

SOUTHCENTRAL ALASKA SUBSISTENCE  
REGIONAL ADVISORY COUNCIL  
MEETING

March 3, 1994

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ANCHORAGE, ALASKA 99501

PROCEEDINGS

1  
2 (On record)  
3

4 CHAIRMAN EWAN: I'll call the meeting back to  
5 order. Today we're on Proposal Number 2. We were finished  
6 with Proposal Number 1. We'll start off with Staff Analysis by  
7 Mr. Adermann.

8  
9 MR. ADERMANN: Thank you, Mr. Chairman.  
10 Council members, Proposal Number 2, also submitted by the  
11 Alaska Department of Fish & Game, and it's dealing with wolves.  
12 Before I get into the presentation of the analysis, I'd like  
13 to make a suggestion to this Council, and this is based on  
14 other councils meetings I have attended. Because Proposal 2 is  
15 dealing with a large area of -- almost all of the state, what  
16 the other councils have done is when they made a motion, they  
17 amended it to state that they are only dealing with the changes  
18 specific to their area. They didn't feel comfortable in saying  
19 yes or no and having possible implications on another area.

20  
21 Okay, then, as I said, Proposal Number 2 is dealing  
22 with wolves, and there's several changes that affect the  
23 Southcentral Region. Up on the flip chart I put a map of the  
24 Southcentral Region, and in the red I tried to -- I put down  
25 the changes that would affect the harvest limits under the  
26 hunting regulations. I put the existing regulations first. So  
27 say for Unit 16 the current existing harvest limit under  
28 hunting is four wolves. Proposal Number 2 is asking to make  
29 that five.

30  
31 Likewise, in Unit 6 the current wolf hunting harvest  
32 limit is two; the State is asking that that go to five.  
33 Elsewhere, in Unit 7, the current wolf hunting harvest limit is  
34 one. We'd like to see that go to two for the Kenai Refuge, and  
35 then elsewhere other Federal lands in Unit 7 would be five.  
36 The same thing applies for Unit 15. The Kenai Refuge is the  
37 only Federal public land in Unit 15 that I'm aware of, so it's  
38 going from the current one wolf harvest limit to two.

39  
40 Also in Unit 14-C there's currently -- the wolf harvest  
41 limit is one, and that would ask to move that to five; and in  
42 14-A the harvest limit is four, they'd like to move that to  
43 five. In Unit 13 the current harvest limit under hunting is 10  
44 wolves. Again, they'd like to move that to five.

45  
46 Those are all the changes affecting the hunting harvest limits.  
47 Also in Unit 13, under the trapping regulations, the State is  
48 asking that we extend the season by one month to include April.

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Right now the current wolf trapping season ends March 31. They'd like to see that end April 30.

2

3 Again, this proposal is primarily concerned with  
4 regulatory consistency. On June 1993 the Alaska Board of Game  
5 made changes to their trapping regulations, and they extended  
6 the season out to April 30 in several areas of the state.  
7 Previous to that they put this five wolf hunting harvest limit  
8 basically statewide. And our current wolf hunting harvest  
9 limits are a reflection of previous State wolf hunting harvest  
10 limits when Federal assumption occurs.

11

12 Wolf hunting harvest limits have little application of  
13 regulating the harvest, given the fact that under a trapping  
14 license an individual can take wolves with a firearm, and there  
15 no harvest limit. The current wolf hunting harvest limits  
16 and seasons, which begin in August, are designed to allow  
17 opportunistic take of wolves while hunting for ungulates.  
18 Extending the wolf trapping season through April in Unit 13  
19 would provide an additional 30 days of opportunity to utilize  
20 traps and snares.

21

22 Several concerns with existing and proposed Federal  
23 subsistence wolf seasons have been identified. In light of  
24 subsistence uses, taking wolves outside of the November through  
25 March pelt primeness period may be viewed as a wasteful use of  
26 the resource. Allowing harvest late into the reproductive  
27 period may deviate from accepted principles of wildlife  
28 management.

29

30 Finally, wolverine populations may be negatively  
31 impacted both directly and indirectly. Wolverines are more  
32 vulnerable in spring and are susceptible to leghold traps set  
33 for wolves. In addition, wolverines are scavengers and, during  
34 mild winters, rely more heavily on wolf-killed ungulates  
35 as a food source.

36

37 That's all I have for right now.

38

39 CHAIRMAN EWAN: Any questions, comments? Lee.

40

41 MR. BASNER: Yes, Mr. Chairman. I guess I  
42 don't understand some of the rationale here. Perhaps you can  
43 explain it so that I can. We want to increase the take in 7  
44 and in 15 where there are not large populations to begin with,  
45 I understand it, yet we want to decrease the take in Unit 13  
46 where we have a very large, viable wolf population. We want to  
47 decrease the take hunting but we want to increase the trapping  
48 season so trappers can trap non-prime pelts in April, which

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also is, by the way, a fine time to land and shoot with airplanes up in that neck of the woods. So the whole thing doesn't come together for me. There doesn't seem to be a logical flow here. Can you address that, please?

4

5 MR. ADERMANN: Again, this proposal was submitted by the State, and the changes they're asking are the current State regulations, and they would like to see our regulations mirror theirs. Again, the wolf hunting harvest limits, from a biologist's perspective, they don't mean a whole lot, given the fact that you have a trapping season with no limit and you can use firearms. Now your hunting seasons start earlier for wolves, they start in August and run out to April, but -- you know, so that harvest limit only becomes effective in the period outside the trapping season, really. If a person wants to shoot more than five wolves and they have a hunting license, they just have to buy a trapping license and they can still shoot wolves without any limit. So you have \$15 for a trapping license, you know, separates no limit from a five wolf limit.

20

21 MR. BASNER: Thank you.

22

23 CHAIRMAN EWAN: Ralph.

24

25 MR. LOHSE: I was reading in the -- did you help draw the conclusions at the end of it?

27

28 MR. ADERMANN: Yes.

29

30 MR. LOHSE: Because basically in the conclusions you say it will have minimal biological and socioeconomic impact, and biologically, stateside wolf numbers will probably not be negatively impacted because of this overlapping season most of it is the reason you don't figure it will actually increase the take any to speak of?

36

37 MR. ADERMANN: There may be localized reductions, but for the most part I don't think it will have a significant impact. Number one, it's -- understand it's pretty difficult to get around in April, except maybe with airplanes, and, secondly, the quality of the pelt isn't that good, so there is the incentive but to utilize that extra opportunity in April.

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45 MR. LOHSE: Well, the question that I was wondering, do you have any data on how many wolves are taken by hunting? Is there a significant portion taken by hunting or is the hunting take, comparatively speaking, pretty low?

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1 MR. ADERMANN: I don't have any specific  
2 numbers. One of the problems with the sealing database, as you  
3 know, wolves are supposed to be sealed whether they're taken  
4 under a hunting license or a trapping license. Other than the  
5 date that animal was taken, if it was taken in August or  
6 September when only a hunting season is open, and not many are  
7 taken during that time, there are some, but the majority are  
8 taken during the winter months, this time of year, and they  
9 don't -- you can't separate out hunting from trapping.

10

11 MR. LOHSE: They're taken during the trapping  
12 season though.

13

14 MR. ADERMANN: Right.

15

16 MR. LOHSE: So the majority of the wolves --  
17 there are very few taken during the actual hunting season  
18 itself. So anybody that wanted to hunt one would probably just  
19 buy a trapping license and hunt one that way?

20

21 MR. ADERMANN: Yes.

22

23 MR. LOHSE: So that's why you say the limits  
24 don't mean much?

25

26 MR. ADERMANN: Right.

27

28 CHAIRMAN EWAN: I don't know if you addressed  
29 the's -- I don't know if it was a question or not. Anyway, the  
30 issue of why increases in certain areas and decreases in other  
31 areas. Like 13, I was just wondering why you're extending the  
32 hunting or trapping time and you're decreasing the limit. What  
33 is the rationale for that?

34

35 MR. ADERMANN: Well, I'd ask if the State would  
36 like to respond to that, 'cause they're the ones that submitted  
37 the proposal.

38

39 CHAIRMAN EWAN: John.

40

41 MR. MORRISON: Yes. John Morrison, Fish & Game  
42 Department. Not only in Unit 13 but in other parts of the  
43 State where there would be a significant decrease in that total  
44 bag limit for hunting, this has mostly been requested by  
45 trappers who resent the opportunity for hunters to take 10  
46 wolves that now the trappers cannot take for their profit,  
47 their business, and they feel that since this regulation, the  
48 hunting part of it, is just to allow big game hunters an

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opportunity to take a wolf or two if they get the chance. The trappers felt that they shouldn't have such a big opportunity to take 10 of them that they felt was taking money out of their pocket.

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5

CHAIRMAN EWAN: Thank you. Lee.

6

7

MR. BASNER: Yeah, Ralph was interested in the numbers of wolves taken. I can only speak to the area I live in, in Unit 13, but there's a reasonable -- there are reasonable amounts of wolves taken as incidental to the moose and the caribou hunt. We get tremendous hunting pressure in Unit 13 from the Anchorage and Fairbanks populations. And these people come down or up, as the case may be, hunt particularly concentrated along the Denali Highway, and we've got large amounts of wolves in that area -- relatively large. So they have the opportunity to shoot a wolf, which is really quite a thrill for a hunter who has maybe hunted most of his life and he's out there and he finally gets a chance to take a wolf. And I think that's a good thing. I don't quite understand -- it appears that, John, that Fish & Game Department has reacted to the trapping community as opposed to any requests from the hunters in terms of bag limits.

23

24

MR. MORRISON: I have not attended the Game Board meetings where these decisions were made, but I would venture to say that probably the trapping interests were pretty vocal there, and nobody else was, and so the board felt that, well, since this seems to be the main interest in this, that's what they would go along with. Now had there been a large amount of opposition from some other source, they might have thought and come to a different decision. I'm just speculating. As I say, I was not at the board meeting, and I have not had an opportunity to explore the rationale in a lot of this. I certainly intend to be before the Federal Subsistence Board meets and be ready at that time to give a greater explanation for the Game Board's decisions on this.

37

38

Some of the units where it is recommended that the number of wolves available by hunting has been increases, say in Unit 14-C, that's gone from one to five in the proposal. 14-A and 16, from four to five. Here it's mainly -- as far as this proposal is concerned, the desire to get the Federal and State regulations synchronized to reduce public confusion, because in many cases they can't identify the boundaries between State and other land properties, land holdings, and just reduce the possibility for law violations.

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MR. BASNER: Is there any magic in number five?

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That seems to appear just right down the line. It looks like someone just said, well, let's just arbitrarily pick out a number and raise it from one to five or reduce it from 10 to five.

4

MR. MORRISON: Again, I'm not sure why the Game Board picked that number. Somebody suggested it.

7

MR. BASNER: I'm looking for some right now. I haven't seen a lot of it yet.

10

MR. ADERMANN: I may be able to address that. I believe what the Board of Game did when they implemented that five wolf regulation almost statewide was they looked at some previous harvest data and most people don't take more than five wolves, so I guess they just -- they weren't gonna affect many people -- many hunters. And, again, we still have this trapping season, you know, that there is no limit for the person that just wants to hunt. A majority of those aren't going to take more than five wolves, so they're not going to be impacted.

21

CHAIRMAN EWAN: Ralph.

22

MR. LOHSE: I can speak to a little bit of where some of the pressure came to reduce it from 10 to five. Trapping is basically usually looked at as a local -- in general, local people, and the hunting is usually looked at as outsiders and so on. I have an idea where some of the pressure came to to reduce it from 10 wolves for hunting to five wolves for hunting and -- 'cause it's still unlimited for trapping, which is local people. And so that's probably -- knowing some of the people that are involved in it, I would think that's probably where the pressure came from, 'cause most of your trappers are -- there are some trappers from the larger cities, but most hunters are looked at as outsiders, and most trappers are looked at as local people.

37

CHAIRMAN EWAN: I'm from Unit 13, and I'm very concerned about that area. I don't -- I live there and I haven't heard anybody say I don't want to see somebody else come from somewhere else and kill more wolves than the local people. I think for some of those people, we'd like to see more wolves killed in that area, 'cause they're impacting on the moose and caribou. I know that for a fact. I go out almost every year I've seen evidence of wolf impact on caribou and moose. I don't know if I want to support that one for 13.

47ee.

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MR. BASNER: I have questions -- I'm familiar with 13, and I, in general, support what Roy is talking about, but I don't know much about the Kenai Peninsula, 7 and 15, and the wolf population down there. You want to raise it -- there must have been a reason why there was only a one wolf limit. It would indicate to me that probably the wolf population was pretty low. I know they had a lice problem here a few years ago. I don't know if that's been cleared up completely. I think they had the mange or something. And so I'm wondering what is the impact going to be to raise it from one to five. Are we dealing with a resource problem, an over-harvest? John

12

13

MR. ADERMANN: I think the original one wolf hunting harvest limit was mainly in place because of the large population of people and the accessibility to the Kenai Peninsula. There was -- the State was being conservative in implementing just the one hunting harvest limit. But, again, if there's real concern, I mean you address it, I believe through your trapping season, because that's the more liberal of the two, and the current -- the Proposal Number 2 would be asking to move it from one wolf to two wolves on the Kenai National Wildlife Refuge. Off of the Refuge would be going from one to five.

24

25

MR. BASNER: Well, the trapping limits are not indicated in the proposal, so apparently they don't want to change the trapping season or limit. I don't see 7 or 15 listed under trapping here.

29

30

MR. ADERMANN: Right.

31

32

MR. BASNER: So what is the current trapping limitation down there?

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35

MR. ADERMANN: For Unit 15, I believe the season opens November 10, and for Unit 7 the current wolf trapping season runs from November 10 to February 28. There's a limit.

39

40

MR. MORRISON: That's the same as the State.

41

42

MR. ADERMANN: I believe that is the same season and bag limit for Unit 15.

44

45

MR. MORRISON: Yeah, they're both the same.

46

47

MR. BASNER: Okay. And there's no limit.

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MR. ADERMANN: There's no limit.

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2

MR. BASNER: Okay. Thank you.

3

4

MR. MORRISON: I'm not sure, if I might add another point, I think that one wolf limit was largely induced by the Refuge. I think it was at their recommendation. In previous years it was held at one. Why now the board wanted to increase it, I've not explored that.

9

10

MR. ADERMANN: Also you have to remember that same day airborne take was allowed under a hunting license at that time, so that may have a lot of bearing on why it was just one.

14

15

MR. BASNER: And the impact on wolverine doesn't seem to matter much because they're incidentally caught in wolf traps, I guess.

18

19

MR. ADERMANN: Well, it's a concern. I don't know how much people are going to utilize in the month of April. Do trap wolves, you know, actually have steel traps out, down on the ground. If they do, I would suspect that you're going to pick up more wolverines. I just mention it.

24

25

CHAIRMAN EWAN: Ralph.

