was made to improve this
 40 Operations Manual was first one individual questioned the
 41 authority of the Federal Subsistence Board to adopt the
 42 document. The regulations state that the board is empowered to
 43 establish rules and procedures for the operations of the board
 44 and the regional councils. And this quotation is from Subpart
 45 B, Section blank dash 10(d)13.

46
 47 The second change was -- a chart was added that showed
 48 the flow of public information to the board in the Introduction

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Section. That would be page 5 of the document. And I believe this was a comment submitted by the Vice Chair, Mr. Basner.

2

3 The third change that was made was addition of the name, address, and telephone number of the legal advisor to the board, and that's on page 11 of this document.

6

7 The fourth addition was additional information was added on removal of original council member. That's page 17. A table listing the regional subsistence team members was removed because the individuals and their assignments change frequently, and the information is always available from the regional coordinator.

13

14 The fifth change was a clarification was added that if the board chooses not to adopt a regional council recommendation they set forth their basis in writing, and that's on page 28.

18

19 The date of the preparation of the minutes had to be changed from 14 days to 30 days. That's on page 30.

21

22 The deadline for applications for new regional council members during recruitment was changed to April 1, and the actions following that have been moved up also. That's on page 25.

26

27 Somewhere in the document there's clarification that was added that the meeting sites will be selected to be handicapped accessible.

30

31 And, finally, a new set of travel itinerary samples were -- have been used showing Alaska travel. That's on pages 40 and 41.

34

35 Because this document was not distributed until the very -- this round of council meetings, what the other council members did was they asked to look at it over night and talk about it the next morning, but that's up to you.

39

40 CHAIRMAN EWAN: Mr. Basner.

41

42 MR. BASNER: Mr. Chairman, I move that we have the opportunity to look this over this evening and discuss this draft tomorrow after we've had more time to review it.

45

46 CHAIRMAN EWAN: Motion to table till tomorrow. 47 Is there a second?

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MR. LOHSE: Second.

1
2 CHAIRMAN EWAN: Moved and seconded. Is there
discussion on the motion? If not, all in favor, say aye.

4
5 IN UNISON: Aye.

6
7 CHAIRMAN EWAN: Opposed, by same sign. Motion
is carried.

9 The next item is b., Denali National Park Subsistence
Resource Commission; Denali Advisory Committee's Recommendation
discussion and for action.

12
13 MS. EAKON: Mr. Chair. Could we please combine
items 6.b. and 7.g. because they pertain to the same -- pretty
much the same topic?

16
17 CHAIRMAN EWAN: Is there objection to doing
that? If not, we'll combine it. b and which one?

19
20 MS. EAKON: 6.b., under Old Business, and 7.g.,
under New Business.

22
23 CHAIRMAN EWAN: Okay. Is there anybody here to
discuss this topic?

25
26 MR. BASNER: Hollis Twitchell.

27
28 CHAIRMAN EWAN: Okay. Mr. Twitchell.

29
30 MR. TWITCHELL: My name is Hollis Twitchell.
I'm with Denali National Park, as a subsistence coordinator.

32
33 At the last Subsistence Resource Commission meeting
Denali's Commission asked that there be a reallocation of
appointees from the Interior, Western Interior, Eastern
Interior, and Southcentral. They desire to have representation
of the authority to appoint someone to Denali's SRC. They sent
a letter -- Western Interior Region sent a letter to the SRC
requesting that. The discussion and the motion came forth from
the Denali Subsistence Commission that they would accept that
reallocation at the time the current charter expires. The
current charter for the Commission is good until January 1995.
So we're looking at about 11 more months before the current
charter expires, at which time they recommended that it be
changed to show a reallocation between the three regions. That
is the Commission's current position.

47
48 Denali has expressed a concern in terms of writing a

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letter to the Western Interior Region in which we sent a copy to Southcentral as well, in which we recommended that the charter, as it currently states, be retained; that being two appointees to the Commission by Southcentral and one by the Eastern Interior Region. And the reasoning we used in that recommendation is both the language in ANILCA as well as Denali Subsistence Charter, which reflects that the appointees by the Interior or the Southcentral Region be, first of all, a Subsistence user of park lands as well as being either a Fish & Game Advisory Committee member or a member on the Federal Regional Advisory Council. And it was our opinion that the Western Interior Region would have a very difficult time locating someone from the Western Interior Region that actually utilizes park lands and is a subsistence user for Denali. And it would be further difficult to locate someone who would also be sitting on an advisory committee or a western regional council. Based on those difficulties, we recommended that the charter remain as it is because even should the allocation be switched to one from each of those regions, we believe Western Interior Region would not be able to find an eligible candidate to appoint. We also mentioned that there are two other avenues of which the Western Interior Region might move to ensure representation on the Commission, that by using state appointments to the SRC or by Secretary of the Interior appointments to the SRC.

25

26 Currently on the Denali's Commission there are three seats under review or open for the State to appoint, and the last communications I had with the Western Interior Region and David James, their coordinator, was that it might be very useful and constructive for the Western Interior Region to contact the State and request that the State consider appointing someone from their region onto Denali's SRC, and that is -- would be a more expedient way of getting Western Interior's representation onto Denali's SRC.

35

36 CHAIRMAN EWAN: Any questions, comments from the Advisory Council?

38

39 MS. EAKON: Mr. Chair. You do have the supporting letter which is in your bright blue packet, a copy of the November 15, 1993 letter to the Southcentral Council from Western Interior Council, a copy of January 31, 1994 letter from Denali National Park to Harold Huntington, acting Chair of Western Interior Council, and a copy of a February 23, 1994 memorandum from Denali National Park, to David James from Hollis Twitchell that has the current membership of the Denali Subsistence Resource Commission, and finally a letter that was first received from Steven Sullivan, Secretary of Denali

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Advisory Committee. Remember, at the last meeting you had asked me to write to Denali Advisory Committee to ask for their recommendation for a person to sit on the Denali Subsistence Resource Commission. So they have recommended Vernon J. Carlson. They state that he is a lifetime resident of Cantwell, and they feel that he is uniquely qualified at understanding the importance of subsistence to our community, and they feel that Vernon would be a very positive addition to the Commission.

9

10 CHAIRMAN EWAN: Could I ask Mr. Twitchell to quickly summarize what you're recommending from the Denali --
11 go ahead.

13

14 MR. TWITCHELL: Denali's recommendation is to keep the charter as it currently states,

16

17 CHAIRMAN EWAN: That is how? I don't recollection how that was. I say I don't recollection how it was or not.

20

21 MR. TWITCHELL: Okay. The current charter is two appointees by Southcentral Regional Council. So two members be appointed by this body to Denali's Commission, and one member being appointed by Eastern Interior Region, and we recommend retaining that allocation.

26

27 CHAIRMAN EWAN: So we don't have a western -- shouldn't we recommend a name or something? Lee,

29

30 MR. BASNER: Perhaps I can shed a little more light on the issue since I'm a member of the Denali SRC and was present at the meeting. The member from McGrath was strongly in favor of taking away one of the seats that we have the authority to appoint here and giving it to the Western Region. And he was able to -- through his presentation, to get the Commission to go along with him, although it was not unanimous. I argued against it because I felt we needed to represent -- have representatives appointed where most of the people are. The people in the Western Interior Region don't use Denali National Park to subsist in; they use the preserve. But Nikolai and Tolida are the two communities out there that are most affected, and none of the people, based on my several years of sitting on that commission, alongside people from Nikolai and Tolida when they've been on the commission, none of them have ever stated that they've ever used the Park. That being the situation, they're not eligible to sit on the SRC. Also they're not members of a local advisory committee. So based on that, I argued in favor of retaining the two-seat

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appointing authority here with this council. I was not successful.

2

3 However, now that Denali National Park has come out
 4 essentially supporting my argument, I will reintroduce my
 5 argument again at our next meeting in June at the Denali SRC,
 6 and there have been some membership changes on the SRC since
 7 our last meeting, and I feel fairly confident that this council
 8 will retain the two-seat appointing authority under the
 9 charter. I can't predict how everyone will vote, but I would
 10 assume that perhaps we'll bring it back to the present status.

11

12 Now the present status here is that we can appoint two
 13 people up until next January, and if the Denali SRC does not
 14 renege on their last action, then come January one of the
 15 members will lose his seat, we will lose that authority and
 16 that seat will go over the Western Region. If that were to
 17 happen I think the seat would remain vacant because there is no
 18 one in the Western Region who is qualified to be appointed
 19 under the National Park Services rules.

20

21 Have I cleared that up or have I muddied the water?

22

23 CHAIRMAN EWAN: I want to be clear about the
 24 process. Whatever we're recommending goes to the board, right,
 25 and then the board recommends to the Secretary and the
 26 Secretary

27

28 MR. BASNER: No. We do it.

29

30 MR. TWITCHELL: You determine

31

32 CHAIRMAN EWAN: Okay, so you're recommending it
 33 stay as it is, Lee's position would stay as it is?

34

35 MR. TWITCHELL: That's correct.

36

37 CHAIRMAN EWAN: Is there any action needed
 38 today?

39

40 MR. BASNER: Well, this council can't take
 41 action on what the SRC wants to do with the charter, but what
 42 we can do today is we can either appoint Vernon Carlson,
 43 appoint someone else or not appoint anyone, keeping in mind the
 44 fact that if we appoint Vernon Carlson we are only appointing
 45 him up until January of the next year, because that's when the
 46 charter expires. And I would assume that we would have to
 47 reappoint him if the SRC in June, when we meet, decides that we
 48 want to add two seats here again.

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1 Is that correct, Hollis?

2

3 MR. TWITCHELL: Well, actually, once the
4 charter expires it will go up for review, and whether the
5 Secretary chooses to keep the charter as it currently is or
6 not, I won't speculate on that, but certainly the Park's
7 recommendation would be that it be retained as it currently is
8 written. So that's what we would recommend forthwith.

9 So

10

11 CHAIRMAN EWAN: Before we go any further, I'd
12 like to introduce Ben Romig, who joined us here, for those of
13 you that didn't meet Ben yet, our council member.

14

15 I don't know who had his hand up first. I think
16 Ralph

17

18 MR. LOHSE: It sounds to me like the action
19 that's required of us is that we either recommend that it stays
20 as it is or we -- all we can make is a recommendation. We
21 can't change it. I recommend that we keep the council as it is
22 with our authority to appoint

23

24 CHAIRMAN EWAN: Is that a motion?

25

26 MR. LOHSE: I so move

27

28 CHAIRMAN EWAN: Second?

29

30 MR. BASNER: Second.

31

32 MR. LOHSE: that we keep the council as
33 is, with our authority to appoint.

34

35 CHAIRMAN EWAN: It's been moved and seconded.
36 On discussion, is that what you were making your point on?

37

38 MR. SIMMONS: Mr. Chair. Clarence Summers. I
39 was just going to make the point that the second thing you can
40 do is take affirmative action today and appoint a member --
41 appoint an individual to fill that vacant seat. You have
42 appointing authority for two seats on the Denali SRC. Lee
43 serves in one, one is vacant. You've got the authority today
44 to fill that seat. You've got a recommendation of an
45 individual from Cantwell, you can consider that person or
46 someone else. So you should take affirmative action today and
47 fill that vacant position. Thank you.

48

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CHAIRMAN EWAN: What if we amend the motion to
make the appointment also at the same time, or we could do
it

3

4 MR. BASNER: Let's do it in two separate
motions.

6

7 CHAIRMAN EWAN: Okay. Is there discussion on
the motion? If not, all in favor, say aye.

9

10 IN UNISON: Aye.

11

12 CHAIRMAN EWAN: Opposed, by the same sign.
Motion is carried.

14

15 Okay, I guess we can appoint a person. What is the
person's name that was recommended?

17

18 MS. EAKON: Vernon J. Carlson.

19

20 CHAIRMAN EWAN: Oh, okay.

21

22 MR. JOHN: Does anybody know Vernon Carlson?

23

24 MR. BASNER: Yes, I know him.

25

26 CHAIRMAN EWAN: Is there a motion to appoint
Mr. Carlson?

28

29 MR. LOHSE: I move we appoint Vernon J. Carlson
to the seat on the Denali SRC.

31

32 CHAIRMAN EWAN: Second?

33

34 MR. OSKOLKOFF: Second.

35

36 CHAIRMAN EWAN: Motion is seconded. Any
discussion on the motion? Lee, have you got any comments on
that?

39

40 MR. JOHN: I'd just like to know a little bit
more about him.

42

43 CHAIRMAN EWAN: I did understand that

44

45 MR. JOHN: Lee, do you know him?

46

47 CHAIRMAN EWAN: this is kind of a
temporary appointment, right? Till when?

49

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1 MR. TWITCHELL: It will be permanent, as long
 2 as the charter states the current allocations. So come next
 3 January, if the charter is renewed the way it currently
 4 stands,

5
 6 CHAIRMAN EWAN: The same person could be there?

7
 8 MR. TWITCHELL: he will continue to sit
 9 on the SRC.

10
 11 CHAIRMAN EWAN: Mr. Summer.

12
 13 MR. SUMMER: Mr. Chairman, Clarence Summers
 14 again. If you decide to appoint Vernon, he serves for a
 15 three-year term. He serves at your pleasure. You're the
 16 appointing source. That's stated in the charter. As long as
 17 the charter -- it is the state that you will appoint two. The
 18 individuals that you appoint serve for a three-year period.
 19 Thank you.

20
 21 CHAIRMAN EWAN: Any further discussion on the
 22 motion? Ralph.

23
 24 MR. LOHSE: I'd like to ask, since Lee knows
 25 me, I'd like to ask his comments, recommendations or
 26 non-recommendations.

27
 28 MR. BASNER: Yeah. Vernon was born in Cantwell
 29 and lived there all his life. He works for the Department of
 30 Transportation as a mechanic in the highway crew up there. He
 31 does a lot of hunting and fishing in the local area. He has
 32 been a member of the Denali Advisory Committee for several
 33 years. I think he had a break for a while and came back on,
 34 and he seems to be quite knowledgeable about subsistence uses
 35 throughout the area, both within the Denali Park addition and
 36 outside the park.

37
 38 CHAIRMAN EWAN: Is he related to Bud Carlson?

39
 40 MR. BASNER: He's Bud Carlson's son.

41
 42 CHAIRMAN EWAN: Did you have comments other
 43 than that? Are we ready to vote on the motion? All right, all
 44 in favor of the appointing of Mr. Carlson to the -- what is it
 45 called -- the Denali National Park Subsistence Resource
 46 Commission, all in favor of that motion say aye.

47
 48 IN UNISON: Aye.

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1 CHAIRMAN EWAN: Opposed, by the same sign.
 Motion is carried.

3

4 What about the next issue, is that the same thing? A
 letter -- that's all been explained, right?

6

7 MS. EAKON: Yes.

8

9 CHAIRMAN EWAN: Okay, on item c.,
 Wrangell-St. Elias National Park & Reserve, Council
 Recommendation to Federal Subsistence Board to include Northway
 and Tetlin in Residence Zones, Follow-up discussion and Action.
 Anybody from Wrangell-St. Elias ready to discuss that issue?
 Ms. Wells.

15

16 MR. WELLS: My name is Jay Wells. I'm the
 Chief ranger and subsistence coordinator for Wrangell-St. Elias
 National Park.

19

20 Helga, I believe the copy of the letter from the
 Regional director went to all members of the council?

22

23 MS. EAKON: Yes, it did.

24

25 MR. WELLS: And basically there was a request
 from the council, as a result of the last meeting to --
 actually to the superintendent of the park, that letter was
 forwarded to the Alaska regional director, Jack Morehead.
 Basically the council asked the Park Service what the procedure
 was for initiating rulemaking to include both Tetlin and
 Northway as resident-zone communities for Wrangell-St. Elias
 National Park, and I believe -- have all of you read that
 letter from Jack Morehead? Basically, to summarize that, to
 initiate rulemaking would take finding on the part of the Park
 Service that those communities qualified for inclusion as a
 resident-zone community. Our existing regulations that talk
 about resident-zone communities and additions or deletions
 require that there be a finding that there be a significant
 concentration of persons within that community that have a
 customary and traditional use of park resources about the use
 of aircraft. Our subsistence resource commission in July of
 1992 received a letter based on a letter of the SRC made to the
 Secretary of Interior, they received a letter from the
 Secretary of Interior directing the Park Service to engage in a
 study -- to study not Tetlin and Northway, just the community
 of Northway to determine whether or not they met the
 requirements of a resident-zone community. And it didn't
 include Tetlin at that time.

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1 What we did is incorporate and then direct the
 2 Secretary directed the Park Service to include that in a
 3 Resource management plan for the park that outlined that as one
 4 of our research and study needs. And we have done that in our
 5 Draft resource management plan, and we've requested funding for
 6 that study. So far we haven't received that funding for that
 7 study, but concurrently, and I think Janis Meldrum will talk
 8 about it later, there is a project that's going on now under
 9 the auspices of the Federal Subsistence Board which looks at
 10 the C & T determinations for the Upper Tanana communities of
 11 which Tetlin and Northway are part of. And that study, at
 12 least some of the information that they're finding out, has
 13 some direct relevance to perhaps an addition rulemaking for
 14 addition of Tetlin and Northway.

15

16 Now, the SRC for Wrangell-St. Elias will be meeting in
 17 April, and there are two members on the council here, Freddy
 18 and Roy, that are members of that SRC, and I would suggest you
 19 might at that meeting make a recommendation that the SRC
 20 include Tetlin as part of that study. Now I can tell you that
 21 in our funding request for the characterization of these
 22 communities, it's for a number of communities, it isn't just
 23 limited to Northway, would cover that funding request as
 24 covered several of the communities. It doesn't list them
 25 specifically, but we would -- Park Service would study Tetlin
 26 if we received funding we would study Tetlin as well as
 27 Northway. And if we could verify that there is significant
 28 concentration of people in those communities that had a
 29 customary and traditional use, we would then go ahead and
 30 initiate rulemaking to include those communities.

31

32 Now, it's also important to note that residents in
 33 those communities right now are not necessarily excluded from
 34 participation and subsistence in the Park. You know, they do
 35 have an alternative available to them right now, which is to
 36 get the eligibility permit, and we're working on a permit right
 37 now for one member or one family in the Northway area. We have
 38 the eligibility permit to an individual from Northway that's in
 39 place right now. We're working on another one, and -- but so
 40 far we haven't received any requests for permits from people
 41 from Northway, except from those two families.

42

43 CHAIRMAN EWAN: Jay, I have a question. What
 44 significant concentration of users?

45

46 MR. WELLS: Good question. The initial
 47 rulemaking -- draftmaking that was done in 1981 used the
 48 language, I think, of -- what was it, Clarence, preponderance,

49

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and after the public comment period, and particularly comments by the State, they relaxed the requirement to say a significant concentration. There isn't really much in the preamble to those regulations. In other words, a discussion about what they meant that defines what was meant by significant concentration. That's something that, I think, the SRC could make some recommendations to the Park Service on, and even -- you know, it's even within the purview, I would imagine, of the Council here to make recommendations to the Secretary to give us some guidance.

10

11 You know, the Subsistence Resource Commission is really the primary advisory body to the Nation -- for subsistence to the National Park, and so, you know, you have direct input, obviously, into the SRC, and those are issues that could and probably should be brought up in the SRC meetings, because you have a direct pipeline through the SRC to the Secretary. And that's the body that we in the Parks Service look to primarily for guidance into our subsistence hunting program.

19

20 So to answer your question, I don't know what that means.

22

23 CHAIRMAN EWAN: Yeah, well,

24

25 MR. WELLS: We're struggling with that.

26

27 CHAIRMAN EWAN: Fred.

28

29 MR. JOHN: Whose residential and -- who is on that residence zone right now in that area.

31

32 MR. WELLS: Who lives in it -- you mean Wrangell?

34

35 MR. JOHN: Yeah, in Wrangell.

36

37 MR. WELLS: Do you mean who is represented on our Subsistence Resource Committee?

39

40 MR. JOHN: Who could hunt there now?

41

42 MR. WELLS: Oh, oh. We have a permit -- an eligibility permit to

44

45 MR. JOHN: I mean which village or which community?

47

48 MR. WELLS: Oh, okay. It would be Tok,

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Mentasta Village, Slana, -- working your way down --
Chistochina, Gakona

2

3

MR. JOHN: I just want to know if

4

5

MR. WELLS: Yeah, Tetlin and Northway are not
in the resident zone.

7

8

MR. JOHN: I was just thinking about Tok and
Slana, but they're in a resident zone which is a
Johnny-come-lately community, you know, and I can't -- just
can't see them being in a resident zone without Tetlin and
Northway being in there.

13

14

MR. WELLS: Yeah, you might ask some questions
of Janis Meldrum because some of the work that they've been
doing on that project with the C & T determinations, they're
finding some really interesting data, and Don Callaway, who is
here, has been working on that project also. And some of that
information, I think, will have some direct bearing on that
study of the resident zone. It's hard to tell, you know, from
some of the data, who actually used park resources. We're not
talking about preserve, but it seems fairly clear, you know,
just as an initial observation -- I haven't been involved in
that study, but that residents of Northway have used
subsistence resources, particularly along the Nebesna Road at
Batzulnetas for many, many years. Now whether that's a
significant concentration or not, I don't know, but when you
compare that to the village of Tok or even Slana, you know, you
can draw up some interesting conclusions there. I won't do
that.

31

32

MR. JOHN: Yeah. I'm having a hard time myself
being in that area. I grew up in that area seeing Tok and
Slana as a resident zone, and even Chistochina not being in the
35 I don't know if they are or not.

36

37

MR. WELLS: Now remember that when they applied
that significant concentrations test, and the initial
rulemaking that established 18 resident-zone communities for
Wangell-St. Elias, they apparently applied that to Tok and
Slana and Glennallen and Chistochina and Yakutat. They applied
that same significant concentrations testing and came up with
those 18 communities. Now I don't know why Tetlin and Northway
were not included, and I haven't been able to find much in the
record as to what kind of deliberations or input they had in
that process.

47

48

MR. JOHN: Thank you.

49

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1 CHAIRMAN EWAN: Mr. Summer.

2

3 MR. SUMMER: Mr. Chairman, Council Members,
4 this is 36 CFR, Federal Regulations, and the resident zones in
5 question are listed here in pink.

6

7 CHAIRMAN EWAN: I just want to, you know,
8 restate what I said before. I just hate to see any communities
9 left out, having, you know, to apply for a permit, going down
10 to Glennallen, wherever they have to go, down to Copper Center
11 where you go to apply for a permit. I think they've been there
12 Fred knows and I know these people have hunted in those
13 mountains, their ancestors have hunted for years. It really
14 sicks me to learn that the new committee that just sprung up
15 like Slana are included in a resident zone, but these old
16 Native communities have been there for thousands of years
17 and aren't included. It just really bothers me that even closer
18 than Tok to the park than the preserve, and that's what really
19 bothers me, I guess.

20

21 MR. WELLS: Yeah, that's a good point, and it
22 was very clear in the rulemaking that they adoption of the
23 resident zone system was a means of having -- of avoiding an
24 individual permit system to avoid the burden on not only the
25 user -- subsistence user, but also the agency to have to issue
26 a bunch of permits, and it was -- they said in the rulemaking
27 that that was to be the primary means of determining
28 eligibility in national parks was resident zones so you didn't
29 have a permit -- burden of a permit not only on the user but
30 the agency.

31

32 CHAIRMAN EWAN: But I think we're well on our
33 way. I mean we shouldn't be spending too much time -- I think
34 we're doing the right thing, I guess, going through the
35 process. We appreciate that.

36

37 MR. WELLS: Thank you.

38

39 MS. EAKON: Mr. Chair. So you are recommending
40 I just want to make sure I understand this. You're
41 recommending that Fred John, Jr. and Roy Ewan as members of the
42 Subsistence Resource Commission for that park present this
43 commendation before the Commission?

44

45 MR. WELLS: Well, I don't really want to
46 commend, but I can I could suggest that because you sit on
47 the SRC it would be well within your authority and
48 responsibility to recommend at the next SRC meeting that the

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village of Tetlin be included in that study. I can tell you that we're going to do it anyway, it's in our plan, but it wouldn't hurt to have that backing from the Subsistence Resource Commission. And if you would endorse in a recommendation to the Secretary that that -- you know, it always helps to have a recommendation that the funding be provided for that. That's what's holding us up now.

7

8

CHAIRMAN EWAN: Thank you. Any questions or any other comments? Okay, we'll move on to the next item then.

10

11

MR. WELLS: Thank you.

12

13

CHAIRMAN EWAN: Item d., I guess it has to do with the Denali National Park South Slope Development, Follow-up and Action. I guess we're going to be talking about this, too?

17

18

MS. EAKON: You do have a letter from Russell Berry, the Superintendent of Denali National Park and Preserve, dated January 31. I did not have time to copy you on this, so I guess I'll ask Hollis to recap the letter.

22

23

MR. TWITCHELL: Your letter to Russ Berry recommending that or opposing any trails in the Windy Creek/Riley Creek area, and in the Dunkle Hills area was received, and Russ responded back to you that after the public input process and your input letter that any trails in those areas are no longer being considered as part of the planning process. They are not an element -- will not be an element in the final plan. I guess I would just say that all trails and cabin proposals were pretty soundly opposed and are not a component of any of the final plan at all.

33

34

MR. LOHSE: The only action that I can see we can take on it is to thank them for their consideration of our recommendation and the action that they've taken. I so move.

37

38

MR. JOHN: Second.

39

40

CHAIRMAN EWAN: Is there a second?

41

42

MR. JOHN: Second.

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44

CHAIRMAN EWAN: Motion is seconded. The working of your motion?

46

47

MR. LOHSE: That we thank them for the consideration of our action and they action that they've taken.

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1 CHAIRMAN EWAN: Okay. Any discussion on the
 2 motion? If not, all in favor, say aye.

3
 4 IN UNISON: Aye.

5
 6 CHAIRMAN EWAN: Opposed, by same sign. Motion
 7 is carried. Thank you all very much.

8
 9 The next item is Lake Clark Preserve -- Park and
 10 Preserve. Discussion for Park Personnel regarding lack of
 11 Southcentral Representation on SRC -- this is for action. Is
 12 there somebody from that

13
 14 MR. FOWLER: Yes, Mr. Chairman.

15
 16 CHAIRMAN EWAN: that park?

17
 18 MR. FOWLER: I'm Joe Fowler. I live at
 19 Port Alsworth. I'm the chief ranger for the State Park
 20 National Park and Preserve.

21
 22 CHAIRMAN EWAN: How do you pronounce -- spell
 23 your last name?

24
 25 MR. FOWLER: F-o-w-l-e-r.

26
 27 CHAIRMAN EWAN: No problem.

