

SOUTHCENTRAL FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING

Egan Convention Center
Anchorage, Alaska

September 29, 1998

Volume I

BOARD MEMBERS PRESENT:

RALPH LOHSE
GILBERT DEMENTI
ROY S. EWAN
DONALD KOMPKOFF, SR.
BENJAMIN E. ROMIG
CLARE SWAN
FRED JOHN, JR.

Coordinator: Helga Eakon

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P R O C E E D I N G S

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(On record)

VICE-CHAIRMAN LOHSE: We'd like to call this meeting of the Southcentral Alaska Subsistence Regional Advisory Council to order. It's September 29th. I'm the vice-chair, Ralph Lohse, sitting in place for Roy Ewan, who will be here a little bit later. And, Helga, would you call the roll?

MS. EAKON: Gilbert Dementi?

MR. DEMENTI: Here.

MS. EAKON: Donald Kompkoff, Sr.

MR. KOMPKOFF: Here.

MS. EAKON: Ben Romig?

MR. ROMIG: Here.

MS. EAKON: Roy Ewan. Clare Swan?

MS. SWAN: Here.

MS. EAKON: Fred John, Jr.

MR. JOHN: Here.

MS. EAKON: Ralph Lohse.

VICE-CHAIRMAN LOHSE: Here.

MS. EAKON: A quorum is established, Mr. Chair.

VICE-CHAIRMAN LOHSE: Thank you. The first order of business I'd like to introduce our newest member of the Regional Council, Clare Swan, and she's from Kenai. And, Clare, would you stand up so everybody can see you.....

MS. SWAN: Hi.

VICE-CHAIRMAN LOHSE: And then, if the rest of the Regional Council will stand up and introduce yourself and say where you're from.

MR. DEMENTI: Gilbert Dementi, Cantwell.

MR. KOMPKOFF: Don Kompkoff, Chenega generally, but

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1 from Valdez.

2

3 MR. ROMIG: Ben Romig, Cooper Landing.

4

5 MR. JOHN: Fred John, Mentasta.

6

7 VICE-CHAIRMAN LOHSE: And Ralph Lohse, Cordova. We'd
8 also like to welcome a few other people that are here. We've
9 got Lee Titus from the Eastern Interior from Northway. Is Lee
10 here any place?

11

12 UNIDENTIFIED VOICE: He's on his way.

13

14 VICE-CHAIRMAN LOHSE: He's on his way. Nat Good from
15 Delta. Is he here? Pat Saylor from the Healy Lake Traditional
16 Council. Is he here? Pat, got you back there.

17

18 Vince Matthews, coordinator for Eastern Interior.
19 George Sherrod, Eastern Interior anthropologist. Pete De
20 Matteo, am I right?

21

22 UNIDENTIFIED VOICE: He hasn't made it yet.

23

24 VICE-CHAIRMAN LOHSE: He hasn't made it yet. He's a
25 biologist. And Elizabeth Andrews, State liaison and Gary
26 Sanders State liaison. So Elizabeth and Gary, okay.

27

28 And then is Tom Boyd here? No. And Rosa Meehan, is
29 she here? There's Rosa, another Fish and Wildlife resource
30 person. And I'd like to have the staff stand up and introduce
31 yourselves so everybody knows who you are. Helga, would you
32 start?

33

34 MS. EAKON: Helga Eakon, coordinator of this Regional
35 Council.

36

37 MS. MASON: Rachel Mason, anthropologist.

38

39 VICE-CHAIRMAN LOHSE: Any other members of the staff
40 here that need to introduce themselves?

41

42 MS. LAUBENSTEIN: Karen Laubenstein ASM.

43

44 VICE-CHAIRMAN LOHSE: Okay. We have some folks who
45 would like to address the Council. And what I would like to do
46 is with their permission, we've got Gloria Stickwan, Gloria is
47 back there. Pat Saylor, we already saw him back there. And
48 Connie Friend from the Tanana Chiefs Conference. Is Connie --
49 Connie right there. Would you prefer if we would have you
50 speak when the proposals come up that you're directly

0004

1 interested in or would you like to address the Council after we
2 get through this part of the meeting ahead of the proposals?
3 Pat, Connie, Gloria, which would you prefer?

4
5 UNIDENTIFIED VOICE: I think as they come up would
6 be.....

7
8 VICE-CHAIRMAN LOHSE: As they come up? Pat, would that
9 be more in keeping with what you'd like to do?

10
11 MR. SAYLOR: Yeah. (Away from microphone)

12
13 VICE-CHAIRMAN LOHSE: Okay. Maybe what we'll do is
14 we'll take you just before we get started on all of the
15 proposals with Eastern then, if that's okay.

16
17 MR. SAYLOR: Right now?

18
19 VICE-CHAIRMAN LOHSE: No, just before we get started.
20 It'll be about 11:00 o'clock or 11:30, just before we start on
21 the Eastern proposals.

22
23 Okay. So Lee Titus? Is that Lee right over there?
24 Okay. And he is the Regional Council -- he is Eastern Interior
25 from Northway.

26
27 MS. ANDREWS: Mr. Chairman, I'm Elizabeth Andrews from
28 Alaska Department of Fish and Game. We do have some other
29 department Fish and Game staff here. Maybe.....

30
31 VICE-CHAIRMAN LOHSE: Could they introduce themselves.

32
33 MS. ANDREWS:if you could stand up. Chris Saye
34 from.....

35
36 MR. SAYE: Chris Saye from Wildlife Conservation in
37 Palmer.

38
39 MS. ANDREWS: And then we will have some other staff
40 from our Fisheries Division here coming in later today.

41
42 VICE-CHAIRMAN LOHSE: Thank you. Okay.

43
44 MS. EAKON: Also other Agency staff. They might want
45 to introduce themselves.

46
47 VICE-CHAIRMAN LOHSE: I'll ask for that. Is there
48 other agency staff that would like to introduce yourself? Of
49 if there is other agency staff, will you introduce yourself?

50

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1 MR. BOSS: Craig Boss with Fish and Wildlife Service.

2

3 MS. BECKER: I'm Brenda Becker with BLM in Glennallen.

4

5 UNIDENTIFIED VOICE: (Inaudible) Wrangell/St. Elias.

6

7 VICE-CHAIRMAN LOHSE: Wrangell/St. Elias National Park.

8

9 UNIDENTIFIED VOICE: Right.

10

11 VICE-CHAIRMAN LOHSE: Debbie Short with (inaudible)

12 Wrangell/St. Elias National Park.

13

14 UNIDENTIFIED VOICE: (Inaudible) Wrangell/St. Elias

15 National Park.

16

17 MR. RABINOWITCH: Sandy Rabinowitch with National Park

18 Service, staff committee for the Federal Board. And Hollis

19 Twitchell with Denali National Park will be here later.

20

21 VICE-CHAIRMAN LOHSE: Okay. Ida is not here either.

22

23 MS. EAKON: I just want to say, Mr. Chair, that Robert

24 Willis who is a biologist on our regional team is going to be a

25 little bit late. He had a medical appointment.

26

27 VICE-CHAIRMAN LOHSE: Okay. Okay. At this time I'd

28 also like to thank Gilbert for spending all of that time

29 representing the Council at the Board meeting. And I think we

30 as Council owe him a vote of thanks for all the work he did

31 there.

32

33 And I'd like to thank the staff that supports us and

34 does all of the work that's behind the scenes that needs to be

35 done so that these meetings can take place.

36

37 Any other member of the council have staff or anybody

38 they feel that we need to thank as a Council?

39

40 Hearing none we'll go on to the review and adoption of

41 the agenda. The agenda is before you. Council, do you have

42 any comments on the agenda, any additions? Or staff, do you

43 have any additions you'd like to put on the agenda?

44

45 MS. EAKON: Yes, Mr. Chair. This is Helga. Please

46 note that I neglected to include a deferred proposal in the

47 Cordova area in your booklet. On page 2 of the agenda after

48 Eastern Interior's presentation at 1:15, after proposals 101

49 and 104 we will address Proposal 19. That's Don Kompkoff's

50 deferred proposal. Also if you will look under the 1997 annual

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1 report update we do have two letters here. And by the way,
2 Proposal 19 is on the informational table back there, please
3 get yourself a copy at some point.
4

5 Under the Annual Report, Denali National Park, we do
6 have two letters from Steve Martin who is the superintendent
7 and Mr. Barbee who is the regional director for Park Service.
8 And when that time comes or I will hand these out, Mr. Chair.
9

10 VICE-CHAIRMAN LOHSE: Thank you.
11

12 MS. EAKON: And also on page 3, New Business E,
13 tomorrow morning we're going to start off with 23 on your
14 agenda as update on research possibilities. Actually we have
15 plans for cooperative agreement and Rachel will present that.
16

17 And Martha King who is an attorney with Native American
18 Rights Fund had asked that she do a presentation under Item F
19 when we come to the Kenaitze Tribe Requests regarding the Kenai
20 Peninsula. If you will write down after the update Martha King
21 would like to do a presentation. Tomorrow.
22

23 MS. KING: Actually -- yeah. Carol Daniel is going to
24 do that presentation.
25

26 MS. EAKON: Okay. Thank you. Carol Daniel will do the
27 presentation then. And also under New Business Agency Reports,
28 Chugach report -- Chugach National Forest report did not get in
29 because it was not timely received, however, there are copies
30 on the informational table back there. And that's all the
31 additions I have, Mr. Chair.
32

33 VICE-CHAIRMAN LOHSE: Are there any additions from any
34 members of the Council? If not the motion to approve the
35 agenda, to adopt the agenda is in order.
36

37 MR. KOMPKOFF: Move to adopt the agenda.
38

39 VICE-CHAIRMAN LOHSE: Is there a second?
40

41 MR. ROMIG: Second.
42

43 VICE-CHAIRMAN LOHSE: It's been moved and seconded to
44 adopt the agenda. Any discussion? All in favor signify by
45 saying aye.
46

47 IN UNISON: Aye.
48

49 VICE-CHAIRMAN LOHSE: All opposed signify by saying
50 nay.

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1
2 (No opposing responses)

3
4 VICE-CHAIRMAN LOHSE: Motion carries.

5
6 COURT REPORTER: Could you repeat who motioned and who
7 seconded?

8
9 VICE-CHAIRMAN LOHSE: The motion was made by Donald
10 Kompkoff, seconded by Ben Romig.

11
12 Okay. Review and Adoption of Minutes. We'll find them
13 under Tab C in your folder. The motion to approve the minutes
14 of the March 18th and 19th meeting is in order.

15
16 MR. JOHN: I make a motion we adopt the minutes.....

17
18 VICE-CHAIRMAN LOHSE: The motion has been made by Fred
19 John that we adopt the March 18th and 19th minutes. Is there a
20 second?

21
22 MR. DEMENTI: Gilbert Dementi second.

23
24 VICE-CHAIRMAN LOHSE: Seconded by Gilbert Dementi.
25 Discussion? Any changes, corrections, or anything that need to
26 be made to the minutes?

27
28 UNIDENTIFIED VOICE: Mr. Chair, do you need a motion to
29 adopt?

30
31 VICE-CHAIRMAN LOHSE: We have a motion to adopt the
32 minutes. I was just giving.....

33
34 UNIDENTIFIED VOICE: The question.

35
36 VICE-CHAIRMAN LOHSE: The question has been called.
37 All in favor of adopting the minutes of the March 18th and 19th
38 meeting signify by saying aye.

39
40 IN UNISON: Aye.

41
42 VICE-CHAIRMAN LOHSE: Opposed signify by saying nay.

43
44 (No opposing responses)

45
46 VICE-CHAIRMAN LOHSE: Motion carries. At this point in
47 our agenda we go to Tab D and we go to the election of
48 officers. Our offices run for one year. We need to elect
49 officers yearly. And the first item of business is to elect
50 the Chair so that the Chair can take over this meeting. So the

0008

1 Chair serves a term of one year. They can serve a term of more
2 than one year if they're reelected. They conduct the Regional
3 Council meetings and represent the Regional Council meetings at
4 -- of the Board or a representative of theirs can. They're a
5 voting member of the Council. They sign reports,
6 correspondence, meeting minutes and other documents for
7 external distribution. The floor is open for nominations.

8

9 MS. EAKON: I can take over from here, Mr. Chair,.....

10

11 VICE-CHAIRMAN LOHSE: Okay.

12

13 MS. EAKON:in case you get nominated. Okay.
14 This is Helga Eakon Chair Pro-Tem. The floor is open for
15 nominations for the office of Chair.

16

17 VICE-CHAIRMAN LOHSE: I move that we elect Gilbert
18 Dementi Chair.

19

20 MS. EAKON: Ralph has nominated Gilbert Dementi.

21

22 MR. DEMENTI: I decline.

23

24 MS. EAKON: Who has respectfully declined. Any other
25 nominations for the office of Chair.

26

27 MR. KOMPKOFF: I move to nominate Ralph Lohse.

28

29 MS. EAKON: Donald Kompkoff, Sr. has nominated Ralph
30 Lohse for the office of Chair.

31

32 VICE-CHAIRMAN LOHSE: Can I make a comment, Helga?

33

34 MS. EAKON: Surely. You may.

35

36 VICE-CHAIRMAN LOHSE: I'd be willing to serve as Chair
37 but I'm going to be spending the winter out where there's no
38 phones and no faxes, so if I serve as Chair the Vice-Chair
39 would end up being stuck with a lot of things during the
40 winter, so take that into account.

41

42 MS. EAKON: Are there any other nominations for the
43 office of Chair?

44

45 MR. DEMENTI: I make a motion to close nominations.

46

47 MS. EAKON: It has been moved to close nominations.
48 Second?

49

50 MR. JOHN: Second.

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1 MS. EAKON: Fred John has seconded the motion. All in
2 favor say aye.

3
4 IN UNISON: Aye.

5
6 MS. EAKON: By unanimous vote you are now Chair,
7 Mr. Lohse.

8
9 CHAIRMAN LOHSE: Okay. Now comes the important
10 position. Vice-Chair. Vice-Chair serves a one year term in
11 that capacity. Helps the Chair and assumes all functions in
12 his absence. In this case probably will have to receive any
13 emergency faxes and phone calls that come up during the winter
14 because I'll be out of range of phone and fax. The floor is
15 open for nominations.

16
17 MR. DEMENTI: I nominate Fred John, Jr.

18
19 MR. JOHN: I accept.

20
21 CHAIRMAN LOHSE: Wait.

22
23 MR. KOMPKOFF: I move that the nominations be closed.

24
25 CHAIRMAN LOHSE: You don't get much choice. The motion
26 is been made that the nominations be closed.

27
28 MR. ROMIG: Second.

29
30 CHAIRMAN LOHSE: And that's been seconded by Ben Romig.
31 Okay. In that case the Vice-Chair is unam- -- well, we'll have
32 a vote on it. All in favor of Fred John, Jr. for Vice-Chair
33 signify by saying aye.

34
35 IN UNISON: Aye.

36
37 CHAIRMAN LOHSE: All opposed signify by saying nay.

38
39 (No opposing responses)

40
41 CHAIRMAN LOHSE: You have it.

42
43 MR. JOHN: Thank you.

44
45 CHAIRMAN LOHSE: Okay. Now, we need a secretary.
46 Serves a one year term. May serve more than one year. Takes
47 roll call and decides if quorum is present. Records votes and
48 assumes all function of the Chair in the absence of the Chair.
49 At the discretion of the Regional Council records the minutes
50 and opens the floor. Okay. And that's pretty much what his

0010

1 job is. A lot of those functions we have designated over to
2 Helga in the past as secretary. And she seems to get stuck
3 with a lot of it. Officially it's the office of the
4 secretary's responsibility to see that it's done. He doesn't
5 have to perform it himself. The floor is open for nominations.

6
7 MR. JOHN: I'd like to nominate Gilbert Dementi.

8
9 CHAIRMAN LOHSE: Gilbert Dementi has been nominated by
10 Fred John, Jr.

11
12 MR. DEMENTI: I decline. I -- can I give a reason?

13
14 CHAIRMAN LOHSE: Yeah.

15
16 MR. DEMENTI: I'm usually not at home and people have a
17 hard time getting a hold of me. So I'm really busy with work
18 and stuff.

19
20 CHAIRMAN LOHSE: The Chair can't make nominations, can
21 they?

22
23 MS. EAKON: Why not. Go ahead.

24
25 CHAIRMAN LOHSE: I'd like to nominate Clare Swan. It'd
26 be a good way to see what's going on.

27
28 MS. SWAN: Yes. Well, even though I'm the youngest
29 member of this Board now I'll accept.

30
31 MR. JOHN: I move that the nominations be closed.

32
33 MR. KOMPKOFF: Second.

34
35 CHAIRMAN LOHSE: It's been seconded by Donald Kompkoff.
36 The nominations are closed. To make it unanimous all in favor
37 of Clare Swan as the secretary signify by saying aye.

38
39 IN UNISON: Aye.

40
41 CHAIRMAN LOHSE: Opposed signify by saying nay.

42
43 (No opposing responses)

44
45 CHAIRMAN LOHSE: Clare Swan, you are the new secretary.

46
47 Okay. At this point we want to again reiterate that
48 the floor is open to public comments on Federal Subsistence
49 Management Program. There are little blue fill-out sheets in
50 the back if anybody wants to testify. And if a person would

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1 care to testify, fill out the sheet, give them to one of the
2 staff, they'll end up here. We continue this -- if you don't
3 do it now there are opportunities later on in the meeting.
4 Some will be testifying as to specific proposals. Others can
5 testify just on anything in general if you'd like to testify
6 on. Pat, would you like to just testify on the general part
7 right now, just to start things off.

8
9 This is Patrick Saylor and Healy Lake Traditional
10 Council, right?

11
12 MR. SAYLOR: Yes. Yeah. I'd just like to testify on -
13 - do you have to turn it on or something? Is it working?

14
15 CHAIRMAN LOHSE: It's on.

16
17 MR. SAYLOR: Okay. On the proposals that have to do
18 with Healy Lake. We talked with some people from -- in the
19 area of where we've having a little bit of difficulty, so to
20 speak. And we've come to an understanding that some of the
21 proposals that we have conflicts with we want to redefine and
22 shrink some of those. See, we are new to the process, so some
23 of these parts where you've got units like this, part of them
24 we have used and the other parts if it's not going to -- if
25 it's creating conflict we don't want that between one another.
26 If there's any kind of conflict we want it resolved. And we've
27 come to an understanding so we want to redefine some of these
28 proposals so that they're workable with everybody else there.
29 And we have relations that go into Mentasta and down into the
30 northern section there. And Mentasta has communicated back
31 that they support on this, also Copper has communicated the
32 same.

33
34 And we have relations with Dot Lake and Dot Lake has
35 relations with Copper and they're village forming under ANSCA
36 has taken almost half of the hunting grounds of Healy Lake.
37 And that's not their fault, but that's how the Native Claims
38 put things. Even a couple of villages we had before and
39 graveyards come under this, but we have an understanding with
40 them now that all we want is simple c&t usage and no hard
41 feelings and we'd best get along with one another 'cause last
42 year we all was in a big march to unify one another. And we're
43 still under that same situation all the way down to the last.
44 And that's pretty much all I have to say on all that. We want
45 to redefine some of the lines and keep things strong between
46 one another.

47
48 CHAIRMAN LOHSE: Pat, when we get to those proposals
49 you'll be willing to speak toward the redefinition of lines and
50 things like that?

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1 MR. SAYLOR: Pretty much so, I guess. It'll be all
2 right. We want to sit down with my subregional person there
3 and outline them on a map or something, so to speak, 'cause we
4 didn't have too much time to look at this because we've been
5 moving around quite a bit, and we haven't had a chance to speak
6 with Mentasta and Copper until today. So that's all I have to
7 say.

8
9 CHAIRMAN LOHSE: I'm sure we'll be calling on you at
10 that point in time.

11
12 MR. SAYLOR: Probably. Uh-hum. Thank you.

13
14 CHAIRMAN LOHSE: Gloria, would you like to talk for a
15 little while right now? You're down here on the list of
16 wanting to address the Council.

17
18 MS. STICKWAN: My name is Gloria Stickwan. I work for
19 Copper River Native Association as subsistence coordinator. I
20 want to talk to you about the customary and traditional use
21 process, determination process.

22
23 I've written up a preliminary position on this. We
24 would further -- probably later on we'll be writing a written
25 statement on customary and traditional use, our position on
26 this, the process. Right now I just want to say the c&t
27 process should be amended so that the Federal Subsistence Board
28 and the Regional Advisory Councils can make c&t determinations
29 that reflect the indigenous use of the land to differentiate
30 between those people who have moved to the local areas, and
31 those who do not have historical ties for thousands of years.
32 The Board should not do away with the c&t process. It is an
33 important tool in the determining c&t use to clearly delineate
34 the historical and cultural patterns of the community in the
35 rural areas. This c&t process should reflect the cultural use
36 of the Natives people historical use.