26

27

MR. LOHSE: I think that what you're going to have is probably a slight increase by a few trappers in April. That will take some wolves in April, but in general I think your analysis of the situation was pretty good, the fact that wolf pelts aren't worth too much at that time of the year, have a tendency not to be worth too much, there's no bounty on wolves anymore. There's really no incentive to trap wolves in April. The other thing is -- and this I can speak from experience, it really -- unless he's been there for too long, it really is no problem releasing the wolverine from a wolf trap. It's totally capable of being done, and they seem to survive pretty well.

39

40

CHAIRMAN EWAN: Go ahead. Do you have more comment?

42

43

MR. ADERMANN: I don't have any comments.

44

45

CHAIRMAN EWAN: Any questions or comments from the council members?

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48

MR. ROMIG: I'd be in favor of the proposal for

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Units 7 and 15, which is .....

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2 CHAIRMAN EWAN: Units 7 and 15?

3

4 MR. ROMIG: I'd be in favor of the proposal as  
5 far as Units 7 and 15 is concerned.

6

7 CHAIRMAN EWAN: Okay. I told you I have a  
8 problem with 13 myself, since I live in that area. I'd like to  
9 probably keep the season open and the bag limit the same.

10

11 MR. BASNER: I want to hear the rest of the  
12 testimony.

13

14 CHAIRMAN EWAN: Okay. Taylor.

15

16 MR. BRELSFORD: Thank you, Mr. Chairman.  
17 Council members, Taylor Brelsford, with the Fish & Wildlife  
18 Service. I'd like to call your attention to just two or three  
19 simple points. The principal problem for you in this proposal  
20 is that the State seasons are a fact on the ground, and we're  
21 again confronted with working out the fine print, the sort of  
22 those details of mixed management, of mixed jurisdiction.

23

24 Now, Andy's indicated the overlap between hunting and  
25 trapping regulations. We're all on the wave length that  
26 trapping season is quite liberal, it authorizes the use of  
27 firearms for trapping activity, so in fact the greater bag  
28 limit, the unlimited harvest limit under trapping is what most  
29 people are going to be responding to. The second fact that's  
30 real critical here is that State seasons apply on Federal lands  
31 unless those Federal lands are closed to non-Federally  
32 qualified users. So in effect the bag limits or the harvest  
33 limits and the seasons that you read here as being the current  
34 State seasons, a hunter or a trapper could go out and conduct  
35 his activities, and if asked could say, well, hey, I'm just  
36 following the State regs. Unless Federal lands are closed, the  
37 State regulations are also available to a hunter or a trapper.  
38 So in this case our discussions about whether the Federal  
39 seasons are a more appropriate alternative, a more appropriate  
40 management strategy or not, if we seize on that, if we believe  
41 the Federal seasons or bag limits or harvest limits really do  
42 the job, that that's the best way to go, the only way to make  
43 that effective on the Federal lands would be to exclude harvest  
44 under State regulations. That has not been done yet. So what  
45 I'm urging on you is that much of what's being discussed here  
46 is already going to happen anyway. The State seasons and the  
47 State harvest limits are available to hunters, for the most  
48 part -- I need to make an exception for Park lands because that

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is separate regulations apply in the parks, but generally on Federal lands, State seasons apply unless it's been closed, and these lands have not been closed.

3

4 So that, in a sense, means we've got a problem of  
5 consistency in kind of housecleaning here. If the  
6 regulations are already effective, then what's the value of  
7 having an entirely separate set of Federal regulations. That  
8 would be -- if you buy that reasoning, then you would say, hey,  
9 let's make them simple and understandable for people, let's  
10 adopt the proposal.

11

12 Alternatively, if you look at this and say, no, we  
13 think there's room for more careful management strategies,  
14 responding to the conditions in this unit or that unit, and you  
15 think Federal seasons look about right, then they're only going  
16 to really count if Federal lands were closed to harvest  
17 activity under State regulations.

18

19 So that's -- I'm actually just paraphrasing what's in  
20 the second -- pardon me, the third paragraph in the Conclusion  
21 section here. So, really, that's all I wanted to offer to you.  
22 The problem of hunting and trapping overlapping is being one  
23 reason that the hunting limits don't have as much effect as  
24 they look like, and then there's the second problem that the  
25 State regulations apply on Federal lands at the present time  
26 anyway. And what you're being asked to do is consider some  
27 housekeeping or some consistency. If you buy that you'd  
28 support the proposal. If you don't then in fact we would need  
29 to take some additional action to exclude harvest activity  
30 under State seasons on the Federal lands.

31

32 Have I made it better or worse by trying to .....

33

34 CHAIRMAN EWAN: I think Ralph has a question.

35

36 MR. LOHSE: One question. If there are two bag  
37 limits on the same piece of land can you pick the biggest bag  
38 limit?

39

40 MR. BRELSFORD: Well, they're not additive.  
41 You can't do one and say .....

42

43 MR. LOHSE: No, .....

44

45 MR. BRELSFORD: ..... under State regs I'm  
46 doing this, and now I'm going to do my Federal .....

47

48 MR. LOHSE: No.

49

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1 MR. BRELSFORD: ..... thing. They're not  
 2 additive.  
 3  
 4 MR. LOHSE: No, but technically speaking .....  
 5  
 6 MR. BRELSFORD: But you do have the option of  
 7 claiming the more liberal structure.  
 8  
 9 MR. LOHSE: You can pick the more liberal bag  
 10 limit, in other words, .....  
 11  
 12 MR. BRELSFORD: That's correct.  
 13  
 14 MR. LOHSE: ..... is what you're saying.  
 15 \$5 .....  
 16  
 17 MR. BRELSFORD: The the real limit is the  
 18 higher one.  
 19  
 20 MR. LOHSE: So the real limit is the higher one;  
 21 on Federal land the real limit is the higher bag limit if the  
 22 Federal bag limit is higher than the State bag limit?  
 23  
 24 MR. BRELSFORD: That would be correct. And the  
 25 same would .....  
 26  
 27 MR. LOHSE: And if the State bag limit is  
 28 higher than the Federal bag limit, then the State bag limit  
 29 would have precedent if you wanted to use it that way .....  
 30  
 31 MR. BRELSFORD: Right.  
 32  
 33 MR. LOHSE: ..... on Federal land unless it's  
 34 closed to non-subsistence users.  
 35  
 36 MR. BRELSFORD: And remember that special rules  
 37 regarding access occur in the Parks, .....  
 38  
 39 MR. LOHSE: Right.  
 40  
 41 MR. BRELSFORD: ..... so -- the Park Service  
 42 traps are here .....  
 43  
 44 MR. LOHSE: Was I wrong on that?  
 45  
 46 MR. BRELSFORD: ..... and will be able to  
 47 clarify that.  
 48  
 49  
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1 MR. POSPAHALA: To the extent that you're a  
2 qualified rural Alaskan subsistence unit of C & T or .....

3 MR. LOHSE: No, because from what I understand  
4 as that you don't have to be -- since wolves haven't been put  
5 on that, you don't have to be a qualified -- or do you have to  
6 be qualified to have a Federal?

7  
8 MR. POSPAHALA: For the Federal regulations to  
9 apply -- the Title VIII regulations to apply, you must be an  
10 Alaskan resident that's qualified under the Federal program,  
11 which -- I didn't look up the C & T for wolves in this area,  
12 but I assume there's probably no determination.

13  
14 MR. LOHSE: Yeah.

15  
16 MR. POSPAHALA: Then you'd have to be -- so you  
17 have to qualify under that aspect if the Federal limit were  
18 larger in this case.

19  
20 MR. LOHSE: Okay, so in other words what you're  
21 saying, that an Anchorage resident or an out of state resident  
22 doesn't have the Federal bag limit anyhow.

23  
24 MR. POSPAHALA: Under the Title VIII  
25 regulations. That's .....

26  
27 MR. LOHSE: So basically, currently then the  
28 Federal bag limit -- the only person it affects is somebody who  
29 is living in the area or who is qualified, and he's probably  
30 have a trapping license anyway. Okay.

31  
32 MR. BRELSFORD: So that this isn't completely a  
33 hush, my sense was that in many instances the State seasons  
34 were more liberal and those are available to all Alaska  
35 residents without the narrowing of qualification under the  
36 Federal regulations. As Dick's pointed out, if it were the  
37 case that the Federal limits were larger or the season longer,  
38 that would in fact only be available to somebody who qualified  
39 under the Federal program under Title VIII.

40  
41 CHAIRMAN EWAN: Any more questions or comments  
42 here? I do have a question, not of you, but maybe of  
43 Roy Wells. What is the bag limit, or is there a season in 11,  
44 since it's so close to 13?

45  
46 MR. WELLS: I'm sorry, Roy.

47  
48 CHAIRMAN EWAN: Yeah. Is there a limit over  
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there or open season over there?

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MR. WELLS: On wolves?

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CHAIRMAN EWAN: Yeah.

5

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MR. WELLS: Yeah, I think it's five. We can look it up real quick. Yeah, it's five. No limit for trapping in Unit 11, and it's the C & T determination of rural residents of Unit 6, 9, and 10, 11 through 13, and 16 through 26.

10

11

CHAIRMAN EWAN: Ralph.

12

13

MR. LOHSE: Nothing.

14

15

CHAIRMAN EWAN: Lee.

16

17

MR. BASNER: Well, what about the Denali, Hollis, any comments from Denali on this regulation?

19

20

MR. TWITCHELL: Hollis Twitchell, from Denali National Park. In the Denali area this proposal would have several effects, not only in GMU-13 but also in the area of 19 and 20 on the north side of the Alaska Range, and much less of an effective change in Unit 16 on the south side.

25

26

To start with, the Park Service regulations for trapping only allow harvest of animals if the animal is caught in a trap and is retained, so under a trapping license free-roaming animals are not allowed to be taken with a rifle under trapping authority. So under the free-roaming, shooting with a rifle the individual would be utilizing the hunting bag limits. That's a distinction different on Park lands than the other Federal agency lands. What that would mean to a subsistence hunter is in Unit 13 is potential opportunity for taking with a rifle would be reduced from 10 to five wolves. That would also be the case in Units 20-C to the north and 19-B7 In the Unit 16 area is -- limit would be increased by one from four to five. So for the majority of the area it would effectively result in a reduced opportunity from 10 to five wolves being taken with a rifle under a hunting license.

41

42

From the increase in the season length of 30 days in April I don't suspect that would be much of an advantage to a subsistence user on the north side of the Alaska Range in particular. In that area snowfall depths and river and lake conditions are such that traveling in April is very limited on the ground with snowmachine or dog team because of the marginal conditions for surface travel. Not nearly so much of the case

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on the south side in Unit 13 and 16 where you have very significant snow depths. It might be an advantage to people on the south side of the Alaska Range, but it certainly would not be an advantage to anyone on the north side of the Alaska Range.

5

6 So from a subsistence user's standpoint, I suspect that this proposal doesn't have much to offer them in the Denali area, that being a reduction in the hunting potential from 10 to five, and an increase in length of season in which, for the most part, they wouldn't be able to utilize primarily because of poor access conditions and also because of the poor conditions of the (indiscernible).

13

14 From the Park Service's standpoint, it would not be a bad proposal if you were looking at the conservation of wildlife standpoint. You would be impinging on the potential take of harvest from 10 down to five. So I guess you can approach it from two points. From a subsistence user's standpoint I see little merit in this proposal. From an agency standpoint if you are concerned about reductions of harvested species the proposal has some merit.

22

23 Our position has not been expressed in the general Park Service's comment, but the agency has opposed this proposal from just the standpoint of our wolf population is considered to be stable and healthy, and we don't believe there's any reason to reduce the potential harvest because the population is certainly in a condition where there's no reason to restrict the harvest. In terms of the number of animals actually taken under a hunting license authority, I don't have that information, although I suspect it's pretty low, just from talking with trappers on the north side of the Alaska range. I have no knowledge of what the trapping harvest take would be on the south side of the range. I've not had very many communications with anyone about trapping in that area or hunting, that authority.

37

38 CHAIRMAN EWAN: Thank you. Do we have a motion  
39 oh, Moses -- we need to hear from Moses yet.

40

41 MR. DIRKS: Thank you, Mr. Chairman. Council  
42 members, Moses Dirks, with the Fish & Wildlife Service. We  
43 received six written public comments; four in support of it and  
44 two were in opposition.

45

46 In support of Proposal Number 2 was Izembek National  
47 Wildlife Refuge, and he fully supported this action saying that  
48 the Office of Subsistence Management is attempting to make wolf

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bag limits in Units 9 and 1, Unimak Island, consistent with State bag limits for the species in these units.

2

3 And an individual from Kaltag, Mr. Solomon, supports the proposal also, saying that it's consistent with the State regulations and reduced the confusion on harvest time and bag limits.

7

8 And the Alaskan Bowhunters Association and also the Golden North (sic) Archery Association also supports the proposal as it aligns Federal with State regulations.

11

12 And in objection to Proposal Number 2 was Mr. Zabieski, from Tok. He opposed the increase of open season dates, wolf taking in August, September and April have little value and is a great waste of resources. Seasons should not be adjusted to accommodate ADF&G's agenda on public lands.

17

18 And then the Alaska Wildlife Alliance did not support much of the proposal for the following four reasons, and then she goes on, and I'll just go down the four reasons.

21

22 Number one, under reason for changing the regulation the ADF&G's write: The changes will align the Federal regulations to State's and reduce confusion among hunters and trappers. Federal subsistence regulations should be based on the long-term health of wildlife species, principles of biodiversity in other ecological parameters, not the confusion level of hunters. Further it seems much more appropriate for the State to conform with the Federal government rather than the other way around.

31

32 And number two, wolves are not critical components of the subsistence lifestyle. Extending the seasons by four weeks is not necessary, especially given the increase in the use of snowmachines and other technology to harvest furbearers.

36

37 Number three, under Effect of Proposed Change on Wildlife Populations, the ADF&G writes: Wolf populations are ample, abundant -- amply abundant to sustain this extra harvest, and the Alliance wishes that ADF&G could provide some documentation of wolf numbers and define "amply abundant." Population estimates of wolves are notoriously imprecise and nobody can say for sure how many wolves exist in the state. ADF&G documents suggest that wolf numbers are below historic levels and estimates made by independent wildlife scientists differ greatly from ADF&G's estimates. Once again, Alliance members believe that this proposal is an attempt to further the State's agenda of suppressing predators to artificially inflate

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ungulate populations for the benefit of the sports hunting community.

2

3 And number four, it is our understanding that  
4 subsistence rights were established to protect traditional  
5 activities and provide food and clothing for rural residents.  
6 The Alliance has some concerns when the cash economy is listed  
7 as the effect on subsistence users for this proposal.  
8 Commercialization and profit were not intended to be provided  
9 by subsistence activities. And then she goes on to say: The  
10 Alliance supports those causes in this proposals where bag  
11 limits are set at the same number. In all cases we support the  
12 lower of the two limits, State and Federal limits established  
13 or proposed, given that estimates of the State wolf populations  
14 are crude at best and statewide ungulate populations are  
15 bust.