28
 29 MR. FOWLER: Okay. This request, of course, is
 30 similar to the one considered earlier, except this council is
 31 in a little bit different position on this particular issue of
 32 appointing authority. Just very briefly, the Subsistence
 33 Resource Commission is a nine-member commission. It deals with
 34 hunting, subsistence hunting in the park. The nine appointees
 35 are made by the governor, the secretary and regional council or
 36 councils. In this case all three of our regional council
 37 appointees are made by the Bristol Bay Regional Council. We
 38 have also received a similar request from Western Interior
 39 Region for appointing authority to our Commission. If both of
 40 these requests were considered favorably and implemented we
 41 would end up with one representative appointed by each of those
 42 three councils. These requests were discussed last week with
 43 Bristol Bay Regional Council, considering that the vast
 44 preponderance of subsistence use is from that region there was
 45 obviously some concern expressed, however, they did not take a
 46 position on this. We expect them to take a position at their
 47 next meeting.

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The park has also requested that this issue be added to the next meeting of the Subsistence Resource Council, which is scheduled to be in Pedro Bay, in April. The Commission itself will know -- at that time will, hopefully, consider these requests.

5

6 One thing I would like to point out is if -- despite how these allocations may be reconsidered or not, there are six additional appointees from both the governor and the Secretary of Interior on this council, and then discussed with the Superintendent and the Park, you know, would support nominations by the governor or the secretary to diversify the representation on our commission, failing an agreement or, I guess, a favorable outcome to your request.

14

15 CHAIRMAN EWAN: Lee.

16

17 MR. BASNER: Mr. Fowler, I'm curious as to the demographics of the situation. How many people that would reside in, what I'll call, our area use Lake Clark for subsistence purposes; do you have any idea?

21

22 MR. FOWLER: I couldn't give you a number on that, however, I can tell you that the coastal areas of Lake Clark National Park are on the west side of Cook Inlet. While we have no resident zone communities on that side and no resident zone communities on the Kenai, which, of course, are the makeup of those communities as I discussed earlier, that we know we do have both Native corporation land and inholdings including some Native allotments, and we do have people that use those lands. Now, those lands that have been deeded to the corporation, of course there's -- and other private lands, so there is no requirement -- of course we have no authority over those lands as far as regulating subsistence use to start with, so those lands themselves aren't really at issue here. It's strictly the park lands. It might be noted that we do have a six resident zoned communities, and while we don't have any in the Southcentral Region that were identified in that process, we have one from Western Interior Region, which is Lime Village. Western Interior is also not represented.

40

41 If a person does not reside in one of these resident zones, the second mechanism for an individual to establish an individual right is through an individual permit, a Section 1344 Permit. Our park records show we have never received a request for a 1344 permit from anyone from Southcentral Region.

46

47 CHAIRMAN EWAN: Thank you. Any comments, questions?

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1 MR. OSKOLKOFF: I have one quick question.
 Yeah, -- well, make it two. First of all, could you supply me
 with the names at some future date of the Resource Council
 members for Lake Clark, and also for the Bristol Bay? The
 other question is has there been any type of survey or study
 done -- been done over the last 30 years or so regarding use of
 the Lake Clark area that I could refer to?

8

9 MR. FOWLER: Yes. There has been some work
 done by the State in making customary and traditional
 determinations. I couldn't quote those off right now, but I
 can certainly supply you with those references. Of course,
 obviously within this last 30-year period was when these
 resident zones were identified and established, that's in the
 early '80s.

16

17 One thing I didn't mention and I would recommend is
 that if this council chooses to pursue changing the charter and
 seek representation on the Lake Clark Commission is that the
 council send a letter to the council or the commission
 chairman, who is Mr. Glen Alsworth, in care of the park, making
 that request. Like I say, we have asked that that be added to
 the agenda of the upcoming meeting in April, and we expect it
 to be discussed there.

25

26 MR. LOHSE: Under the SRC charter which I
 imagine is the same as the one that Denali has as far as
 members being members of advisory boards or regional councils
 that actually make use of the park proper is that for council
 appointed -- I mean that charter goes for all of 'em?

31

32 MR. FOWLER: That is correct.

33

34 MR. LOHSE: Would you feel that we would have
 any problems finding somebody from Southcentral who meets those
 kind of qualifications?

37

38 MR. FOWLER: Well, on the face of it, in the
 absence of any resident zone communities and with the lack of
 any applications for individual permits that, in itself, might
 present a problem. Now that's not to say that someone that
 resides in the Southcentral zone couldn't demonstrate that they
 have a personal or family history of use that even preceded the
 park there. So while it would present a problem, it's
 probably, you know, not overcome -- the portion as far as a
 member -- of being a member of the council or advisory
 committee, I am not familiar with the membership, so I couldn't
 say that.

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1 CHAIRMAN EWAN: I have a question. I'm not
 2 familiar with this particular park area. Since there are so
 3 many boundaries around the state for federal boundaries and
 4 state boundaries and different purposes. Where is the nearest,
 5 say Southcentral community to the park? In distance like how
 6 far is it?

7
 8 MR. FOWLER: Well, we're -- we've got the --
 9 like I said, the west coast of Kenai -- or excuse me, the west
 10 coast of the Cook Inlet up to just south of Redoubt Point.
 11 Straight distance-wise I'm not sure. Tyonek would be a
 12 community on the west side but well to the north of the park,
 13 and then the communities on the Kenai Peninsula that are across
 14 the Inlet would be the other ones, Ninilchik and some of the
 15 other communities that are there. And some of those
 16 corporations -- the village corporations do have either land
 17 holdings or selections in that area.

18
 19 MR. JOHN: You mentioned village corporations
 20 on the Kenai side?

21
 22 MR. FOWLER: Yes, that's correct. They are
 23 represented by Cook Inlet Region Incorporated, and the various
 24 village corporations do have some land interests there.

25
 26 MR. BASNER: Well, it appears to me that we
 27 have quite a similar situation here, the one we have in the
 28 Denali area, and since you have stated that you don't have --
 29 you have not issued any permits to anyone from Southcentral
 30 Region,

31
 32 MR. FOWLER: That's correct.

33
 34 MR. BASNER: Up to this point.

35
 36 MR. FOWLER: From our records we have received
 37 80 requests for permits.

38
 39 MR. BASNER: And you've received no requests.
 40 Get the feeling that perhaps we should bow out of this one
 41 and just kind of let the folks that are actually subsisting and
 42 using the park, the people that live right there and actually
 43 users rather than -- you know, let them be represented. You
 44 would not deny a request if someone documented past use and
 45 then came to you with a request for a permit, I'm sure.

46
 47 MR. FOWLER: That's correct.

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1 MR. BASNER: So I just don't really think that
 2 we need to get involved in this. Those are my feelings.

3

4

5

6 CHAIRMAN EWAN: Comment? Gary.

7 MR. OSKOLKOFF: From my point of view I was the
 8 person who brought this issue up to the committee or to the
 9 Council. Since that time my comments were regarding historic
 10 use previous to 30 years or more ago, and even some recent use.
 11 I would rather see the issue remain open. I would not be
 12 motivated to resolve this issue in the next -- even with in the
 13 next year, but I would suggest that the issue remain open
 14 because after my discussion with the Council last time, I have
 15 talked with many of the elders, not only from my village but
 16 from Kenai, Seldovia, and a couple of people who do historical
 17 work for the colleges, and there seems to be, to me, quite a
 18 lot of evidence that people not only used in historical times
 19 that area from the Kenai Peninsula but also continued to do so
 20 to this very day in various different forms, whether it be
 21 sport hunting of fishing or even illegal uses. Generally a
 22 good number of people, it seems to me, have maintained their
 23 traditional patterns of hunting and fishing in one way or
 24 another, although they use it less than they perhaps did in the
 25 or rely on it less than they did in the past. They still
 26 seem to travel those patterns. So, I would ask that this
 27 Council simply table this issue until further evidence comes to
 28 light and perhaps we could bring it up again.

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CHAIRMAN EWAN: Fred, did you have a comment?

MR. JOHN: I agree with Gary. I -- most of --
 you know, the land has been claimed by Native corporation or
 Native villages in their area, they are really been
 historically and traditionally used, so I think we should just
 let -- like Gary said, have it open.

CHAIRMAN EWAN: Is there any objection to
 postponing action? If not we'll just leave it -- we'll just
 postpone any action until later. We'll keep our options open.

MR. FOWLER: Thank you.

CHAIRMAN EWAN: Our next item is a letter from
 this is for information?

MS. EAKON: This is just for information.

CHAIRMAN EWAN: Has everybody seen the letter?
 This is a letter from Exxon Valdez Oil Spill Trustee Council,

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Dave Gibbons wrote me a letter. It's in your packet, a yellow letter. Any comments on it? The person that should be commenting on this one here was the message that Gary

3

4 MS. EAKON: Yeah.

5

6 CHAIRMAN EWAN: Do you recall his concern?

7

8 MS. EAKON: Could we ask him at the next meeting if he is satisfied with this, for the record?

10

11 CHAIRMAN EWAN: Okay, yes, we'll put it back in the packet for the next meeting, if there's no objection.

13

14 We'll go on down to new business. a., Information Exchange, opportunity for council members and staff to share information about subsistence events, upcoming events, noteworthy items in the region and state. Helga, your comments on that?

19

20 MS. EAKON: Okay, you're done with the bright blue folder; you can set it aside. That was old business, and then put before you the grey folder. At the January 28 meeting I gave each of you a copy of Judge Holland's proposed order. Okay, however, today I would like to read into the record update litigation -- litigation update, if I may,

26

27 CHAIRMAN EWAN: Yes.

28

29 MS. EAKON: Mr. Chair.

30

31 CHAIRMAN EWAN: If there is no objection, I don't mind. Go ahead.

33

34 MS. EAKON: Since there are a lot of questions about will the Federal Subsistence program take over fisheries, this is germane to this topic.

37

38 "The most important subsistence litigation before the 39 District Court for Alaska is the consolidated cases of Katie John versus United States of America, and State of Alaska versus Bruce Babbitt, Secretary of the Interior. There are two key parts to these cases. The first has been described by Judge Holland as the 'Who' question. The second is described as the 'Where' question. There have been recent developments on each question."

46

47 "The 'Who' Question. The State of Alaska contends that the Alaska National Interest Lands Conservation Act, ANILCA,

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does not give the Secretary of the Interior authority to directly regulate the subsistence uses of fish and wildlife on public lands. The Federal government disagrees. Judge Holland issued an order on November 19, 1993 that indicated he was seriously considering the State's view that he legislative history of ANILCA shows that congress did not intend the Federal government to directly manage subsistence. He also stated the court's concern that this matter had not been adequately briefed. He ordered supplemental briefings on this issue. These briefings were filed in mid-January. The matter is now before Judge Holland for his consideration and decision."

12

13 "The 'Where' Question. This question concerns whether navigable waters are considered to be public lands as defined by ANILCA. If they are, the subsistence priority found in Title VIII would apply to navigable waters. The Federal and State government position has been that because the title to the lands underlying navigable waters generally belongs to the State, the navigable waters are not considered as public lands. Katie John and the other plaintiffs disagree, and believe that Congress intended for the subsistence priority to include navigable waters."

23

24 "Judge Holland issued an order from chambers on January 25, 1994, scheduling oral arguments on this issue for February 26, 1994. He included a proposed order for the attorneys to review, based on the court's initial evaluation of the issues. He has not yet made a decision on this case. His proposed order provides insights as to what Judge Holland is considering. If he were to issue this order as proposed, it would have major implications for subsistence management. The proposed order concludes that all navigable waters and coastal waters within the three-mile territorial limit would be considered public lands for the purposes of ANILCA's subsistence priority. The Federal government has not yet established a position on how we do respond to such an order from the court. The State and Federal governments asked for additional time to prepare their arguments, and the Judge rescheduled oral arguments for March 18, 1994."

40

41 CHAIRMAN EWAN: Thank you, Helga. Any comments
42 questions on that? The next item.

43

44 MS. EAKON: Also before we leave information
45 exchange, I'd like to announce that the Native American Fish &
46 Wildlife Society is having their second annual Alaska Regional
47 Conference March 3 and 4, at Captain Cook Hotel. The theme is
48 developing tribal capability as co-managers of natural

49

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resources. That's just for your information, Mr. Chair.

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2 CHAIRMAN EWAN: I heard about that, but who are
they, and

4

5 MS. EAKON: This society has members from all
6ver the United States. The Alaska regional directors are
7Carol Jorgensen, who is the coordinator for Southeast Regional
8Council, and the new member replacing Ken Blatchford is
9Barry Mercurief (ph). And for your information, if you want
10more information, their telephone number is 563-5971, I
11believe.

12

13 CHAIRMAN EWAN: Okay, thank you. Is there any
14more that you want to talk about in this topic here?

15

16 MS. EAKON: That's all I have for item 7.a.,
17Mr. Chair.

18

19 CHAIRMAN EWAN: Any comments, any other
20information that council members want to share? I think it's a
21good idea to share your information. If not we'll just go on
22to the next item.

23

24 MR. LOHSE: I do have one comment. You know
25they're considering that oil and gas lease sale in the Gulf of
26Alaska which has the possibility of direct impact on an awful
27lot of particularly fish resources that's used by the people of
28Cordova area. Technically there's a lot of seismic work that
29they're planning on doing. A lot of it is right in areas that
30are -- oh, they are areas that have a high content of juvenile
31salmon, juvenile halibut, juvenile clams, juvenile crab.
32They're basically shallow water rearing grounds, and I think as
33a council that we should express our concern that, you know,
34any kind of oil and gas research work that they do down in that
35sea take into consideration the subsistence resources from
36that area. An awful lot of

37

38 CHAIRMAN EWAN: Do you have any idea how we can
39do that -- just a letter or follow the progress of what's going
40on?

41

42 MR. LOHSE: I don't know. I guess we just
43express our concern that any oil and gas exploration in the
44Controllor Bay, Bering River, Softuk, Wingham Island, Kayak
45Island area, take into consideration the vast amount of
46juvenile fish and shellfish that inhabit that area, and that we
47would like

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CHAIRMAN EWAN: Do you have any idea the time
table?

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3

MR. LOHSE: Yeah, the time table right now the
4- I guess it's open to public comment on the gas and oil lease
5 sale that the State's going to let go. I know ARCO was in town
6 getting acquainted with everybody, so there's, evidently, some
7 real interest in it, and we expressed as an advisory council,
8 we expressed our concern on its impact 'cause it's shallow
9 water that they're planning on doing a lot of this shallow
10 water -- a lot of beaver dam country, a lot of country that has
11 juvenile silver and red salmon, and then like I said, a lot of
12 shallow water, clam and crab country down that way that has a
13 real impact on both the personal use and on the economic use
14 for the Cordova area.

15

16

CHAIRMAN EWAN: Okay, that's good information.
17 I'm just wondering if we -- I don't know enough about it to
18 recommend we write a letter. Can you keep us informed about
19 what's going on?

20

21

MR. LOHSE: I'll let you know what's going on
22 here.

23

24

CHAIRMAN EWAN: Okay, Gary.

25

26

MR. OSKOLKOFF: I might add that we're having
27 the same discussion in the Cook Inlet area, for precisely the
28 same reasons, so I won't go into it, but lease sale 149 is
29 going through, and of course the

30

31

CHAIRMAN EWAN: They're holding hearings on it,
32 huh?

33

34

MR. OSKOLKOFF: Yeah. The other previous one
35 that has been held up, at least for the time being, so it's
36 something to keep a person's eye on.

37

38

MR. LOHSE: Just mostly that we keep making
39 sure that they do take those things into account, as they do
40 their exploration work.

41

42

CHAIRMAN EWAN: Any other information sharing
43 them, council members? If not we'll go down to item c.

44

45

MS. EAKON: 7.b.

46

47

CHAIRMAN EWAN: Oh, did I skip one?

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1 MS. EAKON: Administrative matters, 7.b.
2 CHAIRMAN EWAN: Oh, I'm -- okay, I missed one.
3 You're right. Okay.
4
5 MS. EAKON: I'm happy to announce that the
6 office has authorized a calling card for the chair. That gives
7 you an opportunity to -- if you know of any important issue,
8 you can call directly to the members.
9
10 Would you please pass that to Roy. And I can go over
11 that with you at break time, Roy.
12
13 CHAIRMAN EWAN: Where does this go?
14
15 MS. EAKON: You keep that in your possession.
16
17 CHAIRMAN EWAN: Oh, this is mine?
18
19 MS. EAKON: Yeah.
20
21 MR. BASNER: You can call the government free
22 of charge.
23
24 CHAIRMAN EWAN: Thank you.
25
26 MS. EAKON: And I just want to remind you to
27 please fill out your travel forms and make sure that you give
28 me your hotel receipts. And that is all I have for item 7.b.
29
30 CHAIRMAN EWAN: Okay, the next item is c., and
31 that's 1993 Annual Report, Discussion and Ratification.
32
33 MR. OSKOLKOFF: I would suggest that we take a
34 short break.
35
36 CHAIRMAN EWAN: Okay. Any objection? Hearing
37 none, we'll take one -- a five-minute break.
38
39 COURT REPORTER: Off record.
40
41 (Off record - 10:21 a.m.)
42
43 (On record - 10:34 a.m.)
44
45 CHAIRMAN EWAN: Okay, I'll call the meeting
46 back to order. The next item is -- where are we here, under
47 New Business, Annual Report -- 1993 Annual Report. Helga.
48
49
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MS. EAKON: We had a very -- we were on a very fast track schedule on these annual reports for the 10 regions. We had a deadline of November 15, 1993 to submit them. I do want to thank Gary Oskolkoff for submitting information on behalf of Ninilchik Traditional Council, and also I think all of you recommended -- some of you recommended the Alaska Department of Fish & Game for reference materials, which I did incorporate. Fred John submitted a real nice paper on -- brief paper on subsistence resource use in Mentasta and in the Ahtna Region.

10

11 CHAIRMAN EWAN: Which one are we looking at
here?

13

14 MS. EAKON: We're looking at the November 18 --
15 is in your folder -- November 18, the letter to
Ronald McCoy.

17

18 CHAIRMAN EWAN: Okay.

19

20 MS. EAKON: And the people that I contacted
from the Alaska Department of Fish & Game were very, very
helpful. They sent that material post haste, and I do want to
thank them. I do want to thank the Alaska Department of Fish &
Game for their help. And pages 8 and 9 recaps the regional
issues that surfaced at the September meeting, and finally the
report ended with the recommendations of the council with the
supporting attachments. I guess what you want to do is -- for
the purposes of the 1993 report is just to move to ratify it.

29

30 MR. LOHSE: I so move.

31

32 CHAIRMAN EWAN: There's a motion to
ratify

34

35 MR. BASNER: Second.

36

37 CHAIRMAN EWAN: the 1993 Annual Report.
It's been seconded. Is there any further discussion on the
motion? If not, all in favor, say aye.

40

41 IN UNISON: Aye.

42

43 CHAIRMAN EWAN: Opposed, by the same sign.
Motion carried.

45

46 Okay, the next item is the 1994 report.

47

48 MS. EAKON: The 10 regional annual reports,

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they are all very different. Like Interior focused -- they didn't even follow the ANILCA guidelines. You know, ANILCA -- I think it's Section 805(c) states what's supposed to be in the annual report. So each annual report was different. You do have a green sheet there, dated January 20, 1994, Guidelines to Help Regional Councils Make Effective Recommendations. And I'm of the opinion that councils should focus -- put their efforts in making real focused recommendations to the Federal Subsistence Board, but, you know, it's going to be your annual report, so you have to tell -- at this time, I guess you want to discuss what you want to do.

11

12

CHAIRMAN EWAN: Lee.

13

14

MR. BASNER: Mr. Chairman, I'd like to ask a question of Helga. There was quite a bit of consternation among some of the other regions as to where the annual report went, and I know in one instance the annual report was submitted to the regional coordinator to respond to the council, and that created quite a bit of consternation, as I can understand it would. My question is where did our annual report go; what individual did it stop -- whose desk did it stop at and what action was taken?

23

24

MS. EAKON: Okay. It stopped at the desk of Mr. Ronald McCoy, Interim Chair of the Federal Subsistence Board because the Federal regulations state that the responsibility for Federal management of subsistence resource use in Alaska has been delegated from the Secretary to the Federal Subsistence Board, and it is in your meeting binder in the May 29, 1992 Federal Register Notice. Okay, it does state that the responsibility had been delegated to the Federal Subsistence Board. That is why this was directed to Mr. McCoy, because he is the interim chair of the board.

34

35

Now, it is true that there was consternation amongst the coordinators because management had suggested that the coordinators draft a response to the annual report, the rationale being that management didn't know the council's personally, but we pretty much all put our foot down and said, we do not like the idea of responding to a council report that goes to the Federal Subsistence Board. To us, we're liaisons between the council and the staff and the board, okay, the people who -- the agencies who participate in the program. And there was such -- we just put our foot down. So actually, the response to annual reports is kind of on hold right now until the coordinators are going to have another meeting on March 14, and this is going to be an agenda item. As far as I know, we all say that should not be our responsibility, we would like

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someone at that level, Federal Subsistence Board level, to look at this seriously and respond. It should not be the coordinators' job to do that. And I guess what I would like from you is a motion to that effect so that I can present it to management and the other coordinators that your wish is that I do not respond. It makes me very uncomfortable. It is not in line with my cultural upbringing. You do not advise your own elders, as we say.

8

9

CHAIRMAN EWAN: Well,

10

11

MR. LOHSE: I agree with Helga completely. I mean if it gets to the point where the coordinators have to respond to the council, then that puts them in a very mixed up position. At one place they're supposed to be helping us, in the next place they're supposed to be responding to actions that we take. I would like to request that somebody at the Federal Subsistence Board level actually does respond to actions that we've taken and recommendations that we've made, and sends us a letter telling us what they're doing about what we've done.

21

22

CHAIRMAN EWAN: I totally agree with you, too, Ralph, but I don't understand bureaucracy. I was wondering, as Helga was talking, what the intent was for a request for a response from the coordinators, I really don't know.

26

27

MS. EAKON: It's pretty much coordinator feeling that someone at the Federal Subsistence Board level should respond or at the very least someone at the inter-agency staff committee level.

31

32

MR. OSKOLKOFF: I missed the point as to why it is determined that you should respond.

34

35

MS. EAKON: Well, management's feeling was you know how your council thinks, you know the issues, we don't. That was their answer.

38

39

40

CHAIRMAN EWAN: They want you to be our interpreter.

42

43

MS. EAKON: Yeah. I say no.

44

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MR. BASNER: Mr. Chairman, I guess this annual report, there's a lot of information here that took a lot of time to compile, and I kind of get the feeling that not anybody except the poor typist has really read it.

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1 MS. EAKON: I typed it.

2

3 MR. BASNER: And I know that we may submit an
Annual report to the Secretary of the Interior. That's one of
the things that we may do; we're allowed to do that. It
doesn't say we're required to, but it says we're allowed to.
And it says the Secretary of the Interior; is doesn't say the
Chairman of the Federal Subsistence Board, even though I
understand delegation of authority and the Secretary of the
Interior doesn't read every piece of paper that's addressed to
him. I think it's pointless year after year to come up with
this much data. Now initially for the first annual report, you
know, to list every type of fish that's eaten and every type of
animal that's taken for subsistence purposes if fine one time.
I think it's utterly pointless to waste the time and the staff
effort to do that year after year after year. I would suggest
that we might want to only include anything in the annual
report that would differ from what has preceded up to that
particular year. That would simplify the issue, and I think
perhaps we might get somebody to read that.

21

22 CHAIRMAN EWAN: Go ahead, Gary.

23

24 MR. OSKOLKOFF: In response to that, I agree
with that. This being really the first year to get this
information out, it might be good to set a background, and
maybe even format this a little bit differently. But I would
agree with your suggestion that sending it to Secretary Babbitt
and a copy to the chair just so that we have covered the bases.
And I would suggest that in sending it to Secretary Babbitt
that we ask that -- not that he respond to this issue, but that
he direct the chair of the statewide board to respond that
we're -- without some form of response to our advice, you know,
information has to be a two-way street. If this is simply
going to be reported, it's going to get as far as Helga's
copying, she's going to read it and return it back to us, well,
you know, it seems we've closed a very small circle here, and I
think it should go a little bit further than that.

39

40 MS. EAKON: I'm going to be very, very frank
with you. Even on your recommendations someone within the
Office of Subsistence Management drafts a response for
Mr. McCoy's signature. One of the councils sent a letter
directly to Secretary Babbitt, who gave it to one of his aides,
and they essentially said, gee, what a nice thing you did,
thank you for your letter. It did not respond to the heart of
the matter, you know. And it's -- right now it's a closed
door. What's the point if no one takes it seriously, and Lee

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is absolutely right, the council is not required -- ANILCA says the council is authorized to. But where it helps is when you have strong recommendations that you would like the Federal Government to take seriously.

4

5 MR. BASNER: Mr. Chairman. I'll be redundant and restate something that I stated at our initial meeting last year. When I sat on the State Regional Advisory Council we had exactly the same rules that we live by, and we were authorized to write an annual report to the secretary, and we spent quite some time doing that, and the exact thing happened; nobody read it, we never got responded to, and I concluded at that point that at the State level, that this was a total waste of time and we shouldn't bother with an annual report unless there was something really important. Now, I think that we have the authority at any given point if we've got something that we're concerned about, we don't have to wait for an annual report, all we have to do is send a letter to the Secretary of the Interior. An annual report by the very title throws it into the bureaucracy, and here's another ho-hum piece of paper that we've got to read because it's -- here's another annual report. So I'm not opposed to annual reports, but to just do it because it's there, I think, is a waste of our time and a waste of the poor staff's time, and I'd rather see us take the approach that here's an important issue, let's sit down and write a specific letter addressed to the Secretary of the Interior on this specific issue, and come annual report time disregard it, if we have nothing additional to bring up at that point.

29

30 CHAIRMAN EWAN: Gary.

31

32 MR. OSKOLKOFF: I might suggest that the first specific issue that we discuss is how this loop of information is actually supposed to flow and who is expected to respond to the meat of the issue that is brought up, in not only the annual report but any letter or advice from this advisory council that we give. How, if these things are not -- let's put it this way, if this is a closed circle and we're having a nice discussion here, I appreciate it, but, you know, I could be building a house right now. I could be doing a lot of other things. If it's not going to change the world that I and the people I represent live in, what's the point? And I think that should be the first thing that we want to discuss is this very discussion that we have here of how this information flows, when can we expect a response, how is that response supposed to be drafted, by who, and how they have to respond to specific issues that are raised by this council. Perhaps we're not raising the questions in a fashion that they feel it's

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necessary to respond to, if you see what I mean. Perhaps the wording is not -- we're not asking the question, we're simply -- they think we're making a statement. And I think it -- we have to invite a response through the way that we design the report and design any letter that we formulate.