37
38 The five c&t determinations on page 4 of the request
39 for Regional Advisory Council input on customary and
40 traditional use is a good process from which the RAC and Board
41 can make c&t determinations. The c&t should not be amended to
42 allow nearby use within adjacent units unless clear evidence
43 shows that the community or group have customarily and
44 traditional used a resource in an adjacent unit and the lands -
45 - and that those lands were there are traditional hunting
46 territories. I'm saying that they should have proof that they
47 have used these areas.

48
49 We want to change the c&t process determination of
50 species by species to a process which only identifies

0013

1 traditional use areas allowing harvest of any species as long
2 as its populations are healthy and viable. In Region 2 we want
3 to include a portion of Unit 12 as Ahtna's customary and
4 traditional use area. These areas were used by the Upper
5 Tanana as well as the descendants of Mentasta, Chistochina.
6 And, again,

7
8 I want to say that we're working on this position paper
9 as well. We'll be submitting written comments. And in the
10 future we'd like to work with Upper Tanana on the Unit 12 part
11 because we both agree that we know we're related. We've used
12 the lands. Chistochina, Mentasta use the lands with Dot Lake
13 and Healy and those areas. And we want to work with them.

14
15 CHAIRMAN LOHSE: And then on the proposals, you'll
16 speak to the proposals.....

17
18 MS. STICKWAN: Yes.

19
20 CHAIRMAN LOHSE:when they come up?

21
22 MS. STICKWAN: Yes.

23
24 CHAIRMAN LOHSE: Thank you, Gloria. Any questions for
25 Gloria.

26
27 MS. EAKON: Mr. Chair, I think most of the people in
28 the room didn't hear you. The maintenance man is on his way up
29 to fix the sound system. So maybe we can just hold off a
30 little bit until he fixes it because I know people looked very
31 quizzical back there. I don't think they heard anything.

32
33 CHAIRMAN LOHSE: Gloria, would it be okay with you
34 while we're waiting if I just read.....

35
36 MS. STICKWAN: Yes.

37
38 CHAIRMAN LOHSE:what you said here for the
39 benefit of the people that are out there? And then we can go
40 from there.

41
42 Gloria has submitted Copper River Native Association
43 testimony and proposals, which included this customary and
44 traditional use determination process that she just gave of
45 Copper River Native Association's -- I guess you'd say
46 consensus on it.

47
48 And basically this is what she said for those of you
49 that didn't hear it. And this is dealing with the fact that
50 we're going to be working on customary and traditional later on

0014

1 in the meeting. The customary and traditional process should
2 be amended so that the Federal Subsistence Board and the
3 Regional Advisory Councils can make c&t determinations that
4 reflect the indigenous use of land to differentiate between
5 those people that move to the local areas and do not have
6 historical ties to the lands for thousands of years. The Board
7 should not do away with the c&t process. It is an important
8 tool in the determining c&t use to clearly delineate the
9 historical and cultural patterns of the community in the rural
10 areas. This c&t process should reflect the cultural use of the
11 Natives people historical use.

12
13 The five c&t determinations on page 4 of the request
14 for Regional Advisory Council input on customary and
15 traditional use determination process is good process from
16 which the Board and RACs can make c&t determinations.
17 The c&t should not be amended to allow nearby use within
18 adjacent unit areas unless clear evidence shows that the
19 community or group have customarily and traditionally used a
20 resource in an adjacent unit and that the lands were there are
21 traditional hunting territories.

22
23 Change the c&t process and c&t determination of species
24 by species to a process which only identifies traditional use
25 areas allowing harvest of any species as long as those
26 populations are healthy and viable. And include in Region 2
27 for the Southcentral Region a portion of Unit 12 as Ahtna's
28 customary and traditional use area. This area of land is an
29 Ahtna hunting area that was used by the Upper Tanana and
30 descendants of the Mentasta and Chistochina residents. And she
31 informed us that they are working on that in conjunction with
32 the folks from the Tanana area, right? Is that right?

33
34 MS. STICKWAN: (Inaudible).

35
36 CHAIRMAN LOHSE: You have to speak louder, Gloria. Is
37 that a yes.

38
39 UNIDENTIFIED VOICE: She said she hopes to be working
40 with them.

41
42 CHAIRMAN LOHSE: Hopes to be working with them. Okay.
43 thank you.

44
45 Okay. So in the meantime since our microphone systems
46 aren't working as loud as they should, everybody talk nice and
47 loud. Speak up. Give your name and we'll go from there. And
48 if we have any real problems we'll stop.

49
50 Okay. We have one more, Connie Friend. Connie, do you

0015

1 wish to wait until we're on those proposals, right?

2

3 MS. FRIEND: Well, actually it might begin here, too,
4 and I could just follow like the others did.

5

6 CHAIRMAN LOHSE: Okay. Would you like to do that?

7

8 MS. FRIEND: Sure.

9

10 CHAIRMAN LOHSE: Connie, I'm going to have to request
11 that you speak nice and loud.

12

13 MS. FRIEND: I'll do my best. My name is Connie Friend
14 and I work for Tanana Chiefs Conference on the Tok Subregion of
15 Upper Tanana Subregion. And I just started back to work. I
16 was off for the summer and so I've just had a week to kind of
17 pull things together. And I wrote a paper -- actually, it's
18 pretty much all taken from a paper that was written earlier by
19 two anthropologists, Matt Ganley who was hired by the Ahtna
20 Corporation, and the other is Polly Wheeler who was employed at
21 that time by Tanana Chiefs Organization. Actually she still
22 is.

23

24 And basically this paper that I'd like to share with
25 you documents many, not all but a lot of the historical sharing
26 that was done between the Ahtna and the Upper Tanana/Tanacross
27 people. And the Healy Lake people are included in the Tanacross
28 language family group and so are included in that way.

29

30 Also I just have a small quote from Bill Simeone who is
31 also an anthropologist and wrote a book on the Athapaskan
32 speaking people, History of the Alaskan Athapaskans it's taken
33 from. And Bill mentions that the traditional hunting
34 territories, the traditional territory of the combined
35 Tanacross/Upper Tanana people came to a sum of 17,500 miles.
36 So I think that that kind of says it all as a matter of, you
37 know, the sharing that was done and the territory that was
38 covered traditionally.

39

40 I have a statement from Frank Ensminger as well who is
41 a member of the Forty Mile -- Upper Tanana Forty Mile Advisory
42 Committee. And Frank, I just quote him, so I had just this one
43 paper from him. But Frank says, I think emphasis should be put
44 on sharing in these areas because Unit 11 -- and this was kind
45 of specific to some of the proposals, Unit 11 butts up against
46 Unit 12 and there has been historical usage. And basically
47 we're neighbors and there shouldn't be squabbling about sharing
48 the resources. So that's a statement from him that I think
49 pretty much reflects how the people of that committee also
50 feel.

0016

1 So I don't know if you'd like me to read this paper,
2 it's kind of lengthy. I could just pass it out.

3
4 CHAIRMAN LOHSE: Do you have copies.....

5
6 MS. FRIEND: Yeah.

7
8 CHAIRMAN LOHSE:that you could just pass to the
9 Council and make available for anybody else that would like to
10 see it.

11
12 MS. FRIEND: Sure. Uh-hum. Sure. So that's all that
13 I can speak to right now, except that we're really happy that
14 we were able to meet briefly with Gloria and it looks like, you
15 know, we'll just rewrite and do things so that everybody is
16 happy with it.

17
18 CHAIRMAN LOHSE: Could I ask you -- that was Bill
19 Simpson (sic), History of.....

20
21 MS. FRIEND: Sure. Bill Simeone, A History of Alaska
22 Athapaskans.

23
24 CHAIRMAN LOHSE: History of Alaska Athapaskans.....

25
26 MS. FRIEND: It's in this paper on the last page. Bill
27 Simeone, A History of Alaska Athapaskans.

28
29 CHAIRMAN LOHSE: Okay.

30
31 MS. FRIEND: The historical land use area of all the
32 Upper Tanana-Tanacross band combined with 17,500 miles. Thank
33 you.

34
35 CHAIRMAN LOHSE: Thank you, Connie. And we have
36 another, Wilson Justin. Wilson Justin, Chistochina Village
37 Council, right?

38
39 MR. JUSTIN: Good morning.

40
41 CHAIRMAN LOHSE: You have to speak loud because the
42 mics not working.

43
44 MR. JUSTIN: Okay. Well, I'll give it my best shot
45 Thank you. I wasn't expecting to be the first one up or.....

46
47 CHAIRMAN LOHSE: You're the fourth.

48
49 MR. JUSTIN:the fourth one. As soon as I walked
50 in the door. We have some draft proposals that the Chistochina

0017

1 Village Council wanted to put into the process before the
2 deadline, which is the 23rd of October. Currently I'm not
3 going to offer them because we're still in the process of
4 working out the wording between Chistochina and Mentasta and
5 Copper River Native Association villages. But I wanted -- or
6 the village council asked me to make some comment regarding the
7 c&t wording and options that you have in your manual.

8
9 My recollection of the c&t process goes back to 1986,
10 '87 and 1988, the pre-McDowell status. At that time I was
11 working for Ahtna as operations manager and Nick Jackson was on
12 the State Fish and Game Board. The issue at that time was some
13 statutory language that the State had put into effect regarding
14 the subsistence controversy. We at Ahtna had a great deal of -
15 - at great deal at stake because of the fact that we are a
16 rural community and the State of Alaska had already determined
17 that the rural communities in our area were urban for the
18 purposes of the Village Public Safety Organization program.
19 And we were much afraid that any c&t designation and language
20 that came down would reflect that. So the process that Nick
21 Jackson and the Board went through at that time was kind of
22 tinged in our estimation with biasness towards communities that
23 had no road or sports hunting. And we felt a little left out
24 of the process even though Nick was a very able and effective
25 person on the board.

26
27 Today what we read in the c&t wording is basically
28 those words carried over from the '80s through the entire
29 process. And I like the idea that the Federal Fish and Game
30 Board had taken the approach that they did on whittling it down
31 to five criteria instead of eight. But, the flaw is still
32 there that eight criteria originally were developed as a hybrid
33 solution to a very complex legal problem. It was, in parts, a
34 sports criteria and, in part, a subsistence criteria. And the
35 end result was that it satisfied neither. It did not satisfy
36 the intent of law as far as ANILCA was concerned, and it did
37 not effectively protect the game resources that were oftentimes
38 used as a means to an end. And by that statement I mean that
39 many, many Fish and Game Department personnel, sports
40 personnel, even subsistence users often cite numbers as their
41 justification for their particular proposals.

42
43 But in our point of view from the Chistochina Village
44 Council it's pretty basic. There should be nothing between a
45 subsistence user and the very animal that they need for
46 subsistence purpose. There should be absolutely no obstacle
47 whatsoever. That's been our basic point of view from the start
48 and it still stands today. And I think that all in all, your
49 particular process is going to come down to whether or not that
50 single fact can stand on federal management of lands and public

0018

1 resources on behalf of subsistence users. I don't know where
2 your process will go, but I'm pretty happy with the fact that
3 you've taken the approach that you've done.

4
5 The Chistochina Village Council's proposals will be
6 based on some changes that we feel are a complete break with
7 current activities and there will be some changes that, more or
8 less, reflect what has been done currently with Copper River
9 Native Association. The one complete break that we feel will
10 probably take many years to -- for current thinking to adapt to
11 is the fact that we are going to propose that the game
12 management unit boundaries as it exists today be disposed of.
13 It was never more than an economic tool for hunting and guiding
14 operations to maintain their little fiefdoms in public lands
15 and resources. We knew that. I was a guide for 16 years. My
16 whole family was second generation. So we pretty much knew
17 what the whole game management unit boundary was about. And
18 our proposal is going to be to dispense with the game
19 management unit boundaries when it comes to Federal management
20 and go by water shed. Either water shed or something that's a
21 little more subsistence friendly in terms of access and use.

22
23 That constitutes the essence of my testimony on behalf
24 of the Village Council. And I'd like to thank the Board for -
25 - or the Council for the opportunity to do so. And if there
26 are questions I'll be more than happy to answer.

27
28 CHAIRMAN LOHSE: Are there any questions from any
29 members of the Council? I only have one, Wilson, and that was
30 the fact that you said that numbers should never enter into it.
31 How about in the cases like what we're dealing with right now
32 with the Mentasta Caribou Herd where what we have is we've got
33 numbers of animals that aren't -- that the herd is declining
34 despite the fact that we're taking nothing. And if we took
35 something it would decline at even a more rapid rate. I mean
36 should the -- should the viability and the sustained
37 populations of animals for the future, should that be the most
38 important thing even prior to subsistence because if you don't
39 support -- if you don't have a viable population of animals
40 you'd have no subsistence in the future?

41
42 MR. JUSTIN: That principle is a principle that should
43 be adhered to. Unfortunately, it never is. I'll give you an
44 example. The Mentasta Caribou Herd, which is really a local
45 herd in the Sanford River area, it had its ups and downs for as
46 many years as I can remember. And it's never been no more than
47 stragglers from the Nelchina Herd. So you should never
48 consider the Mentasta Herd as separate from the Nelchina Herd.
49 The fortunes of both are on the wane. And primarily it's
50 because of the fact that predators are allowed to prey

0019

1 unceasingly on these herds in spite of the fact as well known
2 to locals that never seem to have paid -- or have never played
3 a major part of any management decisions. When you have a herd
4 of small size that's kind of locally like the Mentasta Herd and
5 you let predators loose on them it's inevitable that they're
6 going to disappear. My point is why should that fact -- why
7 should the burden of guilt of these animals disappearing be
8 borne by subsistence users and subsistence people in the area.

9
10 Now, I have lived there long enough to know that the
11 real Mentasta Herd, the giant caribou and the giant bulls that
12 were there that range in White River, Shushanna (ph), the
13 Mentasta Mountains were simply shot out by trophy hunters about
14 1975, perhaps no later than '77. Now, those animals were very
15 prized. They were huge animals. Now, why were those animals
16 allowed to disappear and not a word was said. Now, the numbers
17 game never came into any management purpose until subsistence
18 became a controversy. Then numbers all of a sudden became
19 extremely important and I resent that.

20
21 I very much resent the fact that if you took the entire
22 caribou herd in the Nelchina Basin and totaled up all of the
23 subsistence use and take of that herd you wouldn't amount to
24 more than what half a dozen wolf eat in about five months. And
25 I resent the fact that everybody else gets first cut even
26 animals, even predators and the subsistence users get a stand-
27 by and say, thank you, sir, for being so considerate. I'm glad
28 you keep those caribou alive for everybody else. And I think
29 that resentment is building up more and more as your process
30 goes along.

31
32 CHAIRMAN LOHSE: Back on that same question though,
33 what we're dealing with right there is we're dealing with
34 nobody is taking any of those caribou except predators and
35 predators are in a national park system which has a no predator
36 control process, which under Federal regulation is almost
37 impossible to amend. What do we do in a case like that where
38 you have that kind of a population that can't even sustain
39 current predator -- you know, predation on it without even --
40 without adding the addition, of let's just say subsistence
41 predation?

42
43 MR. JUSTIN: I should back up one second there on the
44 take. We also have to remember that a secondary effect that is
45 not very well watched is the fact that the caribou food is
46 rapidly being -- is disappearing simply because of the change
47 in temperate and time since about 1968 to current has very much
48 destroyed the caribou primary food. So we're talking about a
49 two-prong effect. But my point, my point still remains. The
50 caribou in the Sanford River are not Mentasta Caribou Herd.

0020

1 They should not be managed on the basis of a separate and
2 completely isolated biological species. They should be managed
3 as part of the Nelchina Herd. They should be classified as
4 Nelchina Caribou. They wander in there and they stay there
5 depending on the food source and sometimes they come back.
6 They exchange themselves every few years. Some years there's
7 virtually nothing there and other years there's a lot. But
8 when you manage a species on the basis of a subspecies and a
9 biological isolation -- isolated entity you're free to make up
10 anything you want in terms of protecting that species. And I
11 resent that.

12
13 That's like taking me and putting me in jail and say,
14 hey, when you're in jail you're not an American and you're not
15 a person. You're an alien and you have no way -- we have no
16 way of dealing with you. Well, I've talked to the National
17 Park before about that fact. That's a Nelchina Herd. That's
18 Nelchina caribou and whether there's 50 there, 200 or 2,000 it
19 makes no difference. You need to start classifying those
20 caribou as part of the herd that they actually belong to, not a
21 subspecies.

22
23 CHAIRMAN LOHSE: Thank you. I agree with you on that
24 because that herd -- parts of that herd have been all the way
25 over in Unit 11 in the Chitina Valley. And if we'd have
26 managed for them for the winter that they were there, they're
27 not there now. They come and they go.

28
29 MR. JUSTIN: We know those herds -- we know those
30 caribou herds migratory pattern well. We're in the middle of
31 it up there on Nabesna Road. And like I say, I've got 16
32 seasons in as a guide and before that I put a number of seasons
33 in as a meat packer on those very same caribou over in that
34 area, plus the caribou over toward White River and Shushanna
35 River.

36
37 CHAIRMAN LOHSE: Thank you. Any other questions
38 for.....

39
40 MR. JUSTIN: Thank you very much.

41
42 CHAIRMAN LOHSE: Okay. At this point in time we will
43 take ourselves a break. Ten minutes.

44
45 (Off record)

46
47 (On record)

48
49 CHAIRMAN LOHSE: Okay. I'd like to call this meeting
50 of the Southcentral Alaska Subsistence Regional Advisory

0021

1 Council back in session.

2

3 At this point in time I'd like to introduce or have
4 introduce some of the people who have come in the meantime
5 since we started the meeting. Taylor Brelsford, Hollis
6 Twitchell, did I see him here someplace? Back there. National
7 Park Service, Denali, right?

8

9 UNIDENTIFIED VOICE: Yes.

10

11 CHAIRMAN LOHSE: Oh, come on. Clarence.....

12

13 MR. SUMMER: Clarence Summers, National Park Service.

14

15 CHAIRMAN LOHSE: Clarence Summers, National Park
16 Service. Okay. Anybody else? Whoops, Robert.

17

18 MR. WILLIS: Bob Willis.

19

20 MR. WILSON: Kurt Wilson, BLM.

21

22 CHAIRMAN LOHSE: Okay. That seems to take care of
23 introductions so we'll go on to item 8 on our agenda. Okay.
24 On our agenda we had before. Item 8, Section A, the report on
25 the c&t working group's recommendation and we'll have a staff
26 report by Rachel Mason to start off with.

27

28 MS. MASON: Thank you, Mr. Chairman. Most of you --
29 well, all of you should have received in the mail a document
30 which had a letter and also a short paper on the C&t working
31 group's product. And I'm going to be going over that. The
32 purpose of this particular item is to elicit discussion and we
33 hope a recommendation from the Council on what we should do
34 with c&t. And it's been clear for several years that many of
35 the Councils have been having difficulties in addressing the
36 c&t determinations and different issues have come up with it.
37 And in order to deal with this during the last Board meeting
38 this spring a task force was appointed to review and evaluate
39 the c&t process. This came up as a result of issues that have
40 been brought up by the Councils, and they were discussed at the
41 joint Board and Regional Council chairs meeting. And it was at
42 that point that Mitch Demientieff, the Chair, appointed a task
43 force.

44

45 The group is now seeking Council input prior to
46 developing its own recommendation. And after all the Council
47 meetings the task group will review all the Council input and
48 by December 1st we hope that the task group will make its
49 recommendation to the Federal Subsistence Board.

50

0022

1 The group consists of Mitch Demientieff and Fred
2 Armstrong of the Federal Subsistence Board, Regional Council
3 chairs, Bill Thomas, Craig Fleener and Dan O'Hara. And then
4 the staff committee, Sandy Rabinowitch, Ida Hildebrand, Keith
5 Goltz and Ken Thompson are members. And again, this group was
6 formed in response to the concerns of the Regional Councils and
7 which had been brought up by the Regional Council chairs at the
8 meeting.

9
10 Those of you on this Council who have been with the
11 Council since the regional Kenai c&t are keenly aware of some
12 of the problems that have been faced in c&t. And I probably
13 don't need to belabor that example. It's clear that while
14 following the eight factors even if there's a faithful attempt
15 to adhere to the eight factors there are certain difficulties
16 that come up in addressing the focus of the c&t, what --
17 whether it'll be the unit that is the focus of use or whether
18 it will be community focus. The question of the threshold of
19 use, how much a particular group has to use a place has caused
20 many problems. And the Council has struggled with that. And
21 some of the deferred proposals that overlap between Eastern
22 Interior and the Southcentral Council also illustrate the
23 problems quite well.