16 And that concludes the written portion of the public  
17 comments.

18

19 CHAIRMAN EWAN: Thank you, Moses. Any  
20 questions of Moses? Thank you. Ralph.

21

22 MR. LOHSE: I called Dean Wilson the other day  
23 just to ask him what -- in regard to this what's going on with  
24 wolves. He's probably one of the largest fur buyers in the  
25 state. He said he's bought more trapped wolves this year than  
26 he's ever bought. It's been a pretty good trapping pressure  
27 (ph), but there's also been a lot of wolves. I know he's  
28 slowing down on buying them at this time of the year. I don't  
29 think there's going to be much incentive for April trapping.

30

31 COURT REPORTER: Excuse me. Would you say his  
32 name again?

33

34 MR. LOHSE: Dean Wilson, Klondike Furs, out of  
35 Fairbanks.

36

37 CHAIRMAN EWAN: Okay. Thank you for that  
38 information. I know Dean very well. I heard some comment  
39 about -- Ben is there any comments on what Ben said -- which  
40 one do you support?

41

42 MR. ROMIG: I said I'd be in favor of the  
43 proposal as far as Units 7 and 15 are concerned.

44

45 MR. BASNER: Do we have any more public  
46 testimony?

47

48 CHAIRMAN EWAN: Oh, yeah. We should have -- is

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there anybody here that wants to testify from the public?  
Okay.

2

3 MR. BASNER: I guess the next step would be  
4 I'll move to adopt Proposal 2 so we can get it out and talk  
5 about it.

6

7 CHAIRMAN EWAN: We have a motion; is there a  
8 second?

9

10 MR. LOHSE: Second.

11

12 CHAIRMAN EWAN: It's been moved and seconded.  
13 Further discussion on the motion? Lee.

14

15 MR. BASNER: Yeah, I have some problems with  
16 the proposal, and in spite of what Taylor has said, I'm not  
17 going to just give a rubber stamp so that we can line things up  
18 just because of some conflict between the State and Federal.  
19 I'm still going to voice my opinion on the resource and the  
20 impact on subsistence users.

21

22 I have a problem with the extended season in April  
23 because of the poor quality of fur at that time. It's just a  
24 waste of a resource. I have no problem with taking the wolves,  
25 but let's use them and -- fur buyers aren't going to buy a wolf  
26 shot in April or trapped in April. The pelt's just not much  
27 good. The same thing applies almost in August and September  
28 but under a different situation. There you've got the public  
29 out. This is the traditional time of year where everybody goes  
30 out and tries to get a little meat for the winter, regardless  
31 of where they live, rural or urban. And so if they've got an  
32 opportunity to shoot a wolf and enhance their enjoyment of a  
33 hunt that way, I have no problem whatsoever with that. Even  
34 though the pelt isn't much good, most of those people would  
35 bring the wolf back and have it made into a rug or full mount  
36 or something, 'cause it's a trophy. And that doesn't bother me  
37 any because we've got a lot of wolves. And I'm only addressing  
38 Unit 13 here. I can't speak to the other areas, I don't know  
39 the wolf situation there. So I do have that problem with the  
40 waste of the resource in April with the extended season.

41

42 But, furthermore, I see no point in lowering the limit  
43 Unit 13 from 10 to five. It doesn't make too much sense to  
44 do, even though five seems to be an arbitrarily picked, magic  
45 number, if that allows some of the subsistence users the  
46 opportunity to take more wolves than 13, and we've certainly  
47 got plenty of them, then I'd like to see it remain at 10.

48

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Also the impact on wolverines in April disturbs me to a pretty great degree.

2

3 CHAIRMAN EWAN: So are you proposing an  
4 amendment?

5

6 MR. BASNER: Well, at this point no. I've got  
7 to think about it some more.

8

9 CHAIRMAN EWAN: All right.

10

11 MR. JOHN: Can we make an amendment on the  
12 proposal 2 right now? Can we just address the unit in  
13 Southcentral?

14

15 I make a motion to make an amendment that we address  
16 the  
17 units in Southcentral Region only.

18

19 CHAIRMAN EWAN: Is there a second to that?

20

21 MR. LOHSE: I'll second that.

22

23 CHAIRMAN EWAN: There is a motion and seconded.  
24 Let's see now, do you -- do we have to take care of the  
25 amendment, one at a time, take care of that first?

26

27 MR. BASNER: Yeah.

28

29 CHAIRMAN EWAN: Any further discussion on the  
30 amendment?

31

32 MR. LOHSE: Question.

33

34 CHAIRMAN EWAN: Call for the question. All in  
35 favor, say aye.

36

37 IN UNISON: Aye.

38

39 CHAIRMAN EWAN: Opposed, by the same sign. The  
40 amendment is passed. I'd like to comment about 13. I'm of the  
41 opinion that 13 has become like a playground for urban area  
42 people. I don't know if this is a move to satisfy the urban  
43 people. I'm concerned about it, the people that live in 13. I  
44 live in the 13 area, and so does Lee and Fred, and I had no --  
45 nobody approached me or anybody mentioned to me that they  
46 agreed to change the limits or the extent of time to trap or  
47 anything. I agree with Lee that extending the time into April  
48 is a waste of resource. I have a lot of opportunity to shoot

49

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while I'm out hunting in the woods wolf, even in early September. I think it's open in our area in September, but I don't because I know the fur is no good for me, so I don't do that. I just don't see a reason for that.

4

5

MR. BASNER: What about the limit?

6

7

CHAIRMAN EWAN: I'd like to see the limit just stay as it is. I live in Gulkana. I don't know, I'm pretty sure a lot of you know Gulkana. It's right a mile away from me the wolves are killing -- not even a mile, half a mile from me at my house, they're killing moose. So -- have been for the last two, three years. So I know the impact of wolves in my area. So I think there's too many wolves in my area.

14

15

MR. LOHSE: I'd agree with you on the April 30 date. If I did anything I'd offer an amendment that in our area we maintained it at March 31, like it has been. I don't think a change in hunting season bag limits is going to make any difference because I don't know very many people that have ever shot over five wolves in a year, even local people, unless without the use of an airplane or something like that. And so consequently most of the local people I know have trapping licenses and they wouldn't shoot -- just like you, they wouldn't shoot a wolf till it's prime anyhow, and they can shoot unlimited amounts of wolves when they're prime. So I don't think lowering the bag limit to five will have an effect on how many wolves are taken or on local people at all, because most local people will still be able to take wolves when they're prime.

30

31

But I would definitely support an amendment to take the season back to the 31st of March. I don't see any profit in having an April season, both for the conflict for wolverine in the proposal just because they're not prime fur then.

35

36

MR. BASNER: Well, I guess I have a technical question, and maybe Taylor or somebody, if we were to do this what happens?

39

40

MR. BRELSFORD: It shows our recommendation?

41

42

CHAIRMAN EWAN: It's just a recommendation. We don't actually change it.

44

45

MR. BASNER: No, but, you know, should an additional recommendation be made, because we're now talking about restricting or expanding or something. Dick -- can somebody .....

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1 MR. POSPAHALA: If I might make a comment, I  
 2 think what happens, as Taylor mentioned, when -- if we have a  
 3 more restrictive Title VIII regulation than the existing State  
 4 regulation and we wanted to implement the effectiveness of that  
 5 Subsistence regulation, our approach -- the only avenue  
 6 available to us in general would be to move foreclosure to  
 7 non-subsistence hunters on those Federal lands. Now, generally  
 8 I view that as a fairly serious step because typically we  
 9 recognize the State's prerogative to establish hunting seasons  
 10 and bag limits on lands throughout the state. So the only  
 11 cases in which we have moved to do that would be those in which  
 12 the conservation of the healthy population is jeopardized or  
 13 threatened. And this case, it's obvious to me that I don't  
 14 think we could sustain the position. So you would end up with  
 15 a more restrictive Federal regulation that represents -- if it  
 16 were accepted by the board you'd end up with a more restrictive  
 17 Subsistence hunting regulation that reflects the view of this  
 18 Council, let's say, in terms of the application of the  
 19 regulation. But it's unlikely that we would -- that I would  
 20 commend, for example, a move on the part of the Federal  
 21 Subsistence Board to go ahead and close those lands to other  
 22 uses in this case.

23

24 MR. BASNER: I kind of feel like we were mouse  
 25 trapped on this one. Here we sit with actually not much we can  
 26 do.

27

28 MR. POSPAHALA: You have the opportunity to  
 29 make your feelings known, for the record, and beyond that I  
 30 guess I can't really offer you much relief there. You've got  
 31 it figured out exactly the way it is.

32

33 MR. BASNER: Yeah, it's a mouse trap.

34

35 CHAIRMAN EWAN: Gary.

36

37 MR. JOHN: Did you make a motion?

38

39 CHAIRMAN EWAN: There's a motion on the floor  
 40 if you want to amend the motion, it's proper to amend the  
 41 motion.

42

43 MR. OSKOLKOFF: Are we just discussing the  
 44 present motion on the floor?

45

46 CHAIRMAN EWAN: Yes. We voted on the  
 47 amendment, right?

48

49

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MR. OSKOLKOFF: We voted on the amendment.

1

2

MR. LOHSE: We voted on the amendment to limit ourselves to our area.

4

5

MR. OSKOLKOFF: I've heard a lot of discussion along the lines of a variety of side issues on this, but I haven't heard yet any compelling reason to motivate me to change this regulation. In fact what I heard was that Mr. Morrison promised to come up with good reasons or the State Board's reasons for the Subsistence Board's. Well, lacking the good reason to do it, I'm relying then on what we have in our proposal or what the State did with this proposal. I assume they filled out the form like everyone else, and when it gets to the reason for changing the regulation, it is simply to align the regulations with the State and the Federal. I don't find that a compelling reason. Lacking that, any type of motivation there, then I fall back on my knowledge of my particular area and what I know of the rest of the area, now that we're discussing, I guess, the Southcentral Region, since we've limited that through amendment. And from my perspective there is no wolf problem. I've logged thousands and thousands of foot miles through the Kenai Peninsula and various places throughout -- as far as down to Valdez and every place else. I've hunted just about any place they would let me do so. And I've not noticed a wolf problem where we have to take some type of action here to bring about a resurrection of caribou or moose, and in fact, my area the wolves, as far as stripping the herds of any type of subsistence foods, are far outdone by automobile collisions and -- in fact, even solely by stray dogs. I don't see any motivation there. Lacking any motivation to change the regulation, I really can't bring myself to act on it, and therefore I'll vote no.

33

34

CHAIRMAN EWAN: Okay. What's the -- any further discussion on the motion -- the main motion?

36

37

MR. BASNER: Well, I don't like it pertaining to 13 and you don't like it pertaining to 13, but Ben likes it as far as 7 and 15 is concerned. Do we need to further amend this thing to break it down further, or are we just spinning our wheels?

42

43

MR. LOHSE: I think we're just spinning our wheels.

45

46

MR. BASNER: Gary says he can't support it, but if we don't support it the Feds say, well, it doesn't make any difference if you support it or not, that's the way it's going

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to be. So .....

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2 CHAIRMAN EWAN: Well, I think we ought to air  
our thoughts. I think we .....

4

5 MR. BASNER: Yeah.

6

7 CHAIRMAN EWAN: ..... that's a good idea, while  
were on the subject. Ralph.

9

10 MR. LOHSE: Speaking for Unit 6, I can support  
it. I mean there's no question down there that we've had a  
real increase in our wolf population. It's not real big, but  
it has had an effect on everything. I don't -- like I said, I  
don't think this regulation makes a bit of difference in any  
area except the open season on trapping in April.

16

17 And I'd like to submit an amendment that we support  
this regulation without the April season -- without the April  
trapping season.

20

21 CHAIRMAN EWAN: Are you proposing an amendment  
to the motion?

23

24 MR. LOHSE: Yes, that's a motion to amend.

25

26 CHAIRMAN EWAN: Is there a second?

27

28 MR. BASNER: I'll second that motion.

29

30 CHAIRMAN EWAN: It's been moved and seconded.  
Is there discussion on the motion?

32

33 MR. OSKOLKOFF: Clarification on the motion. I  
believe you stated that you would support this with a change;  
is that the motion?

36

37 MR. LOHSE: That's the motion.

38

39 MR. OSKOLKOFF: Isn't that kind of condensing  
the end vote at the same time into the motion?

41

42 MR. LOHSE: It's possible, yeah.

43

44 MR. BASNER: I misunderstood. I withdraw my  
second.

46

47 MR. LOHSE: In other words, I will restate my  
motion. I would like to amend this motion to delete the April

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season -- April trapping season.

1

2 CHAIRMAN EWAN: Okay. Do you second that one?

3

4 MR. BASNER: I'll second that. I'll withdraw  
my first one.

6

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

9

10 IN UNISON: Aye.

11

12 CHAIRMAN EWAN: Opposed, by same sign. The  
motion is carried.

14

15 MR. LOHSE: That expresses our opinion on the  
April trapping season.

17

18 CHAIRMAN EWAN: And I just want to say one more  
time that I don't like the idea of the statewide board putting  
a limit on 13, because I live out there. I don't think there's  
a need the limit to be lowered -- I mean the limit going down  
to 13. It seems to me it will affect the local people more  
than it would affect the whole state or the wolf population.  
The local people ought to be afforded the opportunity to get as  
many as they can get, I mean up to 10 at least. I think they  
have a better opportunity to get wolf out in that area than the  
people from Anchorage or wherever they come from, and they  
should be afforded that opportunity. It seems to me like  
what's happening to me -- I may be wrong. I may be totally  
wrong here, but I -- it looks to me like you're change the  
season, lower the limit, and it looks like you're going to  
allow more people to get out and have an opportunity to get the  
share in the kill or the take of a wolf. That's what it looks  
like to me. Lee.

35

36 MR. BASNER: I endorse your comments, Roy, and  
I'd also -- I think the State ought to take a hard look at  
where they're going because just north of 13 you've got Unit  
20, and an ongoing state sponsored wolf trapping -- wolf  
control program, and it's been known for wolf to go out between  
areas. I mean they don't seem to realize that they're supposed  
to stay in Unit 20 and Unit 13 or wherever. So I'm being  
facetious, but why do we have an ongoing State sponsored and  
funded wolf control program just north of Unit 13, and down in  
Unit 13 we want to reduce the possible take. John.

46

47 MR. MORRISON: I might respond to that. In the  
original plan on the control, Unit 13 would also have been

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included, but after the big stink that went on, they pulled that one off. Also I think there was another area -- there were three areas -- I can't remember the third. At any rate, insofar as wolves moving in or out of that control area, the movements of the wolf packs in that area have been tracked pretty well with radio telemetry for some time, and their areas of operation are pretty well known, and pretty much limited to that area where the control has taken place.

8

9 MR. BASNER: Well, that probably is true. I wouldn't say that it's not, but a hunter from Anchorage shot a wolf just not too far from my cabin a couple years ago that was tagged in Kenai. So, you know, wolves do move around, and .....

14

15 MR. MORRISON: Especially young ones.

16

17 MR. BASNER: ..... you get the odd wolf that disperses -- that's right, yeah. So .....

19

20 MR. MORRISON: Especially young males.

21

22 MR. BASNER: ..... they do move, although the core of the pack probably stays there, but I'm sure it loses some. So this whole thing makes me a little uncomfortable, but I agree with Roy that -- I think we ought to leave that hunting limit up there to 10.