5

6 MR. LOHSE: Well, my feeling is that the annual report should be the recommendations that we've made during the year, the response that we've gotten to them, and if there hasn't been any response a request for response on the recommendations that we've made. In other words, if we make a request -- if we make a recommendation in the annual report that we should put in who responded to it and what happened. If nothing happened and nobody responded to it, we should request that from the top down, from the Secretary of the Interior or the interim chairman, that some action be taken on our recommendations, at least an acknowledgement that we made them, you know.

18

19 CHAIRMAN EWAN: I think from Mr. McCoy's standpoint, he responds to almost everything that we recommended, right, or -- Helga.

22

23 MS. EAKON: He looks at the letter and signs it, but actually the response is drafted by someone within the

26

27 CHAIRMAN EWAN: But still there's a response. What Ralph is saying, maybe could be done. If action was taken on something -- incorporated you said in the annual report -- that what you said -- is that your suggestion?

31

32 MR. LOHSE: In other words we make a recommendation, we should list in the annual report whether somebody responded and took action

35

36 CHAIRMAN EWAN: I think like

37

38 MR. LOHSE: on it, like what's happening with Tok and Northway, what's being accomplished on the recommendation, who responded to it and what's going on, and like in this case a request that in order to accomplish this we need funding, you know. We support the fact that we need funding to accomplish what's been recommended, that needs to be added up on his desk that he needs to respond to that somehow or another.

46

47 MS. EAKON: You have not really formally met the chair of the Federal Subsistence Board. Why don't you just

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go ahead and invite him or her to the next meeting and vocalize your concerns. Maybe that person will be moved to make some kind of statement.

3

4 CHAIRMAN EWAN: Which person are we talking about?

6

7 MR. BASNER: McCoy or whoever takes his place. I don't know. Who ever the chair of the Fed Subsistence Board is, right; whoever he or she may be?

10

11 MS. EAKON: Uh-huh (affirmative).

12

13 CHAIRMAN EWAN: Why not tomorrow? We can put him in tomorrow. Would that be possible?

15

16 MS. EAKON: Well, if Mr. McCoy is here, if you want him to appear tomorrow, we'll make that request during the lunch hour.

19

20 CHAIRMAN EWAN: I think that would be a good idea. Sure.

22

23 MS. EAKON: So you want me to do that?

24

25 CHAIRMAN EWAN: Is there objection to doing that, invite him over tomorrow, first thing in the morning, if possible?

28

29 MS. EAKON: Okay.

30

31 CHAIRMAN EWAN: Hearing no objection, we'll recommend that. Anything else on the annual report? I think Ralph has -- did you have your hand up?

34

35 MR. LOHSE: Yes. We're on -- we're both discussing the C part and the D part, what to focus on. I'd like to make sure that in this next annual report we do focus on recommendations we make and actions that are taken to those recommendations.

40

41 CHAIRMAN EWAN: Okay.

42

43 MR. BASNER: Helga, I know this is suggested format for the annual report, but that doesn't say that if we want to make an annual report we're limited to that format,

47

48 MS. EAKON: Yes.

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1 MR. BASNER: am I correct?

2

3 MS. EAKON: That's correct.

4

5 MR. BASNER: Therefore we can incorporate
6 Ralph's

7

8 MS. EAKON: We're not limited to that.

9

10 MR. BASNER: Good, okay. Thank you.

11

12 CHAIRMAN EWAN: Any further discussion on the
13 annual report?

14

15 MR. OSKOLKOFF: Just one, that there -- that
16 within those requests for responses to actions that we've taken
17 is that we allow -- try not to condense it too far so that
18 there is an allowance for background information, the necessary
19 background information to give a good, round understanding
20 within the document itself so one doesn't have to constantly
21 refer to different -- I know people are very -- well, I
22 shouldn't generalize it, sometimes people are a little lazy to
23 run over to the CFR or Federal Register or whatever it might be
24 and check those specific things that are in there. They could
25 be paraphrased to help one understand within the report itself.
26 I think it would also be good when individuals come to testify
27 ask for information regarding the council's actions that it
28 be relatively self-explanatory so that the individual can
29 understand it within that document, and that document be
30 available to an individual.

31

32 CHAIRMAN EWAN: I just want to say, Gary, that
33 I'm guilty of maybe being lazy, but most of the time I'm just
34 too busy to look at it. Any other comments?

35

36 MR. OSKOLKOFF: One more comment, just need to
37 keep in mind that I think that perhaps in the conclusion of --
38 under the conclusion of the annual report, somewhere near the
39 end there should be a short mention of what has actually
40 changed due to council recommended actions. In other words,
41 from perhaps even the previous year. I know we don't have a
42 track record yet to work with, but I would suggest that so
43 people can get a chronology of -- and get a feeling that there
44 is movement in one direction or another, good or bad.

45

46 CHAIRMAN EWAN: That can be taken out of the
47 minutes and incorporated into the report. Any other comments?
48 Any comments from anybody out there on some of the things -- I

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notice we're leaving a lot of people out there -- any new people come in that want to introduce themselves?

2

3 MR. CASEY: My name is Edward Casey, and I'm a
4 vice president for United Tribes of Anchorage, and I'm sorry
5 I'm late.

6

7 MR. WAGGONER: I'm Van Waggoner. I'm a
8 Biologist for Anchorage District of BLM.

9

10 MS. MELDRUM: I'm Janis Meldrum. I work for
11 the National Park Service, and I'm working on the C & T
12 determinations for the Upper Tanana.

13

14 MS. BAKER: I'm Gail Baker, and I'm with the
15 Subsistence Office of Fish and Wildlife.

16

17 CHAIRMAN EWAN: Did you introduce yourself?

18

19 MR. COFFEEN: I already did. I'm Mike Coffeen
20 with BLM in Glennallen.

21

22 CHAIRMAN EWAN: Okay. We'll move on down to
23 the next item, if there's no more discussion on the annual
24 report then. You know, this is a public meeting, and you
25 people out there can make comments on any of the items that
26 we're discussing.

27

28 The next item is Charter Renewal and Review.

29

30 MS. EAKON: In your grey folder you do have a
31 gold colored handout. It says Federal Subsistence Regional
32 Advisory Council Charters. We did look at the charter at the
33 September meeting. A copy of the Southcentral's charter is at
34 the back of this document, for your reference. And the first
35 page is a summary of the provisions, very basic. What I would
36 like to draw your attention to is that the Federal Advisory
37 Committee Act imposes a two-year limit on advisory committees,
38 and therefore your charter must be prepared every other year
39 for submission to the Secretary. That's on even numbered
40 years. So it is going to go up for renewal this year. So we
41 are, at this time, asking you to review the existing charter
42 and make recommendations to the board for suggested changes.

43

44 There are certain things that a regional council can
45 recommend be changed. You could request that your -- the name
46 of your council be changed, you could request a boundary
47 change, you could make a recommendation on the size of your
48 council membership, you could make recommendations on specific

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subsistence resource commission appointments, and finally you could make recommendations on the criteria for removing a member.

3

4 What has happened -- for example, Bristol Bay and Kodiak both, they changed criteria for removing a member. They said under paragraph -- or on the last page of the Charter, Removal of Members, they said if a council member appointed under paragraph 9 misses two unexcused consecutive regularly scheduled meetings, the chair of the Federal Subsistence Board may recommend that the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, remove that individual.

13

14 Kodiak Aleutians, they're thinking about increasing the size of their council from seven to nine because there is an area that is not effectively being represented at this time. So if you have any recommendations for changes to the charter within those items that I mentioned, you should bring them up now because we are going to sit that in motion.

20

21 CHAIRMAN EWAN: Let's talk about that one item that you did bring up, removal. You say the Bristol Bay was

24

25 MS. EAKON: Bristol Bay

26

27 CHAIRMAN EWAN: has two meetings missed?

28

29 MS. EAKON: Uh-huh, Bristol Bay and Kodiak Aleutians both changed.

31

32 CHAIRMAN EWAN: What was the thinking there?

33

34 MS. EAKON: They said because if a person misses three that member -- that geographic area may -- essentially, practically is without representation. Okay. If you have two meetings a year, but they -- they wanted to act on good faith, thinking that if a person sits on the council they're going to take their duties seriously enough that even if they miss one they're going to make certain they don't want to miss the second one. That was their rationale.

42

43 CHAIRMAN EWAN: Well,

44

45 MR. LOHSE: I wouldn't mind seeing the two instead of the three, but I don't like the way their's is worded at all because it says two unexcused consecutive, so basically it puts the onus on someone to decide whether they're

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excused or unexcused. Either the rest of the council has to do that or the chairman has to do that or the coordinator has to do that. I think if you're going to limit it to the number of times, it should be -- you know, unless you would define what excused is, you could say maybe unexcused except for sickness or something like that. But otherwise somebody is going to have to decide whether it's excused or unexcused, and that throws it into -- well, it puts a lot of pressure on somebody, or on us as a group or on the coordinator. And so if you thought we needed to change it to two, I think we should leave off the excused part. Otherwise, the way it reads right now, it says three consecutive, it doesn't give any excuses, and I would actually prefer three consecutive to two unexcused.

13

14

MR. BASNER: I agree with Ralph. I don't like the word "excused" being in there. I don't. I don't think we need to include that one. And I think two should be enough. If you think about it, we only meet twice a year. If you miss three consecutive meetings. That's a year and a half. I mean if you finally make the fourth meeting, that's been two years that have passed without you representing your people on this council. So I think two is enough. If a member finds that he just cannot meet his own personal commitments and the commitments required by the council, then it's incumbent upon you to resign.

25

26

CHAIRMAN EWAN: Do you have a comment on this?

27

28

MR. CASEY: Excuse me. I was wondering, would monetary reasons be called an excuse? Some of our people don't have the money to attend a lot of these meetings -- council meetings, and I've seen this play in a lot of -- all the way through subsistence meetings we thought would ever come up with. We've got little villages out here that don't have representation with this general area to get to some of these, when you're saying excused, I don't think it's necessary to be excused if you don't have any money, you're not going to be able to get here.

38

39

CHAIRMAN EWAN: That's not the case here. The travel is paid for.

41

42

MR. CASEY: You've got travel paid?

43

44

CHAIRMAN EWAN: Yes.

45

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MR. HIRSCH: Not pay per se, but travel and expenses are paid or reimbursed.

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CHAIRMAN EWAN: But what we're saying is there pretty much -- or we're pretty much in agreement, there's no excuse -- we're thinking that we don't have an excuse, if you miss two consecutive meetings, then you're out is what we're thinking right now.

5

MR. BASNER: Or could be out at least, depending upon the circumstances.

8

CHAIRMAN EWAN: Well,

10

MR. LOHSE: And that is in -- again, that's regularly scheduled meetings, that's not if we have -- like we just had some unscheduled meetings that have had -- that we've had to take place at which, you know, a person already might have something scheduled for those.

16

CHAIRMAN EWAN: Regularly scheduled meetings, yeah.

19

MR. LOHSE: Regularly scheduled meetings, we have two a year scheduled, so if you've missed two, you've missed a year.

23

MS. EAKON: Mr. Chair. I agree with Council's thinking on the excuse. It's hard to make a judgment call on that.

27

CHAIRMAN EWAN: We'll take you off the hook, okay. Lee.

30

MR. BASNER: Yeah, I find it interesting that the only reason to remove a member in the Charter is for missing a meeting. Now at the advisory committee, State level, if you commit a game law violation, that's grounds for removal from the committee, or under the old State regional council the same thing applied. I would hope that the members of this council all obey the game laws and subsistence laws that we're all here advising on. But I don't know as we need to add that to this, but I find it interesting that the only reason to be removed is to miss a meeting. Your behavior or your conduct or anything else doesn't enter into it, just don't miss a meeting.

42

CHAIRMAN EWAN: Any comments on that? Ralph first, then Gary -- go ahead, Gary.

45

MR. OSKOLKOFF: Well, I just wanted to -- after re-reading this again, it really only allows for the chair to commend the Secretary of Interior with the concurrence of the

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Secretary of Agriculture to remove the individual, so by the time you get that far down the road, I mean that's somebody -- there's a lot involved in trying to remove a member, even if for not showing up. In that respect I'm sure that since you serve with respect to appointments that if those individuals feel you need some form or crime (ph) or whatever it might be, it's political suicide on the part of some of us that we would be removed anyhow, you know, without any form of justification other than that person who is appointing us wanted to remove us at that point, so

10

11 CHAIRMAN EWAN: Ralph had his hand up there.
12 Go ahead, Ralph.

13

14 MR. LOHSE: Yeah, it's funny because I was going to comment on that, too, but I was going to go just the other way. I was going to say if we were going to do what we were talking about doing, I think we should say if a council member appointed under paragraph 9 misses three -- two consecutive regularly scheduled meetings, he is automatically removed from the council. You know, that would take it out of the hands of politics farther on down the road. It would basically be stating our position that we feel that it's important enough that if a person represents who he's appointed to represent, if he doesn't appoint him, it's up to them to find somebody to fill his place, not that they can say, well, he's a good guy, we'll leave him on anyway, you know.

27

28 CHAIRMAN EWAN: Helga.

29

30 MS. EAKON: Page 17, your draft Operations Manual, the fourth paragraph clarifies it a little bit. "A member may be removed by the Secretary upon recommendation of the Board. This recommendation from the Board would be based on a recommendation from the Regional Council. Regional Council justification for a removal request might be the repeated absence of a member of a member's inability or unwillingness to represent the residents of the region."

38

39 CHAIRMAN EWAN: Lee.

40

41 MR. BASNER: Yeah. I also want to point out that we need to be a little careful. This is, after all, Alaska and we do have some weather, for example, today. It could happen that maybe Ralph couldn't catch an airplane in yesterday due to bad weather from Cordova, and the next scheduled meeting the same thing happens. We don't want to automatically kick Ralph off because the airplane couldn't fly or maybe I couldn't have made it down the Parks Highway. It

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was quite a trip as it was. Those things can happen, too. So I think we want to be a little bit careful.

2

3

MR. OSKOLKOFF: Just another comment on that. I think it's probably why they're not taking into account specifically Alaska, but it seems that this is all written very, very vaguely, with a lot of may's in it. So it doesn't seem like we're holding to any -- really any hard and fast criteria of how this is actually done. And perhaps it's a -- what's the best way to leave it, except I don't have a problem with leaving the number from three to two, you know, because we're still in a may situation which the council will no doubt listen to the reason, whether it was weather or whatever it was, take that into account and make the recommendation accordingly.

15

16

CHAIRMAN EWAN: Okay. Do we understand it's up to the appointing authority to remove, right? So we can just recommend. Are there any other comments, anybody else on council's removal? I know I heard a lot of comments about regions and all that. I don't know. I don't really know which way to go here. I don't object to having a provision there to miss two meetings rather than three. I don't have any objection to that, but I'd like to take it into consideration what Lee said about weather and all that. There are times that you get sick and other reasons why you could miss. What do you want to do?

27

28

MR. LOHSE: Well, myself, I think we might as well just leave it, because we're not going to be really changing anything. I think we should just leave it exactly the way it is. It's still the difference between two and three with a may thrown in there doesn't mean anything anyhow, and if somebody misses three consecutive meetings, it's pretty hard to have an excuse three times in a row. So my preference, I'd just as soon leave it right where it's at.

36

37

CHAIRMAN EWAN: Should we have a motion to that effect?

39

40

MR. LOHSE: I'll so move.

41

42

MR. OSKOLKOFF: I second.

43

44

CHAIRMAN EWAN: Moved and seconded.

Discussion?

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MR. OSKOLKOFF: I don't think you need a motion, do you?

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1 CHAIRMAN EWAN: You don't need a motion?
2
3 MR. OSKOLKOFF: Well, if you're making a motion
4 in the negative,

5
6 MS. EAKON: No,

7
8 MR. LOHSE: We don't need a motion 'cause it
9 already stands.

10
11 MS. EAKON: It already stands.

12
13 MR. LOHSE: Right.

14
15 CHAIRMAN EWAN: Okay. Do you withdraw your
16 motion, second?

17
18 MR. LOHSE: Yeah. It was an illegal motion.

19
20 CHAIRMAN EWAN: Okay, any further discussion on
21 the

22
23 MR. OSKOLKOFF: I just have one -- just a --
24 it's kind of ridiculous of us bringing it up, the title --
25 we're allowed to change the title to the Southcentral Alaska
26 Subsistence Regional Advisory Council. It seems like the term
27 Alaska doesn't really -- I think we all know where we are and I
28 think everybody else dealing with it probably will, and that
29 the term regional when we say the term Southcentral, you're
30 already denoting regional. It seems like they're a couple of
31 redundancies that are in the title that

32
33 MR. LOHSE: Makes it hard to

34
35 MR. OSKOLKOFF: Yeah, just kind of adds to it.

36
37 CHAIRMAN EWAN: I like your thinking there. I
38 think we ought to take out one of the words there. Which one?

39
40 MR. OSKOLKOFF: I would exclude Alaska. And
41 regional, I -- does anybody have -- I mean I won't be put to an
42 argument to the contrary on it.

43
44 MS. EAKON: Regional should stay in because
45 there are 10 regions, and it is in the record of decision, but
46 if you want to delete Alaska, that's your decision.

47
48 MR. OSKOLKOFF: It would be a mouthful no
49
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matter what, I guess. Even regional, it just seems to me it's
 a redundancy. But that's fine with me. I'll -- it was just a
 comment.

3

4 CHAIRMAN EWAN: I even forget it all. I get
 5 that mixed up with National Park Resource Commission. I get
 6 all mixed up sometimes. Any further discussion on the charter?
 7 Do you want to have time to think about this?

8

9 MR. LOHSE: You know, at this point in time,
 10 nobody has expressed any interest any having a larger regional
 11 council. That's something that will come up again in two years
 12 anyhow, and maybe by that time we have more information as to
 13 whether or not they need a larger or smaller council. I don't
 14 think we've had time to prove that seven is a bad number, one
 15 way or the other. And that's about the only other thing that
 16 we can change.

17

18 CHAIRMAN EWAN: I think seven is a good number,
 19 too. Like you said, maybe something will come up and we'll
 20 want an area represented.

21

22 MS. EAKON: So I guess I need a statement from
 23 you saying that we can go ahead and renew your charter as is?

24

25 MR. LOHSE: Do we need a motion to that effect,
 26 Helga?

27

28 MS. EAKON: I would.

29

30 MR. LOHSE: I so move that we renew our charter
 31 as it stands.

32

33 CHAIRMAN EWAN: There's a motion to renew the
 34 charter. Is there a second?

35

36 MR. OSKOLKOFF: I'll second that.

37

38 CHAIRMAN EWAN: There's a motion that's been
 39 seconded. Discussion on the motion?

40

41 MR. OSKOLKOFF: Question.

42

43 CHAIRMAN EWAN: Question's been called for.
 44 All in favor, say aye.

45

46 IN UNISON: Aye.

47

48 CHAIRMAN EWAN: Opposed, by the same sign.

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Motion is carried. What time is it anyway?

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MR. BASNER: 11:15.

CHAIRMAN EWAN: Well, we're really moving along here. Ralph, do you have to go pretty quick?

MR. LOHSE: In another 15 minutes.

CHAIRMAN EWAN: Okay. The next item is membership recruitment. Did we talk about this already?

MS. EAKON: No.

CHAIRMAN EWAN: Okay, item f.

MS. EAKON: Right. You have a blue covered copy, and there are copies available out there somewhere on one of the tables. A flyer on Council Recruitment. The seats that are going to expire for this Council in August 1994 are Ed John, Jr. and Ralph Lohse. So if you're interested in remaining on the Council, you do need to fill out this application that is attached, and the qualifications are a person who wants to sit on the Council, you have to be a resident of the Southcentral Region; you have to know about -- you should be familiar with subsistence uses and needs. You should be knowledgeable about other uses of the region's fish and wildlife resources; you should be willing to travel to and attend Council meetings; and willing to attend board meetings, as requested.

And the deadline for applications is April 1, and between April 1 and August 1994 there's going to be a panel reviewing all applications, and they're going to go over, starting with me, I'll have to make phone calls to verify what the applicants' statements are. This panel are going to grade these -- rate these just exactly as if this person were applying for a position on this council, okay. And as I understand it, how you were ranked, there was an inter-agency panel that was selected and, as I understand it, the panel did put in a lot of hard work and made a lot of phone calls and verified applicants' applications.

CHAIRMAN EWAN: Who comprised -- who is on the panel?

MS. EAKON: As I understand it, there's going to be representatives from the Federal Land Managers within the region on this panel. Is Moses here? Oh, was that how it was

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done last year? Moses Dirks.

1

2 MR. DIRKS: Yeah. Like you say, the agencies,
3 a representative from the Parks Service who was within the
4 region or BLM.

5

6 CHAIRMAN EWAN: As far as the regional council
7 goes do we have any say in this at all or any recommendations?

8

9 MS. EAKON: Somewhere I think in the Operations
10 Manual it does say that you could nominate someone. I read
11 that in the manual somewhere.

12

13 CHAIRMAN EWAN: I'm just curious about that.
14 We're out of the process, this is just an informational thing,
15 so, huh?

16

17 MS. EAKON: Yes. So Fred John and Ralph Lohse,
18 if you wish to reapply, there's your application. I did
19 receive a phone call, a person from Seward called me yesterday
20 and requested an application, and I did ask -- I was very
21 curious. I did ask someone is it okay if he applied because
22 Seward is non-rural, and the person I asked said there was a
23 solicitor's opinion last year saying that a person who applies
24 does not have to be a resident only of a rural area; that
25 person can reside in a non-rural area. For example, he pointed
26 out that there is someone sitting on Western Interior's Council
27 who resides in Fairbanks, which is non-rural. And for your
28 information, if you look on page 33 of your Operations Manual
29 there is further information on recruitment. There is a
30 schedule. New member recruitment ends April 1; April 30 the
31 Staff Committee submits recommendations to the Board; May 15
32 the Federal Subsistence Board submits recommendations to the
33 Secretaries; October 1, letters of appointment are issued; and
34 when officers are elected at the fall meeting.

35

36 CHAIRMAN EWAN: I see there that we are in the
37 process then, we do recommend in some sense?

38

39 MR. BASNER: That's in the Charter review
40 though. There's no

41

42 CHAIRMAN EWAN: For review. Oh, member
43 recruitment. Oh, I see.

44

45 MR. BASNER: On page 17 it says the -- in the
46 second sentence in the second paragraph on page 17 it says,
47 The solicitation process will be supplemented by efforts from
48 the Regional Council and Regional Coordinator to assure the

49

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widest possible coverage." That doesn't indicate that the Regional Council endorses, recommends or anything else, it just advertises apparently.

3
4 CHAIRMAN EWAN: That's part of the process
Regional Councils should submit nominations for vacancies.

6
7 MR. BASNER: Oh, okay, there you go, yeah.

8
9 CHAIRMAN EWAN: Yeah, we are in the process.
We can nominate.

11
12 MS. EAKON: "As part of this process, the
Regional Council should also submit nominations for the vacant
seats."

15
16 CHAIRMAN EWAN: That's what I was getting at
earlier. Should we nominate somebody today? I think we'd have
to today.

19
20 MR. BASNER: We'd have to today if April 1 is
the deadline.

22
23 CHAIRMAN EWAN: Okay, let me -- if you didn't
read it and we saw that thing we are already in the process.
We can nominate according to this manual. So are there any
recommendations from the board on what we want to do here?

27
28 MR. BASNER: Mr. Chairman, I'd like to just
comment on this before we go any further. I would very much
like to nominate these two individuals to remain on the
Council, however, you know, I don't reside in their region or
their area, nor they in mine. I think it's most important that
the people in the region in which they live have the greatest
impact on the appointment of members. Having said that, I
still would like to keep these two people on the council.

36
37 CHAIRMAN EWAN: Gary.

38
39 MR. OSKOLKOFF: Just a question to Helga, as
she probably understands this a little better than I do or
anyone else who understands it a little bit better than I do,
which may be the whole room, within this process is there a way
other than at this meeting that we could make recommendations?

44
45 MS. EAKON: Unless you do it on your own.

46
47 MR. OSKOLKOFF: As an individual?

48
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1 MS. EAKON: To recommend someone.
2 MR. OSKOLKOFF: So effectively

3
4 MS. EAKON: Or provide a letter of
5 recommendation to someone.
6

7 MR. OSKOLKOFF: So effectively we can't hear
8 from those people who may be interested, and yet also be able
9 to make a recommendation once we do hear from those people
10 other than on individual basis?
11

12 MS. EAKON: Are you asking that I inform you of
13 the slate of applicants before the deadline before or

14
15 MR. OSKOLKOFF: What I'm saying

16
17 MS. EAKON: Before the Staff Committee makes
18 their recommendations?
19

20 MR. OSKOLKOFF: I guess my question is if we're
21 not going to have another meeting before then, even if you do
22 inform us after the deadline has passed for them to submit
23 these recommendations, we won't have the ability as a council
24 to make any comment on any of the applicants whatsoever.
25

26 MS. EAKON: Unless you teleconference.
27

28 CHAIRMAN EWAN: Somebody out there has a
29 comment?
30

31 MR. CASEY: I was just wondering on your
32 recommendation. Excuse me. I was wondering, are you the
33 representative from the general area for your subsistence
34 users?
35

36 MR. OSKOLKOFF: I don't understand your
37 question.
38

39 MR. CASEY: Well, there may be a conflict of
40 interest. If you're not the representative of your general
41 area of subsistence users why it concern you to be on the
42 Subsistence Board?
43

44 MR. OSKOLKOFF: I'm still at a loss as to what
45 your question is.
46

47 MR. CASEY: Are you a subsistence user?
48
49
50

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1 MR. OSKOLKOFF: Yes.

2 MR. CASEY: And do you represent those people
3 in your area that also use subsistence resources?

4

5 MR. OSKOLKOFF: On this board, the hat I'm
6 wearing today?

7

8 MR. CASEY: The area where you're from; the
9 general area that you're

10

11 MR. OSKOLKOFF: I serve on the board of the
12 Nulchik Traditional Council.

13

14 MR. CASEY: You do?

15

16 MR. OSKOLKOFF: Yes.

17

18 MR. CASEY: And they sent you here as their
19 representative?

20

21 MR. OSKOLKOFF: No.

22

23 MR. CASEY: They haven't?

24

25 MR. OSKOLKOFF: All of us were appointed by
26 Secretary Babbitt, I believe, with the concurrence of the
27 Secretary of Agriculture. None of us were sent by individuals
28 or groups.

29

30 MR. CASEY: Then your reports go back to that
31 general area where you're from?

32

33 MR. OSKOLKOFF: My

34

35 MR. CASEY: Do you have meetings with your
36 community?

37

38 MR. OSKOLKOFF: Yes. We have no regionwide --
39 the Southcentral Region, which is depicted on that map to the
40 left, we have no meeting which is regionwide where all people
41 can comment other than these meetings which are open to the
42 public and recorded for that purpose.