24
25 And, again, we see difficulties in dealing with the
26 area of focus, the user group that will be there, and in just -
27 - on the next item when we discuss the proposals, 30, 31, 32,
28 and 33, the black bear and brown bear proposals, I think that I
29 don't have to remind any of you of how difficult it is to
30 decide how to do a c&t.

31
32 One of the questions that has come up during the task
33 force meetings is why do c&t determinations. And one question
34 that's been brought up repeatedly is does the c&t process
35 protect subsistence use as it's intended to do or does it
36 actually restrict subsistence users. If there were no c&t --
37 at this point in our program the way our program is set up now
38 all borough residents would be eligible if there were no c&t
39 determination. In times of a shortage if there were no c&t the
40 criteria would be based on an individual's customary and direct
41 dependence on the resource. Actually there are three criteria,
42 customary and direct dependence is one. The second is that
43 they live in close proximity to the resource. And third, that
44 they would have few other resources.

45
46 In the discussions of the task force group, the task
47 group, some options have been developed just to frame the
48 discussion. And we're seeking Council input and recommendation
49 on these. The options I've put up here. And, of course, you
50 would not be restricted to these options, but these are simply

0023

1 in order to organize the various thoughts. One would be the
2 status quo. And that is the eight factors as we know them now.

3
4 The second option would be a modified factor approach.
5 And this would be a reduced set of factors that retain what
6 seem to be the most useful factors but eliminate some of the
7 others that haven't proven to be useful. And a couple of years
8 ago the staff in our office did attempt to modify the factors
9 and reduce them down to five, and we gave you that example in
10 the shorter document as one possibility for a modification of
11 the factors.

12
13 A third option would be the Council recommendation.
14 And under this option the Council would set the criteria and
15 make a recommendation. And with this approach it would be
16 recognized that not every Council would want to take the same
17 approach, that in the different regions of the state there
18 might be different criteria that are appropriate.

19
20 And the unit and surrounding units is another approach.
21 And this would be based on the unit residency and all the
22 surrounding units. And this is one issue that has come up in
23 the overlapping proposals that we'll be discussing next, so
24 you're familiar with that.

25
26 And then, the final option would be no c&t. And under
27 that option, as I said, all rural residents would be eligible
28 but then in times of shortage there would be certain criteria
29 for who would be eligible.

30
31 So the Council might decide to recommend one or another
32 of these options. There could be some combination of them as
33 well. And there could be a variety of options that could work
34 best, as I said, in different parts of the state. So I'll
35 leave it there for now and see if there are any questions on
36 these.

37
38 CHAIRMAN LOHSE: Any questions for Rachel? Are there
39 any members of the public or agency who would have questions
40 for Rachel? If there are just hold your hand up, come to the
41 microphone, state your name and ask her the questions. Gloria.
42 It doesn't have to be just questions. It could be comments on
43 what she said, too.

44
45 MS. STICKWAN: My question is, is this going to go
46 through a rule-making process? Is it going to be determined by
47 the Board before December, what's the length of time for this?
48 I don't -- my opinion is it shouldn't be rushed into. You
49 should take your time in deciding this.

50

0024

1 MS. MASON: I'm glad you brought that up because I
2 didn't want to give the impression that immediately upon the
3 Council recommendation and the Board recommendation it would go
4 into effect. The Board -- the task group is attempting to get
5 the input into the Board and their recommendation to the Board
6 by December 1st. I don't think any time line has been
7 developed for what the change process would take, but it would
8 have to go through a rule-making process.

9
10 CHAIRMAN LOHSE: Does that answer your question,
11 Gloria?

12
13 MS. STICKWAN: Yes.

14
15 CHAIRMAN LOHSE: Are there any other questions or
16 comments from agency or public?

17
18 MR. TITUS: I don't have a question, but I just have a
19 comment.

20
21 CHAIRMAN LOHSE: Could you state your name?

22
23 MR. TITUS: Lee Titus. Northway. I don't have any
24 questions, but I just have comments concerning c&t
25 determinations. When we're talking about subsistence there's a
26 lot of things that come to light that can't be written down.
27 There's a lot of factors involved. We're trying to draw the
28 line. We're trying to make a separation and trying to separate
29 people, trying to separate species. I don't think that's what
30 it's about. I don't think -- I really don't think that's what
31 subsistence is about. There's a lot of things involved
32 spiritually, the land, how we were brought up, how we were
33 taught, our clan, our tribe, how are we going to write that in
34 a book, how are we going to make a determination in that book
35 about what I stand for?

36
37 I think what we're trying to do is here is rewrite the
38 Bible and trying to make everything right. There's, I don't
39 know, a lot of technical things going on in this c&t
40 determination process. A lot of them is okay, but there's a
41 lot of loopholes in there that's keeping us away from the
42 truth. Thank you.

43
44 MS. DANIEL: Good morning. My name is Carol Daniel and
45 I'm not really -- hadn't planned to testify, but I had a couple
46 of questions about this proposal. I just noticed it a few days
47 ago in the booklet. I guess the first question is in terms of
48 regulations that are adopted for subsistence uses, would there
49 continue to be regulations for subsistence uses that take into
50 account different means and methods and customs and traditions

0025

1 if there aren't c&t findings on specific species?

2

3 MS. MASON: Yes, you're taking about in the case that
4 c&t -- there would be no --.....

5

6 MS. DANIEL: Right.

7

8 MS. MASON:there was a decision to do no c&T?

9

10 MS. DANIEL: Right.

11

12 MS. MASON: Yeah. It wouldn't affect the other
13 regulations.

14

15 MS. DANIEL: Because under the State system I know that
16 unless there are customary and traditional use findings then
17 there are no separate subsistence regulations and it's just
18 governed by sport or personal use unless there are c&T
19 findings.

20

21 MS. MASON: Yeah.

22

23 MS. DANIEL: And I just wanted to make sure that.....

24

25 MS. MASON: Yeah. Well, I've never heard it discussed,
26 so I don't know for sure. But I can't imagine that it would
27 mean having to start over again with the Subpart D regulation.

28

29 MS. DANIEL: Okay. And then the other question I had
30 was I know that at one time the Rural Alaska Resource Agency
31 and RurAL Cap developed -- the same dilemma arose in the
32 State.....

33

34 MS. MASON: Uh-hum.

35

36 MS. DANIEL:where there was dissatisfaction with
37 the Board's with the customary and traditional criteria, the
38 eight criteria, and I know that RurAL Cap submitted comments
39 and a proposal at one time.....

40

41 MS. MASON: Yes.

42

43 MS. DANIEL:to the State Board that did modify
44 those.....

45

46 MS. MASON: Yes, uh-hum.

47

48 MS. DANIEL:and I guess my question is will there
49 be an opportunity for RurAL Cap and agencies like the Rural
50 Alaska Resource Agency to submit comments to the Regional

0026

1 Advisory Council? Can we -- I mean we're not prepared to do
2 that today. We only learned that it was on the agenda a few
3 days ago, but would it be possible for RurAL to submit
4 comments?

5
6 MS. MASON: Yes. There will be an opportunity for
7 public input and -- or for agency -- at this point we're only
8 seeking the Council recommendations, but it's not a -- input
9 will be gathered from other agencies as well.

10
11 MS. DANIEL: Okay. And then, one final question. On
12 the option that you outlined in terms of just Regional Council
13 recommendations and the possibility that there would be -- as I
14 understand it there would be no criteria at all and each
15 Council would develop its own criteria?

16
17 MS. MASON: Well, it wouldn't be a case of there not
18 being any criteria at all. The Council might pick criteria
19 that had been developed for one of these other options. The
20 Council might develop its own criteria or they could take --
21 use criteria that were used in another context. So the -- it
22 should not be considered a lack of criteria, I guess, for that
23 option.

24
25 CHAIRMAN LOHSE: Carol, I think from what I understood
26 from what she was talking about before, and that's why I'd like
27 to clarify it with you because that would, you know, clarify
28 me, too. There's a possibility that different Councils could
29 have different criteria for different areas of the state. That
30 was one of the options that were up there.

31
32 The option of no c&t does not do away with subsistence,
33 but what it does is it basically makes all rural residents
34 eligible any place in the state that has a Federal Subsistence
35 season. Am I correct on that one right there?

36
37 MS. MASON: Uh-huh. Uh-hum.

38
39 CHAIRMAN LOHSE: And I can't remember that second --
40 the other question that you asked. I wanted a clarification on
41 that, too, and I can't remember what it was now. You asked
42 about no c&t and about the Councils. What was the other one?

43
44 MS. DANIEL: Whether RurAL Cap could.....

45
46 MS. MASON: Input from RurAL Cap.

47
48 CHAIRMAN LOHSE: Okay. And from what I understood on
49 that is what they're seeking is input for the Board and one of
50 the inputs they want is one input from the Council and they

0027

1 will seek input from other, but not input for the Council from
2 other people, but for the Board.....

3
4 MS. MASON: Yeah.

5
6 CHAIRMAN LOHSE:from other people. And the
7 Council would be just one part of the inputs.

8
9 MS. DANIEL: Okay.

10
11 MS. MASON: Yeah.

12
13 CHAIRMAN LOHSE: Am I correct?

14
15 MS. MASON: Yes. Yes And I should mention that RurAL
16 Cap did have a specific modification in mind so that, perhaps,
17 the Council would like to hear from Ms. Daniel or somehow let
18 the modification in that they suggest.

19
20 CHAIRMAN LOHSE: And from anybody else that has.....

21
22 MS. MASON: Yes.

23
24 CHAIRMAN LOHSE:a modification.

25
26 MR. SAYLOR: My name is Pat Saylor and I just had some
27 comments and I had some questions pretty much to the Federal
28 people. You have people researching our backgrounds and all of
29 this. You know, the way I look at things, we've got guns and
30 modern firearms and all of this, and you say that takes a
31 devastating effect on some of these populations. Do you know
32 that the Federal government outlawed the big game snare, the
33 fish trap, the fences for the caribou. I mean we used to catch
34 the whole herd or every fish in that creek if we wanted to. We
35 just set our snare and check it other day because the animal
36 wouldn't be dead, he'd be sitting right there. And we let go
37 the ones that were skinny and we took what we needed. This we
38 know.

39
40 I agree with the man that was speaking earlier from
41 Chistochina that some of these lines here, I don't know who
42 made them, but I do know where I've been and I know who I've
43 hunted with and who's come down and hunted with us. When the
44 first caribou came to Mentasta in 40 year my brother and me
45 were there to hunt them and our friends. And we killed. And
46 we didn't put a big old number and a tag and all that baloney.
47 We just all ate and had a good time and we danced together.
48 Everyone was happy and everybody talked about it and it was a
49 known thing. And we know and they know. And we know where our
50 lines are. And I don't know where these lines came from but I

0028

1 disagree with this. This is an agreement that we've come to
2 over all these years and we know. We want our right to Healy
3 Lake to hunt with them and vice versa so that -- that -- I
4 don't know who made these lines but it's causing a lot of
5 conflict with just simple people, people that want to be happy,
6 want to be together. People are putting lines in here and
7 maybe these guides or whoever it was that made some of this,
8 for example, Healy Lake, they stuck us in 20(d). We're part of
9 the Upper Tanana and Dot Lake as well.

10
11 I don't know who made that. I don't even know his
12 name. We want to change this, but they say it'd practically
13 take an act of Congress to do that. I disagree with that. You
14 made a map one day and the next day you put a line right there,
15 you've got the same guide managing both sides of the street,
16 what does that matter, one red line from here to there? You
17 know if you don't have the money why don't you go around to
18 each village and ask for a donation. I mean you guys have
19 stuff all over the stuff. Just like that simple. People get
20 all sidetracked. It's simple. If something's broken try
21 something like that. And if you don't get no response back
22 then you could say well, we tried this and this is why you
23 didn't get any input. And ask the corporations there, Native
24 corporations, or who does have the money to -- will come up
25 with the other part to change the situation.

26
27 I don't believe in can't be done. Our people never
28 believed in that or we would not be here. We were subject to
29 hard conditions. If you're too weak and you can't make it
30 that's too bad 'cause they've leave you laying there. And
31 that's it. And so is those animals. They have to make their
32 living with the claw and the teeth. And if that can't make it
33 that's just how it is. This is what we want, and you know,
34 that's what I have to say.

35
36 CHAIRMAN LOHSE: I'd like to take this opportunity
37 before we go any farther to introduce Roy Ewan. He was chair.
38 And he's late this morning, but he's here now and so we're
39 ready to go on. What we're working on right now, Roy, is we're
40 just trying to get some public and agency comments on Rachel's
41 report so that we can start working on the c&t process.

42
43 MR. EWAN: Oh, okay.

44
45 CHAIRMAN LOHSE: So any other -- anybody else have
46 anything they would like to share with -- Rachel, you're not
47 done yet?

48
49 MS. MASON: I am done.

50

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1 CHAIRMAN LOHSE: You're pretty well done. Okay.
2 Anybody else have any questions for Rachel or comments that
3 they would like to give to this Council for us to take into
4 consideration as we approach it? Don?

5
6 MR. KOMPKOFF: Yeah, Don Kompkoff, Sr. You know, I've
7 been approached by Chenega residents that they want me to bring
8 the Board that -- just say that on the subsistence that
9 everything -- I've been approached by people from all -- the
10 shareholders that are from Kenai, Cordova, Valdez, and Chenega,
11 Tatitlek. And they told me that -- to bring up that all the
12 species in Alaska that we preferred c&t because of the tribal
13 that they went from Day Harbor to Kodiak and hunted all the way
14 down there down towards Kodiak. And they just told me that
15 they -- if we could have all the species of fish and game be
16 preferred c&t in Alaska.

17
18 MS. SWAN: I have a clarification. What -- Rachel,
19 what is direct dependence, what does that mean? What is that
20 as opposed to -- there's a three -- in 804 the three
21 determinations, have you define that. And then how is that
22 different? How is direct dependence different from have fewer
23 other resources to use would be able to hunt, what does that
24 mean?

25
26 MS. MASON: Well, I don't know the technical definition
27 of it. I'll tell you how I understand that. And I can be
28 corrected if somebody else has a better knowledge of these
29 regulations. I understand direct dependence is meaning that
30 you depend on those resources or else you wouldn't have any
31 food. You have a direct -- rather than an indirect dependence
32 which would be that you would miss them, but you don't need
33 them to survive.

34
35 MS. SWAN: Well then, okay. So how about -- I just
36 need to ask.....

37
38 MS. MASON: Yes.

39
40 MS. SWAN:because as they have -- the people who
41 spoke have pointed out, it's not something that you can write
42 obviously.....

43
44 MS. MASON: Right.

45
46 MS. SWAN:because how then if you would need them
47 to survive,.....

48
49 MS. MASON: Uh-hum.

50

0030

1 MS. SWAN: Okay. So if you live in the city and you
2 cannot for health reasons, serious health reasons eat pork or
3 even beef, and then -- so -- because your doctor said and you
4 know that, it's triple bypass time if you do, then would that
5 be considered, would you consider that? You know, so if a
6 person wants to go get a seal or.....

7
8 MS. MASON: Yes.

9
10 MS. SWAN:whatever. Do you know if they've
11 thought about that or has anyone ever asked you about that?

12
13 MS. MASON: I really can't say what they thought about
14 when they did that. But I -- my interpretation of that is
15 direct dependent does not include spiritual or cultural
16 dependence. That it would be a nutritional dependence that is
17 being thought of in that context.

18
19 CHAIRMAN LOHSE: Clare, I think you've looking on page
20 2.....

21
22 MS. SWAN: Yeah.

23
24 CHAIRMAN LOHSE:right there. I think if we take
25 a look at that right there, and again, this is just an option
26 that they're talking about. But it specifically says only
27 those rural residents who -- so, number one, because under
28 ANILCA it deals with rural residents. It's rural residents.
29 They have a customary and direct dependence on that population
30 as a main stay of livelihood. In other words, that's -- let's
31 say we're talking about moose, for example, that's their
32 customary meat source. They live close to the resource so
33 they're right in the area. And then, what it's saying here is
34 they have few other resources to use which they would be able
35 to hunt. In other words, they don't have something else they
36 could substitute for it at this point in time. Those -- see,
37 this is only applying in times of a resource shortage. Let's
38 say moose populations were done. And this is -- this says what
39 happens without a c&t determination. And under this option all
40 rural residents are eligible, but if moose populations are
41 down, for example, then the people who have the direct -- the
42 most direct customary dependence on that moose population have
43 first access to it. They have to live in the area where the
44 moose population is. In other words, you take the closest
45 people that have access to it. And lastly, they don't have
46 something else they can substitute. Let's say, moose
47 populations are down but you've got a lot of caribou in the
48 country, what it's saying here is if, you know, you have the
49 caribou in the country, then possibly the moose populations are
50 down and you don't take moose.

0031

1 And, again, this is only what happens under a scenario
2 without c&t and what happens in times of a resource shortage.
3 In other times without c&t if there's sufficient resource to go
4 around all rural residents are eligible because that's what
5 this was it that little box is just an option on what happens
6 if you have no c&t. In other words, all rural residents are
7 applicable but there's a shortage of certain resource, then you
8 have to narrow down the criteria. And that's what they came up
9 with, those three things narrowed down. Am I correct on that,
10 Rachel?

11
12 MS. MASON: Yes. Yes. And what -- just to add to what
13 Ralph said. c&t acts as a filter now and if that filter were
14 removed then there would have to be some other way to determine
15 which individuals were eligible for harvesting.

16
17 CHAIRMAN LOHSE: And that comes right out of Section
18 804 in ANILCA.

19
20 MS. SWAN: Yeah. I know. I was just wondering about
21 the term. Thank you.

22
23 CHAIRMAN LOHSE: I saw somebody else up with a hand up
24 back there just before. Hollis?

25
26 MR. TWITCHELL: Thank you. Hollis Twitchell, Denali
27 Park. The Denali Subsistence Resource Commission met August
28 28th and reviewed this request for comments.

29
30 CHAIRMAN LOHSE: Hollis, can I stop you for a second.
31 We've had a lot of problems with microphones this morning, so
32 you almost have to shout. Speak loud.

33
34 MR. TWITCHELL: How's this? Better?

35
36 CHAIRMAN LOHSE: The mic is not picking up. It's not
37 coming over the speaker system.

38
39 MR. TWITCHELL: Okay. Hello. Is this better? Okay.
40 This better?

41
42 CHAIRMAN LOHSE: Just speak loud.

43
44 MR. TWITCHELL: Okay. Thank you. The Denali
45 Subsistence Resource Commission met August 28th and reviewed
46 the request for comments on c&t. And they did pass a motion in
47 support of the modified factor option on page 3. And they had
48 a couple of changes that they suggested. On the first, they
49 suggested drop the word wide diversity from the sentence so
50 that it would read, reliance upon fish and wildlife resources.

0032

1 And number two, add the words proximity to resources to this
2 sentence so that it read influenced by local characteristics
3 and proximity to resources reasonably accessible from the
4 community or area. And then, they recommended adding a sixth
5 factor stating local traditional knowledge from residents,
6 commission and council members representing the community area
7 should have significant influence in making c&t determinations.

8
9
10 In regards to the question on c&t determinations, do
11 they protect subsistence uses or do c&t determinations
12 unnecessarily restrict subsistence uses? The Commission
13 supported the following position that c&t determination can
14 provide protection to the local rural subsistence users as
15 directed by ANILCA, but where inappropriately applied can
16 drastically unnecessarily restrict legitimate subsistence use
17 of resources as was the case with the McKinley Village Parks
18 Highway c&t determination, which took a decade to correct.

19
20 The Commission recommends that the Federal Subsistence
21 Board should make no c&t determinations unless one is needed to
22 protect the resource.

23
24 This letter was sent in a week after the meeting, but
25 apparently it hasn't been circulated to the Councils yet. I do
26 have a copy of the Commission's letter that I'll leave with
27 you.

28
29 CHAIRMAN LOHSE: Hollis, could you go back over that
30 number -- change in number 2?

31
32 MR. TWITCHELL: Number two, they recommended add the
33 words proximity to resources to the sentence so that it would
34 read influenced by local characteristics and proximity to
35 resources reasonably accessible from the community or area.
36 They felt it was important to recognize the local people
37 nearest the resource should have a priority.

38
39 CHAIRMAN LOHSE: That's taking the local priority then.

40
41 MR. TWITCHELL: Yes.

42
43 CHAIRMAN LOHSE: Any questions for Hollis? Thank you.