27

28 CHAIRMAN EWAN: Okay, back to the motion -- the main motion. Any further discussion on the main motion? We amended it twice now. Any further amendments?

31

32 MR. BASNER: Do you want to amend it for the hunting and bag limit or are we wasting our time?

34

35 CHAIRMAN EWAN: It wouldn't do any good. You can if you want to.

37

38 MR. BASNER: Oh, to hell with it.

39

40 MR. OSKOLKOFF: I just want to offer one suggestion to the State. I'm sure they really don't want to hear my suggestion, but in deliberating these, it's very difficult to try and jump on the bandwagon, so to speak, on a proposal when there's -- the reasons are left out. In other words, there's not enough verbiage here other than to align the regulations to compel me to act on these things, and I would, rather act than sit here and be a curmudgeon, say that, you know, these things are just not developing enough. Frankly, so

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far what I've seen, these aren't developed enough. People haven't spent enough time with their reasoning as to why we should act on these things, and I would request that especially in the case of a very lengthy proposal which deals with -- in this case pretty much with all the units, the entire state, that there be some more thought given to reasoning behind specifics and specific cases in specific areas, because as you can see, we started limiting things immediately from the whole state, down to our area, and then we started talking about specific game management units. So it's kind of necessary, I think, to discuss each game management unit as we go along.

11 But I would appreciate that for all proposals in the future.

13

14 In fact, maybe that can be aligned in how the proposal format was set out. It seemed to be that when I got the proposal format it was one page or two pages, I believe, as far as how the proposal should be prepared, and it was kind of a fill in the blanks kind of thing, which was, I guess, expedient -- and that was, I think good for individuals who may come here and testify, to back up their reasoning with other logic, maybe show us a chart or a map, you know, discuss history and how they've used it over the years and whatnot. But I think when you get into this type of -- this large of a proposal that we need a little more information. It seems everyone here really in their discussions seemed to be lacking a lot of information.

27

28 MR. MORRISON: I might make one response to Mr. Oskolkoff's request there that this information we will have at the board meeting when it discusses this.

31

32 To a previous comment you made about the wolf problem, that you didn't see any problem, I don't believe that the change in the hunting regulation recommended here has anything to do with any wolf problem. It's just a matter of providing a little more opportunity for people to take wolves while in the process of hunting something else in that earlier season. It's not -- if you're speaking of a wolf problem in regard to controlling the wolf population, there was no intent on that.

40

41 MR. OSKOLKOFF: That wasn't my intention in my comments, it was simply to respond to issues that had been brought up, not with the one the State brought up. I didn't think that as the intent of the State.

45

46 CHAIRMAN EWAN: Any further discussion on the main motion? Are we ready to vote on the main motion?

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MR. BASNER: Could we get that motion restated how so that .....

CHAIRMAN EWAN: Who made the motion?

MR. LOHSE: Are we on the amendment or the main motion?

CHAIRMAN EWAN: The main motion, being -- we amended the main motion twice. The main motion was to adopt the Proposal 2; the first amendment was by Fred over there that it would .....

MR. LOHSE: Limit it to our area.

CHAIRMAN EWAN: ..... limit it to our area, yeah, Southcentral Units -- game units. And the next amendment was for the .....

MR. BASNER: April .....

CHAIRMAN EWAN: ..... eliminate the April hunt.

MR. LOHSE: I'd just like to make one last comment. I don't think it's a bad idea to eliminate confusion if it has no impact on the resource, and that's what I see this proposal as doing. I honestly don't see where it's going to limit anybody's access to the resource. Having spent -- just like Gary was saying, I spent 18 years running a trapline that ran up to 150 miles long, and the amount of years that I could have shot five wolves all that time would have been very, very few, and I was out day-in and day-out. I don't think a drop of hunting limit from 10 wolves to five wolves is going to affect locals at all, simply because most locals have a trapping license anyhow. I look at this as actually a fairly good proposal, 'cause what it does is it takes and eliminates confusion, it doesn't change access to the biological resource much to speak of except for the April part of it, which we eliminated, and it doesn't make it easier or harder for the subsistence hunter, and it doesn't make it easier or harder for the non-subsistence hunter. I'm going to vote in favor of it.

CHAIRMAN EWAN: Further discussion? If not, are you ready to vote?

MR. OSKOLKOFF: Question.

MR. JOHN: I'm just going to add, I think I'm going to vote against this because this thing doesn't show me

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much, just changing the amount -- like in our area, they changed it from 10 to five, and in 13 to 10 -- I'm talking about, you know, .....

3

4 MR. ROMIG: Mr. Chairman, I really don't know how to vote on it because I'd like to see the increased opportunity for bag limits from seven to 15, but I also don't want to vote, you know, for something that's going to, you know, conflict with what I've heard here, the people in your area.

10

11 CHAIRMAN EWAN: Could I say this for Ben's benefit. I don't think it will have much impact. You won't offend anybody here, I don't think, because the Federal Board will do what they want to do anyway to comply with whatever they have to comply with. I think we're just going through an exercise. Gary.

17

18 MR. OSKOLKOFF: Just to add to -- I agree with Ben's comment, that there's really -- it's not a simple yes or no. I think we're dealing with a wide issue here. We're trying to pinpoint specific things out of it to make it good or bad. I think there is logic to both sides of the argument, and when we sometimes hear the point is moot, you know, it's not going to make much difference one way or the other. But I think when getting involved in these things we should -- I know the Council is not going to want to hear it, but it would almost require a great deal more time to break these issues down on a case by case basis and go through them and more or less reinvent how these things are handled. But then by the time you start doing that you get into very detailed management and it becomes quite a problem.

32

33 I'm still going to vote no on the proposal simply because I haven't been given enough evidence that it's a good idea to change it.

36

37 MS. EAKON: Mr. Chair. Taylor and I have been conferring, and if you wish, you know, I kind of feel for Ben. If you wish, we can vote Unit 13 and those of you who want to express your opinions on that vote do so, then vote Unit 17/15, and then Unit 6.

42

43 MR. BRELSFORD: I think the suggestion is that if you, by amendment, wish to treat some units separately rather than an up or down vote, gathering a whole bunch of units together, you certainly have the prerogative to do that. It appeared in the board's -- in the Council's discussion that various members favor aspects of this for some units and did

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not favor aspects for other units. It would be your option to actually treat those separately so that you could vote up or down with more specific focus.

3

4 MR. OSKOLKOFF: Just a comment on that. I think it gets back to what I just stated is that we then start involving ourselves in a very long detailed discussion, kind of a micro-management kind of thing where we actually get into managing the resource at that point rather than discussing the subsistence use of of it, and that -- I don't know if the Council wishes to do that, and certainly if they have the time to do that, that might be a worthwhile exercise. But it seems like to me we wouldn't get out of here for quite a while if that were the case.

14

15 CHAIRMAN EWAN: Unless I hear an amendment, we're just going to vote the procedure the way we're proceeding right now. We're going to vote on the main motion. Is there a further amendment to go unit by unit or divide it up?

19

20 MR. LOHSE: Can I make a comment on that? It really wouldn't work too much anyhow unless we -- I mean what do we do? We go along -- those of us that live in Unit 13 still have to vote on Unit 13. Anyhow those of you that don't live in 6 still have to vote on 6 anyhow. I think take the whole thing.

26

27 CHAIRMAN EWAN: The only thing is I wouldn't disagree with Ben. If he likes it, I'll more or less go along with him. I don't -- the area that impacts Lee and I and Fred, we're concerned about -- we're thinking about certain things in 13. I guess 13 is the only one that really bothers me. The best of it, if people in that area can live with it, I'll go along with it.

34

35 MR. OSKOLKOFF: I'll call for the question on the motion.

37

38 CHAIRMAN EWAN: Okay, the question's been called for. All in favor of the motion, say aye.

40

41 IN UNISON: Aye.

42

43 CHAIRMAN EWAN: Opposed, by the same sign.

44

45 IN UNISON: Aye.

46

47 CHAIRMAN EWAN: Okay, the motion .....

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MS. EAKON: Wait. Gary and who opposed?

1  
2 CHAIRMAN EWAN: Can we have a hand-sign vote?  
3 The motion to pass the proposal? Four. And those opposed?  
4 Two. Okay, the motion passes.

5  
6 Okay, next item.

7  
8 MR. OSKOLKOFF: Let's take a break.

9  
10 CHAIRMAN EWAN: Okay, you want to take a  
11 five-minute break?

12  
13 MR. LOHSE: Yeah, that sounds good.

14  
15 COURT REPORTER: Off record.

16  
17 (Off record - 10:30 a.m.)

18  
19 (On record - 10:47 a.m.)

20  
21 CHAIRMAN EWAN: I'll call the meeting back to  
22 order. The next item on our agenda will be the Kenai Customary  
23 and Traditional Schedule. I guess we revised our agenda to  
24 review and development of recommendation and so on and talk  
25 about the schedule from here on. I guess Dick Pospahala is  
26 going to be speaking on that issue. Dick.

27  
28 MR. POSPAHALA: Thank you, Mr. Chairman and  
29 Council Members. You'll have to forgive me a little bit this  
30 morning, I'm not as well-prepared as I'd like to be to discuss  
31 this. You have some things I'd like to at least lay out for  
32 your consideration.

33  
34 When we look back at the history of development of the  
35 G5 & T determination process on the Kenai Peninsula, I think  
36 you'll recall that this was done at Federal Subsistence Board  
37 meeting last April in response to one or more proposals that  
38 originated from the Kenai Peninsula.

39  
40 At that time, recognizing the sensitivity and the  
41 gravity of the decision making process, our regional director,  
42 who is on the Federal Subsistence Board, requested that we move  
43 ahead under a rather ambitious schedule to ensure completion of  
44 that process by the time that any hunting seasons would open on  
45 the Kenai Peninsula this fall. We then acceding to his  
46 desires, set forth a rather ambitious schedule, and had many of  
47 the people on our staff work extremely hard in trying to bring  
48 this entire process to fruition within the time frame that he

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had allowed for us to do that. There was some attendant problems in trying to get that done.

2

3 I think at the time the decision was made the regional  
4 councils had not yet even been established. It was later in  
5 August that Secretary Babbitt signed the documents that put the  
6 councils into effect and appointed all the members, and also it  
7 wasn't until later on that we began to realize the interest  
8 that there was going to be in allowing extended involvement  
9 both with not just this particular council but also the  
10 interest that other of the advisory -- Regional Advisory  
11 Councils were going to have in this customary and traditional  
12 use determination process. This being because they all  
13 recognized that this first determination by the Federal  
14 Subsistence Board is likely going to be held up as an example  
15 that cast a very definite course of action for us in the future.

16

17 It's unfortunate in some ways that I think this  
18 customary and traditional use determination is going to take  
19 place in one of the very most difficult parts of the state to  
20 make a determination in that it's one of the most rapidly  
21 growing areas in terms of human population, probably within the  
22 entire state of Alaska.

23

24 One of the first things that happened was that this  
25 council requested that their involvement in this process be  
26 accommodated to a larger degree than we had planned for  
27 initially in terms of being granted opportunities to review  
28 more extensively some of the draft material and be given  
29 additional time to do that. And we recognize that that was an  
30 important part of this process, at least as I recall, were very  
31 willing to provide that opportunity. There was some question  
32 as we did that about whether or not we'd be able to meet the  
33 schedule that we had initially set forth.

34

35 In the meantime, as we tried to get onto schedule,  
36 we've had inquiries or requests from other councils. I think I  
37 only know of one or two -- two is it, Helga, that have  
38 requested extended opportunity to wait until they had a chance  
39 to comment on that document, to play a more major role in the  
40 decision making process. At this point I think I have to say  
41 that I have to find that a reasonable request, and at the same  
42 time, now, after the first part of January, as you can  
43 appreciate, I think our staff, which is not very big, by the  
44 way, has been -- become deeply emerged in this Subpart D  
45 process in developing the materials that we're taking to the  
46 councils, and we use internally for getting board action on  
47 these 85 or so proposals for this April. In addition to that,  
48 we've also had some of the current preliminary court decisions

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and things like that that have caused us to devote a major amount of attention toward any different involvement in the fisheries -- subsistence fisheries issues in the state. So I and other people on the staff have spent a considerable amount of time doing that.

5

6 The upshot of all this is that I think right now in my view, it's perhaps unrealistic for us to insure adequate input by all the regional councils, and we haven't done a particularly good job in terms of our public participation process in this whole C & T determination effort on the Kenai Peninsula, and I think there are ways we could shorten that up.

12 In April, all of the regional council chairs will be present in Anchorage and they'll have an opportunity to discuss this issue among themselves and perhaps also with the Federal Subsistence Board. The bottom line is that I think -- and I've talked to Mr. Stieglitz about this in the last few days to see whether or not he was going to be favorable to perhaps backing away from the commitment that he made last April that this process be brought to a close by the beginning of any hunting seasons this year, and I think he's willing to reconsider that.

21 And I guess that's the proposal that I would like this Council to entertain is the idea of perhaps delaying that determination process for the immediate future to allow for this increased input by the other Regional Advisory Councils and to provide during the proposed rule making period, for example, a better opportunity for public input involvement and more extensive comment on any proposed rulemaking that might take place. I think it will serve us all better in this program if we can make this a little bit more thoughtful and careful deliberation than we might do otherwise.

31

32 CHAIRMAN EWAN: Okay. Any comments or questions? Yeah, I heard you say you would -- you thought it was a reasonable request that you extend the time on the C & T determinations?

36

37 MR. POSPAHALA: That's what I'm proposing. I don't have any specific date in mind, but if we were to entertain the idea of expanding the opportunity for public review and comment, which would necessarily include some public meetings in the effected area during the time that the proposed rule is out on the street, I think we all know that some of the best times to do that when you're trying to work with subsistence users is to do it during the wintertime, so we would no longer be thinking about trying to bring this process to a close by early September or October.

47

48 CHAIRMAN EWAN: So you're thinking of doing it

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then -- extending the time?

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2 MR. POSPAHALA: I'm asking at this point, I  
3 guess, for this Council to support a request to perhaps take a  
4 little bit more deliberative process in mind and not look  
5 forward to getting this done in the next few months, yes.

6

7 CHAIRMAN EWAN: Lee.

8

9 MR. BASNER: Yeah, this is interesting because  
10 one of the things it brings to my mind is the fact that we as a  
11 Council got together a month ago and didn't have the benefit of  
12 public input such as we have had here at this meeting. We've  
13 had the benefit that Moses has capsulized for us and that's  
14 been helpful. And so we kind of got the cart before the horse,  
15 but that's understandable in a new structure such as you're  
16 working with now, but I personally would have no objection, but  
17 kind of wonder what happens if there is a significant  
18 conflict between public testimony and the actions that we took  
19 a month ago. I don't actually anticipate that the public would  
20 come in and testify 100% in opposition to something that we  
21 were in favor of or vice-versa, but it could happen. And we  
22 would have taken action without having had that adequate public  
23 input ourselves.