43

44 MR. CASEY: Are you affiliated also with the
45 sport entity?

46

47 MR. OSKOLKOFF: No.

48

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MR. CASEY: I have no other questions.

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CHAIRMAN EWAN: The process does not require that we have to represent somebody or that somebody -- we can be. The recommendations come from the villages, but it's still up to the Secretary to appoint who he wants to appoint. But that is not how the process works. They don't go to the village and say you recommend somebody. It's open to anybody to recommend who they want.

9

10

MR. CASEY: But if they're not protecting the interests of those people who are rightfully the subsistence users, I don't see how it's constitutional.

13

14

CHAIRMAN EWAN: Well, we're all pretty much subsistence users up here. I come from a village. I might not look like I come from a village, but I subsistence hunt all the time.

18

19

Any further discussion on this? Lee.

20

21

MR. BASNER: Perhaps I can clear it up for the gentleman a little bit, but what my comment was was we here can nominate -- we nominate our two council members, but I prefaced that -- before I said that I said that I think it's extremely important to get recommendations from the people in whose areas that representatives come from. That doesn't mean that the people in that area have the authority to appoint. It means that they have the authority to fill out one of these little pieces of paper, and if you've got somebody that you'd like to see sitting on this council, you have that authority and you can fill out the piece of paper and submit it by the 1st of April. You and anyone else in your area, that does not mean that that person that you recommend will be selected by the Secretary of the Interior, but it certainly means that that person will be considered. Does that help clarify it a little bit for you?

37

38

MR. CASEY: Yes. There's a -- something that I picked out of the paper here. There's another meeting going on tomorrow at the Captain Cook. Now these representatives that were appointed to the commission also are those people represented here as well going to be at the Captain Cook for the management of this resource or the co-management?

44

45

MS. EAKON: The Native American Fish & Wildlife Society is a nationwide organization that in recent -- very recently formed an Alaska chapter. It is a distinct entity from this council which was mandated by ANILCA, okay. The

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other is a self-governing, private entity composed of membership from pretty much most of the United States. This Council is set up by congressional law, okay.

3

4 MR. CASEY: Congressional law. And this also, the Native tradition was also set up by congressional law, I presume. The president and governor's appointee will look into our resources and (indiscernible) and the recommendations in this book were supposed to have been out on the 1st of January, it is still not out. I had to go to the office and get it. Now there's some recommendation's adhered to I think this board ought to look at.

12

13 CHAIRMAN EWAN: I'm not familiar with that book that you are talking about. Anybody here?

15

16 MR. CASEY: Alaska Native Commission.

17

18 CHAIRMAN EWAN: Oh, Alaska Native Commission, yeah. That's a separate commission that's

20

21 MR. CASEY: And these entities are conflicting with each other. And it's just a bunch of rhetoric, as far as I'm concerned.

24

25 MS. EAKON: The Council date for this meeting was set way back. It was already established way back, and I don't know, I didn't know that they were having meetings, but that's totally separate from this council here.

29

30 CHAIRMAN EWAN: Could I just mention, I think I know what you're talking about, the Alaska Native Commission. That's a commission that was formed under a different law. That commission deals with a broad number of issues. They don't deal with subsistence only, they deal with -- that is one of the things that was brought up in the hearing they held throughout the state. They held different hearings, and one of the issues -- I guess the main issue out in the villages was subsistence. Don't confuse that with this. This is totally different. We're mandated by law under ANILCA. ANILCA -- when was it, '82?

41

42 MS. EAKON: 1980 -- December 2, 1980.

43

44 CHAIRMAN EWAN: 1980, okay, passed in 1980, and one of the provisions under Title VII is subsistence, the Federal Subsistence Board and then Advisory Council. We're one of 10 statewide regional councils. We're Southcentral. We're not State, we're Federal. Maybe that clear it up a little bit.

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Ralph.

1

2 MR. LOHSE: Well, I think one of the things
3 that needs to be pointed out is that we have a very limited
4 scope, too. We're basically to look at the subsistence
5 resources on Federal land; in other words, park, reserve,
6 forest service land, for Native and non-Native subsistence
7 users in the state of Alaska. That's the scope of this council
8 right here is to advise Federal land managers. In other words,
9 BLM, Forest Service, Park Service on subsistence issues as they
10 affect Native and non-Native subsistence users under the ANILCA
11 act in the state of Alaska.

12

13 MR. CASEY: If I may ask another question here.
14 This is a regulation for taking wildlife, is this a law yet?

15

16 CHAIRMAN EWAN: No.

17

18 MR. CASEY: When does it come into effect if it
19 not a law?

20

21 CHAIRMAN EWAN: Those are recommendations,
22 right? That's what I see.

23

24 MS. EAKON: Those are proposed changes to the
25 subsistence hunting regulations for the upcoming year.

26

27 MR. CASEY: I seem to be lost here. Some of
28 this stuff doesn't make sense to me. Now we're making
29 subsistence proposals for comment. All right. I'm commenting
30 on the whole subsistence regulation that's being put in place
31 here. I understand that July 1 that the Federal has
32 established a regulation that coincides with what the State has
33 in place already. Now with that in mind, what the McDowell
34 decision started here will end when the Federal puts their
35 regulations to us, which I understand comes in July of this
36 year, and if there's no rebuttal towards that, it will take an
37 act of Congress to change it. And the State will not have to
38 comply with ANILCA because the Federal already has in place
39 their law that will comply with what the State has in place
40 already. And that's what these proposals are. So beware of
41 any that don't understand what's going on. When ANCSA -- when
42 AFN went with the State, those people down there at AFN meeting
43 had three cheers for their sorority, and I told them at that
44 sorority meeting, per se, and I got upon the floor and I
45 pointed my finger at the board, and I told them that they
46 better get back to the table and do something about it. And
47 they may have gotten to the wrong table, and I still see this
48 rhetoric going around about our rights to have our subsistence

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resource given to the people which rightfully belongs to us. Now I'm real concerned about rural areas. There's no definition about what rural areas is except for the fact that you become an urban area after a certain amount of people live in your area, and the resource, as we want to protect so much as going to get turned over to the sport entity if we don't protect it, because they're making regulations and these are proposals to those regulations that implicate the same thing that the state has in place already, and if we don't say something right now, we're going to be hurting come July.

10

11 CHAIRMAN EWAN: Okay. Can I cut you off here.
12 think we're getting a little bit off the subject that we're
on right now. We're supposed to be on the charter, the
Regional Advisory Charter, We're talking about various
subjects here.

16

17 MS. EAKON: Member recruitment.

18

19 CHAIRMAN EWAN: Oh, recruitment, right. We're
on recruitment. And their suggestion for recruitment to the
Advisory Council, there was a suggestion that we postpone any
action until this afternoon. Is there any objection to that?
Hearing no objection, we'll take care of this this afternoon.
We are going to be making recommendations.

25

26 MR. OSKOLKOFF: Let's break for lunch.

27

28 CHAIRMAN EWAN: Everybody ready to break for
lunch? Okay. We'll recess for lunch. What time shall we come
back?

31

32 MS. EAKON: 1:00.

33

34 CHAIRMAN EWAN: 1:00 o'clock, okay.

35

36 (Off record - 11:40 a.m.)

37

38 (On record - 1:10 p.m.)

39

40 CHAIRMAN EWAN: I'll call the meeting back to
order. We were discussing, I believe, membership recruitment
42 member recruitment. Any further discussion on that this
afternoon? Lee.

44

45 MR. BASNER: Mr. Chairman. On this member
46 recruitment, there was some discussion before lunch that this
47 council could recommend people or re-recommend current members,
48 and I'm a little bit uncomfortable with this council making

49

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recommendations for members to become part of the council. The Legislature doesn't recommend people to become part of the Legislature; the Congress doesn't recommend people to become part of the Congress. When we make recommendations, as a Council it carries quite a bit of weight. How much weight our recommendation carries in this particular instance I don't know, but I certainly support the reappointment of the two members whose terms are going to be up shortly, but I've got serious reservations as to whether the Council itself should make a nominative stand. Rather I'd like to say that maybe we could make a comment that these two members have both provided excellent support, excellent input, and have been a great help to the Council in any actions that we've taken. But I hesitate and I stop short of suggesting that the Council nominate anyone.

15

16 CHAIRMAN EWAN: Any other comments? I feel a little bit differently. I think that we maybe do part of what you were saying. We do say these people -- we have no objection to these people being appointed. I think maybe the appointing authority may want to know how we feel. I mean maybe we want somebody replaced. We should have an opportunity to say that, in my opinion. I would like to say that I'd like to see continuity. I think that it takes a while to get up to speed on what's going on here. I know I had a problem and I thought I was fairly fast at catching on to what's going on. Of course I'm busy on other matters, but I would say at least in the very be- -- you know, maybe the second term here at least we ought to make a recommendation. I know that puts Ralph and Fred on the spot, but that's my opinion, you know. If you don't want to make a recommendation, that's fine with me.

32

33 What do you think, Ben?

34

35 MR. ROMIG: I don't really understand what our capacity is. We just recommend them to continue or do we need to?

38

39 CHAIRMAN EWAN: We don't have to. What I was saying is that we should maybe express these people -- express that these people are good members or something, somehow let the appointing authority know that they can serve -- if they're appointed again they did very well.

44

45 MR. JOHN: May I say something? Will you commend that we're not very good? Go ahead.

47

48 CHAIRMAN EWAN: Ralph.

49

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1 MR. LOHSE: I can understand where Lee's coming
 2 from, and I can see where it could make a difference, you know.
 3 Like he said, this is something new, what we do ends up
 4 setting precedence, and it does put council members on the
 5 spot. I mean it's awful hard sitting -- to decide whether you
 6 want to -- whether you really want to be honest and say, I'd
 7 just as soon Ralph and Fred weren't on there, or whether you
 8 want to say that we are. I think -- I don't think it is in
 9 good taste for the council to nominate themselves to the
 10 council. I don't see any problem with, like Lee says, to say
 11 that we appreciate the job they've done or something like that,
 12 but as far as nominating somebody to a council from the
 13 council, that wouldn't sit -- that wouldn't sit good with me if
 14 I was outside of it. You know, that's what I'm looking at. I
 15 think that if we're going to run for the Council our work on
 16 this Council is going to be part of our -- part of what we've
 17 done in subsistence. That's going to be recognized. I think
 18 we should have to compete right with anybody else that has to
 19 fill out a form. People outside should feel like they were on
 20 an equal footing, and maybe it doesn't have -- like you said,
 21 the Council is new and we haven't had much chance to get things
 22 really figured out what we're trying to do, but it could have
 23 ramifications down in the future, and I'd hate to see us set a
 24 precedent by renominating ourselves, for lack of a better way
 25 of putting it. Again, like you, I don't see anything wrong
 26 with saying that you felt somebody did a good job, if you
 27 wanted to do something like that. But

28

29 CHAIRMAN EWAN: That's what I'd like to do. Do
 30 you have an objection to doing that, just say that they have
 31 performed very well? Gary.

32

33 MR. OSKOLKOFF: From my point of view, I have
 34 agree a little bit of each one of the comments that have
 35 been made and the fact that I see the difficulty in actually,
 36 first of all, nominating anyone of ourselves, secondly in being
 37 a review panel for other people who may want to serve on this
 38 council. On the other hand, there is a problem that we're a
 39 little bit different from most organizations in that there is
 40 no constituency, no membership to elect people. They are
 41 appointed from a single source basically with the concurrence
 42 of another source, and therefore instead of relying on votes
 43 you're relying on maybe advocacy by different groups, and for
 44 that reason, I have to agree with yourself, Mr. Chairman, and
 45 perhaps making a statement in some form of a letter or a memo
 46 to the appointing sources that we're satisfied with their
 47 performance, and that that's the job of the appointing source
 48 and we're simply -- we only have the ability to advise as to

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removal anyhow, so it's really not in our purview, in my opinion.

2

3 MR. BASNER: Mr. Chairman, I move we send a
4 letter to the appointing source stating our satisfaction with
5 the performance by Ralph and Fred.

6

7 CHAIRMAN EWAN: Is there a second?

8

9 MR. OSKOLKOFF: Second.

10

11 CHAIRMAN EWAN: Further discussion on the
12 motion? If not, all in favor, say aye.

13

14 IN UNISON: Aye.

15

16 CHAIRMAN EWAN: Opposed same sign.

17

18 MR. LOHSE: Abstained.

19

20 MR. JOHN: Abstained.

21

22 CHAIRMAN EWAN: Gary. Okay, we'll send a
23 letter. The next item, I guess -- we're going to stop right
24 here. I think we had a discussion earlier this morning about
25 having somebody from the Federal Subsistence Board over here to
26 talk about our report.

27

28 As Regional Council -- Advisory Council, it's beginning
29 to look like our recommendations are not getting anywhere -- I
30 mean are not -- it's going to go in a little circle here, I've
31 heard comments this morning. We want to make sure that some of
32 these recommendations important -- they're all important, as
33 far as we're concerned -- as far as I'm concerned, subsistence
34 overall is very important in rural areas. It's so important
35 that as a regional corporation officer I was directed to lobby
36 for subsistence in the State Legislature and even in Congress.
37 So I think it's very important -- it's an important issue,
38 it's important because it's a way of life. We're talking about
39 culture, tradition. We want to make sure that these
40 recommendations get to the proper authorities.

41

42 With that I'd like to introduce Dick Pospahala. He's
43 representing Ron -- is that Ron McCoy?

44

45 MR. POSPAHALA: I'm willing to.

46

47 CHAIRMAN EWAN: Yes, and maybe you can assure
48 that we are going to be heard in the proper places. I'd

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like to hear if anybody else wants to comment from the Council first before you start. Anybody else? Lee.

2

3 MR. BASNER: Yeah. It might be fair to Dick,
4 since he wasn't here this morning to maybe recap a little bit
5 of what our concerns were. Primarily we had heard that in some
6 cases the annual report to the Secretary of the Interior got as
7 far as -- well, I guess it was addressed to Ron McCoy, but
8 perhaps didn't quite get that far, that it was staffed at a
9 lower level, and in some cases turned over to the regional
10 coordinator for response, and we just don't feel that's quite
11 appropriate, particularly based on the amount of time and
12 amount of information that we gather and put into an annual
13 report. And that, in a capsule, is essentially our concern.

14

15 MR. POSPAHALA: Okay. I

16

17 CHAIRMAN EWAN: I just want to add some thing,
18 and that is maybe this is not the best report in the world but
19 I think there are some things that could be improved, sure, and
20 we've talked about that this morning, just for your
21 information.

22

23 MR. POSPAHALA: That's your annual -- last
24 annual report?

25

26 CHAIRMAN EWAN: Uh-huh (affirmative).

27

28 MR. POSPAHALA: Okay. Let me start by saying
29 that I -- first of all, I intended to be here this morning. I
30 just got back last evening from the Seward Peninsula Regional
31 Advisory Council meeting and had a few things to take care of
32 this morning, but I had planned on being here earlier today,
33 and I'm not so much in response to your request but just
34 because we think that it's important for key people on our
35 staff to maintain a continuing dialogue with the regional
36 councils, and we will, over the long term, try to make sure
37 that we have somebody that -- probably not a board member but
38 at least as close to that level, somebody such as myself or my
39 deputy at every council meeting as time and schedules allow us
40 to do that.

41

42 With regard to the way that the regional reports were
43 intended to be handled, I think there were a couple of things
44 here. It was apparent to me, as I looked at some of the first
45 reports that came in, that there was a misunderstanding, I
46 think, relative to the issues or the fact that when the
47 programmatic regulations were developed what happened, in
48 essence, is the Secretaries of Agriculture and Interior

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delegated their continuing responsibilities under that statute to the Federal Subsistence Board. So that board then becomes the responsible Federal entity for dealing with this program in Alaska.

4

5 Now in some ways you could look at that as a dereliction of duty on the Secretary's part. On the other hand, I think you can look at it as having certain advantages in that you have the senior Alaskan representative of all of the five land management affiliated agencies that know the most about the agency programs and operations in Alaska representing the Secretary in terms of this program. And I think they have perhaps a bit less confusion in their daily and weekly agendas, they focus almost entirely in their career in Alaskan issues and as such, I think, will be in a position to devote considerably more attention to the Title VIII program than might be the case if it were dealt with in Washington.

17

18 So generally when you look at that statute and it refers to the Secretary, at least insofar as Subpart C and D are concerned, we're looking at responsibilities that have been transferred to the -- by the Secretary directly to the Federal Subsistence Board.

23

24 Some of the initial reports, for example, went directly to the Secretary's office. It was a matter of weeks or perhaps even months before we got them back from them, asking us to develop a response to those reports. This then, our internal actions, I guess, are discussions relative to how we should deal with these reports, and sometime in December apparently gave rise to a number of concerns from some of the regional councils, mostly with regard to how the regional coordinators might be involved in the process of responding to these annual reports. And I know that at least five -- five of the -- four of the five regional coordinators at that time had just entered duty not long before that.

36

37 I think in every case all of them were new to the Federal government. So we were going through a learning curve ourselves in working with them, and they were going through a learning curve in getting up to speed in their new jobs and these new responsibilities. And they were also -- some of the regional coordinators have as many as three councils to deal with on a continuing basis, and they'd just gone through this series of meetings in September and October, everybody was very busy and concerned about how we were going to get on with the task at hand.

47

48 We view these regional coordinators as our first level

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of contact with the subsistence user community through the Regional Advisory Councils. Helga, for example, and the Council that she deals with, is basically viewed as our eyes and ears with the local subsistence user and the first point of contact with the Regional Advisory Councils. As such, I think that it's very important that someone in Helga's position has the opportunity to have some input into what they think about a potential response to a report by a Regional Advisory Council. It never occurred to me when we initially discussed this that that would ever be viewed as anything other than favorable to the councils to have those coordinators have the first shot at beginning to establish the agency policy or position, if you will, with regard to responding to a council report.

13

14 I don't know how other people make their decisions, but when I'm in a situation where I have to make a decision, I informally contact as many people as I can on my staff and find out what they think about it so that I have benefit of all of their views before I finally sit down and decide what to do. We're not always able to involve everyone but certainly I wouldn't think -- I wouldn't even consider developing myself a response or a draft response to one of these advisory council reports without consulting the coordinator. And that was the really our major focus in the discussions we had internally.

24

25 Now apparently some of that might have been somewhat misunderstood initially, and I guess gave rise to a series of communications both written and, I guess, in some teleconferences and all -- some of the loudest concerns came from the northern and western part of the State, and when I went to the meeting in Shishmaref on Monday, I expected to have to deal with this issue in a fairly testy environment, but I'll tell you, it didn't happen that way. Once they found out what we were up to and why we were thinking about doing things this way we parted on a very friendly basis, and I think they now are looking forward to the opportunity for the involvement with us with our staff in terms of how they function as a regional Council. I certainly hope it will work out that way with the other nine.

39

40 CHAIRMAN EWAN: As it goes up, I guess, further, we have a little concern, too. There's a comment, I think, this morning, a lot of stuff that goes to Ron McCoy and a lot of stuff that he sends back is not really signed by him. He doesn't even see that stuff. Maybe he does see it, I don't know, but I heard that some staff members write the stuff -- response for him and -- I think our concern is we'd like to make sure that the proper officials are very aware of what we're concerned about, you know.

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1 MR. POSPAHALA: Right.

2

3 CHAIRMAN EWAN: It's very important to us.

4

5 MR. POSPAHALA: Yeah. I think what you have to
6 understand is that it's not at all unusual in government or any
7 large organization to have someone prepare material to express
8 somebody else's views. But I'll tell you one thing, when they
9 put their name on the bottom line on that sheet of paper, they
10 adopt that as their product. And I'm not aware that any
11 document has ever gone out in this program and signed by the
12 Chairman of the Federal Subsistence Board that was not signed
13 by him. We don't have a signature machine. I don't forge
14 anyone else's signature. Every document that I prepare or any
15 of our staff prepare is -- goes up through a formal chain of
16 command and it's reviewed by each one of those people, and they
17 sign a little sheet of paper that indicates that they've seen
18 it and concur with its contents. And when it goes to Ron --
19 and I personally deliver -- not hundreds, but several documents
20 a week to Ron, I sit down and discuss each one of those with
21 him, advise him as far -- you know, as to what our staff
22 positions are, both pro and con, what our views are that
23 perhaps disagree with the way it ended up in the final
24 analysis, and when he puts his name on it

25

26 CHAIRMAN EWAN: I just want you to know we're talking
27 generalities, we're not talking anything specific. We're not
28 accusing anybody of doing anything, we just wanted to let you
29 know of our concern. We want to make sure, like I say, our
30 commendations are heard, seen by the proper people.

31

32 MR. POSPAHALA: Oh, they are, and I think
33 they're very carefully studied, too.

34

35 MR. OSKOLKOFF: Could you supply us with a flow
36 chart in regards to our advisory decisions on how they're
37 handled? I think that might clear up a lot.

38

39 MR. POSPAHALA: Yeah, with regard to -- the
40 report would follow a slightly different process than say a
41 commendation from this council on a Subpart B issue or
42 something like that for sure.

43

44 MR. OSKOLKOFF: Yeah. Maybe it would be a good
45 idea to separate that so they'd actually be two different
46 issues, so that we could see -- and within that if it were a
47 little more detailed perhaps it could supply us with what
48 avenues those issues fall into or what direction they travel

49

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into if certain decisions

1

2 MR. POSPAHALA: Sure.

3

4 MR. OSKOLKOFF: are made at each level.
5 I think that would help clear up a lot of, perhaps,

6

7 MR. POSPAHALA: Oh, yeah.

8

9 MR. OSKOLKOFF: misconceptions.

10

11 CHAIRMAN EWAN: Do you have a comment about
12 that?

13

14 MR. POSPAHALA: I will provide something in
15 that regard. Yeah, that's not a problem.

16

17 CHAIRMAN EWAN: Go ahead, Lee.

18

19 MR. BASNER: Yeah. We -- I think we consider
20 Helga "ours;" you consider Helga "yours," so therefore she is a
21 liaison, between the two agencies, and when we put Helga in the
22 position of having to write our annual report and then having
23 to turn around and write the response to her own comments she
24 just wrote, it somehow doesn't seem to sit too well with us.

25

26 MR. POSPAHALA: Yeah, I consider Helga "ours,"
27 but I think what Helga is doing when she -- I'd rather say that
28 she's assisting you in putting together your annual report, and
29 what she's doing is assisting you in preparing a document that
30 represents your views as a council, and I'll admit that maybe
31 sometime or another during this whole process she might have to
32 switch hats a little bit, but later on at the time we're trying
33 to prepare a response, we need to have the benefit though of
34 her thoughts and her more complete understanding of what this
35 council was doing when it made that recommendation so that she
36 can say, well, here's where they were coming from and I think
37 we ought to do it this way, or I think that's fine, that view
38 may prevail through the final product. And if it does, I hope
39 it's consistent with the work that she was helping you do
40 earlier. I think most of the time that it would be.

41

42 I haven't -- we haven't been involved in this part of
43 this program for a long time, but I don't ever remember having
44 a view expressed by one of the coordinators that would be
45 adverse to either a council or a subsistence user group. Their
46 familiarity with subsistence lifestyles was a key element, and
47 with subsistence user community was a key element in why we
48 selected them in the first place.

49

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1 CHAIRMAN EWAN: Thank you. Any other comments,
2 questions?

3
4 MR. OSKOLKOFF: Just one. I still feel that --
5 I appreciate your explanation of how it works, but I feel that
6 there needs to be not an adversarial system but a way of
7 getting outside of -- I guess -- well, let me go back and
8 explain the whole thing. If Helga writes the report, she is
9 interpreting what we say. In other words, it's already once
10 removed from what our actual opinion was. Perhaps it is now
11 what she thinks if she is called in to then write about that
12 particular thing, she is still working on the way she saw it.
13 The nice thing about having someone else review it and then she
14 can -- they can question her and perhaps raise a few more
15 questions, it just seems to me that if you close the loop too
16 closely you lose that opportunity for there to be, you know,
17 different points of view on what might have been said or what
18 might have been meant or the intention.

19
20 MR. POSPAHALA: Yeah. I'm not nearly so
21 concerned about who actually writes the very first draft of
22 that report as I am in making sure that the coordinators have
23 an opportunity to make their views about what the substance and
24 content of that response should be. I'm not at all concerned
25 about who actually puts pen to paper on the first draft.
26 That's not the issue at all.

27
28 MR. OSKOLKOFF: Well, that wasn't my concern
29 either as much as that I'm concerned that there isn't -- there
30 isn't a group of people or even two people thinking in
31 different directions on this, instead if we expect Helga to
32 write this up and put the thoughts to paper and then she is
33 supposed to turn around and resupply what she thought happened
34 as a superior, it seems to me that she says, well, this is my
35 thought that happened, this is basically where

36
37 MR. POSPAHALA: Right, but I think the
38 difference is that in terms of looking at the response to
39 the report I'm more interested in Helga's views as a Fish &
40 Wildlife Service or government employee that is in a unique
41 position to know more about what that council was doing at any
42 point in time than any other person on our staff. Do you see
43 where I'm coming from?

44
45 MR. OSKOLKOFF: Yeah.

46
47 MR. POSPAHALA: Now, that doesn't mean that all
48 her views will or positions on a particular issue will

49
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prevail through the final response. It doesn't mean that. And I don't think it compromises her position in dealing with this Council at all.

3

4 MR. OSKOLKOFF: And then I think, to my way of thinking, that promotes the necessity for understanding the procedure of how that is -- how those decisions are made as they go along so those places that you can interject different thinking or refinement of a particular issue.

9

10 MR. POSPAHALA: If we took retribution on all the employees that we have that don't agree with every idea I have, we wouldn't have anybody left on the staff because they're fairly straight-forward in making their views about almost any issue known, and they often don't line up with mine. It provides me with a good opportunity to change my mind once in a while when I would have been completely wrong on one.

17

18 CHAIRMAN EWAN: I do have a question, or it's a concern I have that this is the process you're going to use. Do we have an opportunity to see what she -- how she responds?

21

22 MR. POSPAHALA: I have never thought of it that way. I wouldn't normally think about doing that.

24

25 CHAIRMAN EWAN: I don't know if that's necessary but I just wondered, gee, I'd like to know what she said about our recommendations.

28

29 MR. POSPAHALA: Usually things like that surface during coffee breaks around the table and I don't know if a -- you know, we haven't even begun to develop the formal responses to these last reports yet, so I guess I'd be willing to give it a shot one time and then let's take it apart again at a later meeting and see how it works out for all of us.

35

36 CHAIRMAN EWAN: I think you've explained quite a bit. I think we're beginning to understand -- I could see how he's saying, well, this is what the recommendation of the Council is saying, what do you think, is what he does. I think that's proper.