44
45 Any other agencies or individuals who'd like to comment before
46 we, the Council, discuss.....

47
48 MR. GOOD: I'm Nat Good, Eastern Interior. As I look
49 at the boxes current under discussion, if the resource shortage
50 is identified, the process of identification has not been

0033

1 addressed here. Will this process be restrictions placed on
2 hunting over a period of time, gradual restrictions that will
3 identify a shortage? Is it something that will immediately
4 occur?

5
6 As I understand it under Section 804 there should first
7 be restrictions placed upon the resource before this would
8 actually go into effect? That would be my comment.

9
10 CHAIRMAN LOHSE: While you're there could I ask you a
11 question. Is there's a resource. What is your opinion of this
12 no c&t determination so that all rural residents basically.....

13
14 MR. GOOD: Well, I have to say that I would also
15 support the point of view of the gentleman from Chistochina. I
16 think there -- to some extent I think we kind of whip a dead
17 horse here trying to determine where people should be hunting
18 for subsistence. If we have subsistence hunters they're
19 limiting themselves, they're self-limiting. They already have
20 areas that they're hunting in. What we're concerned about are
21 the non-subsistence hunters that seem to slide into this.

22
23 I also become concerned when I see that a community can
24 be eliminated as is addressed in here, a community or an area.
25 There are still going to be a lot of people in there who really
26 qualify as subsistence users, and I hate seeing them
27 eliminated. I'm more concerned about those in need than I with
28 those who are from a community or an area. I'm concerned about
29 people who depend on subsistence for a livelihood as
30 individuals. I don't know if I really got at what you
31 were.....

32
33 CHAIRMAN LOHSE: No, I -- I'm not sure you really
34 answered. You gave me ideas, but you didn't really answer.
35 And that would go along with what I was -- was listening to
36 him. The idea that -- see, one of the options basically is --
37 and one of the question is do you feel that c&t protects
38 subsistence users, or does c&t limit subsistence users? Would
39 we be better off to do away with c&t or would we be better off
40 to modify c&t?

41
42 MR. GOOD: That's a very difficult question to answer
43 because it does both. It fits in both camps depending on how
44 it's utilized and how you define c&t. You know, as we look at
45 this, the entire subsistence question here we see that it's
46 defined as for rural residents, both Native and non-Native.
47 Obviously we can't go back a thousand years for customary and
48 traditional without eliminating non-Natives, whom I believe
49 also have a role in c&t or, you know, a more limited c&t than,
50 say, going back thousands of years. Perhaps we need to look at

0034

1 our definitions here and determine what we are attempting to do
2 with c&t. It's just a very difficult question.

3
4 We have taken the position in the Eastern Interior of
5 saying we consider the proximity, the geographic area, and we
6 did say it would be a lot simpler if we went to adjacent
7 subunits. That our people do travel, but the limit of their
8 travel for subsistence purposes, true subsistence purposes, is
9 actually there. They don't go indefinitely throughout the
10 entire state. I wouldn't be hunting goats on a hillside in
11 Juneau for subsistence purposes, for instance, nor would I go
12 to Norvik to hunt caribou for subsistence purposes. So as far
13 as -- I think we're probably more interested in the geography
14 for rural people, that you have the greater influence where you
15 live and in your own area than we are in strictly a c&t. But
16 c&t does also hav a role to play here, it simply needs to be
17 worked in. Not a total elimination, but at the same time
18 something else has to be in here, too.

19
20 CHAIRMAN LOHSE: Then if I understand you and correct
21 me if I'm wrong, the inclination of Eastern Interior is that it
22 should be basically -- I'll use the word that I use which is
23 local priority, that the local people who live in an area
24 should have priority over people who don't live in the area.
25 Now, to define how big that area is, is something that has to
26 come up, and that's part of the c&t. Basically you used some
27 examples that would be very similar to what I would use. You
28 don't go someplace a long ways away and hunt something you
29 don't normally hunt and call it subsistence, but you hunt
30 subsistence. And again, we've got the criteria here, and I
31 liked what they came up with at the -- oh, I can never remember
32 those alphabetical things, but at the meeting that Hollis
33 Twitchell was talking about where it says proximity. In other
34 words, something that is close to home. And to me that's kind
35 of what I'm getting out of what you're saying is that you don't
36 think that the lines are -- the current lines that we have may
37 truly represent the issue, but that people who live in the area
38 are the ones that should have access to it first. Am I
39 correct?

40
41 MR. GOOD: Yes. Yes. And the reason I say that c&t
42 may also have something in here, if I take, for instance, Craig
43 Fleener lives in Fort Yukon. Now his people ranged up and down
44 the Yukon River, you know, and still do. They have a very
45 large area that they're going to be identified with, largely
46 empty area. And it may be less for some other areas or
47 communities. But, yes, I believe that there is a very direct
48 relationship between the distance of a subsistence food supply
49 and their access to it.

50

0035

1 CHAIRMAN LOHSE: Okay. Thank you. Anybody else have
2 questions for Nat? Any other questions, comments, advice?
3 Could we hear that Rural Cap idea? Carol, could you give us
4 what they have before we go into discussion?

5
6 MS. DANIEL: Sure. This was sometime -- I'm not sure
7 this is working. This was sometime ago. It was offered in the
8 context of the State Board system in 1989. Rural Cap reviewed
9 the eight criteria at that time and concluded that they were
10 still valid indicators of the diverse subsistence lifestyles in
11 Alaska, but that there were -- the way they were enumerated and
12 set out were confusing and some of them were more important
13 than others. What I could do is read the testimony that was
14 given at that time. I really had not prepared to testify
15 today. I have a copy of that with me. And also their specific
16 proposal for a revised State criteria.

17
18 CHAIRMAN LOHSE: Okay. That's kind of what I was
19 thinking that possibly you could give us a synopsis or a
20 specific.....

21
22 MS. DANIEL: The specific.

23
24 CHAIRMAN LOHSE: The specific proposal would be a
25 synopsis of what they came up with, does that sound legitimate
26 to the rest of the Council? Okay.

27
28 MS. DANIEL: The proposal was to define customary and
29 traditional uses by rural Alaska residents, will be identified
30 as a long-term consistent pattern of use of and reliance for
31 subsistence purposes upon a wide diversity of fish and game
32 resources near or reasonably accessible from the user's place
33 of residence which use pattern provides substantial economic,
34 social and cultural or nutritional elements of the subsistence
35 user's life and which includes one or more of the following
36 characteristics. The idea was to get away from saying that
37 every community had to meet all eight criteria because what I
38 just read are the most important components of the subsistence
39 lifestyle and it may include one or more of the following
40 components. And they listed four; methods and means of
41 harvest, which reflect efficiency and economy of effort and
42 cost as conditioned by local circumstances. Or means of
43 handling, preparing, preserving and storing fish or game which
44 have been traditionally used by past generations, but not
45 excluding recent technological advances were appropriate. Or
46 the handing down of knowledge of fishing or hunting skills
47 values and lore from generation to generation. Or the hunting
48 or fishing effort where the products of that effort are
49 distributed or shared among others according to custom and
50 tradition, including customary trade, barter, sharing and gift

0036

1 giving.

2

3 Part of their proposal also was to redefine or to
4 provide definitions of barter, customary trade, fish and game
5 resources. And in terms of identifying a long-term consistent
6 pattern of use to include that the boards would exclude
7 interruptions in those patterns of use that were beyond the
8 user's control such as where was just mentioned the regulations
9 prevented a community fro practicing their customary and
10 traditional hunting practices.

11

12 So that was basically their proposal. And it's my
13 understanding that RurAL Cap also submitted that same proposal
14 when it commented to the Federal Board on setting up the
15 customary and traditional criteria. They urged the Board, the
16 Federal Subsistence Board, not to adopt wholesale the State's
17 eight criteria because the State was having problems with it,
18 too, and to go to a revised method of determining customary and
19 traditional use.

20

21 And I have copies. I just didn't bring enough. I
22 could bring them back tomorrow or if we had a copy machine here
23 I could give you copies of this proposal, but that was
24 essentially it.

25

26 And I guess just in listening to the comments that have
27 been made before, I'm still confused on the regulatory -- what
28 kind or regulatory provisions would be put in place in a
29 situation where you didn't have any criteria, if you didn't
30 have the customary and traditional use determinations because
31 basically when Congress put ANILCA in place it was to protect
32 the existing customary and traditional patterns and practices
33 that were in place at the time. And the whole idea was that
34 regulations to the extent that they were required for
35 subsistence should mirror those practices. And so if you have
36 somebody coming from Barrow to Interior to hunt, I mean who's -
37 - the regulations have to reflect customary and traditional use
38 patterns. And it seems to me at least in the past that's been
39 the practice. And without customary and traditional use
40 findings how do you craft the regulations to be reflective of
41 the community or areas' customary and traditional use patterns?

42

43 CHAIRMAN LOHSE: Carol, so basically what I understand
44 you're saying there is you find it difficult to see how we
45 could operate in the subsistence system like this without
46 having some form of customary and traditional process to find
47 out basically who's eligible and who's not?

48

49 MS. DANIEL: Well, I look at it more as recognizing a
50 community's customary and traditional practices and having a

0037

1 regulatory system honor that and protect that. And if you
2 don't -- if you have no means of looking to see what those
3 practices are then how do you craft regulations that honor
4 those practices? That's the only point I would make. It seems
5 to me that if you have every rural Alaska resident coming to a
6 community to subsistence hunt and fish you're losing -- I mean
7 that community loses control over his customs and practices.

8
9 CHAIRMAN LOHSE: From that standpoint you see the
10 necessity for having some kind of customary and traditional
11 findings to work from as a basis?

12
13 MS. DANIEL: That was the conclusion that Rural Cap and
14 Ra-Ra (ph) after studying this issue in 1989 came to and they
15 adhered to that position when they commented on the whole
16 process of setting up the Federal regulatory regime.

17
18 CHAIRMAN LOHSE: Any questions for Carol?

19
20 MS. DANIEL: Right. Taylor just reminded me that
21 another part, and this is difficult -- another part of their
22 proposal that the species by species notion of customary and
23 traditional uses should be abandoned because people
24 historically subsistence hunted and fished opportunistically
25 and they had traditional use areas that they went to. And if
26 they needed food they lived off the land and they took what was
27 there. And it really did not conform to the traditional --
28 customary and traditional practices to say that you can take
29 moose but you can't take caribou, or you can take this kind of
30 fish and not this other kind of fish. I mean it just -- it did
31 not conform to the customary and traditional practices of
32 people who lived in those communities and had hunted and fished
33 all their -- for generations. Their recommendation was to go
34 to a customary and traditional use area concept, not a unit
35 concept, but a concept of a community using an area. And
36 anything that was found within that area whether it was
37 reintroduced or introduced species should be subject to
38 subsistence hunting -- should be available for subsistence
39 uses.

40
41 CHAIRMAN LOHSE: In other words, again, correct me if
42 I'm understanding it wrong, but basically that customary and
43 traditional finds should be by area or geography unit or some -
44 - I think he said water shed or something like that before
45 versus animal, species by species.

46
47 MS. DANIEL: Right.

48
49 CHAIRMAN LOHSE: In other words, you wouldn't have the
50 anomaly where somebody has got a customary and traditional for

0038

1 moose but doesn't have a customary and traditional for black
2 bear when if you were moose hunting and you weren't finding a
3 moose and you saw a black bear you'd take the black bear.

4
5 MS. DANIEL: Right.

6
7 CHAIRMAN LOHSE: So, okay. That's RurAL Cap.....

8
9 MS. DANIEL: And Ra-Ra, which is a sub agency or
10 committee under the auspices of RurAL Cap that had
11 representatives from rural Alaska and their only focus of
12 interest was subsistence. And they studied these criteria for
13 some time and came up with this proposal.

14
15 CHAIRMAN LOHSE: Then can I ask you another question?
16 Did they come up with any idea of how you would then decide on
17 these areas, do you do it community by community, individual by
18 individual, area by area? I mean how would you come up with --
19 if you're not doing it species by species how would you then
20 say that -- let's just take one off the top of my head, let's
21 just say Chitina, for example, how would you then end up
22 deciding what area is customary and traditional for Chitina?
23 Now, again, we've got Chitina Traditional Village, and we've
24 also got the Chitina rural population that's there. How would
25 you end up deciding which area is -- you know, which area they
26 would have, I'll use the word, customary and traditional in?

27
28 MS. DANIEL: Well, I think it was the - and I haven't
29 read -- I didn't read back over this, but the idea was to take,
30 you know, testimony and to apply the modified criteria the way
31 they would have modified the eight criteria and to apply those
32 on a community basis or area basis where you actually take
33 testimony and look at the anthropology of the area and
34 historical data and determine what the traditional use area was
35 for that community or that area. And, of course, that might
36 have changed over time given advances in technology which
37 they've built into their revised criteria. But I think it
38 would be looking at what the people did more than on an animal
39 by animal basis, but looking at where they actually hunt and
40 fish and take the resources from the land.

41
42 CHAIRMAN LOHSE: Any other questions for Carol? Thank
43 you, Carol. Anybody else have any comments or suggestions for
44 us or questions?

45
46 MR. JUSTIN: Thank you again for the second opportunity
47 to make a few comments. And before I start I'd like
48 acknowledge Roy Ewan and Fred from our area. They have to sit
49 through this constantly and continuously over the years and I
50 only have to come and say a few words and leave, so I know it's

0039

1 tough.

2

3 I want to expound a little bit on what I was alluding
4 to this morning in the c&t process. When the c&t process
5 developed in the 1980s there was a statute on the State books
6 that reflected directly subsistence priority. That statute was
7 overturned in the McDowell's decision which was about the
8 meaning and term of rural. When the c&t process was in the
9 development stages my original feeling and still stands
10 somewhat today is that the c&t process as developed by the
11 State with the purpose of subsistence use was too much
12 influenced by sports industry and commercial uses.
13 Consequently, that particular process developed a hybrid
14 solution that served nobody.

15

16 And the remainder of my comments this morning was that
17 I like your direction exploring the fact that patterns of
18 activity on a local basis should be one of the mitigating
19 factors in making a final determination. I don't think c&t
20 should be the ultimate factor in determining practices because
21 you have too much unwritten history in the area that is not
22 brought up in the process. And one of the things that I felt
23 flawed the entire c&t process in the '80s was the fact that if
24 you were literate in science and biology you were listened to
25 and you could bring up all these testimonies in the public
26 process and sway the process. And I didn't like that because
27 the people that I knew that I lived with that I hunted around
28 never showed up. And if they showed up they were limited in
29 their English and they were embarrassed to testify. And I
30 thought that was very, very flawed in terms of the process.
31 And I still think that today even more so. And that's part of
32 the reason why this morning I said we've got to quit having
33 this heavy dependence on numbers because these numbers is a
34 game manager's game. We can't beat them at it. They will wear
35 us down. They'll be around forever. We'll run out of money
36 and sooner or later the numbers people take over the meetings
37 simply because they have more money, more time, that's all they
38 do, and they can show up at every meeting and beat us down with
39 it.

40

41 And I think one of the things that the c&t process
42 should clearly show in terms of the Federal people that numbers
43 game doesn't win anything. It's got to be the patterns of use
44 and historical ties in the area. And I know at one of the Fish
45 and Game meetings that Mr. Nick Jackson was present we had a
46 tremendously long discussion on the legal intent and meaning of
47 the term generations. And I still remember to this day how
48 confused we were at the end of that meeting. We started out
49 with a very clear idea, if you included generations of use in
50 the legal definition of subsistence resources we all thought we

0040

1 were talking about family ties. At the end nobody knew what
2 the heck generations meant. Some said it was 10 years, some
3 was 20 years, the biblical four score and 20 years, by the end
4 of that day I didn't even support the term generations any
5 more. And this is what happens when you allow the process to
6 fall in the hands of what you'd call technocrats who want to
7 discuss these things to no end. So I like the idea that the
8 c&t process which is evolving in your hands to one that's more
9 community and village and family oriented as opposed to when
10 the State had the process in line and they were always making
11 half of a od to the sports and commercial interest. And when I
12 say commercial I'm talking about the guiding interests, of
13 course, at the time they guys who were very threatened by
14 subsistence and they always have been.

15
16 And as a matter of fact, most people don't realize that
17 before big oil came into the picture in 1969 the number one
18 power group in the state of Alaska was big game guides. Before
19 then there was nobody. After them was big oil. And we're
20 still dealing today with the effect of the reach of those --
21 that particular special interest groups. The c&t process, in
22 my estimation, is clearly a process meant to get game resources
23 at the community level into the hands of the community
24 residents, period. And whether or not it's the entire intent
25 or just a component of the intent I'll leave that up to you.
26 I'm not going to get into that particular aspect of the
27 discussion.

28
29 CHAIRMAN LOHSE: Does anybody have any questions? I've
30 got a couple if I can ask them.

31
32 MR. JUSTIN: Absolutely.

33
34 CHAIRMAN LOHSE: When you talk about getting it into
35 the c&t process being into the community, again, I get the idea
36 it shouldn't -- it's the idea that, and correct me if I'm
37 wrong, that it should be for the people who live there. The
38 problem that I see, every time we get into c&t everybody starts
39 reaching out, everybody wants to make sure and protect as big
40 an area as they can just in case they -- just in case they
41 might have to use it some day. And so, consequently you've got
42 everybody trying to reach out to include as vast an area as
43 they can instead of coming down to a definition that says --
44 you know, I mean, and this is how do we do do it, that says,
45 you know, since we're recognizing that we want to keep these
46 for the communities. And there are different communities and
47 communities do share and interact with everything else, but at
48 the same time how do you protect the access of the local user
49 to the game resources that are in the area without limiting him
50 from times of need going some place else and accessing somebody

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1 else's? And see, that's when we start talking an area it's
2 going to be real hard to get people to start thinking
3 subsistence-wise smaller, because we have in -- in our culture
4 have a tendency to always try to think bigger just in case.

5
6 MR. JUSTIN: Well, the concept of asking for a mile and
7 settling for a foot is a well known negotiating tool of the
8 western arena. And it's influenced the process to where it's
9 the only negotiating tool in these discussions. And one of the
10 reasons why we -- the Native dislike that is because we never
11 did that. We never did ask for a mile and settle for a foot,
12 but now we've adopted that very same tool also. And that kind
13 of confuses the issue. But I need to make the additional point
14 that when the subsistence discussion very early on began and
15 our elders, the few of them that testified, the original
16 testimony always revolved around hunting territories as used b
17 clan. Today it would be referred to as a tribal activity,
18 which is misleading. We're always taking about clan hunting
19 territories, a subgroup within a tribal sense. And then later
20 on as time went on and the elder people began dying off and
21 younger people like myself began coming to the fore there was a
22 change in that terminology so that you began to think more in
23 terms of family use. And then with additional time and more
24 marriage between Natives and non-Natives we started looking at
25 the question on the basis of local activity and community
26 activity and village activity, which 50 years ago or 30 years
27 ago village and community activities would have been submerged
28 to clan -- tribal hunting territories.

29
30 So, today when you and I discuss the issue we have to
31 be extremely careful when we come to the question of local and
32 community and village use of subsistence resources. I'm not
33 one to say that I'd like to keep anybody else from hunting in
34 an area that I'm used to hunting in. But I clearly would like
35 to be able to say that if the animal resources that I'm
36 dependent on is low as we talked about in the caribou instance,
37 I would like my ability to get that resource entirely
38 dependent, first, on whether or not that I was in that area the
39 length of time that's established. In short, I'm willing to
40 accept the criteria you're beginning to look at in terms of
41 residency, et cetera.

42
43 It's long ways, long ways from our original stance
44 where the Indians that we have first, foremost and complete
45 right to the game, which did exist. As a matter of fact, on
46 the State constitution and I think it's under Section 12 there
47 is a provision which I've argued before and nobody listened to
48 in the State Fish and Game meetings. There is a provision that
49 said the State is going to leave intact the Indian's complete
50 and total reliance on fish and game resources. That provision

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1 is still in the State Constitution. It's never been changed.
2 And that came from when Russia executed the treaty that the
3 United States of America used to buy Alaska. And that
4 particular proviso walked all the way through history down
5 through Statehood Act, was inserted in the State provision and
6 more or less cropped up in ANILCA. But nobody paid attention
7 to that particular aspect of law.

8
9 And I'm saying today, okay, if nobody pays attention to
10 it, we don't mind making some accommodations, but why should we
11 abandon everything in order to satisfy a situation that nobody
12 likes to begin with. So where do we draw the line? Well, I'm
13 willing to say the line can be drawn on the basis of community
14 and village activity. It doesn't seem like to me a very
15 damaging concession to us as Natives, and it doesn't seem to
16 harm the process of allowing user groups other than Natives
17 involved in the process.