24

25 CHAIRMAN EWAN: Would we have to rescind our  
26 actions or something?

27

28 MR. POSPAHALA: I can assure you there would  
29 be additional opportunity for this Council to review their  
30 earlier recommendations and to perhaps make any adjustments  
31 they felt necessary in that process, at least before a final  
32 vote was .....

33

34 CHAIRMAN EWAN: I was wondering, time-wise what  
35 are you thinking about, the extension of time?

36

37 MR. POSPAHALA: Well, .....

38

39 CHAIRMAN EWAN: I know you have a schedule to  
40 meet and all that.

41

42 MR. POSPAHALA: Well, one of the things that I  
43 need, before I went back to my boss and asked him if it  
44 would be okay with him to consider delaying this process, I  
45 wanted to get some indication from other sources other than  
46 just my own view about this thing, so I waited until I had some  
47 of the requests from the other Regional Councils to ask him for  
48 this process to be delayed before I went to him and discussed

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it. Then that gave me a reason, beyond my own personal views, to approach him with this issue and my recommendation to delay it, and he was supportive of it.

3

4

CHAIRMAN EWAN: Delayed how long?

5

6

MR. POSPAHALA: Well, effectively we're talking about .....

8

9

CHAIRMAN EWAN: A year?

10

11

MR. POSPAHALA: Well, it would be any implementation of the C & T decisions then would be deferred until the beginning of the 1995/96 regulatory year. I think it's impractical to think about doing anything mid-season, if you will.

16

17

CHAIRMAN EWAN: Lee.

18

19

MR. BASNER: Yeah, I know Gary's concern on the delay, but -- and I can appreciate his point of view, and I, in general, supported him until Dick just made this presentation, but I think we need to consider the other councils' problems, too. They have problems which are different than ours but similar, and so I would be in favor .....

25

26

MS. EAKON: Mr. Chair.

27

28

MR. BASNER: ..... of supporting that.

29

30

MS. EAKON: For the record, we do have a record of requests from Kenaitze Indian Tribe IRA Council, through Gary Oskolkoff, and basically they wrote a letter and requested more time to thoroughly review the report, consult with their attorney, and make informed recommendations, therefore asking for additional time for comments and recommendations, and the only council who has submitted a letter is the Northwest Arctic Subsistence Regional Advisory Council did write a letter to Ron Mr. Ron McCoy, asking for sufficient -- for more time to do a proper analysis, and not only the current plan but also to have an opportunity for the Regional Council to discuss this important issue, and they feel that is two meetings dedicated just discussing C & T, which would take six months to a year should be sufficient.

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45

Those are the only requests -- written requests that we have.

47

48

CHAIRMAN EWAN: For the Council's information,

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I did get several calls about this from Pete Schafer. He  
 chairman of that council.

2

3

MS. EAKON: Vice-Chair.

4

5 CHAIRMAN EWAN: He did tell me that he's been  
 in contact with other Regional Council chairmen, and their  
 concern is that they're pretty neutral; they'd like to have  
 more time on the C & T determinations. Is that what you've  
 been hearing?

10

11 MR. POSPAHALA: Oh, yeah. What we are planning  
 to do would be to make this a part of the agenda for the  
 Council chair meeting that will be held here in Anchorage in  
 April, just before the Federal Subsistence Board.

15

16 CHAIRMAN EWAN: So, I guess the proper thing to  
 do if -- do you have any questions of Dick now?

18

19 MR. LOHSE: I was going to ask him a question,  
 but he pretty well answered it. Basically what you're looking  
 at is, again, because of the fact this is the first one  
 precedent type thing, you're asking for basically at least a  
 year delay, right?

24

25 MR. POSPAHALA: Right.

26

27 MR. LOHSE: We'll do the work next winter.  
 We're not going to try to push this through this summer.

29

30 MR. POSPAHALA: That's what I'd like to do,  
 yes.

32

33 MR. LOHSE: Gary, I'd like your comments on it,  
 because it directly affects you.

35

36 MR. OSKOLKOFF: The -- well, let me ask a  
 couple questions first. Didn't we receive written comment on  
 the Kenai C & T determination; didn't we allow a period for  
 that?

40

41 MS. EAKON: No. What you discussed at your  
 January 28 meeting was supposed to have been used for  
 deliberation by the staff -- Interagency Staff Committee  
 meeting which was supposed to have taken place February 10 --  
 yeah, February 10, but that was postponed. That meeting was  
 postponed. That was the intent of -- you remember the  
 transcript I prepared -- that was supposed to have been used by  
 the Interagency Staff Committee when they discussed what they

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were going to recommend to the Federal Subsistence Board.

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2 CHAIRMAN EWAN: I would like to add something  
 3 else. I talked with Eric Smith. He's the attorney for  
 4 RurALCAP, I believe, he works on subsistence issues. He asked  
 5 me one day whether I objected to his request to the Federal  
 6 Subsistence Board that the C & T determination for Ninilchik  
 7 Stand, but we haven't spent the time to review the other  
 8 communities in the area, and I said I didn't have any problem  
 9 with that.

10

11 Would you have a problem with that, Gary?

12

13 MR. OSKOLKOFF: No, I don't have a problem with  
 14 that. In fact I had quite lengthy discussion with Eric  
 15 regarding that. I -- we were propelled into this -- into the  
 16 forefront here really by the board -- Subsistence Board, the  
 17 staff, those people who made a determination that we should  
 18 move along, should be the first to make a decision. I didn't  
 19 have a problem with that. I felt it was a relatively short  
 20 time line. I think I discussed that with you, added another  
 21 couple of weeks specifically for that. We went through a great  
 22 deal of trouble to have a meeting and discussed the C & T  
 23 determinations at quite a bit of length. There was some very  
 24 serious discussion that went on. I think opinions were  
 25 developed within this board or within this council that I would  
 26 see that it would be -- judging from the public opinion that  
 27 I've heard, which is a little on both sides and not slanted in  
 28 one direction, unlikely that this board or this council will  
 29 retract any substantial part of what it's done.

30

31 There are -- we discussed the possibility of making  
 32 changes, that this wasn't an end-all to the situation and that  
 33 changes would be made as we moved along in the coming year. I  
 34 was asked to help move this process along that I change, in  
 35 fact, a grant that was given through the Bureau of Indian  
 36 Affairs to the Ninilchik Traditional Council to do research and  
 37 mapping of subsistence areas and have that delivered by  
 38 March 31. I have gone to a great deal of time and expense to  
 39 make sure that that's happened. I have four staff people  
 40 working on it now, including my time, which has been  
 41 considerable on this, trying to get these things done in a  
 42 timely fashion. I expected that we would have a meeting in  
 43 February and be able to discuss what the staff recommendations  
 44 were. Frankly, I'm a little disenchanted with the -- what  
 45 seems to be, in my opinion, foot-dragging. There seems to be a  
 46 reluctance to endorse or move too far from this C & T  
 47 determination, and I believe if those things are -- I don't  
 48 think that politics should enter into this process, and I think

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the process was adequate the way we were handling it at the time.

2

3           Secondly, the discussion we had or that you brought up  
with regard to the other councils, if indeed these councils  
want to be involved in changing the process, how we went about  
making a C & T determination here, I think it would be fair  
that -- to say then we would be involved in their process. All  
these councils will be involved in one another's processes at  
some point. It would be cumbersome beyond belief. I think it  
would set a very bad precedence to have a minority of the  
councils -- the Regional Councils represented who could  
influence the way we make decisions in this region. I think  
this council has made a decision, it has been willing to put it  
down on paper. We have had a chance to review it ourselves,  
and then this stagnant pause came about. I don't think that's  
the way we should be handling this business, and I don't know  
why it occurred. I could give a lot of guesses, but I'll  
refrain from doing that. I think that it would behoove us to  
simply move on, ask the board to consider our deliberations  
that we took on the C & T determination already, and continue  
on the path that we have laid out for ourselves over the last  
several months.

23

24           MR. POSPAHALA: I can tell you why that  
February staff committee meeting was canceled. I canceled it  
basically unilaterally because I was up to my eyeballs in fish  
issues at the time, and just absolutely didn't have time to  
prepare adequately, either myself or have our staff prepare  
adequately for that meeting. So that's the pure and simple  
reason why that meeting was canceled.

31

32           MR. OSKOLKOFF: I think that's, personally, a  
pretty thin argument for derailing the whole process, and I  
think that maybe it would be best to redouble your efforts, the  
staff efforts and get the process back on line, in my opinion.

36

37           MR. POSPAHALA: Yeah, that's not the reason for  
asking for the modification in and of itself, but just with  
regard to that one meeting, and I appreciate your views about  
that. I did, at the time, what I felt I had to do.

41

42           CHAIRMAN EWAN: Any other comments or  
questions?

44

45           MR. ROMIG: Mr. Chairman, I'd have to concur  
with Gary on that process. We were given, you know, a deadline  
and we met it and now saying you're postponing it for a year,  
you know, it's sort of like the proposals that have been

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submitted for those units have all been deferred, and they weren't really going to be acted upon this year, and now if you delay it for a year, it delays all that for a year. So I don't think that they had -- well, I guess their intent was to have these in place before this hunting season, but we're still not going to act on the proposals before this hunting season, so it's kind of a -- I don't see the reasoning there.

7

8 CHAIRMAN EWAN: Dick, have you heard anything  
9 on how our determination would affect other councils, precedent  
10 setting or something like that?

11

12 MR. POSPAHALA: Well, yeah, I'm guessing a  
13 little bit, but I think the interests on the part of these  
14 other councils is not in the result of the Kenai C & T effort;  
15 has much more to do with how the process shakes out and the  
16 consideration, the method by which those decisions are made. I  
17 don't -- I haven't heard if any of the council meetings that  
18 I've attended people indicating on the other councils that they  
19 want to be a part of the actual decision making process in this  
20 particular issue. They're more concerned about how this will  
21 be done within the Federal community, and which is an unknown  
22 for all of us at this point in time, including myself.

23

24 CHAIRMAN EWAN: Lee.

25

26 MR. BASNER: Is it unreasonable to request that  
27 the board meet and consider Kenai C & T, period, and delay and  
28 consider the other areas on a separate schedule; is that  
29 unreasonable?

30

31 MR. POSPAHALA: I don't have a clear picture of  
32 what you're asking. Under any schedule that we select right  
33 now the only consideration would be a schedule for the Kenai  
34 C & T decision as it currently stands. Now, there are some  
35 other determinations that -- where field work is ongoing; Upper  
36 Tanana, Copper River Basin work that's being spearheaded by the  
37 National Park Service. Now, it may be, I haven't had a chance  
38 to visit with them about how they view their current schedule,  
39 but it may be that that one would be coming forward at about  
40 the same time as a revised schedule for Kenai, but I can't say  
41 that for sure at this point.

42

43 MR. BASNER: I guess then I don't understand,  
44 for example, why Northwest Arctic Region would be concerned  
45 about our schedule in Kenai.

46

47 MR. POSPAHALA: Because they're concerned about  
48 how the decision is made, not what it is so much.

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1 CHAIRMAN EWAN: Ralph.

2

3 MR. LOHSE: I can empathize with their concern.  
 4 Basically what we are, we're a regional council -- appointed  
 5 regional council, and at the speed that we acted we had only  
 6 one input of information, and that information came from people  
 7 who we work with, it came from the Federal subsistence managers  
 8 of Park Service, BLM and all the rest of it. We really didn't  
 9 have an opportunity at the speed with which we were working to  
 10 get any public input, talk to any people from the local area or  
 11 anything like that. We actually -- I thought we did pretty  
 12 good deliberations for the time that we had. I felt that we  
 13 were pretty shorted in the amount of time we had to study it,  
 14 and pretty shorted in the amount of time that we even had to  
 15 make our deliberations, and I felt that I was a little bit  
 16 shorted in not being able to hear from anybody else other than  
 17 committee members and Federal government. And I can understand  
 18 then the concern of other regional councils. We set the  
 19 precedent, this basically becomes an inhouse activity, and  
 20 excludes people from outside, then it could be done in such a  
 21 way that -- I mean that people don't give the consideration  
 22 that we did. I kind of feel that somehow another we do have to  
 23 allow a time period long enough at least for written comment  
 24 and gathering of other information. We ourselves commented the  
 25 first time that we heard the draft that there was a lot of  
 26 information we would like to have. We drew on ourselves, and  
 27 we drew on the staff people that were there. We didn't draw on  
 28 the public at all.

29

30 I hate to do the whole thing over again, which is  
 31 exactly what you're asking for, is you're asking for us to take  
 32 the determinations we made and be willing to change those  
 33 determinations with the input of public input, with the input  
 34 of additional information. Basically we went through a two-day  
 35 exercise and what it looks to me is like we're probably looking  
 36 at a six to eight-day exercise to accomplish the same thing  
 37 sometime in the future. I still think I'm probably going to  
 38 have to support the idea that we do allow other people to  
 39 comment.

40

41 MS. EAKON: Mr. Chair. When Mr. Pospahala  
 42 broached the subject to me, I believe it was last Thursday, I  
 43 hurried up and tried to poll -- I did a poll to get a feeling  
 44 of the Council members, but the majority of the ones I polled  
 45 said let's discuss this -- this is too important -- this is too  
 46 important, let's talk about it at the meeting, and when I  
 47 polled Gary Kompkoff, who is absent at this time, he said:  
 48 unless there is a strong reason for a delay in the Kenai

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Peninsula C & T schedule, I am opposed to a delay." I thought I should let you know what his thoughts were, and he did ask me to express that feeling to you.

3

4

CHAIRMAN EWAN: Lee.

5

6

MR. BASNER: Yeah, Mr. Chairman, when I was polled, I also said we've already had our meeting, we've made our decision, let's move forward. But that was before I had an opportunity to hear what Dick has said to us. I kind of straddle the fence. I can agree with Gary's comments because we did put in a long, hard day and a lot of work, and we did the very best we could do under the circumstances, and I walked out of that meeting feeling very comfortable that I could not have improved upon my input or my decisions. However, I was also uncomfortable in the fact that I had not heard from the public. And that's the situation I find myself in now. I still haven't heard from the public, and now that the opportunity is here to hear from the public, that's what I feel this council is all about; we represent the public, we don't represent ourselves. So based on that, in spite of the fact I lean toward Gary and his comments, I appreciate his position. I think if we entertained a motion, I would have to move in favor of letting the public testify, and if it causes us to do more work, I don't look forward to that but I'll do it.

25

26

CHAIRMAN EWAN: Any other comments? Did somebody -- Ben, did you want to make a comment?

28

29

MR. ROMIG: No.

30

31

CHAIRMAN EWAN: Yeah, Ralph.

32

33

MR. LOHSE: Can I ask him a question. If we don't decide to give more time what happens? I mean are we in another mouse trap situation where if we decide to go on with where we're at right now nothing can be done anyhow because it's just incapable of handling it through the staff department?