41

42 MR. OSKOLKOFF: I think what I got out of it so far is that there really is no procedure.

44

45 MR. POSPAHALA: Not at this point. We've never done one of these before.

47

48 MR. OSKOLKOFF: Then it could be difficult to

49

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put that one down on paper.

1

2 MR. POSPAHALA: Well, I have a pretty good idea
3 how it will fall out.

4

5 MR. OSKOLKOFF: That's what we're trying to --
6 I think trying to come up with in our minds as to what is the
7 procedure; how are we going to fit into it, when are we going
8 to hear a response back, what's the timeline, you know, what is
9 the flow of this information.

10

11 MR. POSPAHALA: Sure.

12

13 MR. OSKOLKOFF: And then once we see that then
14 we could perhaps go on if we wanted to suggest changes in the
15 future.

16

17 MR. LOHSE: Well, I think the real concern was
18 just getting some continuity so we can see if anything changes,
19 because we do make recommendations. And part of that is going
20 to take some years. We're going to have to see -- you know,
21 see what happens with the recommendations we've made in this
22 and in next year's report we should have some answers as to
23 what happened with it and go on like that. And I think -- I
24 guess the real concern we had is that are we just going to
25 produce something that then gets lost or is there going to be
26 some way we can go back and see whether or not what we've done
27 has effected and where it has affected anything that's gone on.

28

29 MR. POSPAHALA: One of the things that bothers
30 me, not much but a little bit, I think, is that every once in a
31 while I detect in general an expectation that the relationship
32 between the government and the councils necessarily has to be
33 an adversarial one, and I don't see that at all. I think the
34 statute's very clear in terms of how it's intended to work and
35 that's been the premise upon which we've developed this entire
36 program, and I have very optimistic hopes that we're going to
37 develop a very solid and productive working relationship with
38 these councils.

39

40 CHAIRMAN EWAN: Good to hear you say that, yes.
41 I think that way, too.

42

43 MR. POSPAHALA: I think the statute's very
44 clear as well that if per chance -- I think it will happen
45 sometime that the board is not going to react affirmatively to
46 regional council recommendation of some type. It's attendant
47 upon on the Board in the statute that they have to respond to
48 that council in writing and tell them why they did not accept

49

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that recommendation, and that will be done.

1

2 CHAIRMAN EWAN: Any more comments, questions?

3

4 MR. OSKOLKOFF: Does the Subsistence Board have
5 Operations Manual similar to ours?

6

7 MR. POSPAHALA: We will have by the end of
8 March. We've had one in draft form for several years, and
9 we've never -- we've been busy enough, I think, is really the
10 problem that when it isn't the most important on our plate,
11 we've set it aside and haven't brought that forward. But we've
12 been asked to try to make sure that that's developed and ready
13 to be implemented by the Board before they meet in April.

14

15 MR. OSKOLKOFF: I was just thinking that that
16 might clear up some of how this procedure is actually

17

18 MR. POSPAHALA: Sure. It should help a bit,
19 yeah.

20

21 MR. OSKOLKOFF: how the process works.

22

23 CHAIRMAN EWAN: If there are no other questions
24 or comments, thank you, Dick.

25

26 MR. POSPAHALA: All right. Thank you.

27

28 CHAIRMAN EWAN: Thank you for taking the time.

29

30 MR. POSPAHALA: Sure. I'm going to stay as
31 long this afternoon as I can.

32

33 CHAIRMAN EWAN: You're welcome. The next item
34 on our agenda is

35

36 MR. OSKOLKOFF: Mr. Chairman.

37

38 CHAIRMAN EWAN: Yes.

39

40 MR. OSKOLKOFF: Just one point on the member
41 recruitment before we -- I wanted to jump back to that just for
42 a second. Are we going to get copies still? I assume we're
43 going to take no action as a council, but as individuals are we
44 still going to get copies of the

45

46 MS. EAKON: The names?

47

48 MR. OSKOLKOFF: The names that

49

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1 MS. EAKON: (Nods affirmatively)
2
3 MR. OSKOLKOFF: Okay, thank you.
4
5 CHAIRMAN EWAN: Okay. Denali National Park.
6
7 MS. EAKON: We took care of that, Mr. Chair,
8 along with 6.b. Those went hand-in-hand together. Item 6.b.
9 and 7.g. were on the same topic.
10
11 CHAIRMAN EWAN: Okay. We want to -- we took
12 care of that already, right?
13
14 MS. EAKON: Uh-huh (affirmative).
15
16 CHAIRMAN EWAN: Okay. Item h., Proposals to
17 change Subpart D, Wildlife Regulations. Who is going to
18 address this?
19
20 MS. EAKON: I guess we'll pretty much follow
21 the proposals format, begin with Staff Analysis; first of all
22 wildlife biologists; secondly, the anthropologists; thirdly,
23 summary of public written comments; fourthly, open up the floor
24 for public testimony or agency comments; and then Council
25 action.
26
27 CHAIRMAN EWAN: Okay, before we go any further,
28 for those of you that just arrived, like Taylor Brelsford back
29 here, why don't you introduce yourselves to some of the people
30 here that are here.
31
32 MR. BRELSFORD: Sure. My name is Taylor
33 Brelsford. I work with the Fish & Wildlife Service,
34 Subsistence Management Program, and I will serve for the
35 afternoon meeting as the staff anthropologist to respond to
36 questions that might come up having to do with the subsistence
37 literature or any information about traditional practices that
38 we could add.
39
40 CHAIRMAN EWAN: Any other Federal official here
41 that did not get introduced? Go ahead.
42
43 MR. WILLIS: I'm Robert Willis. I'm the
44 wildlife biologist with the Fish & Wildlife Service,
45 Subsistence Management, here in Anchorage.
46
47 MR. ADERMANN: I'm Andy Adermann. I'm also a
48 biologist in the same office as Robert.
49
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1 MS. STADUM: And I'm Mary Stadum. I'm the
 Branch chief for public involvement, publications. I'm the one
 that sends out things and binds up new books.

4
 5 CHAIRMAN EWAN: Oh, you're the one, okay.
 Okay, anybody else? If not, we'll get back to this Format for
 Proposals. Any comment or questions about this? It's this
 Blue sheet here.

9
 10 MR. BASNER: Let's start with Proposal 1.
 Okay.

12
 13 CHAIRMAN EWAN: We're on item h. This is the
 format we're going to use, right?

15
 16 MS. EAKON: Uh-huh (affirmative).

17
 18 CHAIRMAN EWAN: Okay. We have Proposal 1.
 Where are the proposals?

20
 21 MS. EAKON: They're in the magenta
 colored

23
 24 MR. BASNER: The purple book.

25
 26 CHAIRMAN EWAN: You want to take proposal --
 Which one, Proposal 1?

28
 29 MS. EAKON: Do you want to start with your
 Regionals first? Because one council started with statewides
 and ran four hours. They ran into a big loop, and we have
 found that it's better to start with your own regional ones
 first.

34
 35 CHAIRMAN EWAN: If there's no objection, we'll
 start with our Regional Council proposal. Which one is it?

37
 38 MS. EAKON: Proposal 21.

39
 40 CHAIRMAN EWAN: Okay, on Proposal 21.

41
 42 MR. WILLIS: For the record, I'm Robert Willis,
 US Fish & Wildlife Service, Office of Subsistence Management.
 Proposal Number 21 deals with wolverine trapping in Game
 Management Units 11 and 13.

46
 47 Wolverine population in those two units has been
 declining for a number of years now throughout the 1970s and

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'80s. In 1986 and '87 restrictions were placed on trapping of wolverines in those two units which reduced the season by one month, from February 28 to January 31, and reduced the limit from no limit to two wolverines per season. This did reduce the annual harvest considerably, but wolverine populations have continued to decline in those two areas in spite of those restrictions.

7

8 The Federal Subsistence Board restricted trapping in those two units to subsistence users only, and eliminated non-Federally eligible residents from trapping wolverines, specifically wolverines in those two units two years ago.

12

13 The present proposal would return to a regulation similar to that which existed prior to the Board's previous action which is to allow non-subsistence users to trap wolverines in those two units. The wolverine population has not recovered in Units 11 and 13, and the restricted season and harvest limit placed on the wolverine trapping in those two areas is not expected to show results for several more years. Non-Federally eligible residents were actually having no effect on the population in Unit 11, based on our review of harvest records. Only three of the 109 wolverines, 3%, were taken here in the last 20 years, taken by what we would consider non-subsistence users.

25

26 The prohibition from taking wolverines in that unit was due to Federal Subsistence Board's policy of eliminating non-subsistence use whenever a restriction was placed on subsistence users.

30

31 In Unit 13 the situation was a little bit different. During the same 20-year period 139 of 303 wolverines taken or 46% were taken by non-eligible residents. Eliminating this portion of the harvest would have a significant effect on recovery of wolverine populations in the unit. However, since enactment of that regulation almost all of Federal land in Unit 13 has been selected by the State.

38

39 I didn't have a large blow-up map to bring with me. Unfortunately I ran out of time, but I noticed that someone had put one on the wall. Hopefully you've had a chance to look at that. If not I can pass this around. Maybe I'll do that.

43

44 The yellow represents the BLM lands; and the purple, the Park Service lands which are all Federal lands that are left in that unit. Since only small, scattered acreages of Federal land are left in that unit it calls to question whether or not there should be a Federal regulation, especially in

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light of the fact that the Federal lands that are left are highway corridors, two scenic river corridors and some mountain top and glacier country that was not considered to be important wolverine habitat. There's also the fact that most wolverine in those two units are trapped incidentally in sets made for wolves and other species rather than being trapped deliberately by people who are specifically seeking wolverine.

7

8 Our staff conclusion was that opening Unit 11 to hunting and trapping for wolverines by non-eligible users would have no significant impact on recovery of the wolverine population due to the small number of wolverines that are being taken by non-subsistence users. Competition with subsistence users is also expected to be minimal since there are very few non-eligible trappers who work that area. Allowing non-eligible users to take wolverines from Unit 13 would significantly increase the harvest there if there was still a large percentage of land in Federal ownership; however, since there are only small scattered acreages left and since what is there is not considered to be important habitat for wolverines, limiting wolverine trapping to Federally eligible subsistence users may have little effect on wolverine populations, and we therefore are recommending that the Federal Subsistence Board and this Council should consider eliminating Federal subsistence regulations for wolverines in Unit 13 completely.

25

26 CHAIRMAN EWAN: Any questions or comments on this? Lee.

28

29 MR. BASNER: Yes. Robert, you say that the small amount of land that's left is pretty insignificant. Well, it may be insignificant on a piece of paper, but it's pretty significant to a wolverine, I would think.

33

34 What do you -- you know, I looked at the map and I know that country quite well, and I see lots of area that I think are pretty good for wolverine. There are some high ground, there's some river bottoms, and why do you say that that is not good for wolverine?

39

40 MR. WILLIS: That's the information I get from wildlife biologists in the area. Also the fact that its -- the road and river bottoms you referred to in at least most of the areas, road corridors, a lot of the high country is glacier country, and looking at the map as a whole it's a relatively small percentage of the area. The National Park has its own regulations on who can trap and who cannot trap, as you're well aware.

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But our recommendation was that the Board should look at this as a possibility. We're not necessarily recommending that Federal regulations be scrapped in that area. This is something that's been talked about but it hasn't really been dealt with in the past is how small an area -- how small does an area of Federal lands have to be before you eliminate a specific regulation for it.

7

8 You know, you're in a situation where there are no boundaries, in many cases nothing on the ground to show a person where they are. And so you reach a point of diminishing returns where your regulations are having very little effect because you're dealing with small areas which are widely interspersed with the areas that are open to trapping. Obviously wolverines are not going to be -- the wolverines that use those areas of Federal land are not going to be limited to those areas of Federal land, they roam very widely. They're obviously at risk as soon as they set foot off of Federal lands, and that's assuming that everyone knows where these boundaries are and that everyone obeys the law. And there's also the fact that our best information is that a large percentage of the wolverines taken are taken by people setting traps for wolves, can be switched for lynx, and so forth. And there is no restriction on trapping other species, and so you would still have that incidental take of wolverines. Whether or not they would be reported as taken on Federal lands is open speculation since a person might be a little hesitant to turn in a \$300 wolverine and say he took it on Federal land when -- unless someone know exactly where he took it.

29

30 MR. BASNER: Well, it's only been two years since you put this restriction on, and then just, you know, two years down the road you've told us that the population continues to decline, and that if we continue the restriction it would have quite a significant impact on wolverines if the entire area were Federal land. But I would think that within a number one, a declining wolverine population, number two, a very limited, only two-year restriction, I think we need to give the program time to work and see if in fact even if it's a small portion of the land it would appear, baring further testimony, it would appear to me that maybe we ought to just leave things alone for a while and let the wolverines come back if they can.

43

44 MR. WILLIS: Well, our assess- -- I was not here when this original regulation was set, didn't do the evaluation on it at that time, and so I can't speak to exactly what went into it. It's my understanding from others who were here and did work on it that this was a more or less automatic

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reaction in that when a season was restricted for the Federal subsistence user, a non-Federal subsistence user is automatically eliminated. It's not based on what they were harvesting or how much impact they were having. And as I went back and looked at the harvest records and found that in GMU 11 only three wolverines were reported harvested by all non-subsistence users over a 20-year period, obviously that's insignificant. Almost all of GMU 11 is Wrangell-St. Elias National Park, to begin with. In GMU 13 the non-subsistence user obviously was having a significant impact when that was Federal land. And this is -- as I said, if it was Federal land obviously the regulation would need to be maintained.

12

13 Our point that we raise here was whether or not it's worthwhile having a separate regulation for those areas that remain, based on the fact that the wolverines travel widely, that the boundaries of these areas are not discernable on the ground, and that the current regulation is specific. The wolverine trapping doesn't address the type of trapping which most people tell me takes most of the wolverine, which is wolf sets and lynx sets.

21

22 MR. BASNER: Well, in a situation

23

24 MR. WILLIS: I might add -- excuse me. I guess I might add that another option here will be to eliminate other types of trapping in which wolverines would be caught accidentally, would be another way to address that particular part of the issue if a decision is made that there's still enough Federal land here to warrant an initial regulation.

30

31 MR. BASNER: Well, in a -- I can't get into that at this point, but in a situation where there's a substantial decline in a game or furbearer population subsistence users are supposed to get priority. Yet here we have a decline in a population and I can take into consideration your well presented argument about the vast amount of land that's available outside of the Federal Reserve, but nevertheless, there is quite a bit of land. If you went out and walked it, it would take you a few days, that is in Federal hands, and might in fact encourage the repopulation of wolverine in that area. And perhaps a subsistence user in that area could go in and work that area by himself without a lot of so-called road trappers or urban trappers coming out there and impacting on his trapline. And that's what we here as a council have been concerned with, the subsistence use and the preference, if you will. I kind of -- well, that's all I'll say at this point.

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MR. WILLIS: Let me add that that's one of the reasons that we're here with the Council is to get that kind of local information from you. We get what we can ourselves and from the people that we can contact, the professionals who live in the area, and the rest of it comes from this Council. So I'm not sitting here arguing for or against this particular regulation. If there was a strong biological reason to argue one way or the other, I would certainly do so. But my point here is to call to your attention the fact that the situation has changed significantly since this initial regulation was passed, and almost all that land has been selected by the State, and the fact that local people tell me that -- a local biologist tells me that most of the wolverine are not being protected, I guess, by the regulation in its current form because it's limited wolverine trapping, and most of them are taken incidental to other traps.

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CHAIRMAN EWAN: Gary.

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MR. OSKOLKOFF: This proposal seems to approach things a little bit differently than I was expecting -- than I expected to deal with them. It seems to say that lacking information to the contrary -- substantial information, I guess, I should say to the contrary this perhaps would be the best way to handle this particular situation, whereas I had assumed, and perhaps wrongly, that we would be marching more in the direction that there was compelling -- a compelling reason for doing something rather than absence of information, so we did something.

29

30

Do you see what I mean? It's almost like a different burden of proof to evolve to something, and I guess what I'm getting at is -- in long-run is that there doesn't seem to be enough background information. I have to agree with Lee on that, is that there's not enough of a breakdown here for me to, first of all, answer the biological question in my own head. With my -- from my experience, and secondly to put that information, once I did, to use in regards to subsistence users, and then, for that matter, the non-subsistence users. So when I lack information to the contrary, I would feel more comfortable erring on the side of the subsistence users for the time being, until such time as there is a compelling need to make a change.

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Am I wrong in that assumption of how this one was prepared by the

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MR. WILLIS: As I recall, this was submitted by the Trappers Association, the proposal to reopen those areas,

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and, you know, the Federal agencies have a little different mandate than the regional councils in that we have to deal with Section 815 of ANILCA which says that non-subsistence users will not be unduly restricted, and that kind of comes into play here. The Council can err on the side of subsistence user and obviously the Federal agencies give the subsistence user the priority, but at the same time we have to look at the other users and make sure we're not unduly restricting him. We're required by law to do that. And so this proposal calls that into question. That is we have a proposal here to reopen something that was closed, and in evaluating the factors surrounding whether or not that was closed, I'm not sure where the burden of proof lies, if there is one, you know. My analysis indicated that obviously in Game Management Unit 11 there were only three wolverines taken in 20 years by non-subsistence users, then there's no biological need to restrict subsistence user, nor would I think that a cultural need to restrict subsistence use in that unit. The Council may feel differently about that. That's certainly your prerogative.

20

21 And in GMU 13 just the fact that we are not with the regulation we have here or not necessarily accomplishing what we set out to do in protecting wolverine population because the accidental take in other sets and the fact that we no longer have very much land to work with calls that into question.

26

27 CHAIRMAN EWAN: Ralph.

28

29 MR. LOHSE: I've got a couple questions before I make any comments. I see there's -- you know, there's two pieces of Federal land other than the gold on the river bottoms and the highway right there, but there's the -- if I remember right, the purple was

34

35 MR. WILLIS: Denali National Park.

36

37 MR. LOHSE: Denali National Park. So that's actually a chunk that borders. If we continued that map, that would border right on another large chunk of Federal land. So that's actually -- is that the park boundaries right there, coming into there or park preserve boundaries coming that far down?

43

44 MR. WILLIS: The part of it that you see in Unit 13 on that map is the boundary

46

47 MR. LOHSE: Of the park?

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1 MR. WILLIS: of the park and the
2 preserve, but

3 MR. LOHSE: Okay.
4

5 MR. WILLIS: the park lies down to the
6 north part of the preserve itself, obviously it extends onto
7 the northwest for considerable

8
9 MR. LOHSE: Okay. So that's part of a larger
10 mass of land that's protected from non-subsistence users in
11 that case right there. What you pointed out -- having trapped
12 a lot of wolverines in my life, what you pointed out is very
13 correct; wolverines travel long distances, and if that was just
14 a little isolated strip of land right here with open land all
15 around it, then that land wouldn't be significant. But the
16 fact that that borders right on another closed area, reserve,
17 whatever you want to call it, an area that's set aside, this
18 actually could be very significant. I notice you've got a road
19 track and a river coming there, you've got a set of mountain
20 ridges right there with the watersheds coming down off of one
21 side of it; that's prime wolverine country. Again, from my
22 trapping experience you've got a ridge right here with
23 watersheds coming off of both sides of it, a high ridge,
24 Karmigan country probably, wolverine country in the
25 meantime, they're gonna drop down off of the -- off these
26 river channels, and if I was looking for a place to trap, that
27 would look like a nice place to go.

28
29 You're right, they're going to be caught incidentally.
30 The thing is wolverine can be released. There's really not
31 too much problem releasing wolverine, if a person wants to do
32 it. So the fact that they're caught incidentally in wolf and
33 coyote and lynx sets, if a person is a non-qualified trapper,
34 which I don't know if there'd be any up there, they could
35 release them if they wanted to. I mean if they had an
36 incentive to. You're also right, that they'll probably take
37 them and report that they were caught on the other side of the
38 line. I don't know how much this park line means right here.

39
40 Your other land that you've got is down here, Chugach
41 National Forest, that also, the green on the bottom also
42 borders another chunk of Chugach National forest land, which is
43 Forest Service land. And if the same regulations apply on
44 Forest Service Land on the other side, that makes a preserve
45 for wolverines. If it doesn't apply, those are all -- these
46 are all awful small blocks of land. The biggest I see is about
47 a 730-mile stretch, and there's nothing to follow a wolverine
48 back for 30 miles in one evening. I mean they can do that

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kind of going in a real fast hurry. So, you know, I would say that, you know, there is some significance to it if it's part of this other land right here. If it was sitting here by itself then the argument that has a limited amount of land in Unit 13 would definitely apply. But the fact that it's a part of another ecosystem, whatever word you want to use, it has significance. I mean it can have significance, and if you've got a declining wolverine population, then it's good wildlife management; I think you need to do everything you can to protect what's remaining.

10

11

MR. WILLIS: I'll point out two things in response to that, Ralph. First of all, the regulation deals only with Unit 13. The other areas are not closed, to my knowledge. Anything outside of that area is not closed to the non-subsistence user. That can be trapped now. It's not a reservoir area.

17

18

MR. LOHSE: Okay, so what we have is just this little strip right here, this little purple strip is the only one on the other side of the line it can be trapped by non-subsistence users.

22

23

MR. WILLIS: No. That's -- I'd have to ask the Park Service about that because part of that, I know, is limited. We don't have a Park Service representative here today.

27

28

The other thing I'd mention is that the

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CHAIRMAN EWAN: We have a comment back here.

31

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MR. WILLIS: the mark mentioned there is a glacier, and same with the Chugach, down there, I've checked that, and I'm not a wolverine expert and I don't claim to be, but most -- the reason that was not selected by the State is that it is rock and ice, and therefore, in my mind, was a limited value compared to something a little bit gentler.

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39

MR. LOHSE: Just out of

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41

CHAIRMAN EWAN: Ralph, can I get -- Hollis back here wants to comment here.

43

44

MR. TWITCHELL: I want to explain this boundary a little bit further. The purple area represented here is all National Park lands, and it does adjoin Unit 16, which continues on all down the south side of the Alaska Range, clear over to the Yentna River drainage, down in this area. This

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park area on Park Service lands have eligibility requirements for local rural residents. The community of Cantwell and several other individuals outside that community are authorized users in this area. So while it's true that people who utilize this park lands already have Park Service eligibility requirements and it's not open just to any rural user, I would also mention the fact that in the last two years that we've flown moose surveys in this region of the park, we've seen very limited signs of wolverine track, and only one wolverine in the area. I would concur that the eastern flanks of this park area does represent some pretty good habitat for wolverine, whereas the very upper high portions, this line representing the crest of the Alaska Range, would indeed be fairly glaciated with glacier and rock. But the lower portions of this indeed is good wolverine habitat. And from what we've seen, while we've while we've not made any effort to survey for wolverine, but incidental to our other local level wildlife surveys, we see very few wolverine in that area presently.

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CHAIRMAN EWAN: Ralph.

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21

MR. LOHSE: Did you -- I mean just out of curiosity did you ever -- is there any reports that that ever was a high density wolverine area to begin with? I know I did my trapping in the Chitna valley because of the salmon and everything was a high density wolverine area at one time. And exactly the kind of -- where you talked about glacier ridges with things coming off of it was where you could find wolverine. I mean if you could find it up in the hills, you've got the high country brush, and then right at the base of the glaciers, like Blackburn Glacier, a place like that, were places where you found wolverine. I mean that's literally where you went and looked for them. And so

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34

CHAIRMAN EWAN: Do you know of any statistics?

35

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MR. TWITCHELL: We don't have any data in terms of what a specific effort looking for wolverines has occurred on that south side. I would suggest though that we have wolf and coyote and fox utilizing that habitat, and certainly there are resources there to support those other predators. So there is no reason why there could not or should not be wolverine in there.

43

CHAIRMAN EWAN: Lee.

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MR. BASNER: Yeah. Ralph, you're talking about the trap line. Literally, I trap that area, and in recent years there's been an obvious decline in wolverine population. In past years, in my experience, I've never seen a large number of

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wolverine, but you talk about wolverine in substantial number. Now, I've never seen that, they're a pretty solitary animal. They don't travel in packs or anything like wolves, of course. But it was not uncommon to take two or three or four wolverine on a trap line, say 10, 15 years ago. Today, I seldom see a wolverine track.

6

7 CHAIRMAN EWAN: I'd like to comment, Gary, if I may, on the wolverine situation in 13. I'm pretty familiar with that area. I see -- I've seen, since I used to trap up in that area, a real decline up in that area. I think the animal lovers ought to be concerned about the wolverine. I don't know, I'm kind of concerned that we want to allow more people to be able to trap on Federal lands. Would that -- I know you're saying it wouldn't impact that much, but to me it just seems like you're going to impact more. Is that a fair comment?

17

18 MR. WILLIS: I would say that there would not be a significant impact based on the amount of land that's left and on the amount of trapping that's done. As I said, when you're talking about a lot of area that you can cover, almost half the wolverine's taken out there -- were taken by non-subsistence users. There's no question about that, and the only question here, to my mind, is whether or not there is sufficient Federal land to warrant another regulation or continue in this regulation.

27

28 One of the things we do constantly is to try to simplify our regulations, and in this case we have a proposal to eliminate a regulation, therefore we're forced to look at it, and we have to consider the non-subsistence user and not unduly restricting them. If they are not having an impact on this population, then legally we should not be restricting them. On the other hand, if

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36 CHAIRMAN EWAN: I hear what you're saying.
Yeah.

38

39 MR. WILLIS: Obviously there's a great deal of local experience and knowledge here concerning the wolverine in this area, and the Council may certainly decide that there is would be sufficient trapping pressure in these remaining areas to have an impact, and if so then that's the way this Council needs to vote. As I said, I'm not advocating one side or the other; I'm representing all the information that I have, and I want to make sure you have all the information that I have from trapping records and conversations with other people.

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CHAIRMAN EWAN: Okay, Gary had his hand up, and then Jay next.

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3 MR. OSKOLKOFF: Just a point of clarification for me. On the map that you presented there's -- in the northwest area of the Denali National Park there are hash marks there. On the legend it says "closed to subsistence."

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8 MR. WILLIS: I'll defer to the Park Service on that.

10

11 MR. TWITCHELL: Yes, that represents the area that was within the former Mt. McKinley National Park, and that area ANILCA and Congress excluded from subsistence activities. So all the lands within the former Mt. McKinley National Park are not open to some subsistence uses.

16

17 CHAIRMAN EWAN: Are they

18

19 MR. OSKOLKOFF: They're not open for any hunting or trapping or

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22 MR. TWITCHELL: That's correct.