18
19 CHAIRMAN LOHSE: Anybody else have any questions?

20
21 MR. EWAN: I just want to comment. Wilson, thank you
22 for your kind words about Fred and I being from your area, and
23 your understanding as this is a very difficult question to
24 decide one way or the other. I really am glad that you came
25 back. I heard that you testified earlier, I missed it, and I
26 was wondering what others have said, and I appreciate that.

27
28 What I'm getting out of this whole process seems to me
29 like is just kind of a mixed bag. It seems like we don't have
30 real clear, I guess, guidance here. Ralph keeps asking
31 questions, what are you saying, what about this and it seems to
32 me I believe that we're not very clear on which direction we
33 want to go here on this criteria business. I like your comment
34 about how to process work in the past. I think that's
35 beneficial to us. I agree with you about, you know, influence
36 by sports hunters and other factors that you mentioned. I
37 think those things should be said over and over so that people
38 understand how the process works.

39
40 What I'm saying is I don't think I have a clear un- --
41 clear in my mind, very clear understanding of what everybody is
42 saying here. Should we continue to use the old criteria or
43 should we go use new criteria. Nobody is really saying it
44 strongly enough in my opinion to do it a certain way. I think
45 that's the direction this Council has to go and say, are we
46 going to do this, do this or that, you know.

47
48 CHAIRMAN LOHSE: That's kind of what I see us coming up
49 to, Roy, is right now we'd like to get everybody's ideas so
50 that we can --.....

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1 MR. EWAN: Right.

2

3 CHAIRMAN LOHSE:but we're going to have to sit
4 down as a Council and discuss this shortly. I have two more
5 questions I want to ask.

6

7 MR. EWAN: I'm not trying to discourage you on it. I'm
8 just saying that I wish you would tell me.....

9

10 CHAIRMAN LOHSE: That's exactly the next question I was
11 going to ask you is do you have any recommendations and what do
12 you think, do you think the c&t process currently protects or
13 hinders subsistence?

14

15 MR. JUSTIN: The State c&t determination hinders
16 subsistence activity. The process that I see you going through
17 today is using portions of the -- like you've already did,
18 whittle it down to five and you need to add a couple of more
19 stipulations or conditions. But to me it's very clear that
20 when the State adopted the c&t recommendations, the eight
21 factors, it was going to hinder subsistence because the people
22 who will be living under those c&t determination very often did
23 not read or could not read, did not attend meetings, and did
24 not have access to all the biological and geological and
25 geographical information necessary to present a case that will
26 benefit a select group of users. They were all cut off from
27 that. So I knew that the c&t, and I and Mr. Nick Jackson, to
28 his credit, also tried to bring this particular aspect to the
29 Fish and Game process. Their c&t was going to hurt subsistence
30 activity.

31

32 My recommendations to you is that you use portions of
33 those c&t that was developed because some of it was developed
34 after extensive discussion and a lot of people like myself
35 participated. The only other particular factor that you need -
36 - I think you need to remember in your c&t discussion is how
37 species operate. Something that was missed even though it was
38 brought up several times, originally in the c&t discussion I
39 mentioned that one of the factors that people don't see or
40 don't look at is use of particular animal components like moose
41 hide. Something that I mentioned that seems to have been
42 overlooked is that bull moose skin was not that often used by
43 Native sewers. They can't tan bull moose hide to the point
44 where they can make it pliable and use it in articles of
45 clothing. The bull moose, particularly in the chest area, were
46 so thick and heavy it was used maybe for the bottom of boots
47 and stuff. But the very best hide you can get for tanning is
48 cow moose. Now, how does that fit into a State definition in
49 the c&t. And I brought this up before.

50

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1 The other part of the equation you need to remember is
2 that people like myself who hunt far afield and extensively, we
3 don't tend to look at moose and caribou as upland animals.
4 They are not upland animals to us. They're marsh lands, wet
5 lands and lake area animals. So I have never regarded the
6 moose as a upland creature. You hunt a moose in a system of
7 lakes and streams, mostly water. And part of your c&t
8 determination process, I think, should reflect what a species
9 of animal does in terms of living in the area as opposed to
10 what you would see when you're hunting them every day.

11
12 Most people who hunt moose never consider the fact that
13 a moose is very heavily dependent on his on food chain activity
14 to lakes and streams. And I recognize that and I hunt moose
15 accordingly. And even my land around the lake is drawn up in a
16 way to accommodate that kind of activity by a moose.

17
18 And the last thing that I wanted to bring to your
19 attention is that the original discussion on species by species
20 was brought up by sports interests. It should have never been
21 brought up. The only discussion that should have been was
22 limitation of animals that may have been close to being put on
23 the endangered species list, otherwise all species should have
24 been automatically proposed as a subsistence resource within
25 any given area, all of it, 'cause we live on porcupines,
26 gophers if they're around. If the rabbit cycle is high we take
27 a lot of rabbit. Ptarmigan, spruce hen, fishes, anything like
28 that. So all species should be automatically a subsistence
29 resource unless it's hovering on extinction or is marked to be
30 included on your endangered species list.

31
32 CHAIRMAN LOHSE: You mentioned some stipulations. Are
33 those the stipulations you're talking about or did you
34 have.....

35
36 MR. JUSTIN: Yes. Yes, generally.....

37
38 CHAIRMAN LOHSE: The idea of all species being
39 included, the idea of taking into account how the animals
40 operate?

41
42 MR. JUSTIN: How the animals fit into the food chain
43 because we really are talking about participating in a food
44 chain, not hunting in animal, but harvesting it. And it
45 wouldn't matter to me whether -- my mother needed a cow moose
46 skin for tanning purposes. When I was young I went out and got
47 one. And I hated the idea of hiding from planes, running ever
48 time a car come along the road, and running -- rushing out and
49 covering -- Roy probably knows a little bit about what I'm
50 talking about. I despised the fact that every time I heard an

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1 engine I had to rush around and cover up things. It made me
2 feel very much like the animal to do this. If my mom needed
3 skin, when I was a teenage I went out and got it, but the end
4 result was always a long period of guilt and hiding and
5 running. That's not what subsistence is about. And it should
6 not be about that today.

7

8 CHAIRMAN LOHSE: Any other questions? Thank you.

9

10 MR. JUSTIN: Again, thank you very much. I need to go
11 on record and say that the Chistochina Village Council who sent
12 me here, very much, very much appreciate the ability to be able
13 to participate and give presentations such as this. Thank you.

14

15 CHAIRMAN LOHSE: Gloria.

16

17 MS. STICKWAN: I would like to state that I think each
18 Regional Advisory Council is different from each other because
19 of the region that they serve in. The Eastern Interior maybe
20 is different from our Southcentral because we're on the road
21 system. I think the Federal Board should take into
22 consideration because, you know, each region is different, that
23 they should not take a single -- make a single rule-making that
24 applies to all Regional Advisory Councils. Each Regional
25 Advisory Council should be able to make their own
26 recommendation on c&ts based upon public testimony by the
27 people in their area on, you know, c&t use of thousand and
28 thousands of years of historical use. This thing about c&t
29 that it should be -- this three criteria, you know, people in
30 the rural area, they all -- everybody is allowed ot hunt.
31 We've got to make a distinction between who in times of
32 shortages has a right to hunt for our food. We've got to do
33 that. That's why ANILCA was written. That's the main reason
34 it was written for and that's what we've got to keep.

35

36 I'm recommending to you that we -- your Council, all
37 Councils should be able to make their own recommendations
38 because we're all different or our regions are different. And
39 it should be done through a public process. I'm wondering --
40 my question is how willing do you think the Board would be,
41 would they apply this single rule-making to all Regional
42 Advisory Councils or would they be willing to be open to having
43 different c&t criterias or recommendations by each Regional
44 Advisory Council, what's your opinion on that?

45

46 CHAIRMAN LOHSE: We'll have to ask Rachel that.

47

48 MS. MASON: Well, I can't speak for the Board. I know
49 that at this point as the Regional Councils are making
50 recommendations that's one of the purposes of having each of

0046

1 the Regional Councils make their own recommendation to
2 acknowledge that there may be regional differences among them.
3 So I think that the Councils are encouraged to apply the c&t to
4 their own situation.

5

6 MS. STICKWAN: Okay.

7

8 CHAIRMAN LOHSE: Anybody else have any questions for
9 Gloria?

10

11 MR. EWAN: We don't have a board member here.

12

13 CHAIRMAN LOHSE: Roy.

14

15 MR. EWAN: I just wondered about to follow up on
16 Gloria's question, if Regional Councils used different
17 criterias from region to region how the Board would -- I guess,
18 I don't know, whether they accept Regional Council
19 recommendations, you know, if there was a controversy about c&t
20 determination maybe for a community, and we use a different
21 criteria. And I just wondered how they would handle that? I
22 mean that's more a question for the Board than anybody else. I
23 guess maybe that's what Gloria is alluding to. I don't know.
24 One of the things that as we go through this process here in
25 the back of my mind how would the Board -- it's the Board that
26 has to answer that, how would -- would we accept different
27 criteria?

28

29 CHAIRMAN LOHSE: Sandy.

30

31 MS. MASON: He's a member of the task force.

32

33 CHAIRMAN LOHSE: Here's a member right here.

34

35 MR. RABINOWITCH: Good morning. I'm Sandy Rabinowitch
36 with the staff committee to the Federal Board. I'm not on the
37 Federal Board, but I am a member of the work group that has put
38 this item on your agenda. Mitch Demientieff was, as Rachel
39 said, is the chairman. To answer Gloria's question I think
40 that the work group and the Board is very interested to hear
41 your ideas. I think the goal here is to think outside of the
42 box. If you think of the regulations as the box that we work
43 in, the goal here is think outside of the box. Clearly c&t has
44 been discussed, as many people have said, for years and years
45 and years. And periodically both in the State system and in
46 the Federal system the regulations have been changed, so
47 clearly nobody has been satisfied and there's been continued
48 change.

49

50 Many of the chairman of the Councils brought to the

0047

1 Federal Board this year -- let me explain just quickly, for the
2 past couple of years the chairman for all the Councils and the
3 Federal Board have about a half a day meeting in the spring, so
4 at that meeting this past spring this was one of the major
5 topics brought forward by all the chair persons from the
6 Regional Councils. A lot of discussion about it. The work
7 group was created. Mitch Demientieff sort of appointed himself
8 as the chair of the work group that should be a pretty clear
9 indication of his interest in the subject. And he's been a
10 very active participant in the group, so I think the challenge
11 here is give us your best discussion, give us your best
12 thinking. Don't be stuck inside the box. If there's a better
13 way let's think about it and try to find a better way to do
14 this. So I encourage you to share all your ideas and put
15 forward all your thoughts.

16
17 MR. EWAN: My question is do you think the Board will
18 accept different criteria for different regions? And if a
19 question comes up say of a community, a very controversial
20 community, whether it's a subsistence community or not, the
21 Board will kind of look at the whole picture from the top and
22 will probably be thinking about all the criterias together
23 rather than just one. Use a different criteria here and then
24 the next meeting you'll use a different criteria here. I mean
25 that's my question, do you think the Board will accept
26 different criteria from different regions?

27
28 MR. RABINOWITCH: For me to predict what the Board will
29 do is oh, maybe foolish because I'm not on the Board. I don't
30 cast votes. I do make recommendations.....

31
32 MR. EWAN: I think what we're asking is we're just --
33 we're not saying your -- what do you think is what we're
34 asking.

35
36 MR. RABINOWITCH: Right. No, I was going to get to
37 that. I'll give you the short answer. Yes, I think they are.
38 I think they are willing. The Board has to make sound
39 decisions. They can't make them because they feel good. They
40 have to make them because they're consistent with the law. And
41 so I think the challenge is to come up with criteria that are
42 consistent with ANILCA and carry out its purposes.

43
44 I'm not a lawyer, and I think ultimately the lawyers to
45 the Federal Board will have to weigh in on this, but I think
46 that if your Council had a set of criteria and another Council
47 had a different set of criteria that they were -- they were
48 individually consistent with ANILCA, they made sense, they --
49 you know, they held together, it seems to me that you could get
50 there. Now, maybe lawyers will agree or disagree, and again,

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1 I'm not a lawyer, but I think as long as they hold together and
2 they're justified consistent with the law it seems to me that
3 you could get there.

4
5 MS. MASON: Mr. Chairman, just to add to what Sandy was
6 saying, at this stage in the process I don't think that --
7 clearly there's going to be differences among the different
8 Regional Councils in their recommendation. And as a practical
9 matter different things occur to me of what will be problems.
10 If the Board ended up approving a system in which there was one
11 system for one reason and one for the next. For example, what
12 do you do when there's an overlapping proposal? How are the
13 reg books going to be printed up? There's certain -- it would
14 be much more simple to have one system for the entire state,
15 but at this stage in the process it's inevitable that there
16 will be differences among Councils. And at the next stage as
17 the task group goes through the different Council
18 recommendations then it will become clear whether or not there
19 are differences that can be reconciled among the different
20 recommendations.

21
22 CHAIRMAN LOHSE: Rachel, can I ask some questions?

23
24 MS. MASON: Sure.

25
26 CHAIRMAN LOHSE: Basically what we're doing is we're
27 trying to discuss something and come up with what this Council
28 would prefer. The fact that we'd prefer it doesn't make it
29 into regulation.

30
31 MS. MASON: Right.

32
33 CHAIRMAN LOHSE: This is to give the Board ideas that
34 they can then use to either make regulations that.....

35
36 MS. MASON: Uh-hum.

37
38 CHAIRMAN LOHSE:reflect our wishes for our
39 area.....

40
41 MS. MASON: Right.

42
43 CHAIRMAN LOHSE:or reflect the general wishes of
44 all of the Councils in the state.

45
46 MS. MASON: That's correct. And at this stage your
47 recommendation reflects the problems that you have encountered
48 in your area.

49
50 CHAIRMAN LOHSE: And from what I understood from Sandy

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1 basically, you were saying that they're open to all ideas at
2 this point in time.

3
4 MR. RABINOWITCH: Very much so.

5
6 CHAIRMAN LOHSE: Even radical.

7
8 MR. RABINOWITCH: Why not (ph).

9
10 CHAIRMAN LOHSE: Okay. Tom, have you got anything to
11 add to that?

12
13 MR. BOYD: Just walking into the middle of the meeting,
14 it sounded good.

15
16 CHAIRMAN LOHSE: Okay. Nat?

17
18 MR. GOOD: The last time I was up here I wasn't, you
19 know, directly giving you the position of Eastern Interior.
20 What actually got us into this whole thing, I think, is Eastern
21 Interior and Southcentral. At our meeting we need to remember
22 that we're getting really tired of writing up all of the c&ts.
23 They were such a headache. They involved a great deal of work
24 and dealing with all the people. We said, you know, really is
25 this more of a geographic thing? And so we said, perhaps we
26 should look at this from a simpler point of view saying that
27 the geographic proximity was the most important. And we then
28 viewed all proposals that were before us, including the ones
29 that we sent on to you, our meeting was first, at that time.
30 But we're going to be back in this same thing again ourselves
31 here shortly in the village of Minto. What we did was simply
32 say that those people -- that any rural residents must live in
33 a subunit. We said the simplest thing would be to say that
34 they had subsistence priority in the immediately adjacent
35 subunits. That was the quickest and easiest way to do these
36 things. We thought that it removed an awful lot of work. It
37 just simply simplified the whole thing.

38
39 Now, that was why you received the proposals that said
40 simply that since they were in an adjacent subunit they would
41 be granted subsistence priority. And that was our
42 recommendation.

43
44 There was some conflict on the Council. It wasn't 100
45 percent and there are problems with it, but that was what we
46 sent on and why.

47
48 CHAIRMAN LOHSE: Roy?

49
50 MR. EWAN: Yeah. I have a question. And that is your

0050

1 idea about this rural being one of the criteria, the local
2 proximity or whatever you used there.

3
4 MR. GOOD: Proximity.

5
6 MR. EWAN: If you used that criteria how would you deal
7 with say, numbers, say if you increased by 1,000 people or 500
8 people suddenly and your -- one of the criterias you've got on
9 there a certain number, I guess, qualify under the State
10 system. That's how it was handled there, you know, certain
11 communities with a large number of people were not eligible to
12 be considered rural, how would you handle that?

13
14 MR. GOOD: You know, that was one of the things I said
15 earlier. I said that I'm not 100 percent confident with doing
16 away with c&t completely. I have concerns there. But, you
17 know, your example is a very good one. And there are things
18 that I can't answer. For instance, if a community gains a
19 large number of people at what time does it cease to be rural?
20 You know, and I don't know, maybe somebody out here has that
21 answer. Does it ever cease to be rural? Or is it in under the
22 plan that's established now.

23
24 Another thing that as I look back at this and I looked
25 at how we excluded a rural area, Fort Greely, which, boy, we
26 were really -- we thought that was a great idea. If we simply
27 went by the game management subunit would this include them
28 again? I think we need a way of excluding areas such as
29 military bases and things that clearly don't qualify for
30 subsistence purposes. So I'm not saying that it's 100 percent
31 perfect plan, I'm saying that maybe it's workable. Maybe it
32 isn't.

33
34 We will -- I thought I was coming here to enjoy
35 watching you work and being put on the spot, but I know that
36 I'm going to be in the same position here shortly. I also
37 feel, and I'm sure Lee feels the same way that, at least, we're
38 getting a real advantage here hearing what you're going
39 through. I think that we'd like to invite any of you that
40 would be interested to attend our meeting as well. I think
41 it's a good thing. I'm very impressed by your group, by the
42 way.

43
44 MR. EWAN: I'd just follow up with a question, you
45 know, all the stuff we're talking about is hypothetical and one
46 of the things that could happen in an area if you use
47 geographical area, that's the word you used. I didn't remember.
48 Say if a large community sprung up over here next to you and
49 they're all from, say, New York, do you think those people just
50 because they're in that geographical area should have a c&t

0051

1 determination?

2

3 MR. GOOD: Well, if they're from New York I don't think
4 they're last long, but on the other hand, I have the same kind
5 of -- I have 29 hunting seasons in now, I guess that's a good
6 way to put it. And I do have this thing about people coming
7 in, but on the other hand, I don't know that I can say you
8 don't belong. You know, what I'm saying. This is a difficult
9 one.....

10

11 MR. EWAN: But (indiscernible - simultaneous
12 speech).....

13

14 MR. GOOD:I can say this -- but I can say this
15 about Fort Greely because they come and go. They don't really
16 belong. If they're going to truly live and join with us as
17 Alaskans I really have my doubts as to whether or not they will
18 and whether or not they'll last, but yeah, there are potential
19 problems here.

20

21 CHAIRMAN LOHSE: Fred.

22

23 MR. JOHN: One question. I just want to make a comment.
24 Let's see, we had -- we didn't have any problem except the
25 lines were drawn prior -- you know, the boundary line. I don't
26 think there would be any problem with them hunting down in
27 Mentasta. We're the same thing, Mentasta and Chistochina. And
28 I don't have any problem with that because I know traditionally
29 it's their customary -- their hunting ground and everything,
30 you know, in that area. And Copper Center probably wouldn't
31 have a problem with it because they've got their own hunting
32 ground in a certain area, you know. But my -- let me just make
33 my comment. I'm looking at Delta right now. If we open --
34 you're talking about the adjacent, you know, boundary. If we
35 opened up the whole 13 of Delta to come down and we already
36 have a hard time with the influx of hunters from Anchorage and
37 Fairbanks that come into our 13th area (ph). I just -- you
38 know, I have a hard time unless they have a pattern or a
39 customary and traditional hunting time down there. I see like
40 -- what I'm trying to say is I have -- I see two different
41 things there, you know, like on dependent. And I'd like to
42 just bring that back up because in our traditional way of
43 hunting we don't have any lines. We don't have any, you know,
44 specie by specie and we don't have any boundary, number games,
45 you know. But what you've got is if -- on just as an influx of
46 hunters on the Delta is a pretty good community. And I
47 know.....

48

49 MR. GOOD: I think it's comparable with Valdez and
50 Cordova, yeah.

0052

1 MR. JOHN: Customary and traditionally, I feel safe
2 with Healy Lake coming down and hunting. Delta coming -- not
3 Delta, Dot Lake coming down and hunting, which is their
4 traditional place of hunting 'cause I know there will be a
5 great influx, but I'm kind of nervous about the citizens of
6 Delta coming and pitch a tent in that area, you know, that
7 hasn't been there a long time. It seems like I just -- that's
8 my problem right there.