39

40

MR. POSPAHALA: Well, I'm -- excuse me, I'm not going to sit here and say I think I've got you over a barrel, but what I think will happen is that if this council does not support a delay, then I'll have in my lap some requests from some councils for a delay and other requests from at least this council and perhaps others to go ahead with the determination. I'll have to lay that in front of the board and see what the you know, see how they sort that out. It's not a decision that I have the power to make. Right now what's before the

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board is a motion that was -- or action that was taken last April that basically directs the staff to accommodate this process before any hunting seasons open on the Kenai Peninsula this coming fall. There's a lot of question on my part about whether or not -- how we can meet that schedule, but if the Board tells me to do that, then we'll do the best we can to meet it.

7

8 MR. LOHSE: But we're not -- we are basically off time line right now, aren't we?

10

11 MR. POSPAHALA: Fair amount. We were -- we had started to slide in early January. I think we were a few days late in getting out the draft report, and then there was a request for additional time. We, as I remember the schedule, I didn't have it, the early schedule we had, the period of time, for example, between the proposed rule making and the final rule making did not allow for an extensive period of time for public comment under any circumstances.

19

20 Was it 30 days, Taylor?

21

22 MR. BRELSFORD: 45.

23

24 MR. POSPAHALA: 45. 30 is -- well, you can do under emergency procedures and have a public comment period of less than 30 days, but 30 is sort of the standard norm. In my experience in Alaska we typically come under heavy criticism if we don't allow at least 60 days, because some of the mail systems and, you know, people's access to material is a bit less satisfactory in Alaska than it is in other places. So 60 is what we would normally shoot for as a minimum. On an important decision it's a lot better to go 90 or even 120 days.

33

34 CHAIRMAN EWAN: I would like to make this comment, and that is unless something is shown to me that we -- the process didn't -- I know we didn't allow public comment. I don't like that at all. Others don't like it probably. But unless the other councils show me that -- how we made our determination would affect their council -- regional council decision and how they determined their -- you know, C & T, I'd like to go along with Gary and say, hey, we made a decision, let it stand. Let them come prove to me that something -- we missed out on something that should have been discussed or should have been brought up in the process. I know that we left out the public comment period. I know that we didn't have enough time. I realize that the time was short.

47

48 But that's what I was asking you, what -- is there

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anything that we should have considered that we didn't besides the public input?

2

3 MR. POSPAHALA: Well, the only thing that I can think of right off the top of my head is the final input from the BIA study in Ninilchik which I guess we made an effort to make sure that it's included before any final decision is made certainly.

8

9 CHAIRMAN EWAN: The study you're referring to is what?

11

12 MR. POSPAHALA: The one that Gary referred to.

13

14 MR. OSKOLKOFF: It would be a study similar to the one that was done by the -- I believe the Alaska Department of Fish & Game which outlined the ones we reviewed where there were actual maps drawn and a specific question asked as to what subsistence foods had been used over a period of years, and to what degree.

20

21 MR. BASNER: What is the impact upon people down on the Kenai been -- and Gary can answer this question for me -- a., if we delay, and b., if we try to continue with the current schedule?

25

26 MR. OSKOLKOFF: The impact will and has been that it simply completely precludes those people who are dependent upon the resource from access to the resource other than through sport hunting regulations which puts them in competition directly with the sport hunters, and as you know, in the Kenai Peninsula area is probably one of the most heavily used areas for sport hunting in the state, and it is -- the competition is fierce, and it is getting worse.

34

35 MR. ROMIG: Yeah, I have to agree with Gary there. This is delaying further action on proposals that we delay for say a year and there is a lot of proposals submitted next fall, we may simply defer them again because we didn't have a determination, you know, would be -- you know, they say that they wanted to have a determination done this year for the hunting this fall, but they're not going to act on any of the proposals, so I don't see where that would have any effect. In other words, it could delay it for a year, let's say. It would be actually 1996, I think, before .....

45

46 MR. BASNER: Well, is that a greater danger in the minds, this one extra year that they have to compete with the sport hunter as opposed to the danger of not having the

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input from the public for us to consider?

1

2 MR. OSKOLKOFF: In my opinion, it's not just  
3 the danger of competing with the sport hunters. I was speaking  
4 of what's on the ground as far as when a person is allowed the  
5 opportunity to go ahead and take that. The real danger has  
6 always been to the Native people as well as non-Native  
7 subsistence hunters has been the change in the political  
8 climate. Things evolve, things change, this process may very  
9 well end at some point. There could be court action or  
10 something else that would simply change this. There could be  
11 public opinion that will change it, and a delay of a week turns  
12 into a delay of -- well, a delay of two weeks, in our case  
13 turned into now a request for a delay of a year, which could  
14 turn into a delay of two years and continue on down the road.

15

16 Frankly, I see that if we -- to add to that, if we  
17 start the delay process now, not only do we delay it for the  
18 Kenai C & T determination, we had a lot of other places to do a  
19 C & T determination just ourselves which, in the region that  
20 we're working, the board has to hear all these determinations  
21 from all the different regions. If we slow them down now by a  
22 year, imagine how long it will take to get to some of those  
23 other areas. And not only will we be affecting ourselves and  
24 the people on the Kenai Peninsula but people throughout the  
25 state who will then be waiting in line years and years down the  
26 road.

27 Like I say, the political winds can change, a variety  
28 of things can happen, the -- frankly, as time has gone on since  
29 ANILCA's been passed, there's been enough time elapsed that  
30 perhaps even there is another generation now that has been  
31 folded into the mix now. So, you know, we're discussing  
32 something that probably should have occurred a number of years  
33 ago and been resolved then. I don't think there's any reason  
34 to delay it any further than what we presently have.

35

36 CHAIRMAN EWAN: Any more questions of Dick?  
37 Comments? Thank you, Dick.

38

39 MR. POSPAHALA: Thank you, Mr. Chairman.

40

41 CHAIRMAN EWAN: Do you want action on this --  
42 some kind of action?

43

44 MR. POSPAHALA: It would sure be nice.

45

46 CHAIRMAN EWAN: Yeah, okay. Well, we'll see  
47 here. Any action on Council's part on this? Should we just  
48 let it stand? By not action we'll just let the thing stand.

49

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1 MR. LOHSE: I think we should take some kind of  
 2 action, one way or the other, just to take action, and I still  
 3 am uncomfortable with any kind of precedent of government not  
 4 allowing time for public input. I agree with Gary that it can  
 5 cause some problems in this department, but it's just the  
 6 precedent that I don't think is a good one to make, so I will  
 7 make the motion that we consider delaying the C & T findings  
 8 long enough to have the opportunity for public comment -- the  
 9 Kenai C & T findings, long enough to have the opportunity for  
 10 public comment.

11

12 MR. BASNER: I'll second it.

13

14 CHAIRMAN EWAN: Okay, there's a motion that's  
 15 been seconded. I don't know if this does it from a  
 16 parliamentary standpoint -- I'm not a parliamentarian but  
 17 what we are doing -- is it actually reconsidering a past action  
 18 or rescinding a past action or what?

19

20 MR. LOHSE: No. No, our past actions still  
 21 stands. We can reconsider them after we have public comment.  
 22 Basically what I've done is just ask for a delay long enough to  
 23 allow public comment, which will probably take next winter to  
 24 do it. And at that time we can either stay with our decisions,  
 25 we can rescind the decisions or we can do anything. I mean but  
 26 at least we've allowed -- we've allowed other information to  
 27 come to our ears other than what we've heard straight from the  
 28 people with whom we work.

29

30 CHAIRMAN EWAN: Okay, does that take care of  
 31 what you wanted the Council to do? I mean this does it?

32

33 MR. POSPAHALA: Yes.

34

35 CHAIRMAN EWAN: Okay, any further discussion on  
 36 the motion? Gary.

37

38 MR. OSKOLKOFF: Just a quick comment. The  
 39 delay that they're asking for is basically to delay this a  
 40 year. If we pass it we then delay for that year, people can  
 41 comment within that time, and this can be changed. If we vote  
 42 the negative and don't pass it, which I am suggesting people  
 43 will have something to comment on, they will be able to comment  
 44 and they can ask for a change and we can advise, as is our job,  
 45 advise that those changes be incorporated next year.  
 46 Whether the board hears them or not, that's their business. I  
 47 believe that if anything this will be a catalyst for discussion  
 48 rather than limiting the discussion. So I'm going to vote

49

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against the proposal.

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CHAIRMAN EWAN: Lee.

3

4

MR. BASNER: What are the possibilities that once a C & T finding has been made that a change could be incorporated within a reasonable time frame? And the reason I ask that is because we just went through about a eight-year process up in the Denali area for some people who got left out of the system and it's taken them that long to get put back in. So, as Gary says, if we vote now and some people get left out now, and we get some public input later on and we find out, ohps, these folks should have been included, what kind of time frame are we looking at, Dick, to get those people properly included, if ever?

15

16

MR. POSPAHALA: Well, I can't tell you exactly. I can say that I don't think that we -- at least I've never viewed this customary and traditional use determination process as being an annual event. I think we hope that we can go into an area and resolve most of the issues and then walk away and not have to revisit it right away. In an administrative process, a format, there always are opportunities to do that. Almost any Federal regulation can be requested to be changed. The amount of time that's required for that varies, and I think you've picked a worse case -- the situation you referred to, but it does take time, and I couldn't say exactly how long. It's certainly longer than 30 days.

28

29

MR. BASNER: That's what disturbs me. I seconded the motion. I still don't know which way I want to vote because we're going to damage somebody away, I think.

But .....

33

CHAIRMAN EWAN: Go ahead, Fred.

34

35

MR. JOHN: I'm going to vote no, not to delay on this. I think we've done our part. We had everything set up and I believe we -- what we did was right. I don't think we should delay on this for the subsistence use from Kenai.

39

40

CHAIRMAN EWAN: I was just going to ask Dick or somebody over there on Gary's comment that we can change things if we let things stand as they are right now down the road .....

44

45

MR. POSPAHALA: You mean that you could change your recommendation?

47

48

CHAIRMAN EWAN: Down the road, yes. That's

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allowed, right, or it can be done?

1

2 MR. POSPAHALA: Yeah, there's -- I mean any  
3 regulation or rule can be changed, yes.

4

5 CHAIRMAN EWAN: So, I mean, we have -- we still  
6 can correct whatever -- if there is something wrong with our  
7 determination, make some changes down the road.

8

9 Any further discussion on the motion?

10

11 MR. OSKOLKOFF: Question.

12

13 CHAIRMAN EWAN: Question has been called for.  
14 All in favor of the motion, say aye.

15

16 IN UNISON: Aye.

17

18 CHAIRMAN EWAN: Opposed, by the same sign.

19

20 IN UNISON: Aye.

21

22 CHAIRMAN EWAN: Did you vote -- again, all  
23 those again would you raise your hand, please? Four to two.  
24 Motion is not carried.

25

26 The next item, I guess, is .....

27

28 MR. BASNER: Lunch?

29

30 CHAIRMAN EWAN: Do you want to go on, take care  
31 of the next item, Helga, and -- we're almost done, right? Or  
32 are we? I don't know.

33

34 MS. EAKON: Remaining on the agenda, Mr. Chair,  
35 Janis Meldrum, from the National Park Service, is to brief  
36 you on the Upper Tanana C & T, which is this book.

37

38 CHAIRMAN EWAN: Do you want to keep going with  
39 that?

40

41 MS. EAKON: It's up to you, and after that you  
42 need to establish place of your -- time and place of your  
43 meeting; invite public comment; council/staff comments; and  
44 when you're done -- oh, your Operations Manual.

45

46 CHAIRMAN EWAN: Okay, we still have a lot of  
47 time then to -- I think. Should we break for lunch?

48

49

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1 MR. BASNER: I think so, yeah.  
2 CHAIRMAN EWAN: Is that okay? Gary?  
3  
4 MR. OSKOLKOFF: What are we going to do on the  
5 Operations Manual?  
6  
7 MS. EAKON: You had tabled discussion on it  
8 until today.  
9  
10 MR. LOHSE: We were to read it last night.  
11  
12 MR. OSKOLKOFF: Oh, okay. Okay. I just wanted  
13 to say I was going to be gone after lunch. I have to leave.  
14  
15 CHAIRMAN EWAN: Did you have a chance to look  
16 at it?  
17  
18 MR. OSKOLKOFF: What's that?  
19  
20 CHAIRMAN EWAN: Did you have a chance to look  
21 at it?  
22  
23 MR. OSKOLKOFF: Yeah.  
24  
25 CHAIRMAN EWAN: Do you want to take that up?  
26  
27 MR. LOHSE: Maybe we should take it up before  
28 lunch if he's going to be leaving.  
29  
30 CHAIRMAN EWAN: Is there any objection to  
31 taking up the Operations Manual before lunch? If not, we'll do  
32 that.  
33  
34 MR. OSKOLKOFF: Did you find anything  
35 controversial in it?  
36  
37 MR. LOHSE: I didn't find anything  
38 controversial in it.  
39  
40 I make a motion that we accept the Operations Manual as  
41 written.  
42  
43 CHAIRMAN EWAN: Is there a second?  
44  
45 MR. OSKOLKOFF: I'll second the motion.  
46  
47 CHAIRMAN EWAN: There's a motion, seconded.  
48 Further discussion on the motion?  
49  
50

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1 MR. JOHN: Question.

2 CHAIRMAN EWAN: Question's been called for.

3  
4 MR. BASNER: What?

5  
6 CHAIRMAN EWAN: Did you hear the motion? Do  
7 you want to repeat the motion -- your motion, Ralph?

8  
9 MR. LOHSE: The motion is to accept the  
10 Operations Manual as written.

11  
12 CHAIRMAN EWAN: And motion seconded, question  
13 called for. All in favor, say aye.

14  
15 IN UNISON: Aye.

16  
17 CHAIRMAN EWAN: Opposed, by the same sign?  
18 Motion is carried.

19  
20 MR. BASNER: Okay, we'll break for lunch and  
21 we'll take care of the other business after lunch.

22  
23 COURT REPORTER: Off record.

24  
25 (Off record - 11:38 a.m.)

26  
27 (On record - 1:02 p.m.)

28  
29 CHAIRMAN EWAN: I'll call the meeting back to  
30 order. Our next item on the agenda is Discussion on the Upper  
31 Tanana Region, Customary and Traditional Use Feasibility  
32 Report. And I guess we have Janis Meldrum, is it, to make a  
33 presentation or speak on this?

34  
35 MS. MELDRUM: My name is Janis Meldrum. I'm  
36 from the National Park Service. I work in the Interagency  
37 Office for Federal Subsistence Management, and what I wanted to  
38 do is to explain to this Council where we're at in the Upper  
39 Tanana C & T process, find out how this Council, what level of  
40 involvement you'd like to have in this process and then plug  
41 you into it.

42  
43 What ended up happening is that the Park Service got  
44 assigned to conduct the analysis, the communities in the Upper  
45 Tanana/Copper River Basin, and we had to split that area in two  
46 because they're actually two different regional councils  
47 involved. So the first booklet that we put out here has to do  
48 with the five upper Tanana communities, so Dot Lake, Tetlin,

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Tok, Northway, and Tanacross. And then following that a little bit later this year there'll be the 26 communities in the Copper Basin, from West Glenn Highway, over to the border. So that part's not done yet. And that would clearly involve this Council. But the Upper Tanana determinations could also overlap in part of your Council boundaries. And let me explain why that might be so.