23

24 MR. OSKOLKOFF: So, that would -- in effect, that would actually cut down the area that we're talking about

27

28 MR. TWITCHELL: That's correct. That hashed area in the purple is not open to subsistence.

30

31 MR. OSKOLKOFF: And that continues across the B2-E border into the next unit also?

33

34 MR. TWITCHELL: Up into 20-C which would be -- this area represents 20-C, and those lands right within the old Mt. McKinley Park area closed to subsistence. And then the park boundary continues on down into a portion of the 16 -- Unit 16-A. Here's the area that is the preserve area open to both sport and subsistence, the park boundary -- the old park boundary would come down and hang up like this so that most all of the land in 16 would be within the new park in the new preserve.

43

44 MR. OSKOLKOFF: I bring that up -- it seems -- like I say, on the surface with the prepared information that we have, first of all we had what we -- what I thought was a relatively small area and that's how it was discussed, and it's actually connected to another area, it got to be a bigger area,

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and now it's shrinking in size again. You know, it doesn't seem like we're really given a lot of the facts here as to the reality of the situation. I guess I'm out of my element because I don't run a trap line or rarely do I get a chance to even visit that part of the country, so I'm feeling a lack of information, I guess, is what I'm expressing.

6

7 MR. TWITCHELL: The area that's around
8 Cantwell, these hash marks aren't totally accurate as to what
9 the boundary is. The scale is not sufficient on this to
10 clearly see exactly what the lands around Cantwell are. The
11 lands around Cantwell, most of those are in the new park
12 additions, and those feeder drainages and creeks that flow up
13 into the Alaska Range, for the most part, are open to
14 subsistence use activities. Once you get farther back into
15 those creek drainages, you get into the high Alaska Range, and
16 it's pretty much that area that represents the old Mt. McKinley
17 Park.

18

19 So the lands right along the eastern and southern
20 flanks of the Park are important wildlife habitat and those
21 lands are indeed open for subsistence use.

22

23 MR. OSKOLKOFF: Thank you.

24

25 CHAIRMAN EWAN: Okay, Jay.

26

27 MR. WELLS: Yeah, I'm Jay Wells, from
28 Wrangell-St. Elias National Park. This proposal, the way I
29 read it, also applies to Unit 11, and as you know, almost all
30 of Unit 11 is within Wrangell-St. Elias National Park. I think
31 about 90%. I'm not a biologist. Our biologist who deals with
32 wolverine and furbearers will be here tomorrow if you want to
33 ask him some questions, but they've told me that some of
34 ADF&G's work, Howard Golden, in particular, between 1971 and
35 1991 showed, I think, a 64% decline in wolverine harvest in
36 Unit 11, which is -- and I think statewide there's been a
37 decline in wolverine harvest. The reason for that is really
38 unclear whether it's population problems or maybe decreased
39 effort in Unit 11. We don't know that.

40

41 We oppose this proposal, and that is removing the
42 restrictions on a non-Federally qualified subsistence hunters.
43 We believe in the absence of better information about why this
44 decline in harvest is occurring, whether it's population or
45 effort, we should recommend that it still be restricted to
46 Federally subsistence qualified users. A big chunk of Unit 11
47 is preserve. You know, it's park, and you're already
48 restricted by local rural residents. But a big chunk of that,

49

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you know, 11 is park preserve, which would be open to non-rural residents of the state under a sport -- or trapping license.

2

3 So we just -- I'd just like to say that we oppose that proposal. If you want to -- if you would like to have our biologist answer some questions tomorrow, I can arrange that, but he can't be in here till tomorrow.

7

8 CHAIRMAN EWAN: Well, thank you. I don't know if the board wants to -- Council wants to -- some comments from their biologist or not.

11

12 MR. OSKOLKOFF: We'll see how it goes.

13

14 CHAIRMAN EWAN: Lee.

15

16 MR. BASNER: Yeah, I'd like to make one comment on the possible cause and decline in wolverine, based on my limited experience in the eastern -- correction, the western portion of Unit 13, and that's the same day airborne hunting situation for wolves. I'm a pilot. I know what it's like to hunt wolves from the air, and I also know how vulnerable wolverine and wolves can be and given the right terrain and the right weather and the right airplane. And there's no question in my mind but what that has been quite a detriment to the wolverine population, and they may be reported as trapped, but I don't think anybody's going out and examining the skinned out pelt to see if there's any trap marks on the foot, and of course once somebody starts that, it's pretty easy to -- I can land my airplane fairly close to wolverine, jump out and shoot it. I don't have to shoot it from the air. I can jump out of the airplane, shoot it from the ground, I can go over and throw one of them three or number four around his leg to get some trap marks on there and, hey, I just trapped a wolverine.

34

35 So a lot of that is occurring, and I think anything that we can do to -- we have to protect the resources. Without the resource we don't have subsistence activities, and I think any relaxation on this particular proposal here, Proposal 21, would not be in the best interest of either the resource or the subsistence user.

41

42 CHAIRMAN EWAN: I just want to add that there are snow machines also that can have quite an impact. Any other comments? Robert, do you have anything to add?

45

46 MR. WILLIS: No, nothing further.

47

48 CHAIRMAN EWAN: Thank you. Taylor.

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1 MR. BRELSFORD: Thank you, Mr. Chairman.
 2 Taylor Brelsford, with the Fish & Wildlife Service again. In
 3 the interests of time, I think the principal points have really
 4 been raised, and I understand there's some interest among the
 5 public in having an opportunity to comment.

6

7

CHAIRMAN EWAN: We have a lot of time.

8

9

MR. BRELSFORD: You have lots of time. I think
 10 the big picture is that this has been a management response to
 11 a decline in the species, and properly the Federal Subsistence
 12 Board recognized the principle that if subsistence users are
 13 participating in a scaling down of their effort to bring the
 14 population back, that other users have to be eliminated.

15

16

What you're being asked to consider here is kind of the
 17 fine print of what happens with divided management with land
 18 status differences between State and Federal lands. Now you
 19 may look at this and say that it's a little bit of land or it's
 20 three percent of the harvest, we'd still like to really stand
 21 down -- stand firm on the principle that other uses ought to
 22 end and that the only uses on the Federal lands should be
 23 subsistence uses. That's the prerogative of the Council. But
 24 think we, in the Federal program, have found ourselves
 25 looking at the fine print more than once, and when you have
 26 land status changes sometimes we've been obliged to bring these
 27 back before you or before the board for a second look.

28

29

So that's really what this is about. There's no effort
 30 to walk away from the principle that subsistence is the
 31 priority use and that when we all work together to enhance or
 32 promote the recovery of a species, certain people are first in
 33 line. There's no question about that. What has changed here
 34 is some land status changes and a request from another user
 35 group that really ought to be treated fairly, ought to be given
 36 full airing. So I think that's really what's before you.

37

38

Your judgement, based on your experience in the region,
 39 may be that the best strategy would be to still hold off to
 40 retain the Federal lands as exclusively open to the subsistence
 41 users while this effort to promote recovery of the wolverine
 42 population is in place. On the other hand, you may look at
 43 this, you may know the trappers and the people involved, and
 44 you may say, look, a little bit of effort by non-Federally
 45 qualified users here, it's okay, we can live with that, this is
 46 a place where local judgment would be very helpful to the
 47 board.

48

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So I think the big perspective is it is an effort to scale down the amount of harvest of wolverine in response to a population problem. The board acted, I think we admit, properly a couple of years ago in making the decision that they did. There's been a shift in some of the land status in Unit 53, and that -- maybe we ought to think again. So that's really all that is at work here, I think. With that, I'll be quiet and answer questions if there are any and -- otherwise, we'll proceed.

9

10 CHAIRMAN EWAN: Any questions or comments?
Thank you, Taylor.

12

13 MR. BRELSFORD: Thank you.

14

15 CHAIRMAN EWAN: Now we have Moses Dirks,
summary on written public comment.

17

18 MR. DIRKS: I'm Moses Dirks, I'm with the Fish
& Wildlife Service. Before I get started, you have a packet in
front of you, the clipped one, that has all the public written
comments in their entirety. It will take you some time to look
at some of them, the comments. It's the one with the clip on
it, plus we have a summary of the comments, and as you will
notice on your Public Summary Comments, there are numbers on
the edge there, those are your document numbers where you will
find the whole written, entire document. But I won't be doing
the written public comments that have been received by the
Sustenance Office.

29

30 So I'll just start off with in support of Proposal
Number 21 we had 12 public that was in support of it and 1 was
in opposition.

33

34 The Alaska State Department of Fish & Game thought that
there was no biological justification for excluding non-local
trappers. The State bag limit provides adequate safeguards to
protect this wolverine population, and also two or three
trappers from Valdez have a long tradition of trapping this
area. They have taken over wolverine in the past years. They
have long-established traplines, but now they cannot keep a
wolverine if one is caught.

42

43 And there was a person, Mr. Stenersen, thought that all
Alaskans should have the chance to trap wolverine in public
lands, and not only rural Alaskans.

46

47 And Mr. Hessand, Chugiak, was in favor of deleting the
rural preference as a basis for eligibility to be -- to trap

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wolverine on public lands in Unit 13, and he also thought it was unnecessary to restrict the general public from trapping there.

3

4 And Mr. Wright, from Anchorage, also thought that deleting the language, "Public lands are closed to the taking of wolverine except by eligible rural Alaska residents" and this would remove the discriminatory nature of this regulation and use the season and bag limits as appropriate wildlife management approaches, making more equitable access of this natural resource to citizens. And he also claims that his family has a long tradition of trapping in this area, Unit 13, as his father did over 50 years ago.

13

14 And then also Mr. Dubord, from Anchorage, it says that the Federal Subsistence law now unnecessarily restricts non-federally qualified people from harvesting wolverine on public land, and he asks that this -- that you reverse this injustice by accepting and passing Proposal 21.

19

20 And the Alaskan Bowhunters Association, together with Golden North Archery Association supports this proposal as it provides additional access to Federal land by all Alaska residents.

24

25 And Mr. Asmussen, from Anchorage, requests that the wolverine trapping be reopened with the 2-limit from November 20 to January 31, and this should be open to all licensed trappers and not just subsistence trappers.

29

30 And Mr. Shilling, from Ft. Richardson, believes that in legislating discrimination such as the current regulations, he doesn't believe in discrimination, so he wants the change also to occur and have the opportunity to enjoy the outdoor endeavors.

35

36 And Mr. Tempel, from Eagle River, also supports this proposal which allows wolverine to be taken by non-subsistence users and thinks that the wolverine population is healthy.

39

40 And Mr. Bayha, from Eagle River, also supports the proposal, the closure to non-rural trappers an unnecessary restriction.

43

44 And then Mr. West, from Soldotna, also supports the proposal, wolverine trapping is a resource that should be available to all users, and not just eligible rural residents.

47

48 And in objection to Proposal 21 was the National Park

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Service, and it was opposed in Unit 11. Wolverine harvest has been generally decreasing statewide. And the reason for this decline is unclear, and the harvest information suggests that the decline could simply be due to decreased efforts by trappers in this area, however, until more information is available -- more is available a harvest quota of two Wolverines per eligible subsistence trapper is advisable considering current data.

8

9 And that concludes the written public comment for
10 Proposal 21.

11

12 CHAIRMAN EWAN: Any other comments from the
13 Council, questions? Lee.

14

15 MR. BASNER: Mr. Chairman, I have a comment, I
16 don't have a question for Moses, I guess, but I notice the
17 address of all of the people that were in favor, and they're
18 all in a non-subsistence area, non-subsistence status. They're
19 all rural designations. One of the individuals indicates that
20 the wolverine population is healthy, yet we've already heard
21 testimony from the experts that that is not the case, so that
22 particular comment is somewhat suspect, although I'm sure his
23 intentions are good, and I don't intend to belittle his
24 intentions. But I don't see much concern other than that one
25 comment which is, apparently, not a valid comment, I see no
26 concern for the resource in any of these comments. It's all
27 gimme, gimme, gimme, I want access. There's no concern for the
28 fact that the resource has been depleted by whatever means.
29 And that concerns me. People in here talk about
30 discrimination. Well, when the resource has been depleted to
31 such an extent that it cannot sustain continued harvest at
32 those levels, discrimination has to be practiced, and it has to
33 be practiced in favor of the subsistence user as the law
34 currently stands.

35

36 So therefore I have not completely made my mind up yet
37 because we may get some more testimony before us this afternoon
38 that will change my mind. But right now I'm leaning against
39 supporting Proposal 21.

40

41 CHAIRMAN EWAN: You're opposing it.

42

43 MR. BASNER: What did I say?

44

45 CHAIRMAN EWAN: You said supporting it.

46

47 MR. BASNER: Against supporting it -- opposing

48. Yeah.

49

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1 CHAIRMAN EWAN: We're open for public testimony
2 now, so -- thank you, Moses.

3

4 MR. MORRISON: As you note, I'm John Morrison,
5 Subsistence Coordinator for the Department of Fish & Game. The
6 Alaska Department of Fish & Game's comment here that there's no
7 biological justification for excluding these non-local trappers
8 is largely based on the fact that our biologists in the area
9 are not agreed on the decline in the wolverine population to
10 the extent that seems to be the perception of some other
11 agencies.

12

13 The biologists in Glennallen that are largely forming
14 our opinion on this will agree that there are certain locations
15 within Units 11 and 13 which undoubtedly have seen some
16 declines in population, and those declines largely occurred
17 earlier on in a period that Mr. Basner was referring to, and
18 there was a considerable amount of land and shoot take of
19 wolverines which has not been illegal by state law for a couple
20 of years.

21

22 There is evidence now, in the opinion of our
23 biologists, that many of these populations have recovered
24 adequately and that there's no real reason to continue this
25 concern about it. There's been some ongoing study in
26 cooperation with the Park Service, by our people, that has not
27 come up, in our opinion, with any real conclusive evidence
28 about the population one way or the other.

29

30 One area that -- or probably the area of concern by the
31 people who put in this proposal, referred to as the Tiekel
32 Block, and I think it's Unit 13-D, their information from this
33 past trapping season that they've seen more sign of wolverine
34 and more wolverine than they have in the last 20 years in that
35 particular area. Now these are people that have had traplines
36 in there for quite a number of years, and will continue the
37 trapping in there for other species, and their concern is that
38 now under this regulation if they do happen to get a wolverine
39 in a trap they can't legally keep it.

40

41 There is undoubtedly a lot of area in Units 11 and 13
42 that are under similar condition, and that there will be
43 non-subsistence qualified people trapping who are likely to
44 take an occasional wolverine. The bag limit is extremely low,
45 for one thing. The season bag limit on that species is not
46 extensive. There is not a lot of trapping effort specifically
47 focused on wolverine. The price of fur in general has gone
48 down quite a bit and we feel that's one of the reasons why

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Mr. Golden, who is referred to, found about a 60% decrease in the effort to trap them.

2

3 The question still mainly focuses on this incidental
4 take, as far as we're concerned, and we see no real reason to
5 exclude that insofar as most of those wolverines taken will be
6 incidentally captured while trapping for other species.
7 Thank you.

8

9 CHAIRMAN EWAN: Anybody have questions?

10

11 MR. BASNER: Yeah. John, can you attempt to
12 explain the disparity between your biologists' and the Federal
13 biologists' conclusions? That's got me confused now.

14

15 MR. MORRISON: Well, I don't know exactly what
16 kind of information the assertion is being made at overall
17 Units 11 and 13, this big massive decrease in wolverine
18 population. From our own point of view there has not been
19 adequate information either in amount or quality that one could
20 make such an assumption from.

21

22 MR. BASNER: Now you referred to 13-D, and with
23 an increase in wolverine in that area. Can you make that
24 comment on any where else in 13? How about 13-E, where I live?

25

26 MR. MORRISON: No, I can't. This is the extent
27 of the information I've gotten right now. We are putting
28 together a more detailed statement about this to present to the
29 Board meeting in April. I thought I might give a little
30 preliminary preview of that here, just for your edification as
31 to how the State feels about this and why we have submitted the
32 opposition to the proposal that you read here.

33

34 MR. BASNER: Thank you.

35

36 CHAIRMAN EWAN: Any other comments or
37 questions? Thank you. Any other testimony on this proposal or
38 comments, questions? I really didn't know that wolverines were
39 such a hot issue here. I thought that all along everybody was
40 pretty satisfied on -- I just assumed that it was going to
41 continue the way it started on the Federal land. But I'm
42 wrong, I see. There's a lot of problems. Comments in favor of
43 this proposal, written proposal, that is -- written comments, I
44 mean. Fred.

45

46 MR. JOHN: I'm against this proposal because
47 it's a heavy impact area, and the decline in wolverine
48 population and the absence of information. Myself, I'm from

49

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the area, too, and just by knowledge from my elders and people in the villages, the wolverine population is down.

2

3

CHAIRMAN EWAN: Any other -- Ralph?

4

5

MR. LOHSE: Yeah, I'd have to go along with Fred on the assessment of the population, both from personal observation and from -- oh, in fact I've got a brother that runs a trapline up in Unit 11 yet and other people that I know that trap, and from the spill-over that we used to have down in the Cordova area that's not there. I think they're right, that a lot of the impact was the land and shoot that was done for 10 years or so, but I know that the population is definitely not up to where it was -- well, back in the late '60s when there was a real high wolverine population. Of course there was a real high moose and other population up there, too, that declined. So you can't say that it's directly related to trapping. It's possible that that would have an effect on it.

18

19

I can understand for the -- you know, Unit 13 is such a big unit that we forget that we're dealing with all the way from Valdez to Denali Park, or almost to Valdez and Denali Park, and there is a total difference in access and in people that use it, just from the Denali Park area we took the Tok area, we took the Glennallen area and we dropped all the way down to Valdez. A lot of the people from Valdez do trap that lower section that's prior to Tonsina Hill, down in the Tiekela area, down there. Valdez by definition is a non-rural community, so anybody who lives in Valdez is automatically excluded just by the fact that they live in Valdez as -- I mean they're not part of a rural community. And some of them probably have ran traplines up there for quite a while because at least there were some of them running 25 years ago anyhow.

33

34

It's kind of hard for me to make a decision because there is such a little bit of land involved, and then when we found out that out of that park land at the top a lot of it's closed to any kind of trapping, subsistence or regular. It does not leave very much Federal land in Unit 13 that's impacted by this. Knowing what I know about wolverine, it probably doesn't leave very many wolverines that aren't impacted anyhow because in that little strip that's left to the Federal land up at the top, those wolverines are all going to drop down in State land anyhow where anybody can trap them. And so the ones that it really effects, the only place that it really effects are the lower end, the end towards Valdez, towards the coast.

47

48

And we've seen an increase in wolverine population

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starting to show up in the Cordova area. There's an increase in wolverine population on the coast in general from a few years ago. It's not like it was 20 years ago, but there's definitely an increase in the population. I really don't know how to vote on this because I don't see where it would have much impact either way, you know. It's State -- the majority of that land is State land which we have no impact on one way or the other, which our regulations don't apply to. I guess I'm going to have to, for the sake of the Valdez, and I'm going to have to -- I'm going to have to vote to withdraw the Federal regulation in Unit 13.

11

12 CHAIRMAN EWAN: Thank you, Ralph. Any other comments from the public on this proposal? Do you have a comment on Proposal 21?

15

16 MR. CASEY: Yes. I'm just wondering how this difference from the proposal that was made in April 6, 1993 when this Proposal 21 was brought to the floor and Mr. Crab to an address for that moment. They said they would bring it further -- they withdrew Proposal 21 and they would come back with a similar proposal of the Regional Advisory Council, and our -- and it would be in the next year. This is the next year.

24

25 I'd like to know what the original proposal was, because it seemed like to me that we're just going over the same proposal that was already rejected by the Subsistence Commission that was here in April.

29

30 MR. BASNER: It wasn't us. This is the first time we've discussed proposals.

32

33 MR. CASEY: Well, it says here -- and this is the review -- this is the report I got at that meeting.

35

36 MR. BASNER: It wasn't this council.

37

38 MR. CASEY: I know it wasn't this council, but it was a subsistence council and we had a representative from Mr. Babbitt's there at that meeting, and the BLM, and the Fish & Wildlife and the Fish & Game and the BIA, they were all there at that meeting.

43

44 MR. POSPAHALA: Excuse me. This was in '93?

45

46 MR. CASEY: This was in April of last year, yes.

48

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MR. POSPAHALA: This would be the record of the Board of Decision, Federal Subsistence Board decisions last April. I think there was this proposal before them last year.

MR. BASNER: So this is just a reiteration of a proposal that was killed by the board a year ago?

MR. CASEY: Yes.

MR. POSPAHALA: Some of them come back

MR. BASNER: Okay, well, let's deal with them.

MR. CASEY: And another thing on the comment part of it, I would like to know how this is gonna affect the economy in that general area if sophisticated public come in on this game -- on this resource -- excuse my language, that was a mistake there.

CHAIRMAN EWAN: I don't think we have any information on that, the effect on the economy?

MR. CASEY: Well, yes. While there's different economic reasons why they want to get in on this game -- this resource, I should say, this what they call game, this silverline trapping. This is going to be a commercial entity, and if you get commercial in there, you're going to have sophisticated people coming in, and sophisticated ways of killing off our resource, how does this have an effect on that general area who are the subsistence users of that and the only economy which they hold. This is the only way these people within those general areas that are subsistence users to have any kind of income, and if we'd rather open to the public to everybody that wants to come in there, they can come in there and fly in there and fly out of there anytime they wish. And for people that are living within that general area that are here are subsistence users are being run out on their own -- on their own general area, they're forced to go into the economy and go to the store and come to the city to find a job. This is hardly a thing that should be controversial here. This area is for those people who live in that area, and it should stay that way.

And that's my -- if I can help this board in any way in making up your decisions, I'm with Fred John, Jr. here. I'm opposed to anybody coming in on that resource or any resource where the economy is affected for that general people within that area. If you have big game hunters coming in there and you have commercial entity coming in there these people are

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going to be forced out of their village and have to come in here and live on what Clinton has right now, a welfare plan that wishes to put everyone to work. For all I know, we've got a general assistance program for our general -- a lot of people within our areas.

5

6 We've got to look at the whole spectrum here. We've got generations to come that we've got to protect, not the immediate people's pocket. And I hope this sheds light and wisdom on you people here that are taking this. I also said this at this other meeting in April. We've got to use wisdom in what we're doing here. We are supposed to look forward to our people for seven generations to come, and you know what, if you look down through the spectrum right now, we are the seventh generation, and after us our culture dies. So we've got to look back on where we're going and we have a right to practice our traditional and cultural ways. We've got to go back and look at those things and any way we can preserve them. Because to come in on anything like this and kill for the fun of it, for someone's personal gain is not godlike.

20

21 These people go out there and have this resource for their livelihood, and they come in on it and we have people starving around the world is not right. Now I hope I bring some light on this and some wisdom to you people that are doing these things, because we have our grandchildren to worry about here. It's just the baby girls and little baby boys that we have that we've got to worry about, not our general pocket. Please use your discretion when you're doing these things on these proposals. They're very detrimental to our people within those general areas, and they're forcing us out into the city. I'm here because of that. Thank you.

32

33 CHAIRMAN EWAN: Thank you. For those of you that want to speak, be sure to state your name in case this body here doesn't know your name, making the record.

36

37 MR. CASEY: I'm Edward Casey, and I'm from Wainwright, Alaska, but I'm here -- I represent the Chitina-Haida Tribes of Anchorage. I'm tribal vice president.

40

41 CHAIRMAN EWAN: Thank you. Any other public comment? Lee.

43

44 MR. BASNER: Mr. Chairman, I move to adopt Proposal 21.

46

47 CHAIRMAN EWAN: We have the motion, is there a second?

49

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1 MR. LOHSE: I'll second it.

2

3 CHAIRMAN EWAN: Motion is seconded. Discussion
4 on the motion. Lee.

5

6 MR. BASNER: Yes, I've heard the testimony both
7 from the State side and some individuals and from the Federal
8 Biologist's side. I don't see any compelling reason in my mind
9 to change the current regulation and allow anybody that wants
10 to go in and trap wolverine on these Federal lands in Units
11 and 13.

12

13 If there were a compelling reason to do so, or even a
14 real good valid reason to do so, I would support the proposal,
15 but we don't have a -- at least in my mind, in my limited
16 experience in western Unit 13 we don't have a large wolverine
17 population. I've heard testimony from people that I respect on
18 both sides of that issue. From flying around I get to look at
19 animals on the ground, and I don't see the wolverine tracks,
20 the signs, the wolverine that I used to see. I see a lot of
21 airplane activity in my area, both legal and illegal. All of
22 these things tend to conspire against the wolverine population.
23 And since the population is low in 13 and in 11, at least in
24 my personal viewpoint, and since there's no compelling reason
25 to open up those small areas to trapping, I'm going to oppose
26 the proposal 21.

27

28 CHAIRMAN EWAN: I don't vote on this issue
29 unless I break a tie, but I just wanted to comment that I tend
30 to agree with Lee. I don't understand the other side. I
31 understand your position. I realize that you'd like equal
32 access and all that kind of stuff

33

34 MS. EAKON: Mr. Chair. Correction, please.
35 The Chair does vote. The Chair is authorized to vote.

36

37 CHAIRMAN EWAN: Well, if there's a tie.

38

39 MR. OSKOLKOFF: It's in our Operational Manual
40 now.

41

42 MS. EAKON: It is in the manual.

43

44 CHAIRMAN EWAN: Oh, okay. I'll vote then.
45 Good. Let me finish my comment.

46

47 I think the issue is trying to improve the population
48 down the road rather than whether we have equal access and all

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that. The same as subsistence overall, my thinking is we should be really concentrating -- see if we can get the population of furbearing animals and the other animals that we want to have access to enhanced so that we can all have our share.

5

6 That is my thinking, but in the meantime we have to take all the precautions to protect this animal. Seems to me like we're opening the Federal lands up in Units 13 and 11 to everybody it will just decrease the population further, and that's my thinking.

11

12 Further discussion on the motion? Ralph.

13

14 MR. LOHSE: Does this motion cover both Units
15 and 11 as one?

16

17 CHAIRMAN EWAN: I think that's what we heard
18 Mr. Willis say.

19

20 MR. LOHSE: It does cover both Unit 13 and 11.

21

22 MR. WILLIS: That's the way it's listed.

23

24 MR. LOHSE: If that's the case, then I will
25 probably switch my vote to being opposed. I still recognize
26 that that little burg down in Unit 13 is a community of people
27 down there that -- basically, because the line on the map got
28 cut-off from where they used to be, but I don't really want to
29 open Unit 11 to everybody, all over.