9
10 MR. GOOD: Yeah, and I understand that. I think
11 actually you'll find that not that much has changed because
12 Delta was already there. You know, they have so many -- the
13 research that was handed out, you know, noted all the Tier II
14 permits already available in Delta, but I guess, you know,
15 we'll be seeing what effect that has. And -- but what we were
16 talking about there. In the application by Delta was a subunit
17 that was 13(b), not all of 13. Just the -- primarily what they
18 were looking at was the Delta River water shed, which had never
19 been accessible to them under Federal. The Delta wild and
20 scenic river, but I guess that's really not what we're here for
21 right there, but the example of 13(b) a subunit, not the entire
22 13 is more appropriate than saying for Delta to have all of 13.
23 That to me would not be right.

24
25 MR. JOHN: And my question is on -- I just want
26 -- my question probably more is bringing these things up. You
27 know, changing the, like, c&t, what would happen to the c&t.
28 I'm bringing things up. It kind of scares me, you know,
29 changing something because as a subsistence person, see, we
30 carry a burden on everything and it seems like if we're going
31 to change anything the subsistence user probably would be the
32 loser. And I'm not against change. I just want to say if
33 we're going to change anything I think subsistence hunters and
34 fishermen should be protected more if there's any change.
35 That's what I wanted to say.

36
37 CHAIRMAN LOHSE: You know, the only options we have is
38 no change as a Council. (Indiscernible - feedback) is the way
39 it is. I just have a couple of questions I want to ask Nat
40 real quick. How come did your Council -- and this is just for
41 information purposes, did your Council decide on using current
42 Fish and Game units versus coming up with other geographical
43 units? And the second question would be liken to it, if you're
44 going to use current Fish and Game units, and we're talking
45 about proximity and local, how did you decide that they needed
46 to have the current unit, which is their current unit, and the
47 adjacent subunits? That -- you know, those are two questions
48 but they're the same question.

49
50 MR. GOOD: Right. With regards to the current lines

0053

1 that we have there, the people that we talked to at both Fish
2 and Game and the Federal, the Federal adopted the State's Fish
3 and Game lines which to us are very strange and very arbitrary
4 and very capricious. In fact, in some instances they
5 divide a community in two as far as which subunit they're in.
6

7 Now, what we did then was look and say well, do we have
8 an alternative here? We would have probably chosen drainages
9 had we picked it up in the meeting. This is something that
10 arose out of a meeting, went into very heated debate, lasted
11 quite a period of time, and then was carried throughout all of
12 the recommendations that we made that went in. And it's back
13 on our doorstep again.
14

15 And why did we choose the adjacent subunits? Because
16 we didn't want to make it too large. Initially there was
17 originally a statement that said well, if you're in unit 20 you
18 should be able to go to 13, for instance, and a lot of us said,
19 whoa, no, that's too big. That doesn't make sense. We need a
20 simple way to deal with these that would be easy and clear.
21 And we decided that the immediately adjacent subunits would be
22 limiting enough, you know, keeping people from going too far.
23

24 CHAIRMAN LOHSE: A lot of areas, though, don't have
25 subunits though. So I mean -- but basically from what I
26 understood what you were saying is you feel that your Council
27 probably would be willing to look at something other than
28 current Fish and Game boundaries, in other words, new
29 boundaries or water sheds or things in that order, as opposed
30 to just saying units and subunits.
31

32 MR. GOOD: Well, the question has arisen from time to
33 time in our Council, for instance, why we don't have, for
34 instance, if we're Eastern Interior why we don't have all the
35 drainages of the Tanana River, you know, which we don't know if
36 you would be concerned about that one way or the other. You
37 have part, for instance, the Delta River is an interior river,
38 but it's also a Southcentral river as you know because a large
39 portion of it has been placed in Southcentral. So there's some
40 strange things in there.
41

42 We feel like we want to work with you. And if you look
43 at the proposals that you're reviewing we weren't really at
44 odds with each other. It's not really a conflict between our
45 two Councils so much as it is the fact that we're trying to
46 figure out where to go from where we are.
47

48 CHAIRMAN LOHSE: Yeah, and I don't mean to be asking
49 you these questions even as they apply to the proposals that
50 are in front of us. What we're currently on right now is we

0054

1 have to come up and discuss as a Council what we're going to
2 recommend to the Board. And all I'm trying to do is fish ideas
3 out of you for our discussion, whether or not or how they apply
4 to the proposals that are in front of us, we'll have to address
5 when we get to those proposals. But at this point in time our
6 next thing on our agenda we have to as a Council sit down and
7 discuss what we want to recommend. And I want to know why
8 you're recommending what you're recommending.

9
10 MR. GOOD: Now, you have to bear in mind that was why
11 we recommended it because it was so much simpler than doing all
12 of these c&ts and we're getting tired or reading all these
13 reams of material and trying to sort through what was fact and
14 what was fiction. And we thought we needed something easier,
15 something that was very simple, clear and very objective, and
16 kept us from really confusing the issues. That was what we had
17 in mind.

18
19 Now, we have our meeting again in Minto and we will
20 revisit it and I can't say where we'll go at that meeting
21 either. We'll be in the same position you are now.

22
23 CHAIRMAN LOHSE: Thank you. Any other questions?

24
25 MR. JOHN: When is your meeting in Minto?

26
27 MR. GOOD: I have the date on my book back here. I
28 could give it to you in a second. 20th and 21st.

29
30 CHAIRMAN LOHSE: Any other questions?

31
32 MR. GOOD: And we would really appreciate it if after
33 your discussion if you had somebody you could send that would
34 be very helpful to us.

35
36 CHAIRMAN LOHSE: Thank you. Did I see a hand back
37 there? Vince, am I right?

38
39 MR. MATTHEWS: That's correct. I may need to call up
40 others also, so Nat did an excellent job of covering where the
41 Council has been. I'm the regional coordinator for Eastern
42 Interior. The question you asked Nat is where would the
43 Council feel about dealing with c&t issues and that -- and
44 where this has evolved. It was moving before Nat came on
45 board. And originally one of their original positions was to
46 put in for a traditional use area determinations where
47 everything in that area, all species would qualify. Others can
48 help my memory on that, but the Board did not accept that. So
49 that is missing in the conversation that Nat brought up. That
50 was one of their original positions.

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1 At their last meeting, and again, it was somewhat past,
2 but I would say there was differences of opinion on it, and it
3 would be clarified at the next meeting. They were going to use
4 a three prong position on c&t. First was to go with units and
5 subunits. Second was to explore region wide c&ts. And the
6 third was to look at complete alternatives.

7
8 Now, you have to remember that the steps of doing that,
9 we then went out of the process into a task force. So when I
10 give you historic you have to remember that then it went on a
11 detour into that process, and now we're revisiting it in a
12 different light, but the Council has been -- and again, the
13 former chair is here, Lee Titus, and Nat is here, they can
14 confirm if I got this wrong, have been uncomfortable with the
15 c&t process from the beginning when it was a multi-year
16 process, not an annual process. It was a different process at
17 that time. And then we evolved into an annual process. And
18 now they're looking at different ways of doing that, so they've
19 explored various ways. And the Council will obviously be
20 taking this up in Minto to see where they've gone since they've
21 met last. And Nat did an excellent job saying it was not
22 unanimous on the different positions on that, but it was quite
23 a lengthy discussion. So I just wanted to get that clear that
24 this has been kicking around since the beginning with Eastern
25 Interior.

26
27 CHAIRMAN LOHSE: Any questions for Vince? Okay. We've
28 got about 10 minutes to 12:00. It's pretty obvious to me that
29 as a Regional Council we're not going to get our discussion in
30 before noon. So if there are anybody else that would still
31 like to make comments and give us ideas we'll take them in the
32 next 10 minutes. And then as a Council we will start on our
33 discussion after lunch if that's okay with the rest of the
34 Council. Do we have any more questions or advice or comments
35 or anything from anybody out there? Taylor?

36
37 MR. BRELSFORD: Mr. Chairman, I'm Taylor Brelsford. I
38 will have a copy of the RurAL Cap submission for you after the
39 lunch hour, the same things that Carol was referring to. You
40 could have it to consult.

41
42 CHAIRMAN LOHSE: Okay. Well, if it's agreeable to the
43 rest of the Council we'll put off our discussion until after
44 lunch and that way we can either mingle, talk with each other,
45 talk with other people, come up with some ideas.

46
47 Basically what we have -- if I understand what's
48 required of us at this point in time is we need to make some
49 recommendations to the Board. We can recommend that we leave
50 things just exactly the way they are. We can recommend any

0056

1 kind of changes that we'd like to put into it. We can
2 recommend that we do away with the whole thing, whichever, you
3 know, is the wishes of this Council. And we'll discuss that
4 after lunch. And for that reason we will take a recess until
5 1:15.

6
7 (Off record - 12:00 p.m.)

8
9 (On record - 1:22 p.m.)

10
11 CHAIRMAN LOHSE: We'll call this meeting of the
12 Southcentral Alaska Subsistence Regional Advisory Council back
13 to order. When we broke for lunch we had just listened to
14 public and agency comment on the Regional Council having a
15 discussion on c&t and the future of c&t and alternatives and
16 directions that we'd like to go. At this point in time I'd
17 like to bring it back to the Council for discussion. We're to
18 be making some recommendations to the Board as to how we would
19 like to see c&t handled or what problems we see with it, or
20 alternatives that we have to it. We listened to a lot of
21 information. I just had shared with me some information from
22 how some of the Councils that handled it up in the north and
23 northwestern district. Would you like to come up and introduce
24 yourself and explain how they handled it to our Council and
25 we'll go from there. Introduce yourself.

26
27 MS. ARMSTRONG: My name is Helen Armstrong. I'm an
28 anthropologist with the Fish and Wildlife Service office. And
29 I work with Rachel and I'm on the team for the North Slope,
30 Northwest Arctic and the Seward Peninsula Regional Councils.
31 And we've already met. And I was just sharing with Ralph a
32 little bit about how the discussions had gone with those three
33 Councils and thought he might be interested because there was
34 some discussion about sharing with Eastern Interior what people
35 had decided.

36
37 All three Councils did decide on going with a Council
38 recommendation. And they got a little -- they had a fair
39 amount of discussion about how they would like to do it, and
40 then finally decided that they didn't need to determine that
41 day what they would do if they got to go with the Council
42 recommendation, which criteria, if they would use criteria, how
43 their decisions would be made.

44
45 The Seward Peninsula discussed it at pretty good length
46 about involving tribal entities in making those decisions about
47 who would have c&t. There actually wasn't too much discontent
48 with the eight factors, but I think the feeling was that they
49 wanted to be able to make the recommendation to the Board
50 themselves without being bound by the eight factors, since in

0057

1 all of those Councils they have situations where there were
2 communities that they wanted to give c&t to who didn't fit any
3 of the eight factor criteria. Specifically like there was a
4 situation -- actually it's happened in a number of the Councils
5 where they wanted to -- the North Slope wanted to give c&t to
6 all of the communities on the North Slope even though there
7 were communities -- this is for sheep, who had never actually
8 hunted sheep. And their feeling is as they see themselves as
9 one group of people and if somebody from Point Hope that's
10 visiting somebody from Kaktovik and they're going sheep hunting
11 they want to be able to go with them, and so to be able to do
12 it under subsistence regulations. So they had gotten pretty
13 hung up on how to do it with the eight factors. And I think
14 that's why they eventually decided to go with Council
15 recommendation. Any questions?

16
17 CHAIRMAN LOHSE: Does anybody have any questions?

18
19 MR. EWAN: Council recommendations, what do you mean
20 there?

21
22 MS. ARMSTRONG: Meaning that each Council would --
23 that's what we've called it, one of those options up there, is
24 Council recommendations. Each Council would decide how they
25 would do c&t themselves so that if they decided they wanted to
26 use four factors or no factors or they wanted to ask for
27 analyses or no analyses, then it would be their -- the
28 Council's decision how to come about with their way of doing
29 c&t. And as Sandy was saying a little bit earlier as long as
30 it's consistent with ANILCA more than likely -- I mean then the
31 Board would be able to accept that.

32
33 CHAIRMAN LOHSE: Basically what you're saying is they
34 didn't want to be bound by the eight factors.

35
36 MS. ARMSTRONG: Right. Right.

37
38 CHAIRMAN LOHSE: So they could either come up with
39 different factors for it.....

40
41 MS. ARMSTRONG: Right.

42
43 CHAIRMAN LOHSE:or ignore some factors without
44 worrying about being called on the carpet for not having
45 answered all eight factors.

46
47 MS. ARMSTRONG: Right. Or maybe not having factors at
48 all. They could maybe do unit and surrounding units. I mean
49 but the idea is that they could do it.

50

0058

1 CHAIRMAN LOHSE: They would make their own.....

2

3 MS. ARMSTRONG: They would decide how to do it.

4

5 CHAIRMAN LOHSE:decisions as to what would fit
6 C&t for their area.

7

8 MS. ARMSTRONG: Right. Exactly.

9

10 CHAIRMAN LOHSE: Any other questions for her?

11

12 MS. ARMSTRONG: Thank you, Mr. Chairman.

13

14 CHAIRMAN LOHSE: Thank you. Thank you for sharing that
15 with us, too.

16

17 Okay. At this time we've got a job to do. We need to
18 come up with some way, come up with a discussion as to some of
19 those options we had up there, which was making no changes was
20 one of the options. Sticking with the eight factors which we
21 currently have. Modifying factors, having it based on Council
22 recommendations, or unit/subunits or no c&t or any other option
23 that any of you can think of. Who -- would anybody like to
24 start off with comments and ideas. Fred?

25

26 MR. JOHN: Well, my comment would be I heard a lot of
27 good recommendations this morning and I really like -- I'd like
28 to abandon the specie by specie, get rid of boundaries,
29 original c&t, I think, a lot of these are a block to c&t.

30

31 But my -- but what I want to say is if we're going to
32 make a change we've got to think, first, about the subsistence
33 because right now everything we do is -- the burden is on the
34 subsistence user. So I'd like it this is going to be better
35 for subsistence. And that's my main purpose is going to be
36 better or it's going to -- or any of these changes going to
37 make it subsistence and not -- you know, any of these things.
38 it should be that subsistence -- would protect subsistence
39 more. And that's my -- that's what I want to look at before I
40 make any recommendation or any changes, you know.

41

42 MR. ROMIG: Fred, can I ask you a question. What you
43 meant by abandon boundaries, you meant abandon the traditional
44 unit boundaries of the Fish and Game? Or abandon all
45 boundaries?

46

47 MR. JOHN: No, what I meant is a lot of the boundaries
48 that are in place right now by the State, they didn't divide
49 them. See, Athna Region and the Upper Tanana, it should have
50 been that area, should have been one area 'cause we've all got

0059

1 plants in the same area, we've got potlatches together, we've
2 got our -- we communicate, you know, we've got almost all the
3 same language group, the different dialect and everything. And
4 that line that goes right up over Mentasta, you know, we start
5 getting a mind set, hey, this is where I stop, my tradition --
6 and my tradition and my way of life and everything, this is
7 where it stops. And those lines for c&t purpose kind of -- it
8 kind of -- that's what I meant. I think the line should be
9 there, but we should -- when we make a recommendation on c&t, I
10 think we should forget the line for awhile.

11
12 CHAIRMAN LOHSE: Would you propose making new
13 boundaries that are more applicable to the situation as we see
14 it or -- I mean because eventually we're going to need some
15 kind of boundaries so that we can come up with something common
16 that we'd be talking about or we would be talking about, you
17 know, an area. We could have an area described as a certain
18 kind of an area or a certain.....

19
20 MR. JOHN: I like some of the recommendation that was
21 brought up by Wilson, you know, a different person, like water
22 shed. And I'd got kind of like Homer more in a t&c traditional
23 Native boundary line, a traditional hunting ground.

24
25 I kind of grew up the old way, you know, and I lived in
26 Delta for a long time. And I never hunted up there 'cause I
27 didn't feel like I should cut in on another person's -- another
28 people's hunting ground without permission, you know. And I
29 kind of like would hunt up there, but I did not hunt up there.
30 But my people in Mentasta usually sent me moose meat and
31 everything. So it's pretty deep ingrained in us the way Native
32 people think about their hunting ground, their traditional
33 hunting and customary hunting area. I'm just bringing that up.
34 But anyway, I like that idea. I don't have it all written down
35 all here, but I like some of the stuff like that, water shed or
36 the boundary. The number game is another one that I -- I kind
37 of like that. I mean I don't like that. It kind of puts all
38 the burden of the numbers on the subsistence people. That's
39 all I have to say.

40
41 CHAIRMAN LOHSE: Thank you, Fred. Who would like to go
42 next? Ben?

43
44 MR. ROMIG: Yeah, Mr. Chairman. I kind of like this
45 resource commission's modified factor. I think the proximity
46 to the resources, I like that part of it. And the local
47 traditional knowledge from residents, commission and Council
48 members representing the community or area should have
49 significant influence in making these determinations, I think
50 that's important. I'd like to support this letter here.

0060

1 Florence Collins. Thanks then.

2

3 CHAIRMAN LOHSE: So you're saying that you kind of go
4 along with the resource committee's recommendations with a
5 simplified, more simplified or modified factor?

6

7 MR. ROMIG: Yeah, uh-hum.

8

9 MS. EAKON: Mr. Chairman, for clarification, Ben is
10 talking about the Denali Subsistence Resource Commission's
11 letter. There are extra copies at the corner right by Clare
12 Swan if anyone like to see what he's talking about.

13

14 CHAIRMAN LOHSE: Don?

15

16 MR. KOMPKOFF: I like just this letter, too, that I
17 would go along with this letter that Florence wrote. And I
18 just wanted to add, I like the way the Yukon area did their
19 subsistence hunt. They opened it like five days before the
20 main season and the people in that area got to hunt their own
21 fish and game first. And I would like to see that throughout
22 the whole, you know, region. Like someone in Southcentral
23 Region could hunt like five days before the main season. I
24 don't know if that would be something that needed to be brought
25 up.

26

27 CHAIRMAN LOHSE: Well, that's something kind of like
28 what we've actually done on the Kenai with that Kenai
29 subsistence hunt there. And so, Don, what you like the idea,
30 if I understand right, is that it should be this local
31 priority, the people who live in the proximity of the game
32 should have first chance at the game.

33

34 MR. KOMPKOFF: That would be one way. It would
35 probably solve a lot of problems. And if there's plenty, you
36 know, a guy could open it up for a lot of other people, too.

37

38 CHAIRMAN LOHSE: Gilbert?

39

40 MR. DEMENTI: Yeah, Mr. Chairman, I was there when we
41 voted on this. And the local traditional knowledge from
42 residents, I think that's pretty important for -- you know, for
43 all subsistence or their c&t, hunting and fishing. So I'd be
44 in favor of the modified factors.

45

46 CHAIRMAN LOHSE: Modified factors.

47

48 MS. SWAN: Mr. Chairman, I speak in favor of that also,
49 the modified factor option or those in this letter.

50

0061

1 CHAIRMAN LOHSE: Can I ask a question of those of you
2 that have liked this RCAC or resource commission's letter. Is
3 the part that makes it -- is it the local part that makes it so
4 strong or is it the -- I mean the idea that, is it the local
5 priority part of this one here, proximity. In other words, the
6 fact that you're talking about people who live close to the
7 resource having the first access, is that the part that makes
8 that one the most appealing? Or are there other factors to it?
9 Because I mean everybody has mentioned the local part of it.

10
11 UNIDENTIFIED VOICE: Mr. Chairman, yes, I like the
12 local traditional knowledge part of it 'cause the people that
13 are living in the area knows what's going on and knows the
14 amount and what species you could hunt the most, which ones are
15 most abundant and stuff like that.

16
17 CHAIRMAN LOHSE: So it's not just the fact that they
18 live close, but they also know more about it. Roy, you're on
19 the spot.

20
21 MR. EWAN: Okay. Thank you, Mr. Chairman. I think we
22 should consider modified, with modification, c&t, a criteria
23 with modifications including the recommendation by the Denali
24 Resource Subsistence Commission -- Subsistence Resource
25 Commission. I like all their recommendations. I don't have no
26 problem with any of that. I like the part where it says take
27 out the words, wide diversity. I think that's too broad and I
28 don't know exactly what all that means. Yeah, all three
29 recommendations are fine.

30
31 I don't like the idea of doing away with something
32 until we discuss it thoroughly. I know Fred mentioned
33 boundaries. They're there for a reason. And I think the big
34 reason is management of resources. If you don't divide up
35 areas, you're going to have such a broad area, and it would be
36 very difficult to manage for resources. If we want to change
37 the boundaries, I think we want to discuss them, but to just do
38 away with them, you know, I would be opposed to that. I think
39 they're there for a reason.

40
41 I think the eight factors is a starting point. I think
42 they could be changed. I don't have any new suggestions.