7

8 So the Kenai customary and traditional use determination is being done just a little bit differently than the way we approached the Copper Basin and Upper Tanana C & T determinations. The Fish & Wildlife Service defined a piece of land which was primarily Unit 7 and 15 on the Kenai Peninsula, and they looked at what people and what communities used that piece of land. The way we looked at the Upper Tanana and Copper Basin communities was to identify the communities that fall within the boundaries that we were given, and that turned out to be 32 communities. And then what we did was tried to compile all the information we could on those communities in that area. So it's conceivable that the Upper Tanana communities' use area could fall over into your Units 11 and 23, which is part of your Council's area. But they clearly have use in Units 12 and 20, which are in the Eastern Interior Regional Council's area. So there could be some overlapping determinations there. And so because of that I assumed you might be interested in looking at these communities and where their use areas have been defined.

27

28 At this point there has not been any recommendations written on what the C & T determinations would be for these five Upper Tanana communities. All that's been done so far is that these notebooks have been put together which describes briefly what we've done so far and what's contained in the book. Then there's a document on each of the five communities in the Upper Tanana, and then there's a comparative analysis that we provided in the back.

36

37 We distributed those blue notebooks to people in the local advisory committee, the Eastern Interior Regional Council, the Federal agencies, State offices, and then we distributed two copies to each of the five communities involved, and also gave them copies of the primary references that we used in compiling this information, which were Alaska Department and Fish & Game Studies to make sure that people had ample opportunity to look at where we got our information from and then evaluate how we put our information together on our community.

47

48 And most of the communities got their documents --

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these blue notebooks about the middle of February. Then the Tetlin National Wildlife Refuge staff went into each of the five communities and they had meetings with people to explain to them what the -- how the process would flow along and what we're asking for in terms of comments at this point, and what they might expect in the future to kind of get this whole process kicked off at the public community level.

7

8 Then last week -- well, first of all, the 1st of February we gave a presentation to the Eastern Interior Regional Council about what we had done, and then last week we had a public meeting with Upper Tanana 40-Mile local advisory committee up in Tok, and that was an open public meeting, and we ended up having about 12 local people attend that meeting. Some of them were local advisory committee members. So we took some public comment there on what we had done in these documents.

17

18 But the only thing we're asking for at this point from these notebooks is to find out from people whether they feel we've done an adequate job of trying to represent them and describe their subsistence uses, because these documents are what will be used to make the customary and traditional use determination on those communities. And so the only comments we've gotten so far has been from that public meeting in Tok, and then I've had some discussion with people, generally, about what we've done. But we haven't gotten any written or formal oral comments on the documents yet.

28

29 And the idea is we would like to have any comments on this analytical process by March 31 from anybody that's interested in commenting on it. Following that March 31 deadline we'll wait probably a week or so after that to find out what comments would come in, and then depending on what kind of modifications we have to make to these documents, we'll revise the schedule and hopefully write some recommendations that will go before the Eastern Interior Regional Council and this council as well, if you're interested.

38

39 Our goal was to try and get that done -- get those recommendations out by the end of May before people got too busy to take a look at them so that the process could continue to move. But that's -- it's a little bit uncertain whether we can meet that deadline of the end of May because I'm not sure, you know, how many comments we'll get on these reports that we've prepared. I think what we got from the public meeting up in Tok was that people were pretty interested in getting these determinations in the hopes that Tok particularly would have a customary and traditional use of some species in some units

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where they currently don't, and so they were kind of interested in getting these done before the hunting season starts so they might have an opportunity to hunt. In order to try to meet that deadline, we'd have to keep moving fairly rapidly on this.

4  
5 I guess that just concludes my brief overview of what we've done on this. We can provide a much more detailed description of the communities if it's desirable to the Council at this point or at some later point. We can provide whatever kind of oral briefing or written briefing that you desire, if you just let us know.

11  
12 CHAIRMAN EWAN: Okay. Thank you. Any questions or comments? Lee.

14  
15 MR. BASNER: Yeah, I have a question on where the northern boundary of our region crosses this map that you have on page two.

18  
19 MS. MELDRUM: Well, it doesn't -- it probably isn't shown on the map except for maybe a small corner of it. That map shows where the communities lie but does not necessarily mean that their subsistence use areas are included on that map, so they could extend beyond the confines of that map that's in your document.

25  
26 CHAIRMAN EWAN: We're taking Unit 11 so that would be the Wrangell-St. Elias -- right around there.

28  
29 MR. BASNER: Okay, and 13, how far north?

30  
31 MR. LOHSE: Do we basically follow the highway; do 13 and 11 basically follow the highway right there?

33  
34 MS. MELDRUM: 11 is south and east of the highway there.

36  
37 MR. LOHSE: I mean does it come up to the highway?

39  
40 MS. MELDRUM: Yeah.

41  
42 MR. LOHSE: It comes up to the highway, south and east, right? 13 comes up to the highway, right there on the corner by Tok, doesn't it?

45  
46 MS. MELDRUM: No, not by Tok.

47  
48 MR. WELLS: No, it's the Copper River divides

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11 and 13 as you go north, and then it splits up here, and then  
it comes to the highway, and then I believe the boundaries of  
23 and 12 is past Slana at that divide.

3

4 MR. LOHSE: Okay.

5

6 MS. MELDRUM: Yeah.

7

8 CHAIRMAN EWAN: Did you have concern about the  
Boundary?

10

11 MR. BASNER: Well, I just wanted to know where  
12 was because I don't know if we're dealing in an area that  
13 would be Eastern Interior. You see, I don't know where the  
14 boundary line is between East Interior and West.

15

16 MS. MELDRUM: Yeah, that map doesn't show you  
17 either, but .....

18

19 MR. BASNER: Can somebody draw .....

20

21 MS. MELDRUM: I thought that was the one you  
22 were looking at.

23

24 MR. LOHSE: Okay, .....

25

26 MS. MELDRUM: If you look in your first -- the  
27 first community document that says Tanacross, there's a  
28 seven-page introduction, then Tanacross follows, and then  
29 there's maps in the back there that shows the unit boundaries.

30

31 CHAIRMAN EWAN: Just generally, about the  
32 report, do you gather most of your information off of written  
33 documents or do you go out and interview people or -- I mean  
34 how -- what process are you using?

35

36 MS. MELDRUM: What we did was we took the  
37 harvest ticket data and we tried to compile that, and we looked  
38 at written technical reports prepared by the Alaska Department  
39 of Fish & Game, and then we did some unique data analysis of  
40 our own using the household -- individual household data that  
41 ADF&G collected most recently in 1987 and 1988. We did no oil  
42 interviews with people. We kind of left the door open for that  
43 or if people felt like that was needed or they wanted to  
44 provide that, they could.

45

46 CHAIRMAN EWAN: I realize you gave us this --  
47 we have plenty of time to look at it, but what does the  
48 Comparative Analysis do; what is that -- that section do?

49

50

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1 MS. MELDRUM: It does a few things. It  
2 describes the differences between the different databases that  
3 we used to prepare the documents, both the individual household  
4 survey information that we used, and then the ADF&G aggregated  
5 data that we used. It talks about how we conducted our unique  
6 analysis on data, and it does some comparison of the five Upper  
7 Tanana communities showing how they are similar and how they're  
8 different on other factors.

9

10 CHAIRMAN EWAN: Yes, questions or comments?  
11 But this will be shown to the -- available to the other  
12 councils --- the whole council -- not just to those  
13 communities? You're dealing with other communities, right,  
14 you're doing the say thing? Somebody else is doing something  
15 similar for the other communities?

16

17 MS. MELDRUM: For the Copper Basin communities?

18

19 CHAIRMAN EWAN: No, I'm talking about the --  
20 what is it, Upper -- yeah, Upper Tanana?

21

22 MS. MELDRUM: Those are the five Upper Tanana  
23 communities that are in that notebook there, the descriptions  
24 of those five.

25

26 CHAIRMAN EWAN: Oh, those are the only  
27 communities then?

28

29 MS. MELDRUM: In this notebook it's just those  
30 five communities and then a little later this year we'll be  
31 presenting you with the information we put together on the  
32 Copper Basin communities.

33

34 CHAIRMAN EWAN: I guess what my question is, I  
35 didn't know the composition of the council for that area there.  
36 This is it right here, these five communities?

37

38 MS. MELDRUM: No, actually that council  
39 represents five more than those five communities.

40

41 CHAIRMAN EWAN: That's what I was asking. Will  
42 there be something similar done for the other communities?

43

44 MS. MELDRUM: I guess I thought you had all  
45 been briefed already on the priority process for the customary  
46 and traditional use determinations so I didn't talk about that,  
47 but if you'd like, I could set up the overhead projector and  
48 show you the overall priorities and where this region fell out,

49

50

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if that's -- that would be of value to you.

1

2 CHAIRMAN EWAN: That's up to the Council, if  
3 you want.

4

5 MR. LOHSE: I'd like to see it.

6

7 MR. BASNER: I would, too. I'm a little bit  
8 confused.

9

10 MS. MELDRUM: Okay.

11

12 CHAIRMAN EWAN: Ralph, do you have a question?

13

14 MR. LOHSE: No, I was just going to ask  
15 something on that. If we're going to see it, then I don't need  
16 to ask it.

17

18 CHAIRMAN EWAN: Can you do that if you have the  
19 time?

20

21 MS. MELDRUM: Uh-huh (affirmative), we've got  
22 the time.

23

24 CHAIRMAN EWAN: If it won't take too much time.

25

26 (Off record - 1:18 p.m.)

27

28 (On record - 1:20 p.m.)

29

30 MS. MELDRUM: Now that I have the ability to  
31 show you where the boundaries of those units lie. The  
32 boundaries of the two regional councils' area fall between  
33 units 11 and 12 here, and then Unit 13. The way this all  
34 started and the way the priorities got established was that  
35 early on in the program when there were public meetings having  
36 to do with the Environmental Impact Statement and the draft  
37 regulations, people made a lot of comments about the existing  
38 C & T determinations that the Federal Board was going to adopt  
39 and the problems that they had with them. Based on public  
40 comments and proposals that came in on changes in C & T  
41 determinations the board established certain priority areas  
42 across the state for getting C & T determinations, revisited  
43 and revised.

44

45 So initially these 24 areas across the state were set  
46 up just to define an area that you would look at, an analytical  
47 unit, if you will, so that you could define certain areas and  
48 assign somebody the task of looking at them. And then based on

49

50

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public comment the number one priority area became the Upper Tanana/Copper River Basin. Then they later decided that they wanted to split the areas to keep them in the confines of a regional council's area. So this area, number one, actually got split into two units, one being the five Upper Tanana communities, and the rest of the unit being in -- clearly in the Southcentral's area, and that was the Copper Basin communities.

8

9 And then the last thing they did was to -- said that they were going to assign as the lead agency on each of these areas one of the four land managing agencies, and then they would be responsible for conducting the analysis on the communities within these priority areas and providing the public a chance for input and so forth until it went to the board, and then the board would make the final decision with regional council input.

17

18 So you see that there's about six areas, starting with the number one priority area that the National Park Service had been assigned, so theoretically after we finish the Upper Tanana and Copper Basin communities, we move on to area number eight, which is the Parks Highway and part of Denali National Park, and so forth.

24

25 And then the Fish & Wildlife Service was assigned the second priority area, which is the Kenai Peninsula, the one that you've been addressing.

28

29 The same eight factors are involved in either the Kenai process or the Upper Tanana process. That's always the same. These are in regulations and each agency will have to address these eight factors. The only thing that we might have done a little differently on this, from what the Fish & Wildlife Service did on the Kenai, is we kind of came up with these sub-categories in order to put the information into categories under the eight factors. But that shouldn't really affect the decision at all about how the board makes the decision. It's just a way of compartmentalizing the information.

39

40 And then what we did to this point was the synthesis of the data involved literature review. We looked at all the published materials we could find, and extracted information on subsistence uses. We looked at the harvest surveys that the State did, which was their -- they have a quite lengthy questionnaire they go out and talk to people in the communities and survey a certain portion of the community. We used that information. We used the harvest ticket data that people provide through return of harvest tickets after they hunt, and

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then the component that we are working on right now is this public input portion which involves regional councils and local advisory committees, the communities, the agencies, anybody that cares to provide input into the analytical process that we developed.

5

6 And then what will happen after that is a final report will be generated, hopefully some time in May, and then some recommendations will accompany that final report that specifically say who has C & T, where, and on what species. And then that will go to the regional council before a rulemaking is developed, and then the whole process, as you're following along on the Kenai Peninsula C & T will be followed. There will be a 60-day comment period after the Federal rules are published and so forth.

15

16 And then the decisions, of course, will be made on a species basis for the five Upper Tanana communities.

18

19 Does that answer the question of kind of how we got to where we are; is that what you were asking?

21

22 CHAIRMAN EWAN: Yes. I would say yes.

23

24 MR. LOHSE: So this is for us to review and comment about?

26

27 MS. MELDRUM: Yes. In the front of that notebook is a letter that includes my name and a mailing address for people to mail comments directly and then there's also an 800 number that you can provide everybody to that they can just call and discuss it or give their comments over the phone, if they choose to.

33

34 CHAIRMAN EWAN: I'd like to make a general comment about the whole thing -- process. I know that when we were discussion the Kenai C & T determinations we were talking 37 I know some of us were talking about those things that are not mentioned, you know. People historically in an area have used certain species of game for subsistence, but in the last 40 years when records were started to be kept, because they were either pushed out or somebody else killed off all the game 42 that area, they were -- they stopped taking, not because they didn't want to. There was nothing there any more to do 44 that. I just wondered. There should be a mention somewhere in 45 here that traditionally some of the local people have been 46 using certain species but because of the impact from urban 47 areas and the reduction in species, there were no record of 48 taking. I think there should be some recognition of that

49

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somewhere, somehow, I don't know.

1

2 MS. MELDRUM: What we tried to do under factor  
 3 number one under each of these five community documents is try  
 4 to explain why people might not have hunted certain species  
 5 consistently, like caribou, for instance, seems to have kind of  
 6 been high and low periods in the last 100 years or so. So  
 7 there were a lot of reasons why people, like from Tetlin, who  
 8 were fairly isolated, couldn't get out to hunt caribou, and so  
 9 we tried to explain that so that when there wasn't -- when they  
 10 weren't harvesting caribou it was an explainable lapse in  
 11 behavior. So we made an attempt at trying to do that, talking  
 12 about competition between non-local people with the local  
 13 hunters, the absence of a certain species at certain time  
 14 periods, whatever other factors came into play. At the Top  
 15 meeting people thought that we hadn't placed enough emphasis on  
 16 those discussions. So we're going to try and improve on them,  
 17 but we did make an effort, at least in the first go-round, to  
 18 include some of those reasons. I hope that people will supply  
 19 us with some more information during the public comment  
 20 process.