30

31 CHAIRMAN EWAN: Ready to vote?

32

33 MR. OSKOLKOFF: Call for the question.

34

35 CHAIRMAN EWAN: Questions been called for. All
36 in favor, say aye. Opposed, by the same sign.

37

38 IN UNISON: Aye.

39

40 CHAIRMAN EWAN: Okay, the proposal has been
41 voted down. Want to start by going back to 1 now?

42

43 MR. BASNER: 22 is next.

44

45 CHAIRMAN EWAN: Thank you. Oh, okay.
46 Proposal 22, Mr. Willis.

47

48 MR. WILLIS: Proposal 22 was submitted, I

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believe, by the Alaska Department of Fish & Game. It deals with beaver trapping regulations in Game Management Unit 13. The proposal requests that the Federal subsistence management regulations for beaver trapping be modified in order to bring them into conformity with the State trapping regulations.

5

6 This proposal would open the subsistence beaver trapping season on Federal public lands on October 10 rather than on November 10, which would -- and make it coincide with the State season on non-Federal lands. This would be the only change. The season harvest limit of 30 beaver would remain the same. Federally qualified subsistence trappers would be able to begin trapping a month earlier if they so desired, but would not be allowed to take any more beaver, and standardizing regulations on Federal and non-Federal lands would reduce confusion and minimize the possibility of inadvertent violations by people who didn't know exactly where the boundary was.

18

19 Our staff conclusion on this was that there would be no biological impact on the beaver population by implementing this regulation change. The number of beaver that can be taken in any given season would remain the same. Trapping opportunity for subsistence users would be increased slightly by the addition of one month of the trapping season. However, the chief benefit to the subsistence user would be the simplification of trapping regulations.

27

28 And that's really all we have in the way of an analysis, unless there are any questions.

30

31 CHAIRMAN EWAN: Any questions or comments on this proposal?

33

34 MR. LOHSE: Basically what this would do would be allow somebody to take beaver a month earlier for food, for dog food or trapping bait. I mean that's basically all it does. The same amount of beaver as before, but if somebody wanted to take them for food in October or for marten bait or for dog food, they would have access to them in October instead of November.

41

42 CHAIRMAN EWAN: Lee.

43

44 MR. BASNER: Yeah, I don't have any real problem with this proposal. In most cases travel is pretty difficult that early in the season. I don't think there's going to be a lot of additional trapping pressure on the beaver. There's all kinds of beaver in the area that I live

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in, and I guess beaver population is pretty healthy throughout the state. I question the value of a pelt that early in the season. I don't think you're going to get well rewarded for the effort you expend to go out and take a beaver in October, but I suppose if someone wants to do so, as long as the pelt is not entirely wasted then -- I don't have any real problem. The harvest limit remains the same.

7

8

MR. WILLIS: Right.

9

10

MR. BASNER: So

11

12

CHAIRMAN EWAN: Gary.

13

14

MR. OSKOLKOFF: It says beaver populations are abundant, harvests are not high. Given that a person could take 30 beaver per season, is that what I understand?

15

16

MR. WILLIS: That's correct.

17

18

MR. OSKOLKOFF: How many trappers are involved

19

in this?

20

21

22

MR. WILLIS: I don't have the number of trappers. I do have the number of beaver harvested, Gary. During 1991/92 season, 181 beaver were harvested in Unit 13. We don't yet have the data for the '92/93 season.

23

24

CHAIRMAN EWAN: Any further comments or questions?

25

26

MR. JOHN: No.

27

28

CHAIRMAN EWAN: Fred.

29

30

MR. JOHN: The problem I've got is with it opening up on October 10. It seems to me when you're out for beaver, you're out for their pelt, and then the meat and stuff is just extra, icing on the cake. And to me that's too early for hunting a good pelt.

31

32

MR. BASNER: That's true.

33

34

MR. JOHN: That's my comment.

35

36

CHAIRMAN EWAN: What you're saying is that it's too early?

37

38

MR. JOHN: Yeah, I believe it's too early.

39

40

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1 MR. BASNER: Maybe we can ask the State guy
 2 when he comes up.

3
 4 CHAIRMAN EWAN: Roy?

5
 6 MR. BASNER: Uh-huh (affirmative).

7
 8 MR. LOHSE: We wrestled with this the same one
 9 down in Cordova because of the change in the Cordova one, and
 10 basically what we came out with is anybody that's after pelts
 11 doesn't take them in October, but we did have a few individuals
 12 who liked to eat beaver, and the thought of being able to go
 13 get a beaver in October legally was sufficient to pass it -- to
 14 get Cordova's support on it. We had some worries about it. We
 15 had a little bit of worry that we'd end up having -- because
 16 other people would be out hunting something else at that time
 17 it might increase a little bit poaching on 'em. And that
 18 hasn't seemed to have held true so far. But it did get a few
 19 people opportunity that wanted to eat beaver to get them a
 20 little bit early. And currently beaver are worth almost as
 21 much for eating as they are for the pelt.

22
 23 CHAIRMAN EWAN: I know one thing, it's easier
 24 to trap that early.

25
 26 MR. LOHSE: Oh, yeah, the ice is thinner.

27
 28 MR. BASNER: Oh, yeah, you don't have to chop
 29 through three feet, just a couple inches.

30
 31 CHAIRMAN EWAN: Any other comment or questions?
 32 Well, I guess -- anybody else want to make

33
 34 MR. CASEY: (Comes forward to speak)

35
 36 MR. BASNER: It's Taylor's turn.

37
 38 CHAIRMAN EWAN: Okay, Taylor. We're going to
 39 have public comment in just a little while. Taylor Brelsford.

40
 41 MR. BRELSFORD: Thank you, Mr. Chairman. Just
 42 one simple point. This again raises a problem of divided
 43 management and how we best accommodate differences on State
 44 lands versus Federal lands. And the question before you and
 45 the board is to align the two seasons so that there would be
 46 consistent regulations on the State and the Federal lands. In
 47 this instance it would actually increase the subsistence
 48 harvest opportunity as well as the flexibility. We pointed out

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several times already that nobody has to go hunt or has to go trap early in the season. It simply means for people who might have a need for the food at that time, there's a little bit more flexibility for the individual trappers to exercise. So that's -- I think this is really a fairly simple regulatory consistency problem. It doesn't impose conservation problems or difficulties having to do with traditional practices that have not been provided for. So that's the only remark I would offer before you.

9

10 CHAIRMAN EWAN: Moses.

11

12 MR. DIRKS: For Proposal Number 22, written
 13 comments, there were three in support of the proposal and then
 14 the opposition, and one took a neutral position. The three in
 15 support, the Alaskan Bowhunters Association and together with
 16 the Golden North Archery Association supported the proposal as
 17 it aligns the Federal and the State regulations together.

18

19 And one individual from Eagle River, Mr. Dubord, also
 20 supported proposal 22, and no other comments.

21

22 And like I said, there was no objection to Proposal
 23 Number 22.

24

25 And the National Park Service took a neutral position
 26 saying that subsistence users may benefit by extending the
 27 trapping season by 30 days in October, although it is not
 28 likely to be utilized. And then they thought October does not
 29 provide favorable trapping access conditions or prime beaver
 30 belt conditions, therefore, interest in harvest are not
 31 expected to be high within Denali National Park. And the
 32 proposed regulation could be implemented without affecting the
 33 beaver population on National Park Service lands within
 34 Unit 13.

35

36 And that concludes the written summaries of comment.

37

38 CHAIRMAN EWAN: Any questions or comments?
 39 Thank you, Moses. Okay, now we're ready for the public
 40 comment.

41

42 MR. CASEY: Yes, my name is Edward Casey. I'm
 43 here to make a comment on any proposals pertaining to our
 44 subsistence in this area or any other area. I've done this
 45 before, I continue to be doing it. These are subsistence
 46 management final summary. And these, I presume, are what these
 47 proposals are for. There's another subsistence management
 48 file, Environmental Impact Statement. That's the impact

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statement on this -- these proposals. And here's Volume 2, Environmental Impact Statement, Appendix. This is how to read this one, the impact is trying to do on our people.

3

4 Now, these proposals are only to insinuate, in my
5 opinion, that we recognize government control over the
6 subsistence resource. This is what I believe they're trying to
7 impose upon us when they told us in the beginning that it would
8 never, ever touch or manage our resource before they quit the
9 sport and commercial entity first. Now I don't know what we're
10 doing here, it's confusing a lot of people in my way of
11 thinking, that we're thinking that it's all right for them to
12 come in and control our lifestyle when we have the right by
13 Federal law to practice our traditional and cultural way. And
14 now they are -- here they are, proposing a regulation to govern
15 our lifestyle and my lifestyle.

16

17 Now where -- there's no law that says they can do that.
18 The McDowell decision had taken this law completely out.
19 There's no law that governs anything on our subsistence or
20 commercial entities now on this part of the world. But when
21 this law goes in place in July, it's an act of Congress that
22 would make it to change. And all these other things are just a
23 bunch of rhetoric trying to get us to think that there is a law
24 in place. There's no law in place. Anybody can go out there
25 and kill anything they want. The State of Alaska is
26 non-Constitutional. What are we doing here? Let's get back to
27 our resource and get back to the people to whom it belongs to.
28 This is for Southcentral Region. Now everyone of these
29 committees I've gone through all the various regional areas,
30 and it's also in this report here that they were down in Sitka,
31 they were down in Juneau, they were in Kodiak. Kodiak, in
32 fact, had their meeting here, and the Alutiiq chain in the
33 first part of the last month, first of the year. What's
34 happening here? We've got to get all these regions back
35 together and put our heads together here because they're trying
36 to get in there with their commercial entity and their sport
37 entity. I don't know what we're doing here.

38

39 Any of these proposals is to assume that there's
40 something already in place. There's nothing in place. The
41 Federal has taken over the management of State. State is
42 trying to -- and they're trying to make a law that we will have
43 to follow so they can manage our resource. They said they'd
44 never touch our resource before they'd touch the commercial
45 entity and the sport entity, and here we are with the
46 management that coincides with what the State has to do today
47 in place. And they're only being recognized by the Federal
48 government for a certain length of time. That time is in July

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when Federal law comes in, the rule. There's no law for our people. Our right is our right. We can live off the land. That's our traditional and cultural way. And anybody who thinks any different that there's any regulations are proposals to are proposals to a regulation which is not even in place, there's no regulation.

6

7 So what are these proposals for? Commission or board,
8 answer that to me. What are these proposals for? There's no
9 law in place. Can you tell me?

10

11 CHAIRMAN EWAN: I think there is a law in
12 place. We mentioned that earlier, and that is ANILCA that
13 we're

14

15 MR. CASEY: They why are we discussing ANILCA
16 here instead of proposals through a regulation that's not here?
17 They can't seem to solve it in the court. You think this is
18 going to solve it? I see AFN, they went with the State. I'm
19 fighting for my people here. I represent someone. We had this
20 lady from Minto when they first came out with this subsistence
21 issue. She came down here to the Egan Center at the first
22 subsistence commission meeting we had here. She says, "I live
23 off the world. I hear that you're going to mess with my
24 subsistence," she says. "If you're going to touch with my
25 subsistence you might as well throw me in the river right now.
26 I'm 74 years old," she said, "I work trapline, I work fish
27 wheel, I still go on snowgo," she said. And she had a standing
28 operation there in the Egan Center, 400 and some people were
29 represented there of various villages from around the state.
30 She was right.

31

32 I was there at the onset of this whole Maryanne. Here
33 we are making proposals to a law that's not even in place. I
34 said it before and I'll say it again, this is not right. I
35 don't know what we're doing here, and you don't seem to be able
36 answer that yourself. You're just fooling around with a
37 bunch of rhetoric.

38

39 MR. BASNER: Mr. Chairman. Mr. Casey, I want
40 just point out one thing. I respect very much your comments
41 and your representing your point of view and your people.
42 Under ANILCA, ANILCA states that subsistence preference
43 includes Native and non-Native. And I think you also have to
44 keep that in mind. You talk about "our" people as if
45 non-Native people perhaps didn't also get subsistence
46 preference in certain instances.

47

48 MR. CASEY: And I'll

49

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1 MR. BASNER: So please keep that in mind.

2

3 MR. CASEY: With all due respect, sir, when
ANILCA -- and we all know ANCSA and ANILCA complied to ANCSA,
and ANCSA is Indian law. Therefore ANILCA would also be Indian
involved, and there's too many generalities here. There's too
many pronouns put in here, and there's no nouns. And I would
just like to bring that forward. Now we were talking about
something I'd like to put some nouns in instead of pronouns
that we've all been using. Like when Lew Hann (ph) was here,
when he was here at the first onset of our first subsistence
gathering, he says, "This is your land. What do you want?" he
says. But he didn't say what land and who yours was. See,
there was nobody that said there was the Yupik land, it was
Athapaskan land, it was the Thlingit land. There was no
specific nouns put in there. It just said "your land."

17

18 CHAIRMAN EWAN: Getting back to our proposal, I
think you're going way off. We're talking about Proposal
Number 22, the beaver season.

21

22 MR. CASEY: Here we go again, we're back to a
proposal to do start -- there's nothing to propose for. Until
there's a law, we can't make a proposal of any kind.

25

26 CHAIRMAN EWAN: We're not here to argue any
legal matter.

28

29 MR. CASEY: Well, then we're assuming that it
is all right for everybody to come in on our resource for their
benefit. Is that what we're assuming here? And then that
resource is generally by a non-rural area, and if you
commercialize it you're going to have city dwellers going out
there to get on that resource which rightfully belongs to those
rural people. So I oppose any.

36

37 CHAIRMAN EWAN: Yeah. Let's get back to, like
I say, to the proposal that we're -- we're discussing
beaver

40 MR. CASEY: I just hope we know what we're
doing, that we can find the wisdom to know what we're dealing
with.

43

44 CHAIRMAN EWAN: Thank you for your comments.
45 Are there any other public comments on Proposal 22?

46

47 MR. McKEE: My name is Charles McKee. I'm
currently campaigning for mayor of Anchorage. I'm also a legal

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representative for the Treasury, the original one, the only one ratified in the United States of America, and they can't take that away from me. The original Treasury seal represented the Gospel, which is the truth, which is what we're trying to derive here.

5

6 In regards to this proposal and the previous one I didn't comment on, I feel the same way as the previous speaker. 8The reason being is there really no law. He referred to ANCSA and ANILCA. I wrote in my manifest on page two, it's quite deceitful, I must say, in the use of proxies to substitute a nation.

12

13 See, I'm a sovereign, and I have a conflict with 14sovereign, and you're representing the sovereign, and I can sue 15sovereign. Everybody else in this room cannot say that. 16It's the achievement that I brought forth April 27, 1992 that I 17now can say that. I have the Supreme Court law, I have the 18th Amendment to support my copyright.

19

20 CHAIRMAN EWAN: Are you saying you're opposed 21to this proposal? We're discussing one proposal.

22

23 MR. McKEE: I am

24

25 CHAIRMAN EWAN: We're not talking about the 26law.

27

28 MR. McKEE: I understand that. I'm opposed to 29, and I'm telling you I have the right, like everybody else, 30qualify my statement, which is what I'm doing, and I resent 31the fact that there has been an attempt to stifle that 32opportunity. There's a lot of things wrong

33

34 CHAIRMAN EWAN: All I'm saying is this is the 35wrong place to argue about the law.

36

37 MR. McKEE: All I'm saying is that you're 38trying to give credibility to a situation that has none, 'cause 39we're dealing with a corporation controlling assets, and it's 40nothing more than a paper entity, it's not a people. There's 41comments about whether they're Native and non-Native people. 42None. There shouldn't be no conflict between those two people, 43but there's a conflict between paper entities that are 44considered persons and you and me.

45

46 CHAIRMAN EWAN: Okay, thank you. Any other 47comment on Proposal 22? Lee.

48

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MR. BASNER: Mr. Chairman, I move to adopt
 Proposal 22.

2

3

CHAIRMAN EWAN: Is there a second?

4

5

MR. OSKOLKOFF: I'll second it.

6

7

CHAIRMAN EWAN: There's a motion, seconded,
 that we adopt Proposal 22. Further discussion on the motion.
 Gary.

10

11

MR. OSKOLKOFF: Can I ask for the -- just for
 my own clarification again, the gentlemen from the State --
 sorry, I've forgotten your name.

14

15

MR. MORRISON: Morrison.

16

17

MR. OSKOLKOFF: Mr. Morrison, if what the
 reason is that the State has a October 10 beginning to its
 beaver trapping season as opposed to November 10?

20

21

MR. MORRISON: Well, two reasons. One is to
 get the Federal and State laws in sync and the other, as was
 pointed out, to provide more opportunity for subsistence use of
 that resource.

25

26

MR. OSKOLKOFF: What I'm asking though is I
 heard people on this council say that there's not a lot of
 compelling reason to want to trap beaver during that earlier
 month, and I'm just wondering why the State obviously has
 opened the season then. Is it just so there is more
 opportunity or they'd just as soon that they won't be taken
 during that particular time? I mean is there a reason why it
 would apply to this then?

34

35

MR. MORRISON: They don't base their decisions
 on some compelling reason. If there's enough public request
 for a regulation like this the board -- the game board that
 makes the State regulations will probably go along with it
 unless there's some compelling reason against it. In this case
 there was no compelling reason against it. It's a matter of
 some people would prefer to take beaver at that particular time
 and there's no biological reason -- no threat to the beaver
 population, then they ought to allow them that opportunity.

44

45

MR. OSKOLKOFF: Thank you.

46

47

MR. MORRISON: They're trying to serve the
 public request.

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1 MR. OSKOLKOFF: I'm just curious. I was just
2 curious of why that particular date was picked as opposed to
3 October 1 or October -- you know, September 29 or some other
4 date.

5

6 MR. MORRISON: Well, these dates or bag limits
7 were brought up by some public interest that wants it that way
8 and after discussion in the game board meetings they'll either
9 adopt it or reject it, just as the Federal Subsistence Board
10 will.

11

12 CHAIRMAN EWAN: Gary, maybe I could help. What
13 I think I see happening is a change in lifestyles in rural
14 areas all over the state. Say about 20 or 30 years ago there
15 were a lot of -- a lot of beaver trappers, I would say, people
16 that really did make a living off of that, part of the year
17 anyway. But -- and there was a lot of impact then. At that
18 time they had all kinds of regulations. They had to be so many
19 feet away from the house and so on and the bag limit and all
20 kinds of things. Now I see this sort of loosening up and less,
21 less restrictions. I think that's what's happening. I don't
22 know.

23

24 MR. MORRISON: For some period of time beaver
25 well, not only beaver but many fur prices had been so low
26 that a lot of people just didn't feel like it was worth
27 trapping, and that reduced a lot of interest, but as far as
28 specific dates and that sort of thing are concerned, they
29 generally are suggested, recommended by certain public elements
30 that prefer it that way, and as I mentioned, the game board
31 will go along with it unless somebody comes up with a real
32 serious opposition that's based on a threat to the overall
33 population of the species involved.

34

35 CHAIRMAN EWAN: Ralph.

36

37 MR. LOHSE: Like I said, we dealt with this on
38 the advisory board of Cordova before it went to the State, and
39 before the State adopted it as October 10, we had quite a
40 discussion there because we don't have a real lot of people
41 that take beaver for eating in the Cordova area. The impetus
42 for the proposal came out of the Interior, if I remember right,
43 where more people do take beaver for eating, and it was just
44 seen as an opportunity since there was no biological
45 justification to close it, to open it to give people a wider
46 season in which to take beaver for eating of for other
47 purposes.

48

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MR. MORRISON: That's a good point inasmuch as eating these animals is more of a subsistence use as taking them for fur. In many communities it's been pretty traditional to eat beaver as well as other furbearers.

4

5

CHAIRMAN EWAN: Lee.

6

7

MR. BASNER: Yeah. I see this proposal as I'm a little uncomfortable with taking a beaver for its pelt in October because it's just not time, and it's -- if you let the animal live for another month or so, you're going to get a prime pelt, but on the other hand I see this proposal as allowing an additional use of subsistence resource by subsistence users, giving an extra 30 days. I don't see any impact -- adverse impact on the beaver population. Beaver had not been trapped recently in any great quantities due to the low price. And I know up on my trapline when I trap beaver I have the opportunity to dig down through about four, five feet of snow and hack through a couple feet of ice, and to do that, to pull up a pelt that's worth 10 bucks, I don't know, somehow I don't think that's really worth it. But if some people want to go out early in the season and take meat and also take the pelt, even though it's not quite so valuable, I see it as a good proposal. It brings things into line, it -- I have no problem with it whatsoever, and I intend to support it.

25

26

MR. MORRISON: Mr. Chairman. I might add one more comment, that there has been some opposition to this earlier opening by some people who say, well, the folks that want that earlier opener just want to get those beavers to feed to the dogs. Now almost any one of these kind of regulations there can be somebody come up and have that sort of an opposition that there may be some game law violation or some unethical aspect to it that therefore should preclude the regulation, but if we tried to base regulations on what everybody thought might happen in the way of an unwholesome situation we'd be out of business in any of this, and I think in this particular case the desire by a certain element of the public to take advantage of the resource for what they proclaim to be a legitimate use should take precedent over some of the worries and fears that someone else might set up as a what if sort of thing.

42

43

CHAIRMAN EWAN: Gary.

44

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MR. OSKOLKOFF: In -- some of the logic used in order to propel the proposal to this formula they have here, first of all it starts out with having the Federal and State regulation coincide to keep it from being confusing to the

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trappers. I would like to eliminate confusion for everyone, but I don't find that a compelling reason and I -- it doesn't fit into the biological scheme of things or really what I think we're doing here to eliminate confusion, I don't think that's the purview of this Council, however, I am always in favor of when there is no reason to close a subsistence season, keeping it open.

7

8 In that case we have a proposal in front of us to open the season on October 10, instead of November 10, which gives another 10 days (sic) for subsistence taking of beaver. I'm in favor of that, but I'm curious that it only aligns with the trapping -- the standard commercial trapping of beaver and doesn't surpass it. In other words, it isn't a year-round or it doesn't start in September or some other particular time. I don't think that just aligning regulations is a -- is compelling enough for me to vote in favor of it, but I am going to vote in favor of it for the different reason which is that it does extend the subsistence season.

19

20 CHAIRMAN EWAN: Any other question on the motion? We have a motion, right, on the floor?

22

23 MR. BASNER: Question.

24

25 CHAIRMAN EWAN: Question's been called on the motion. All in favor of the motion, say aye.

27

28 IN UNISON: Aye.

29

30 CHAIRMAN EWAN: Opposed, by the same sign. Motion is carried.

32

33 MR. LOHSE: Take a break.

34

35 CHAIRMAN EWAN: We'd like to take a five, 36-minute break.

37

38 COURT REPORTER: Off record.

39

40 (Off record - 3:32 p.m.)

41

42 (On record - 3:42 p.m.)

43

44 CHAIRMAN EWAN: I'll call the meeting back to order. I think we're done with Proposal 21, 22. We're down to Proposal Number 1. Mr. Adermann.

47

48 MR. ADERMANN: Thank you, Mr. Chairman. My

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name is Andy Adermann, biologist in the office of Subsistence Management here in town. I worked on Proposal Number 1 and Number 2. One thing I'd like to clear up right before I get into this, on page 1 of your book where it states Proposed Regulation and Proposal for Regulation Change, preceding that actual regulation there should be the words: "It is further prohibited:" Which means you cannot do what it says.

7

8

MR. BASNER: You lost me. Say that again.

9

10

MR. ADERMANN: Within the regulations -- the existing regulations and the proposed regulations there's a list of things that says it is prohibited to do this, it is prohibited to do that,

14

15

MR. BASNER: Okay.

16

17

MR. ADERMANN: This is one of the things included in the -- under that category. Okay, Proposal Number 1 then is submitted by the State, and it requests that the Federal Subsistence Board modify the Federal subsistence trapping regulations to permit same day airborne, SDA, taking of wolves, lynx, coyotes, red fox, and Arctic fox, that the person taking these animals is over 300 feet from the aircraft. Such regulations would mirror those recently passed by the State. Alaska Department of Fish & Game maintains these modifications are needed to prevent public confusion over dual regulations and to provide increased harvest opportunity for trappers who use aircraft to access traplines.

29

30

Federal land managers have expressed concern over potential illegal taking of furbearers that could be fostered by same day airborne regulations. Moreover, there's significant public sensitivity and controversy attached to these regulations. To the extent of aircraft use by qualified trappers, and the practical effects of passage or denial of this proposal on those users, are central yet extremely difficult issues to assess.

38

39

What I'd like to do is up on the flip chart I put a poster of what the existing regulation is, what the proposed regulation is, and what the State is asking in Proposal Number 1.

43

44

Under the current Federal regulations in the regulations book you can take foxes, coyote and lynx on the same day that you flew. We're not talking about a scheduled flight like between airports; we're talking about the person that has a plane goes out in the Bush or some place else. That

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sort of thing you can take foxes, coyote and lynx on the same day you flew as long as you're 100 feet from the airplane. For wolf and wolverine you cannot unless that animal is in a trap or snare and you have gone to dispatch it.

4

5 And here's one of the sources of confusion that other
6 councils have had to deal with. For this middle column, under
7 the Proposed Rule, as you probably know, the Federal
8 regulations are renewed annually. Every regulation is renewed
9 annually, unlike the State system where a regulation does not
10 change until a proposal comes before the State Board of Game.
11 If a proposal doesn't come before the State Board of Game to
12 change something, then that regulation is the same the next
13 year. Our regulations -- I say our, the Federal regulations
14 are renewed annually. So what comes out every year is what's
15 called a proposed rule, and in that proposed rule, the one
16 where it's called the '94/95 proposed rule, which would take
17 effect July 1 of this year, all those regulations will become
18 effective unless the board changes something in April.

19

20 The current proposed rule regarding same day airborne
21 take under trapping would prohibit that. Now what the State
22 has asked is to allow same day airborne take of all these
23 furbearers except for wolverine, as long as the person doing
24 the taking is 300 feet from the airplane.

25

26 Have I confused you all?

27

28 CHAIRMAN EWAN: Not really. I do have a
29 question about the distance, why from 100 to 300?

30

31 MR. ADERMANN: The previous State regulation
32 was like this, it used to be 100 feet. The Board of Game last
33 year changed that to 300 feet.

34

35 CHAIRMAN EWAN: Do you have any reason why?
36 Did they have a reason?

37

38 MR. ADERMANN: I'll defer to John Morrison.
39 I'll attempt to explain why they went to 300 feet versus the
40 existing 100 feet. If I'm wrong, well

41

42 MR. MORRISON: It's to make it a greater
43 distinction between trapping and hunting. This is one of the
44 problems that have come out in this discussion over this thing.
45 They keep referring to same day airborne trapping or same day
46 airborne hunting. Same day airborne hunting is illegal by
47 State law. This 300 feet refers only to trappers.

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Now previously the law was that the trapper could take the -- a wolverine only -- take it same day airborne only if it was already in the trap and needed to finish it off. Now under this 300-foot rule if the trapper is out on his trapline and happens to come across one of these wolves, he would have the opportunity to take it and add to his harvest, and he would realize the value of it. The 300-foot distance was to further eliminate the possibility of someone taking advantage of this non-trapping situation. Just to give that extra edge of distinction from the same day hunting -- just to make it a little tougher for somebody that might not be really trapping is what it boils down to. A bonafide trapper that landed to service a trapline can start shooting at a wolf if he saw one after he got 300 feet away.