43
44 I'm sorry I missed this morning. That's why I'm kind
45 of waiting for everybody else to speak before I said anything,
46 because I don't know what was all said this morning.

47
48 I did mention that -- earlier that I liked the idea
49 that Wilson brought up, of whatever that was, and that's -- oh,
50 one of the things that he -- Wilson Justin mentioned was how

0062

1 did the animal fit into the food chain. You know, I mean, I
2 think a variation of that factor should be considered
3 somewhere. The reason is if you come from somewhere where the
4 -- outside of Alaska, traditionally you're not used to eating
5 caribou and moose, so -- if there are no moose and caribou in
6 your area you come from, so I think that consideration should
7 be given to -- well, I don't ramble around here, but I -- since
8 I mentioned traditional, what does that really mean to
9 everybody? Traditional? How far back does it go to start a
10 tradition, you know? Does it go back a generation, two
11 generations? I think that ought to be determined for sure.
12 Then I'll feel better when you speak of traditional.
13 Traditional uses, so forth.

14
15 I really think that the intent of ANILCA, and I'll say
16 that again, I've said it many times at other meetings, and,
17 Clare, you weren't at the other meetings, so I'll say for your
18 benefit, that I believe ANILCA was intended to protect native
19 subsistence uses here in Alaska, and that's why we have the
20 ANILCA subsistence I feel. Because of the lobbying of the non-
21 native urban people who couldn't agree with the native only, we
22 had to -- they had to put in rural preference, and we're having
23 a problem with rural preferences, you know, all over the state
24 now practically, and we'll probably have more problems in the
25 future. So I think we have to really reinforce what rural
26 tradition is. I know that this has been discussed at other
27 meetings, probably at the Fish and -- the State Fish and Game
28 Board meeting, which I haven't attended. I don't know what all
29 the discussion was at those meetings, but I'm sure they
30 discussed what tradition means. And we ought to -- the Federal
31 Subsistence Board ought to really give us guidance to what do
32 they mean by tradition and spell that out clearly. I think
33 that will help I think in our -- and recommendation to them,
34 whether these eight factors are okay.

35
36 At this point I don't have any better suggestion. I
37 think those eight factors are fine as a starting point, and
38 just modify as we go with the -- I like the Denali Resource
39 Commission, Subsistence Resource Commission's recommendation.
40 Maybe talk about boundaries and maybe talk about how these
41 subsistence resources fit in the food chain and things like
42 that.

43
44 CHAIRMAN LOHSE: Roy, what do you think of the area by
45 area versus species by species? In other words, working on an
46 area, looking at the fact that everybody uses all the different
47 kinds of resources in the area rather than saying moose as a
48 species of moose, and caribou as a species of caribou type
49 thing? That's one of the things that's been brought up.....
50

0063

1 MR. EWAN: You know,.....

2

3 CHAIRMAN LOHSE:a number of times.

4

5 MR. EWAN: Thank you. I really thought about that off
6 and on. There is a reason why we do species by species.
7 Again, I think it's for management purpose basically, to
8 protect animals from being hunted by those that didn't
9 traditionally hunt them, you know, and make use of them and
10 things like that, and to protect those people that have hunted
11 traditionally, to continue to hunt. I think that was basically
12 the reason for going species by species. And, I don't know, I
13 don't have any better recommendation. I think we ought to --
14 we still ought to continue that, unless there's a strong
15 argument why we shouldn't. I think native people have
16 traditionally done things maybe 100 years ago, or 50 years ago,
17 but do they continue that today? You know, that's up in the
18 air right now I think. A lot of changes are taking place, and
19 so I think we ought to continue going species by species,
20 because they're there for a reason I think. Maybe you people
21 think different, and I'd be willing to do away with it if you
22 -- a majority of you feel that we should do away with that. I
23 don't.

24

25 I'll give you an example. We talked about brown bear
26 in our area. I don't think there was any strong feeling, a
27 really strong, compelling feeling from people in the Ahtna
28 region that we should have subsistence for brown bear, because
29 who cares nowadays? I don't know who takes brown bear in our
30 area last, you know, so it wasn't a strong feeling. If you
31 open it up for brown subsistence, and you do it in the area,
32 such as a village, and that includes non-native and native
33 both, you could be killing off brown bear under this
34 subsistence hunting. If you make a determination that it's
35 c&t. In my opinion. I think there's room for abuse there.
36 Why have it if it's not really happening or needed today, like
37 brown bear. And why have -- I don't have -- didn't have any
38 strong way one way or the other, unless there were people that
39 come up and testified and said, hey, we want to continue, then
40 I would have no argument with that.

41

42 But we still ought to consider species by species
43 because, like I say, time is changing. Things don't happen
44 like they used to any more. I -- that would be nice.

45

46 But like I said, I am -- I would be -- I'll go along
47 with what the majority of the council feels about that. I
48 don't have any strong feelings one way or another, other than
49 to -- I think they're there for a reason.

50

0064

1 CHAIRMAN LOHSE: Well, you've been in this longer than
2 most of us, Roy. It's the other question I was going to ask
3 you was one of the suggestions is that each individual council
4 can come up with their own criteria, and not a unified criteria
5 across the state. What do you think on that order?
6

7 MR. EWAN: I think it's a good idea, but I still don't
8 think -- I think we'll have a problem with the Board, Federal
9 Subsistence Board, because, you know, we made a number of
10 recommendations that was turned around by the Federal
11 Subsistence Board, and they could use the factors of the other
12 regions against us, in my opinion, if we had something
13 different than the other regions. And that's why I wanted to
14 pinpoint somebody from the Board to see if you have -- would be
15 I guess okay with them to have different criterias. You know,
16 you go from one region, you use different criteria, and you go
17 in another you use another criteria. My fear is that the
18 criteria of other regions could be used against us in our
19 region if we had a different criteria.....
20

21 CHAIRMAN LOHSE: Uh-hum.
22

23 MR. EWAN:at the Federal Subsistence Board level.
24 Other than that I support having our own criteria, yeah.
25

26 CHAIRMAN LOHSE: Okay. Now you've all heard each
27 other, so now you have comments to each other or from what
28 you've heard from each other, can you -- do you have other
29 things that we can bring up, and ideas? We basically have got
30 to at least come up with some kind of recommendation. We don't
31 have to tell them what we want exactly, but we've got to give
32 some kind of recommendation to the Board as to how they should
33 proceed on this. And again, like I said, one of the
34 recommendations can be just leave things as they are. One of
35 the recommendations can be throw the thing completely out, like
36 -- you know, like Fred said, which would get us in a lot of
37 trouble. Or we could come up with something modified in
38 between.
39

40 One of the comments.....
41

42 MR. EWAN: Could I.....
43

44 CHAIRMAN LOHSE:that was made out there is don't
45 be afraid to try something, I mean, just to rec- -- not
46 recommend to the Board, but something that's totally different.
47 Something you've thought about that, you know, that you feel
48 like should go in there for discussion purposes.
49

50 Roy?

0065

1 MR. EWAN: Yeah, I just want to add one other thing
2 that I heard a little bit about and that's the boundary of
3 including a subunit of the other unit. I think we'd have a
4 problem with that eventually. Somewhere or another we're going
5 to run into some kind of trouble. Maybe I'm wrong, I don't
6 know, but there are people that say we ought to stay within our
7 own unit and -- or boundary, whatever. If there's a boundary,
8 you should stay on that side, you know, not kind of open it up
9 so that everybody can go anywhere. I think for management
10 purposes, for the protection of the real subsistence user in
11 the particular area, we ought to stay with some kind of
12 boundaries, you know, within, not go outside,.....

13
14 CHAIRMAN LOHSE: Uh-hum.

15
16 MR. EWAN:you know. Unless we have a real clear,
17 I guess, determination of use by that group using -- I mean,
18 another area.

19
20 CHAIRMAN LOHSE: Well, there's a clear.....

21
22 MR. EWAN: Yeah.

23
24 CHAIRMAN LOHSE:a clear -- something that's
25 different.

26
27 MR. EWAN: Yeah.

28
29 MR. KOMPKOFF: Mr. Chairman?

30
31 CHAIRMAN LOHSE: Yes, Don?

32
33 MR. KOMPKOFF: The Cordova area has like a drawing
34 every year for moose. Why couldn't say like Unit 13 have a
35 drawing, and Unit 13(D) have a drawing. That would -- you
36 know, like Cordova does. They have a drawing every year, and
37 their moose is coming back. It's all -- they're keeping over
38 the limit all the time over there. And it seems to be working.

39
40 CHAIRMAN LOHSE: Gloria, would you like to comment on
41 that one?

42
43 MS. STICKWAN: When we're talking about these boundary
44 areas, we ought to develop a new criteria that says these are
45 the grey areas where people have used -- like in Unit 12,
46 there's no question in Ahtna's -- Copper Center's mind that
47 Upper Tanana used part of where Mentasta hunted. We don't
48 question that. We know they did. That ought to be a grey
49 area. We should develop another criteria that says these are
50 grey areas where people have dif- -- from different units have

0066

1 hunted in these areas, and we ought to designate that as a grey
2 area.

3

4 MR. EWAN: Could I suggest something?

5

6 CHAIRMAN LOHSE: Yeah.

7

8 MR. EWAN: As Gloria was speaking, I thought of
9 something. Maybe we have some criteria where, if there's no
10 objection from the other region or whatever, that maybe that
11 could be a starting point.

12

13 CHAIRMAN LOHSE: yeah, I was thinking of something when
14 Gloria was talking, too, that would go along with what you were
15 talking about, Roy. Possibly what we could do is limit people
16 to their units, but on these areas that there's common
17 agreement were shared, we could make a subunit, grey area,
18 whatever you wanted to call it, and say this is a shared area,
19 but otherwise people are basically in the units in which they
20 live. Would that -- that would be one way to simplify it, and
21 at the same time go along, you know, with what they were
22 talking about in Eastern Interior there, the idea that they
23 were going to go units and subunits. But not all sub- -- not
24 all adjacent subunits or units should be applicable, because
25 not everybody has always used them. But where there's common
26 agreement like that that's.....

27

28 Thank you, Gloria.

29

30 MR. EWAN: Should we write them down, or have
31 somebody.....

32

33 CHAIRMAN LOHSE: Well, I'm writing them down, as many
34 ideas as I can.

35

36 MR. EWAN: Recap them for us.

37

38 MS. MASON: Mr. Chairman, if it would help, we can
39 write on the flip chart as people.....

40

41 MR. EWAN: I just don't want to lose these comments
42 about -- comments or recommendations.

43

44 MS. MASON: Yeah, it.....

45

46 CHAIRMAN LOHSE: Well, I think.....

47

48 MR. EWAN: Or else we'll.....

49

50 CHAIRMAN LOHSE:Helga's been writing.....

0067

1 MR. EWAN:be bogged down.

2

3 CHAIRMAN LOHSE:them down, too, haven't you?

4

5 MS. MASON: Yeah, they're being.....

6

7 MS. EAKON: Yes, I have.

8

9 MS. MASON:recorded, also.

10

11 CHAIRMAN LOHSE: And they're being recorded,

12 they're.....

13

14 MR. EWAN: (Indiscernible -- simultaneous speech).....

15

16 CHAIRMAN LOHSE:being recorded, too.

17

18 MS. MASON: Yeah.

19

20 CHAIRMAN LOHSE: I haven't made any comment yet. I'll

21 -- I can just kind of recap a little bit of what I've -- what

22 my feeling from listening to everybody is.

23

24 I have the feeling that we all recognize that there's
25 differences in different units, or different regions, and so
26 not everybody's criteria is going to be the same. But we're at
27 the same time afraid that if we have just a general criteria,
28 it could be used against us. I mean, that seemed to be -- that
29 seemed to have been a consensus of quite a few of our comments
30 right here.

31

32 We seem to be in agreement to a certain extent that we
33 need some kind of boundaries, but that the current boundaries
34 aren't accurate. Am I right? Am I right on that so far?

35

36 MR. KOMPKOFF: Yes.

37

38 CHAIRMAN LOHSE: Personally, if -- for myself, now,
39 this is not -- this is not a Board's opinion. We were told to
40 think off the wall, and this is off -- this is off the wall for
41 me. To me, and I agree with Roy to a certain extent that it
42 was meant for -- to protect native subsistence, but it also was
43 meant to protect rural subsistence users, some of whom are not
44 native. And to me subsistence is something you do in the local
45 area. It's something you do close to home. And I would like
46 to figure out some way to limit it close to home. If I had my
47 way, I'd put a dot on the map and draw a circle around it, and
48 say everybody can go so many miles away from home, and
49 everything after that's sport hunting, but we can't do that.

50

0068

1 One of the suggestions was units and subunits, from
2 another group. But some units are real big and some units
3 don't have subunits. And I would say I'd have to go to -- be
4 more inclined to go like Gloria is talking about where your
5 unit becomes your local area, and if there can be a proven and
6 agreed upon shared area in an adjacent unit, that could then
7 become say an agreed area in which c&t could be found for.

8
9 Like Roy, I see a problem with abandoning species by
10 species, and at the same time I recognize that when you're out
11 hunting, and if you don't get a -- if you don't get a moose,
12 and you see a black bear, you're going to take the black bear
13 maybe. Or the sheep or whatever other thing. But at the same
14 time we're dealing with -- depending on what we end up doing
15 with by area and area and everything, some species more
16 traditional than other species. And some species weren't even
17 there in the past. We deal that -- you and I deal with that
18 all of the time down in our area. The moose that you were
19 talking about in Cordova is not a traditional moose for -- is
20 not a traditional animal for the area. We found a c&t for it,
21 but it's still not a traditional animal for the area, but it's
22 in the area now. The deer on the islands are the same way. So
23 like Roy, I see the -- I see that there's always an opportunity
24 for abuse.

25
26 The big problem I see is what we were talking about
27 this morning, though, is what happens is we've gotten into this
28 mentality that everybody wants to reach out as far as they can,
29 because they're afraid that they either will get negotiated
30 back, or something may happen in the future that they can't go
31 and use something else. But what Fred was telling me, and from
32 what I understood, in the past when you went into somebody
33 else's area, you either got permission, or they brought some of
34 it to share with you. It wasn't a case of trying to grab as
35 big of an area as you could grab. It was a case of basically
36 you had your home hunting grounds, and the other hunting
37 grounds belonged to people who lived some place else. And
38 that's what we come up in the subsistence resource committee,
39 this idea of proximity. Close to or local.

40
41 And if we were going to modify it, I would like to
42 modify it on the lines that you had a rural local preference.
43 In other words, the fact that you're rural doesn't entitle you
44 to go half way across the state and go hunting in somebody
45 else's back yard. It means that you can hunt where you live.
46 And anything that you do that you -- that's not where you live
47 becomes just the same kind of hunting as everybody else does.
48 And puts you on the same kind of footing. Now, how we would go
49 about doing that, I don't know. But, I mean, that's kind of
50 trying to summarize everything I hear and then adding my own

0069

1 thoughts to it. So more ideas, guys.

2

3 MS. SWAN: Mr. Chairman? What Justin Wilson said this
4 morning, it just keeps coming back. You can't write all this
5 stuff down, because subsistence is what it is. And I don't
6 know what we're supposed to do, because, you guys, everybody's
7 right. But when -- you know, -- and then it's about -- if it's
8 about harvest, and it's about the boundaries are good, because
9 they manage, and you can't -- you have to manage the species,
10 somebody has to, and there's I think -- I mean, it just seems
11 to me that we're not talking about the people. They're part of
12 the harvest. I mean, what -- who harvests? The people do.
13 This is why we're all sitting here. So -- and then you talk
14 about boundaries. And don't -- I mean, people are part of the
15 boundaries. Just what it is makes its own boundary.

16

17 It's true, I think, what Fred said, that you go -- if
18 you wanted to go hunting in someone else's area, you went by
19 permission. Or if they didn't have any meat, and you had fish,
20 you waited until the season changed, and in the winter you
21 could bring some meat down to them and they would give you the
22 fish -- some fish that they had preserved. And that's sharing
23 and that's subsistence. And that also means that you take what
24 you need. I mean, it's that -- it's really simple. It was
25 anyway, it used to be. That's what you did.

26

27 In my own experience, in my understanding of
28 subsistence was, when I was a little kid, I used to hear people
29 say, well, I'm going to go subsistence fishing in the fall,
30 which is what we did down in Kenai. They went silver fishing
31 and -- but that was after we got all the other work down, and
32 some of the commercial fishing and those kinds of things. And
33 that was extra. I mean, it was what we did.

34

35 But I don't know where the word came from, this
36 subsistence fishing, but all I knew was it didn't have anything
37 to do with money. It's what you did. And then you also
38 gathered -- you gathered other things besides berries and --
39 you have fish and berries and bear. Not brown bear. I never
40 knew anybody to eat any brown bear either, but.....

41

42 So, you know, I think we talk about this, but we leave
43 the people out of it. So when you make boundaries, you've got
44 to have -- somebody's got to look after the way things are.
45 You have to manage the species, and you have to -- but
46 subsistence is really taking what you need. And I don't know
47 -- that's what it is. And I think -- I don't know how we're
48 going to do that, but I think that people need to begin to
49 think about this in a different way, and as well as where you
50 go, what your boundaries are, how far you can go, as to, well,

0070

1 what do I need, and do I really need -- you know, how much do I
2 need. And I think it would make a change, and it might help us
3 to put this stuff on paper. I don't know if I'm making any
4 sense to you or not, but I don't think we should leave the
5 people out of it, the people who are subsistence users. And I
6 think it's another way to think about it, because we are part
7 of the harvest.

8
9 CHAIRMAN LOHSE: I think, correct me if I'm wrong, but
10 I think what I am hearing is that basically if everybody quit
11 looking at it as boundaries and opportunities, and only dealt
12 in what they needed, then it probably would solve itself to a
13 certain extent, is that what.....

14
15 MS. SWAN: Yes, there would be.....

16
17 CHAIRMAN LOHSE:that there's no way to write that
18 down?

19
20 MS. SWAN: Yeah, there would be some things like -- I
21 was at a meeting not long ago, and someone asked a woman here
22 in Anchorage how she subsisted, and she said -- and she said
23 Fed Express. Her daughter mailed her or sent her Federal
24 Express dry fish and things, you know. And that's how she got
25 what in -- what her customary and traditional foods. And so, I
26 mean, when you talk about adapting, sometimes we go -- we have
27 to do that. So if you leave some of it to the people, I mean,
28 we have some sense.

29
30 I think the reason, and I have to say what's in my
31 head, okay? I mean, what we're trying to do here is talk about
32 it without talking about it. The reason that this has become
33 so hard is because we have all the other -- we have the sport
34 and -- the sports interest. That's why it's so hard, because
35 they don't look at it that way. And, you know, this morning
36 when I was listening, I all of a sudden -- you know, they talk
37 about world class -- Kenai being the world class river, and
38 then they market it as wilderness. How in the world do you get
39 a world class wilderness? I mean it's that goofy, you know.

40
41 So I think that -- that's why I think that this is so
42 well taken, this last point in the Denali letter, the
43 commission letter where they say local traditional knowledge
44 from residents. And I think that each community, you can't
45 micro-manage it. I think that subsistence being what it is,
46 would -- some of those things would iron themselves out if we
47 stop to remember for a moment what we do. We share, ask
48 permission. We respect the boundaries. Because after all,
49 those on paper are not the same ones as in our hearts and
50 minds, you know.

0071

1 MR. EWAN: I think there's a problem (ph). But I do
2 have a quick comment.

3
4 CHAIRMAN LOHSE: Okay.

5
6 MR. EWAN: That is again I just want to mention the
7 traditional word that keeps coming up and up now. I think at
8 one of these meetings we ought to sit down and talk about
9 trying to define what we're talking about here, tradition.

10
11 I agree with you about the ANILCA when they were
12 considering it, they were trying to also protect the
13 subsistence rights of the non-natives out there. That's
14 because they thought tradition was -- maybe went back about
15 five generations, not ten generations or something like that
16 maybe, in my opinion. I don't know what they used, what
17 criteria they used. But to me the reason I say I believe it
18 was intended to protect the natives is because they were more
19 traditionally dependent on fish and wildlife resources, you
20 know. So that's why I said that I think that the real intent
21 was to protect those that went back ten generations, 20
22 generations and so forth, not those that just started two
23 generations ago or something like that, you know.

24
25 CHAIRMAN LOHSE: Pat?

26
27 MR. SAYLOR: I like some of the things that were said,
28 like with the grey area that we're discussing. I like that
29 concept there. I mean, you could have a grey area as a bunch
30 of little red stripes, but we're talking about how management
31 went before. Also you -- like the 40-Mile Caribou Herd used to
32 be a million and a half at one time. They let them -- just
33 announce it over the radio to Anchorage down where the army
34 bases were. They came up there and slaughtered the caribou.
35 By dropping the population, they forced almost half of the
36 Upper Tanana natives from Healy Lake on up to the highway,
37 because it crashed the caribou that used to come down into that
38 range. So basically starved us out.