21

22 CHAIRMAN EWAN: Fred.

23

24 MR. JOHN: I've got a question. These  
 25 individual villages, did you guys go in the villages or just  
 26 get information from the different sources; did you guys go in  
 27 there and talk to the local people?

28

29 MS. MELDRUM: No, we didn't. All we did was  
 30 look at the literature and so forth and then the Tetlin Refuge  
 31 went in and talked to them about these reports we put together,  
 32 but it was after we were finished.

33

34 MR. JOHN: Yeah, 'cause just -- I'm making a  
 35 comment here, this Northway, it's the potlatches information  
 36 exists on Northway potlatch, and it says that the existence of  
 37 potlatch in the community in 1980 where residents -- numbers of  
 38 Copper Basin and Upper Tanana communities attended. Anyway, it  
 39 says there's -- that says that ADF&G survey had also documented  
 40 the harvested use of moose, caribou and -- but I was just  
 41 thinking about pot- -- in a community like Tetlin, Northway,  
 42 Tanacross, potlatch is just an occurrence, every time there's a  
 43 death or there's a memorial. You know, it's a common thing. I  
 44 just brought that up for information.

45

46 MS. MELDRUM: So are you saying that we didn't  
 47 adequately represent, you know, how important that is to people  
 48 .....

49

50

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1 MR. JOHN: Yeah, it is .....

2

3 MS. MELDRUM: ..... or how often it occurs?

4

5 MR. JOHN: It really is important, and it  
6 occurs all the time. Every time there's a death in a village,  
7 even a non-Native there is a potlatch, you know, and it's  
8 really important.

9

10 CHAIRMAN EWAN: I guess, Janis, I don't want to  
11 be repeating myself, but what I was really trying to get at is  
12 don't want no C & T determination based on statistics, you  
13 know, of present use only; I'd like to get back to, you know,  
14 when there was a lot of game in the area, and the people are  
15 still alive. They used to take moose but they don't take --  
16 they haven't taken any for the last 10 or 15 years now. That's  
17 what I'm getting at. The statistics don't show that. Maybe  
18 they took one every year for a 10, 15-year period there. In  
19 our area especially. I know our Native people -- my  
20 grandparents didn't have no records of how many moose or  
21 caribou, anything they took, what species. A lot of it's  
22 forgotten.

23

24 MS. MELDRUM: Yeah, there's definitely holes in  
25 the information when we only base our conclusions on what's  
26 written or what people provide on harvest tickets. There's a  
27 lot of room for error in there because the surveys were only  
28 done on two different individual years. And so it's not to say  
29 that everything we put together here is right and conclusive  
30 and what we should base our decision on. So I guess that's why  
31 we made a considerable effort to try and make sure that people  
32 have a chance to tell us what they think about it, and we've  
33 agreed to include anything that people want to give us into  
34 these documents as an individual comment or as a group,  
35 whichever way they choose to present it, that we'll include  
36 that in here for the board's consideration.

37

38 MR. CALLAWAY: Janis, you might mention there  
39 an awful lot of historical data in there. It talks about  
40 historic extraction.

41

42 CHAIRMAN EWAN: That's good. Ralph.

43

44 MR. LOHSE: Yeah. That's kind of one of the  
45 reasons that I felt like we needed more public input and we see  
46 the same thing for the Kenai. I wasn't just thinking of public  
47 input like people commenting on what we were doing, I was  
48 thinking actually getting out and getting these oral traditions

49

50

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and oral stories that people had to say about what they did and about what their grandparents did and things like that as part of the findings. I felt the same way, you know, what you're talking about right here. You know, we kind of were shorted on information. There is a lot of -- I mean I just think of the people that I've talked to up in the Chitna/Copper Center area and things that I've heard up there that would be nice to have in something like this. Somebody is going to have to go someplace or either allow them to come and tell us, or somebody is going to have to go out and talk to them to put it in there.

10

11

MR. JOHN: I'd like to make a suggestion. Our meeting be in the rural area, in the area where we represent the people instead of in town like this, because as far as I know, them people don't have no money to come to Anchorage to say what they want.

16

17

CHAIRMAN EWAN: Are you talking about this regional council?

19

20

MR. JOHN: Our council, yeah, what he's talking about. I have a hard time just sitting here just listening to trappers association and bowhunters making their representation on their thing, I'd like to hear the subsistence -- the people that I represent I'd like to hear from. I know enough about bowhunters and game hunters and every hunters there is. I know what they want. I'd like to hear from subsistence people. Just very quickly from what I read through, I like that information in there.

29

30

CHAIRMAN EWAN: I go along with what you're saying, Fred. I believe you're -- that's a good idea, cost-wise if that can be accomplished, meet in some of the smaller communities maybe.

34

35

MR. BASNER: I guess my question is the degree of involvement for this council, we don't -- for example, we don't want to go up and put the people through a public testimony process before this council and then make them turn around and go and do the same thing to the council just north of us -- what is that, Eastern Region?

41

42

MS. MELDRUM: Eastern Interior, yeah.

43

44

MR. BASNER: Eastern Interior. So that's the first question, I think, that needs to be answered is the depth of involvement in these communities by this council. If we really want to get involved, then we do. Maybe we need a joint council gathering so these poor people don't have to jump on

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their snowmachines and come in there twice or whatever. What do you think about that?

2

3 CHAIRMAN EWAN: Sounds good. I used to serve  
4 on the BLM Advisory Council years ago and we did have northern  
5 and southern district -- we used to meet jointly and that was  
6 very beneficial, I thought.

7

8 MR. LOHSE: I don't think it's even necessary  
9 that the council goes there as much as it would be just that  
10 public hearings are held in communities and information is made  
11 available to the council. I mean the expense of getting two  
12 councils and all of the other people to different places is  
13 going to be outrageous, but for a report like this, it would  
14 seem to me like you could at least send somebody in as part of  
15 the report to get some of the verbal comments from these  
16 different places. I mean it's hard for me to think of writing  
17 reports on these communities and writing reports out of  
18 literature if nobody is going to the communities to get any  
19 information from the communities. Somewhere along the line --  
20 you know, I can't see sending everybody here up to Tetlin or  
21 Tanacross or Northway or something like that, but somebody from  
22 someplace should go up there and talk to them and incorpor- --  
23 and get their statements, take a tape recorder and whatever and  
24 get some of it into a report.

25

26 MR. JOHN: I was just talking about our council  
27 here, we should have a meeting one time down in Ninilchik or  
28 Kenai, at one time in the Copper River area where we get the  
29 local subsistence people -- I mean instead of them coming to  
30 town.

31

32 MS. MELDRUM: In anticipation of having the  
33 Copper Basin communities being done next, if you have ways that  
34 you think we could improve on how we're putting this together  
35 or how we deal with the public or when we involve them, that  
36 would be useful to us so that we're on the right track next  
37 time around. This is our first time and we did the best we  
38 could, but we made some mistakes. We need help to follow  
39 through.

40

41 MR. JOHN: The Mentasta Village Council opened  
42 to the National Park Service to -- for them to come into the  
43 village, and they said they will work with the -- you know,  
44 with the lawyers and whatever the -- in our area, the village  
45 said to come in any time, call them and, you know, we'll get  
46 together for information purposes and everything. There's a  
47 lot of elders there. We invited the Park Service in Denali to  
48 come in.

49

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1 CHAIRMAN EWAN: Is that it? No more questions?  
 2 Okay, thank you. Okay, we're down to establishing Time and  
 3 Place of our Next Meeting, Public Comment and Council Comments.  
 4 Do you want to establish a time and place of our next meeting?  
 5 Any suggestions?

6  
 7 MR. BASNER: Well, what are we going to talk  
 8 about?

9  
 10 CHAIRMAN EWAN: Helga. It's a regularly  
 11 scheduled meeting in Anchorage in October?

12  
 13 MR. BASNER: Yeah.

14  
 15 MS. EAKON: Sometime in October, I guess.  
 16 Whenever Bill Knauer works out a schedule that allows more time  
 17 for public involvement in the proposal process.

18  
 19 MR. ROMIG: So we're going to have a meeting  
 20 before the deadline of the next proposals?

21  
 22 MS. EAKON: Uh-huh (affirmative), so you'll be  
 23 thinking about any kind of proposals that you want to do to  
 24 change Subpart D regulations in your areas.

25  
 26 CHAIRMAN EWAN: We can let it go. We don't  
 27 need to decide today on date and place.

28  
 29 MS. EAKON: That's going to be an agenda item,  
 30 maybe a proposal.

31  
 32 MR. LOHSE: As long as we know that it's  
 33 October, you give us enough time and give us plenty of warning.

34  
 35 CHAIRMAN EWAN: My suggestion, from my  
 36 standpoint, and from a lot of Native people's standpoint, I  
 37 think, they'll be here for the Alaska Federation of Natives  
 38 meeting. If you can make it, say, a day or so ahead or after  
 39 we could do it in one swing. It would be beneficial to me  
 40 and maybe to some others.

41  
 42 MS. EAKON: I believe before Gary left he had  
 43 suggested that we meet in Kenai area.

44  
 45 CHAIRMAN EWAN: Why can't we? I don't have no  
 46 problem with Kenai area. Anybody have problems with that?

47  
 48 MR. BASNER: It's a long damn drive.

49  
 50

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1 MR. LOHSE: You get this far and you fly.

2

3 CHAIRMAN EWAN: I hear no objections on that.

4

5 MS. EAKON: We could -- for those of you who  
 6 have a long drive, I could talk it over with staff and cut down  
 7 on the burden. We'll try to do something to relieve you of  
 8 that terrible long drive. Maybe you can just drive here and we  
 9 can just hop on a plane. Is that okay? It's 30 minutes from  
 10 here. Is that okay?

11

12 MR. BASNER: Fine.

13

14 MR. JOHN: Government plane?

15

16 CHAIRMAN EWAN: Okay, we'll just leave it at  
 17 that, for the time being. October is a long ways off and  
 18 something might come up and might have to have it here, for all  
 19 we know yet.

20

21 MS. EAKON: Okay, Kenai.

22

23 CHAIRMAN EWAN: Any comments from the public?  
 24 State your name and any organization you represent.

25

26 MR. McKEE: My name is Charles McKee. I'm  
 27 running for mayor of Anchorage. I legally represent the  
 28 Treasury of the United States of America, and I wrote as  
 29 comment that I wanted to discuss the Exxon Oil Spill and its  
 30 consequence on subsistence for the Prince William Sound region.  
 31 The handout here is from Congressional record in 1934 read  
 32 into the record by the Honorable Lewis T. McFadden, Chairman of  
 33 the Banking and Transit Committee, investigating the aftermath  
 34 and the consequences of who caused the 1929 crash, and I  
 35 submitted this information to the Permanent Fund Corporation as  
 36 well as the Exxon Valdez Oil Spill Trustee Council. They both  
 37 stamped and dated it. The reason why I bring this to your  
 38 attention is the sheet -- the letter addressed to the Honorable  
 39 Congressman Henry B. Gonzalez, he's the chairman of the  
 40 Committee on Banking and Finance on Urban Affairs currently.  
 41 And I submitted this information to him and my legal status and  
 42 my attempt at being under duress running for mayor. I mean  
 43 anybody thinking about it would be subject to some form of  
 44 analysis. I prefer not to, myself. But I needed to bring this  
 45 to the light.

46

47 There's three to four million gallons sitting at the  
 48 bottom of Prince William Sound. If you'd ever look at

49

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blue-green algae, you can't see it with the naked eye, the single cell, but the complete bloom you can. That feeds the plankton that feeds the crile. Now if that isn't -- if the water column isn't clean in Prince William Sound you'll never achieve subsistence as it used to be or commercial or sport. It's just devastating it. It's considered a dead zone right now, the last time I went to a hearing at the Trustee Council. The whole Prince William Sound. So I never submitted a proposal of my own to acquire a portion of that money of the 900 million settlement. The reason being, it was insufficient and I didn't approve of it. And the money in and of itself is affiant usury money, and there's a Congressional act passed by Lincoln in 1862, 1863, Legal Tender Issue Act. Because of my legal status in the Treasury I'm requiring and requesting that we receive monies -- and the cleaning of the Prince William Sound is a Congressional act. It's mandated that this be done. So an additional money which won't burden or add to the national debt would utilize this currency to restore -- excuse me, restore the Prince William Sound. We have to either seal that crude oil at the bottom -- it's 120 fathoms deep. We have to seal it or pick it up, but we need the money to do it. So I'm requesting the council read this information I submitted to you, and, as a council or as an individual person, write your opinion, your understanding of the situation, and send it to this congressman chairman, because they're dealing right now with Al Greenspan, and this is why we need this. We need this to restore the balance of the blue-green algae hatchery which affects the whole Gulf of Alaska, southern and western and eastern. That algae bloom is sucked out in the Gulf and it is distributed by the current, and that's why I'm here today is to pray and plead with you people to take this into consideration that it affects the salmon run because the small fry swim out, and if they don't have a sufficient algae and plankton bloom they're going to starve, even in a two-year cycle, three-year cycle or four-year cycle. That is what salmon species are talking about. It's devastated, and you have a subsistence people that need this problem dealt with, as well as the rest of the economy. Now if you look up in the dictionary the word "commodity," subsistence and commodity are one and the same. And if you have a commodity collapse, which is what happened in 1929, there were some futures, and there is no commodity and it collapsed. Never saw more paper, there was no grain to back it up. So that's why it's so important to everybody that this society walks and talks on the stomach. Thank you.

44

45

46

CHAIRMAN EWAN: Thank you. Any questions or

47

48

MR. LOHSE: No.

49

50

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1 CHAIRMAN EWAN: Thank you. Any other public  
2 comment? If not, how about the council, staff, anybody else  
3 here today that wants to make comment? We're at the end of our  
4 agenda then.

5  
6 MR. BASNER: Move to adjourn.

7  
8 CHAIRMAN EWAN: There's a motion to adjourn.  
9 Is there a second?

10  
11 MR. LOHSE: Second.

12  
13 MR. JOHN: Second.

14  
15 CHAIRMAN EWAN: Okay. All in favor to adjourn  
16 say aye.

17  
18 IN UNISON: Aye.

19  
20 CHAIRMAN EWAN: Opposed, by same sign. Meeting  
21 adjourned.

22  
23 COURT REPORTER: Off record.

24  
25 (Off record - 1:52 p.m.)

26  
27 (END OF PROCEEDINGS)  
28 \* \* \* \* \*

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R & R COURT REPORTERS

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C E R T I F I C A T E

1  
 UNITED STATES OF AMERICA )  
 3 ) ss.  
 STATE OF ALASKA )  
 5  
 6

7 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:

10  
 11 THAT the annexed and foregoing is a Transcript of the  
 Southcentral Alaska Subsistence Regional Advisory Council  
 meeting, held on the 3rd day of March 1994, commencing at the  
 hour of 9:00 o'clock a.m., at the Golden Lion Hotel, Anchorage,  
 Alaska;

16  
 17 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.

21  
 22 IN WITNESS WHEREOF, I have hereunto set my hand and  
 affixed my seal this 11th day of March 1994.

24  
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 27 Notary in and for Alaska  
 28 My commission expires: 10/10/94  
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