14

Now the opposition to this idea comes from some law enforcement elements that was afraid that as long as this is open that pilots will still take advantage of the situation to indulge in same day airborne hunting and then pretend they're trapping.

20

CHAIRMAN EWAN: Lee.

22

MR. BASNER: Are you finished or

24

MR. ADERMANN: I have more to add

26

MR. MORRISON: I'm finished.

28

MR. ADERMANN: but if you have something to address to John, go ahead.

31

MR. BASNER: No, I didn't mean you, John. I was talking to him. No, go ahead, and I'll hold my question until you are finished.

35

MR. ADERMANN: As I see it, the most significant issue then in Proposal Number 1 is this allowance for the State to take wolves on the same day airborne.

39

And continuing with the analysis, passage of this proposal would likely only moderately increase subsistence harvest of the five species up there. Although the amount of aircraft access has risen in recent years in most parts of the State, aircraft are not used extensively for subsistence purposes. In addition, while aircraft were historically employed in a few rural locations since the 1950s, it appears that the practice of taking furbearers by aircraft was not widespread. Consequently, passage or failure of this proposal

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would not likely affect a substantial number of users.

1

2 I'm reading from page 4, the last paragraph. Federal
 3 managers have not unilaterally agreed with the State's position
 4 on same day airborne taking of furbearers, and have expressed
 5 concern that State same day airborne regulations invite
 6 potential abuse of Federal regulations prohibiting harassment
 7 or taking of wildlife from aircraft. The State maintains that
 8 the restriction prohibiting trappers from shooting a wolf,
 9 coyote, lynx, red fox, or Arctic fox unless the trapper is 300
 10 feet from the aircraft, is sufficient protection against
 11 violations of the Federal Airborne Hunting Act. Federal law
 12 enforcement officials have disagree. In response to State wolf
 13 management initiatives, especially the passage of a regulation
 14 permitting same day airborne take of wolves under a trapping
 15 license, the Fish & Wildlife Service have recently published a
 16 rule to prohibit same day airborne taking of wolves and
 17 wolverines on National Wildlife Refuge lands. State and
 18 Federal regulations already prohibit same day airborne taking
 19 of free-ranging wolverines.

20

21 Biologically, you know, I don't have a lot of evidence
 22 to say we can't do this. As was mentioned in our earlier
 23 proposal dealing with wolverines in Unit 13 or 11, it was
 24 suspected that that sort of activity may have -- may be
 25 responsible for reduced populations but it's nothing, real
 26 proof-positive that that's -- has occurred. That's what I
 27 have.

28

29 MR. BASNER: Okay, now, I have two questions.
 30 Again, I refer to my limited experience in my limited area. We
 31 don't have a lot of lynx in my area because we don't have a lot
 32 of rabbits, but we do occasionally -- there are a few in the
 33 area, but it's my understanding that lynx are not in real good
 34 shape population-wise. Can you speak to that?

35

36 MR. ADERMANN: I believe in this area and
 37 several areas of the State they are in their cyclical mode.
 38 It's a predictable occurrence. Approximately ever 10 years
 39 they bottom out or peak, depending on where you're at in the
 40 cycle, and right now we're in that low phase of the cycle.

41

42 MR. BASNER: Do you not adjust to the cycles or
 43 do you just leave the regulations in place and

44

45 MR. ADERMANN: There is a -- what's called a
 46 backing harvest strategy implemented by the State and we're --
 47 say we're, the Federal Subsistence Staff are trying to work
 48 with the State in adjusting season lengths, namely season

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lengths, during periods when there is full numbers of lynx to actually closure sometimes when it's needed, and then when the population has expanded and reached that peak, make the season more liberal to allow for extra take or will not detriment the population.

5

6 MR. BASNER: Okay, second question. You had a
7- in your discussion you said consequently the passage or
8 failure of this proposal would not likely affect a substantial
9 number of users. This is based on the fact that not a lot of
10 subsistence users take furbearers with the use of bear traps.

11

12 MR. ADERMANN: That and not a lot of
13 subsistence users have aircraft.

14

15 MR. BASNER: Okay, but I think you need to take
16 look a little bit farther than that. The fact that a lot of
17 non-subsistence users use aircraft to take the animals would
18 impact on subsistence users who will use ground transportation
19 to take the animal. If the animal has been harvested by an
20 aircraft non-subsistence user, that animal is no longer
21 available to a subsistence user, is it?

22

23 MR. ADERMANN: That's correct.

24

25 CHAIRMAN EWAN: Any questions or comments?

26

27 MR. OSKOLKOFF: Maybe I'm missing something.
28 Well, maybe we can get into it later, but I'm having a hard
29 time making a link to the concept of subsistence hunting, and
30 maybe I'm missing the point here, exactly what we're working
31 on, but subsistence hunting or trapping, for that matter, with
32 the use of an airplane seems to be some economy of use there
33 that -- it gets lost. Maybe, Lee, you have a

34

35 MR. BASNER: I am one.

36

37 MR. OSKOLKOFF: You have an airplane. Maybe
38 you can enlighten me to that, but it seems that even if this
39 could be done feasibly to be a valuable resource to those who
40 depend upon it, it would probably be done so rarely that I
41 don't know that this -- it seems to me -- I feel uncomfortable
42 even dealing with the issue and the fact that we're talking in
43 other areas about hundreds of people in a small, concentrated
44 town who practice the same thing, like harvesting a moose or
45 caribou or something, and here we're talking about a very rare,
46 isolated incident. So I don't understand why it's brought up
47 the Council for consideration on this. Maybe -- like I say,
48 might be missing something. I'd sure appreciate being clued

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in.

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CHAIRMAN EWAN: Ralph.

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MR. LOHSE: I'd have to look at it in another way. If I throw in the -- the 18 years that I spent on a trapline and I throw in the amount of times there was an opportunity to take a furbearer with a gun, the only reason I could see to submit this is if it was some way or another to be able to use an airplane to take furbearers because -- we did have a problem with that in the Cordova area with the wolverine really getting hit by airplane hunters, land and shoot. After they couldn't shoot from the air, land and shoot 'em.

13

14

I think the opportunities that would be lost -- the only way I could see to do this would be to have some kind of regulation in here that they would have to land at an existing pre-baited trapline, and I would take the 300 feet and I would change it to about a half a mile or something like that and then if they accidentally ran into something, fine. But I don't think they're going to miss much opportunity by not -- there's not very -- going to be too many animals standing around 300 feet from where they land an airplane, and I -- I think it's got too much chance for violation, myself. And I agree with Gary, it's pretty hard for me to think of subsistence and airplane in the same breath.

26

27

CHAIRMAN EWAN: Could I ask you now -- I was going to say the wolves, I could see if we -- I don't have too much of a problem with them, but the fox and lynx, I do have a problem with those. Those are pretty easily caught by trappers on the ground, and those other animals, coyotes, I don't care what you do with those. Wolf, in my area, the best way -- 13 and 11, there are just too many wolves over in there. I think it would make an impact on moose and caribou, in my opinion. And I've been out there hunting moose and caribou for years, and I really know that. Now that's just -- I'm kind of neutral on this. Again, I guess I'll side with you people. It doesn't seem like a subsistence issue.

39

40

MR. BASNER: Well, I don't really want to comment on the entire package until I've heard all the testimony here because at this point

43

44

CHAIRMAN EWAN: Right.

45

46

MR. BASNER: I'm still neutral on it. So but I just wanted to maybe address Gary's question with subsistence users and airplanes. I've got a 1940 Taylorcraft.

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I paid \$5,000 for it. Now the last snowmachine I bought I paid the same amount. So, you know, there is a -- when you think of airplanes you think of some rich guy. Hey, folks, I'm not. But I do have this old 1940 T-craft. It does not have an electrical system, it's hand-prop. I mean this is flying the way it used to be. I don't have a radio. But -- and it drinks about 4-1/2, 5 gallons of gasoline an hour. My snowmachine drinks about the same amount. So when you talk about economy of effort, what it does is it gives me access into some valleys that other trappers don't get into, back into some areas that are not harvested and wouldn't be harvested if I weren't able to get in there with an airplane, and I can go in and set a line and go back and periodically check it with an airplane. If I do it right I can put my set so I can check my sets from the air with a low pass and don't even have to stop and get out. So that's economy of effort, Gary. I don't know if that answers your question, but it's an attempt to.

17

18 CHAIRMAN EWAN: I recall the thing I wanted to talk about, and that was the boundaries of land; Federal, State, Native corporation land. Nobody knows whose lands those are. Those people in the air, really, don't know, there's no marks on the ground. So a lot of times there's a lot of trespass and all that going on. You're going to encourage that, and from Native corporations standpoint, this is -- we don't like this at all, you know, people going out and landing on our lands. They think they're on Federal lands, but they're not on Federal land, they're on our land shooting animals. I see that as a problem.

29

30 MR. BASNER: Taylor?

31

32 CHAIRMAN EWAN: Yes.

33

34 MR. BRELSFORD: Thank you, Mr. Chairman.
Taylor Brelsford again. I think there are a couple of sort of framework considerations for you to take into account here.

37

38 First of all, this is a statewide proposal, and so in analyzing we're summing up things that are very different in different regions of the State, and I think the greatest benefit that the Southcentral Council could offer to the board is to talk about what you see in the Southcentral Region. Does the shoe fit here is really what you could help to educate the board about.

45

46 I think taking that into account we need to think about what the circumstances are in Southcentral Alaska first and foremost. And there were two considerations that I've seen

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discussed in other council meetings that might be helpful if you can take a minute and really speak to, based on your experience in this area.

3

4 The first of those is the question of whether aircraft
5 are in any significant way a traditional method of access for
6 subsistence hunting. I think it's fair to say that in the
7 Bethel region when this proposal came up people just hooted.
8 They said we don't know any subsistence users that own
9 airplanes, and in the Yukon-Kuskokwin Delta it was only a sport
10 hunter would have the income -- only a sport user would have an
11 aircraft in the first place, how can there possibly be a
12 subsistence use of aircraft in this fashion? That is true to
13 the history of the Yukon-Delta area.

14

15 However, we knew in writing up the staff analysis that
16 there are some other regions in the state, in the Galena area,
17 for example, there's a history of aircraft use by local people
18 that dates back quite a while, and when we met in Dillingham
19 with the Bristol Bay Council, there were several members on the
20 council and other people who talked about using aircraft dating
21 back as far as 1939. In the case of one fellow who spoke at
22 some length, and I had heard -- well, I lived in Dillingham --
23 talk about how people got their first aircraft shortly after
24 the WWII, includes fathers who worked near the air bases and
25 had an opportunity to learn the new transportation method that
26 dated back quite a way.

27

28 So the key thing is that there are differences between
29 the regions in the state, and where aircraft have become a
30 component of subsistence practices, maybe we don't have a
31 statewide regulation on this matter, maybe we need some
32 variation, some exceptions or particular attention paid to the
33 circumstances of different regions. So I think if your
34 judgment as a council concerning Southcentral Alaska is that
35 subsistence users do not typically or in any significant way
36 employ aircraft as a method of access, then perhaps you would
37 not favor this proposal. So one consideration, again, is to
38 think about what's the traditional -- does aircraft constitute
39 a traditional method of access.

40

41 The second problem that -- the second question that has
42 even rise to quite a bit of discussion in other parts of the
43 state has to do with the prospect that people employing
44 aircraft would abuse the opportunity, and that you would have
45 what amounts to harassment of animals or actual taking from the
46 air or land and shoot hunting, that the 300 feet is not much of
47 control, if there's a history or a tendency that you all
48 would see in Southcentral Alaska for aircraft users to abuse

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the regulations. Now that's something I don't feel we have very specific information about when we were trying to write up the staff analysis. That's something again that I think the Regional councils have a lot more appreciation of actual events and history in the area. So perhaps some of you that would be knowledgeable about this could provide some information in the record or to the board directly about the question of whether this -- more or less invite some abuse of the regulations that Federal prohibition on harassment of animals from aircraft and so on.

10

11 So I think it's important to address this in a regional perspective, help us provide adequate information to the board about the traditional use of aircraft or not in Southcentral. 12 And if you could comment on the user group ethics with regard to aircraft use, I think that would also be very helpful for the board in making their decision.

17

18 So that concludes my contribution on -- based on the comments that have been raised in other areas of the background information that was available to us and summarized for you.

21

22 CHAIRMAN EWAN: Questions or comments? Taylor, thank you. Moses.

24

25 MR. DIRKS: Thank you, Mr. Chairman. 26 Moses Dirks, with the Fish & Wildlife Service, and these are the summaries of public comments -- written comments to Proposal Number 1. We have three supporting to the proposal and then four in opposition.

30

31 The Alaskan Bowhunters Association, together with the Golden North Archery Association were in support of the proposal as it aligns Federal with State regulations.

34

35 And an individual from -- Mr. Solomon from Kaltag agrees with the proposed regulation, which he defines -- which defines the method of taking the species that are covered, and the length of open season.

39

40 And the ones that were in objection to Proposal Number 41 were: The National Park Service. They said that they did not directly affect national park or monument lands in Alaska since the use of aircraft for access for the purpose of taking fish or wildlife for subsistence uses within the parks and monuments is prohibited by the National Park Service regulations. The Park Service also believes authorization of same day airborne taking by use of firearm or weapon inevitably invites violation of the Federal Airborne Hunting Act.

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1 And also in opposition was the Upper Tanana/40-Mile
 2 Fish & Game Advisory Committee in Tok. The Committee favored
 3 not allowing the same day airborne hunting of wolverine. As
 4 written, the proposal extended the minimum distance from
 5 airplane to harvest fox, coyote and lynx to 300 feet instead of
 6 the present regulations of 100 feet.

7
 8 And the Alaska Wildlife Alliance, here in Anchorage,
 9 was strongly opposed to this proposal, for several reasons, and
 10 then they gave seven reasons for that in the document that's
 11 noted there. If you want me to go over that, I'll do that.

12
 13 And also in opposition was an individual named
 14 John Zabielski, from Tok. He was opposed to any same day
 15 airborne shooting for any reasons except for dispatch of
 16 trapped or snared furbearers, including wolf and wolverine.
 17 Same day airborne shooting is not acceptable to the large
 18 majority of people and is unenforceable and unnecessary and
 19 should not be allowed on public lands to accommodate Alaska
 20 Department of Fish & Game's agenda.

21
 22 So that concludes the summaries of public comment on
 23 Proposal 1.

24
 25 CHAIRMAN EWAN: Okay. Any questions?
 26 Thank you. I'd like to briefly go back to what
 27 Taylor Brelsford was saying about the abuse. I'm very
 28 concerned about that particular area. If there's nobody out
 29 there in the middle of nowhere and you're in an airplane, you
 30 can be out in the middle of nowhere -- who is going to be
 31 watching you to see that you're 300 feet away from the airplane
 32 when you shoot the animal or whatever. I think there's room
 33 for a lot of abuse going on. How you control that, I don't
 34 know. You can't. I have a concern in that area. Lee.

35
 36 MR. BASNER: I do, too, but I defer my comments
 37 again until I've heard the rest of the public testimony, but I,
 38 in general, agree with what you said, yeah.

39
 40 CHAIRMAN EWAN: Okay. Anybody else? We're
 41 open for public comment now. Anybody want to make comment on
 42 this proposal?

43
 44 MR. CASEY: Mr. Chairman, my name is Ed Casey.
 45 And on this proposal I see here where we're discussing a 300
 46 allowing 300 feet from an airplane or from 100 feet, this
 47 whole thing, it seems to me, there -- Gary had mentioned
 48 earlier he loses the perception here as to what it means, and

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my suggestion to this board is to either table this or do away with this proposal altogether because in any direction the proposal solidifies any recognition of aerial hunting in any new cases. Although we are subsistence users -- and he's right, we have no access generally as a subsistence user to utilize an aerial approach to our way of life, and most of those people in our general areas wouldn't be -- have an opportunity to try this. Therefore I would think other people on our traplines, whoever, would like to go along our traplines and see if we're within the vicinity of those traplines and have it there to abuse. So to even recognize an aerial approach to this subsistence way of life is -- I don't know how to express it. So if you recognize this proposal in many ways to recognize that aircraft is a possibility, therefore I'd be opposed to even -- I think this ought to be tabled. I don't think this should even be brought up here. With that I'll let you

17

18

CHAIRMAN EWAN: Thank you. Anybody else? Everybody getting tired or what? Yes, Ralph. Did you have a comment, Ralph?

21

22

MR. LOHSE: Yeah, I was going to say that while I find -- in our area I find aircraft trapping kind of a contradiction in terms. I was thinking back about 25 years ago when I taught out in the Aleutian Peninsula, and -- out of Perryville/Ivanoff area, and there were a couple of residents out there who used aircraft for subsistence purposes. Out in that country you either use a boat or an airplane, 'cause there's no other way to go anyplace, and, well, like I said, in our area I would find it pretty hard to use an aircraft. I guess I have to recognize that there's other parts of the state that maybe aircraft is a legitimate subsistence tool. I still think it opens the door for tremendous amount of abuse.

35

36

CHAIRMAN EWAN: Could I add this one thing that I have concern about, and that is the issue of what do you do with people that are trapping on the ground, you know. Boy, it's very demoralizing to your trapping when they have an airplane or a couple airplanes coming in here and there and land and set a trap or do whatever they want to, when you have to go get out there with whatever way you can get out there. That happened to me one time. I was out beaver trapping and here comes an airplane and lands right next -- here, this is normally the area we trap anyway. Here comes an airplane, lands right -- the next lake to us, exactly where we were going to be going next, and sets a trap. So it is kind of -- like I say, demoralizing for people that actually really want to -- I mean

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our subsistence trapping, I guess you want to call it, for
 beaver in this particular area, or muskrat. Mr. Twitchell.

2

3

MR. TWITCHELL: Hollis Twitchell, speaking just
 as a private individual, not as Denali National Park. My
 comments are based on having flown in Alaska for over 15 years
 as well as being an enforcement officer for the Park Service
 for 15 years. My references are going to be to the areas that
 I worked in at Lake Clark and in Denali, and the experience
 that I have found is that in those areas where, in particular,
 wolves have been exposed to aerial hunting or same day airborne
 hunting, in either case the response -- the flight response
 behavior of wolves, in particular, to the sound of aircraft is
 pretty alarming.

14

15

With all due respect to the chair and council members,
 the wolf packs that I have flown over, it's just assholes and
 elbows to get out of there at the sound of an airplane. They
 just don't like it because they haven't been exposed to that
 sort of harvest activities in the past. And I find that both
 the regulations of 100 feet from an aircraft or 300 feet from
 an aircraft would be extremely difficult to take a wolf, in
 many cases a fox or coyote, legally without having driven,
 chased, cornered or somehow grasped the animal in the effort to
 take it. So I would encourage you that the abuse of aircraft
 in flying and landing and getting out and shooting either of
 these proposals, 100 feet or 300 feet, is a very difficult
 thing to do equally. Thank you.

28

29

CHAIRMAN EWAN: Thank you. Anybody else?

30

31

MR. WELLS: Well, I just have a question to
 Fish & Game over the proposal that -- the State proposal would
 John, this may be addressed to you. The State proposal
 would eliminate the protection from same day airborne hunting
 of furbearers, all except wolverine; is that correct?

36

37

MR. MORRISON: It still protects wolverine.

38

39

MR. WELLS: Why are you leaving wolverine in
 there for protection of same day airborne?

41

42

MR. MORRISON: Because the people that
 requested the Game Board to make that change didn't feel that
 that was needed for wolverine. They were more concerned about
 wolf. As I understand it, most of the public interest in
 regaining the 300-foot opportunity on a trapline comes from
 people whether they're subsistence qualified or not is not the
 question. They're public trappers, public -- members of the

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public that use an airplane to access their trapline. In certain parts of the state they depend on lakes or rivers where they can get down on skis and then take off on their trapline, and they are people that feel with the airplane they can service their traplines more frequently and they can also service more traplines, and what they're concerned about is in the process of servicing those traplines if they should happen to get an opportunity to shoot a wolf, they don't see why they can't do it, and the Game Board agreed.

9

10 MR. WELLS: But my question is why did they
leave -- why did they still provide that protection or
proposing to provide the protection for wolverine?

13

14 MR. MORRISON: I don't know. My perception
would be that it wasn't requested.

16

17 MR. ADERMANN: I think there's some concern
over wolverine populations in various areas of the state given
the fact that a good wolverine population occurs in such low
numbers anyways, they occupy open habitats and are more prone
to somebody seeing them from an aircraft and possibly landing
and taking -- they're more vulnerable from somebody in an
airplane.

24

25 MR. MORRISON: That's a possibility.

26

27 MR. BASNER: Mr. Chairman, move to adopt
proposal 1.

29

30 CHAIRMAN EWAN: There's a motion; is there a
second?

32

33 MR. LOHSE: Second it.

34

35 CHAIRMAN EWAN: I heard a second. Is there
further discussion on the motion? Lee.

37

38 MR. BASNER: Yes. Mr. Chairman, I've already
stated I'm a pilot. I have been a subsistence -- so-called
subsistence trapper, but I am adamantly opposed to same day
airborne hunting and trapping because of the abuse, and I have
seen evidence of abuse in abundance up in my area. I live in a
cabin in the Bush, in an area where most of the small planes
that come out of Anchorage, Wasilla area, come in the general
vicinity of my cabin during the season, starting about now.
I've personally reported two violations of the illegal take of
wolves by same day airborne, reported it to the National Park
Service, and I really don't think it's ethical. I would have

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no objection if somebody takes an airplane and goes out and services a trapline if they were unethical trappers they would make damn sure that they're not moving in on somebody's ground trapline in the first place. And I never did that. I went into areas that nobody else could get into. But I have flown for many years up in that area. I echo Hollis Twitchell's remarks on the reaction of wolves to aircraft. Wolverines are quite easily taken by airplanes. Lynx, no, I don't think so. Foxes are not that difficult to take or coyotes either from airplanes. But lynx are usually in a habitat more brushy and a little difficult to get to.

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12 This 300 feet thing, in my mind, is nothing but a joke. 13 It's throwing somebody a pacifier. First we went from same 14 day airborne to getting 100 feet away to getting 300 feet away, 15 and it's all a joke. You can run a wolf or a wolverine into 16 the ground so he's so damn tired he'll sit there and let you 17 taxi up next to him. It's not difficult to do if the terrain 18 and the weather conditions permit. It's going to continue 19 whether it's made illegal or not, but at least if airborne, so- 20 called trapping, and all it is is a misnomer, it's airborne 21 hunting, and if it's allowed to continue it's going to be -- 22 the abuse is rampant. If it's prohibited there'll still be 23 some abuse but at least the enforcement people have got the 24 opportunity to zero in on somebody using an airplane hauling 25 back a wolf that's got buckshot in him and trying to claim that 26 he was shot 300 feet from an airplane. I have become fairly 27 closely acquainted with various wolf packs in my area and none 28 of them that I know are going to sit there and let me land the 29 airplane, get out, walk 300 feet away from it and shoot the 30 wolf. They're gonna leave the country. The odd exception 31 would be the fact that Denali National Park that moves outside 32 the boundary and has become habituated to the airplane that 33 Denali uses inside the park to track the radio collared packs 34 they have in there. They're so accustomed to the airplanes in 35 here that you can put your wingtip on the nose of the leader, 36 and he'll just stop and let the airplane go by and then 37 continue walking. And that's a fact. I did that one day when 38 was flying someone from the Park Service up in there. They 39 just stopped, paid no attention to the airplane whatsoever. 40 But that's a different wolf than we're talking about that lives 41 outside the park and has been accustomed to being harassed by 42 airplanes.

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44 So I'm opposed to this. I don't know who proposed it 45 the State, but I would say that by and large I couldn't 46 really call them sport hunters. They're certainly not 47 subsistence hunters. They're going to impact adversely on 48 subsistence users because they're taking animals that would

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otherwise be available to subsistence users, and I guess that's the thing that I really should zero in on and hang my hat on because this is a subsistence council. I'm going to vote no on this proposal.

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CHAIRMAN EWAN: Gary.

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MR. OSKOLKOFF: I'm also going to vote no. I'm still wrestling with the very concept of using an airplane for subsistence, and I think this simply expands the ability of a person to do that, and also I agree with -- that perhaps it could lead to more abuses. but getting back to my comment that I made before when we were working on C & T determinations we talked about a significant use of a method of taking, or a significant use of an animal by a group of people. I in no way see that this is significant. It happens, it does occur. I believe Lee when he says this, that it's even efficient for him, but I don't believe that it's done in the appropriate numbers and I don't think it's been done for the appropriate period of time to be considered customary or traditional, for that matter. I'm against the whole concept, and therefore expanding this by -- which I believe is what this proposal does is completely foreign to my nature. I'll vote against the proposal.

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CHAIRMAN EWAN: Do you have a comment?

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MR. LOHSE: Question.

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CHAIRMAN EWAN: Question's been called for on the motion. All in favor say aye. All opposed, say no.

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IN UNISON: Aye. No.

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CHAIRMAN EWAN: Okay, same sign then. I'm sorry. Okay, motion defeated.

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MR. BASNER: How late are we going to go?

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CHAIRMAN EWAN: Fooled you that time.

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MR. BASNER: It's 20 minutes to 5:00.

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CHAIRMAN EWAN: What's the wish of the council members. Do you want to continue or call it a day?

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MR. BASNER: Let's call it a day.

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CHAIRMAN EWAN: I think everybody is getting

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MR. BASNER: Recess till tomorrow.

CHAIRMAN EWAN: Is there any objection to
recess till tomorrow -- what time?

MS. EAKON: 9:00.

CHAIRMAN EWAN: 9:00 a.m. Okay, hearing no
objection, we'll recess till 9:00 a.m. tomorrow.

COURT REPORTER: Off record.

(Off record - 4:38 p.m.)

(PROCEEDINGS TO BE CONTINUED)

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

I, Rebecca Nelms, Notary Public in and for the State of Alaska, residing at Anchorage, Alaska, and Reporter for R & R Court Reporters, Inc., do hereby certify:

THAT the annexed and foregoing is a Transcript of the Southcentral Alaska Subsistence Regional Advisory Council meeting, held on the 2nd day of March 1994, commencing at the hour of 9:00 o'clock a.m., at the Golden Lion Hotel, Anchorage, Alaska;

THAT this Transcript, as heretofore annexed, is a true and correct transcription of the proceedings, recorded by Laurel L. Kehler-Evenson and thereafter transcribed by Laurel L. Kehler-Evenson.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 9th day of March 1994.

Notary in and for Alaska
My commission expires: 10/10/94

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