39
40 Now, the -- that's an example that happened in the
41 past, you know, and you guys are trying to prevent some of
42 these -- something like this from happening, which is good.

43
44 But you ask about asking permission, well, I haven't
45 seen some of the people here from Copper and from Mentasta in
46 quite a while, and that's part of why I'm here and why I'm
47 talking to them. And so we can meet minds and figure out,
48 well, if there's any problems like what we did in the old days,
49 and we'd fix the problems the best that we could. So that we
50 could dance together and live together, and that's how we

0072

1 solved our situation.

2

3 Now, it there's people that are non-native living in
4 the same grey area there, I'm sure that things, you know, would
5 apply to them the same, because they're probably friends or
6 neighbors. Ensminger, for example, you know. I even went and
7 ate at his place, and he's got a steam bath just like natives,
8 you know, and we get along. And he understands why, and so do
9 we. And like mountain men did with the natives down in the
10 Lower 48, but we're not taking anything.

11

12 I mean, we know what's right. If we kill in that area,
13 we give at least half or something to the tribe that's there.
14 I mean, it's good relations. It makes everybody feel good. We
15 dance together, we eat together. That's how they
16 intermarriage. All these kind of things, and this is written
17 down. This is a fact. That's how they bonded. It's a way of
18 life.

19

20 It's not -- Subsistence has got so many word- -- I
21 mean, it means so many different things. It's our way of life.
22 It's what we are, it's how we got along. I mean, in times of
23 trouble, we banded together. We had something called Nuchowoya
24 (ph) down in Tanana 1,000 years before you guys even came
25 around. Nuchowoya means neutrality. It means you get together
26 if there's some problems, you've got these people over here
27 making trouble, everybody got together and they went down there
28 and they fixed that problem, and there were no more trouble,
29 you know, and so on. This is how we are. It's how we live.

30

31 I shot down there, but I didn't have a tag stuck to me,
32 you know, and I'm sure they shot in our area and the same
33 thing, you know. It's how I was raised. They brought some of
34 their young men over, and we showed them how to cut meat in our
35 way, and some things that they -- some of them forgot or didn't
36 know. This old man from Copper told me they were cutting their
37 meat thick, and it got moldy, and the way we cut it around
38 Northway and Healy Lake is real thing, and in a different way,
39 so that it dries quick, and it won't mold or won't rot. We've
40 got ways to cook under the fire.

41

42 This is exchanged back and forth. It's good relations.
43 Copper used to send us copper. We had good blacksmiths that
44 could pound that copper into a knife. It had -- with three
45 edges. All these kind of things we know. It makes us a
46 people, one people.

47

48 But when the caucasians came in, they want to break you
49 apart so they could keep you fighting over all this stuff, and
50 they're running off with the pie. I mean, you know, while

0073

1 these two guys are going bang, bang, and they forgot why they
2 was fighting. Well,.....

3
4 CHAIRMAN LOHSE: Pat, could you kind of give us some
5 hints on what we can do though to.....

6
7 MR. SAYLOR: Well, this grey area.....

8
9 CHAIRMAN LOHSE:solve the problem in front of our
10 council right now?

11
12 MR. SAYLOR: Yeah, as a grey.....

13
14 CHAIRMAN LOHSE: I mean, most.....

15
16 MR. SAYLOR:area, I'm supporting.....

17
18 CHAIRMAN LOHSE:of us know the history.

19
20 MR. SAYLOR: Yeah. That's why I'm supporting this grey
21 area plan that was brought up earlier, and I think that that
22 would.....

23
24 CHAIRMAN LOHSE: The idea of people.....

25
26 MR. SAYLOR:pretty well solve the situation.

27
28 CHAIRMAN LOHSE:staying in their units, but
29 having a grey area where agreement has.....

30
31 MR. SAYLOR: It can overlap and.....

32
33 CHAIRMAN LOHSE:been reached on overlap?

34
35 MR. SAYLOR: Yeah. Where everybody's happy pretty
36 much. That's what.....

37
38 CHAIRMAN LOHSE: Because that's -- because that.....

39
40 MR. SAYLOR:I've got to say.

41
42 CHAIRMAN LOHSE:is -- that's one of the options
43 that we're facing is the fact that we may end up having to
44 limit people to their units and then have these agreement
45 areas.

46
47 MR. SAYLOR: Okay. Well, that's what I had to say,
48 and.....

49
50 CHAIRMAN LOHSE: That's what we're.....

0074

1 MR. SAYLOR:that's what I'm supporting.

2
3 CHAIRMAN LOHSE:looking for right now, is -- you
4 know, that kind of help so that we can -- so we can.....

5
6 MR. SAYLOR: Uh-hum.

7
8 CHAIRMAN LOHSE:come up with something that we
9 can present as a council to the Board.

10
11 MR. SAYLOR: Right. Okay. Thanks.

12
13 CHAIRMAN LOHSE: Thank you, Pat. More comments from
14 the Council? We do need to -- we do need to move, we don't
15 need to hurry. We don't have to do anything on this, but they
16 would like us to do something on this. We can leave things as
17 they are for now, and see which way everybody else goes,.....

18
19 MR. JOHN: Could.....

20
21 CHAIRMAN LOHSE:we can make suggestions.

22
23 MR. JOHN: Couldn't we just send our comment on? The
24 comment that were made here to the Federal Board?

25
26 CHAIRMAN LOHSE: Yeah.

27
28 MS. MASON: Yes, you can develop a recommendation
29 or.....

30
31 MR. JOHN: Yeah, through the comments.

32
33 CHAIRMAN LOHSE: Do we have to even develop a
34 recommendation? Can't we just say that these are some of the
35 things we've seen and considered, and we consider important? I
36 don't see how we can make a recommendation,.....

37
38 MR. JOHN: Yeah.

39
40 CHAIRMAN LOHSE:you know, in a one-hour meeting.
41 We basically have been listening to a lot.

42
43 MR. JOHN: Uh-hum.

44
45 CHAIRMAN LOHSE: We've learned a lot. And as you can
46 see, there are some points of consensus, but there are --
47 there's -- I don't hear anybody having a strong recommendation
48 one way or the other, do you? Does anybody on the Council feel
49 like at this point in time we could make a recommendation?

50

0075

1 MR. EWAN: I do hear, Mr. Chairman, the approval -- I
2 mean, or the people wanting to approve the recommendation of
3 the Denali Subsistence.....

4
5 CHAIRMAN LOHSE: Yes, strong.....

6
7 MR. EWAN:Resource Commission.

8
9 CHAIRMAN LOHSE:support for that one.

10
11 MR. EWAN: Yeah, it sounded like a majority of the
12 people here were supporting that. That's why I said we ought
13 to go with the eight criteria with modification, including this
14 and any others that might come up. For now those are -- that's
15 the only recommendation I would have right now is that --
16 include the proposal -- Denali proposal.

17
18 MS. MASON: Mr. Chairman?

19
20 CHAIRMAN LOHSE: Yes, Rachel?

21
22 MS. MASON: It's not -- we wanted to encourage the
23 councils to make a recommendation simply because that would
24 make the work of the task force easier in looking at all the
25 council recommendations. But there's certainly no obligation,
26 and it's -- if the Council can come up suggestions, that is --
27 that's also very helpful.

28
29 MR. ROMIG: Mr. Chairman?

30
31 CHAIRMAN LOHSE: Yes, Ben?

32
33 MR. ROMIG: Yeah, I believe that the -- that this is a
34 good letter, and I'd like to, you know, re-emphasize what Roy
35 said about tradition. I think it's important that, you know,
36 what he's saying about it's never been defined, and I think
37 that needs to be looked at, and -- but I also think that, you
38 know, the recommendations from all the councils should be
39 unified, and it shouldn't go in with ten different sets of
40 rules, because they could work, you know, for or against you in
41 different situations.

42
43 CHAIRMAN LOHSE: Does anybody want to make a motion to
44 anything or -- at this.....

45
46 MR. EWAN: I'll (Indiscernible - simultaneous speech).

47
48 CHAIRMAN LOHSE:point in time? Okay. Shall we
49 recess for ten minutes? Would you like to recess and have a
50 chance as a council to.....

0076

1 MR. EWAN: Okay.

2

3 CHAIRMAN LOHSE:can we do that? Let's recess for
4 ten minutes just to as a council just to look at what we've got
5 in front of us right here.

6

7 (Off record)

8

9 (On record)

10

11 CHAIRMAN LOHSE: Okay. We'll call the meeting back to
12 order. We've spent quite a bit of time working on probably
13 something like, Roy said, there are no direct answers to. It's
14 more of a philosophical thing. We -- are there any proposals
15 or motions from any members of the Council that you'd like to
16 bring forward on this subject at this point in time?

17

18 MR. EWAN: Mr. Chairman, I'd like to move that the
19 Council recommend to the Federal Subsistence Board that we
20 continue to use the eight factors previously developed with
21 modifications proposed by the Denali Resource Commission, and
22 those modifications, I'll just read them, one, two and three:
23 Three, drop the word diversification from this sentence so that
24 it would read, reliance upon fish and wildlife resources; two,
25 add the words proximity resources to this sentence so that it
26 will read: influenced by local characteristics and proximity
27 to resources reasonably accessible to a community or area; six,
28 add a sixth factor stating local traditional knowledge from
29 residents, commission and council members representing a
30 community or area should have significant influence in making
31 c&t use determinations.

32

33 CHAIRMAN LOHSE: Do I hear a second?

34

35 MS. SWAN: Second.

36

37 CHAIRMAN LOHSE: It's been moved by Roy and seconded by
38 Clare that.....

39

40 MR. EWAN: On discussion, Mr. Chairman, I just want to
41 say, you know, you could have -- amend, do whatever you want to
42 later on, but I think we ought to start here. You can add
43 whatever you want to by amending this motion, if you want to
44 add something. I agree with Ralph that I haven't heard really
45 strong recommendations. It's -- nobody said, hey, this is how
46 it really should be, and the only way it should be. I didn't
47 hear that, so I think that the eight factors used as a guide in
48 the past has a history of, you know, public testimony and all
49 that. It has -- it's been -- it's taken time to develop, and
50 if you continue to use that as a guide until we have I guess

0077

1 strong influence by the public or by the council members to
2 change. I'd like to keep the factors, eight factors.

3
4 CHAIRMAN LOHSE: Okay. We have a motion on the table
5 by Roy, and seconded by Clare to basically keep the eight
6 factors with the modifications given by the SRC. Fred,
7 discussion?

8
9 MR. JOHN: I'd just like to add all the recommendations
10 and proposal and those that were brought up by the public, I'd
11 like it to be compiled and sent to the Board also.

12
13 MR. EWAN: It's my understanding, this is a point of
14 information, that all the other stuff will be forwarded to the
15 Board.

16
17 CHAIRMAN LOHSE: We don't -- I don't know if we need to
18 add that as a part of our motion, but we will definitely do
19 that.

20
21 MR. EWAN: Yeah. Okay.

22
23 MS. MASON: Mr. Chairman?

24
25 CHAIRMAN LOHSE: Rachel?

26
27 MS. MASON: May I make a note of clarification to Roy's
28 motion? The Denali Subsistence Resource Commission letter
29 actually suggested the modified factor approach. They
30 wanted.....

31
32 CHAIRMAN LOHSE: Yeah, those five.....

33
34 MS. MASON:the five factors, and.....

35
36 CHAIRMAN LOHSE: Five-factor approach.

37
38 MS. MASON:so they're not -- their suggestion was
39 not to take the eight factors, but actually.....

40
41 MR. EWAN: Oh, okay.

42
43 MS. MASON:the modification that was.....

44
45 MR. EWAN: Well, my motion is eight factors.

46
47 MS. MASON: Yeah. Okay.

48
49 CHAIRMAN LOHSE: Yeah. Stay with the eight factors,
50 but to modify it in this way.

0078

1 MR. EWAN: Okay.

2
3 CHAIRMAN LOHSE: Yeah.

4
5 UNIDENTIFIED VOICE: Question.

6
7 CHAIRMAN LOHSE: The question's been called. No
8 further discussion? All in favor of the motion on the table,
9 signify by saying aye?

10
11 IN UNISON: Aye.

12
13 CHAIRMAN LOHSE: Opposed signify by saying nay?

14
15 (No opposing votes.)

16
17 CHAIRMAN LOHSE: Motion carries. Now, this doesn't
18 limit the Board in any way. This gives them our ideas. I
19 think we've heard some very, very good ideas today. I
20 particularly like the one that CNRA gave that goes along with
21 their determination policy on adjacent units, and I think that,
22 Gloria, you will be also presenting that to the Board, too,
23 won't you?

24
25 MS. STICKWAN: (Indiscernible - away from
26 microphone).....

27
28 CHAIRMAN LOHSE: Thank you. At this point in time
29 we're going on to B, deferred proposals overlapping with the
30 Eastern Interior Region, and we're dealing with the -- at least
31 here we're dealing with things that are specific, and we can
32 apply ourselves directly to.

33
34 UNIDENTIFIED VOICE: How about that?

35
36 CHAIRMAN LOHSE: Well,.....

37
38 (Whispered conversations)

39
40 CHAIRMAN LOHSE: We'll begin with an introduction by
41 Rachel or George, whoever's going to do it.

42
43 MS. MASON: Yeah. Mr. Chairman, George has suggested
44 that he has a time-saving way of introducing this topic, so I
45 suggest we go.....

46
47 CHAIRMAN LOHSE: Any time-saving way is more than
48 welcome.

49
50 MR. SHERROD: Okay. I think we've heard today a little

0079

1 bit of the history behind what occurred at the Eastern
2 Interior. I'm going to try to summarize this with the
3 understanding that we've got a number of people in the
4 audience, and Vince Mathews sitting next to me to correct any
5 flaws in my memory that I might have.

6
7 The Eastern Interior has been dealing with this problem
8 of c&t for a fair amount of time. When they came up with the
9 concept of region or unit and surrounding subunits, it was a
10 way to try to put subsistence behavior as they understood it
11 into a regular -- regulatory structure as it exists today.
12 Now, I think it's important to keep in mind that whatever
13 happens with the c&t process, we're probably going to be --
14 certainly by this fall, we're still going to be dealing with
15 the same process. We're not going to see any great change when
16 you deal with proposals in the spring.

17
18 I would also say that the Eastern Interior realized
19 that units and subunits was not perfect, that in many cases it
20 would encompass more area than a community used, and in some
21 cases it would exclude areas, but it was the best way to try to
22 accommodate the majority of uses, and punish the smallest
23 number of people while still realizing there probably would be
24 individuals who probably shouldn't be included, but would fall
25 through the cracks. One way that they attempted to rectify
26 that problem was through dealing with communities like Fort
27 Greeley, which they felt were basically not subsistence
28 communities, therefore you didn't have to worry about where
29 they went. You sort of nipped them in the bud and said these
30 people basically shouldn't be hunting anywhere.

31
32 So with that in mind, they had went ahead and adopted
33 these proposals with putting forward the idea of units and
34 subunits. At the meeting, following a long discussion, I had
35 promised them that I would write up some theoretical language
36 that would justify this move. And that is, if you look at --
37 you take land use studies that the Division of Subsistence has
38 done in the past, and you go down and you actually draw a line.
39 In almost every case, I can't think of any case in which those
40 land use boundaries do not go beyond a single unit. A hundred
41 to 200 miles generically speaking is not unreasonable
42 throughout the state. Again, it's not a perfect fix, but it's
43 not an unreasonable fix.

44
45 And with that in mind, they took the action on these
46 proposals. Your group met after the Eastern Interior Council,
47 and in fact endorsed all but one of these motions, so the idea
48 that there is some sort of disagreement between the two
49 councils, I think is somewhat of a misunderstanding, because
50 only in one case out of the, what, seven proposals, whatever we

0080

1 have here, was there actually a disagreement. It was a
2 disagreement over black bear, and both Interior councils have
3 come sort of to the conclusion that it doesn't really make a
4 whole heck of a lot of difference what you do with black bear,
5 because under state regulations you can still take three, you
6 can hunt any place whether you have c&t, and part of the idea
7 that granting c&t for black bear really doesn't accomplish
8 anything, but perhaps limits individuals that are beyond a
9 recognized area.

10
11 The other concept that they battled with in the units
12 and subunits dealt with these households that aren't in a
13 community, and in Southcentral you have a number of such
14 households. Copperville. Copperville really isn't recognized
15 in a lot of the c&t, because it's not Copper Center, it's not
16 Glennallen. It's something there, and these people basically
17 fall through the cracks. And there are a number of households,
18 native households up and down the river system there that
19 basically fall between communities, and by our current
20 regulations fall through the cracks. We also have the same
21 problem in the Eastern Interior, and the idea of using it by
22 units and subunits was to try to catch these individual
23 households that might otherwise be left out. They were also at
24 the same time confronted with the possibility of doing
25 individual c&t's, which they felt was an overwhelming task if
26 we had to deal with each of these households on a household-by-
27 household basis.

28
29 So with that I'm not how far into each of these
30 proposals we want to dwell. I suspect, and I'm just guessing
31 now, because the Eastern Interior hasn't met, that we will
32 review these, and I suspect if it's the wishes of Eastern
33 Interior, they will be resubmitted. I will take the analysis
34 and beef up this section, justifying the logic behind units and
35 subunits, and again we have to separate this from being a fix-
36 all from c&t to a fix-all for this kind of problem given the
37 existing regulatory structure, and that they will come back
38 again.

39
40 And if I've made a mistake in this, I welcome anyone to
41 try to clarify any omissions, particularly the members of the
42 Regional Council from the Interior.

43
44 CHAIRMAN LOHSE: George, am I understanding correctly
45 that basically, and I think I must have heard something wrong,
46 but basically you're saying that we don't need to deal with
47 these at this point in time, because you're going to resubmit
48 them?

49
50 MR. SHERROD: Well, that call is up to the Regional

0081

1 Council on the ones on the Interior. I suspect, and as I say,
2 I don't want to put any of the council members on the spot, I
3 suspect they'll be resubmitted and I will beef up the analysis.
4 Part of the problem that the Board had when they dealt with
5 these was the fact that the analysis that had been tacked on
6 the -- or the paragraphs that had been tacked on the end of
7 analysis that sort of justified the logic, so there is some
8 logic. You know, units and subunits is not something off the
9 wall. It does mirror certain types of behavior, the grey areas
10 that you talked about, was not in front of the councils for
11 their review. It was discussed in the Eastern Interior
12 Council, it was not in front of you, so the feeling was that
13 before the Board could take action and sort of adopt this
14 logic, that that analysis had to be written, and it had to come
15 before these bodies, and that it would come before these bodies
16 in theory this spring.

17
18 CHAIRMAN LOHSE: But how does that apply directly to
19 Proposals 30, 33, 37 at this point in time? Do we -- are you
20 suggesting that you're going to withdraw them and then resubmit
21 them under that other form?

22
23 MR. SHERROD: Well, they'll probably be resubmitted.
24 In these cases again last spring you followed Eastern
25 Interior's lead, except for the 30/31. On the other proposals,
26 you followed their lead, and your recommendation was to support
27 their recommendation as it went before the Board.

28
29 CHAIRMAN LOHSE: Uh-hum.

30
31 MR. SHERROD: So when you debated or deliberated on
32 these last spring, you found -- those of you that were on this
33 body, found no flaw with that at that time. So, yes, I mean
34 one way or the other, my understanding is these will come back
35 in front of you this spring. The idea of bringing
36 representatives and staff from the Interior down here was to
37 elicit any objections you have to that concept or any
38 additional information that you might have. My understanding
39 is you don't have to make a determination at this point on
40 these. That's at your discussion.

41
42 CHAIRMAN LOHSE: Okay. Okay.

43
44 MR. EWAN: I have a question. You mentioned, George,
45 Copperville. I don't -- I missed a part, you recommended
46 something to deal with communities like that, or.....

47
48 MR. SHERROD: No, all.....

49
50 MR. EWAN:did I miss something?

0082

1 MR. SHERROD: Yeah, all I was saying is the regional,
2 the Eastern Interior Regional Council recognized that there are
3 households and sort of unorganized housing clusters that fall
4 through the cracks when you make your determinations simply on
5 a community by community basis. That if you have a household
6 that is not within a recognized community, or a cluster of
7 households, and your c&t determination says -- in this case, it
8 says Copper Center,.....

9
10 MR. EWAN: You don't have a suggestion.....

11
12 MR. SHERROD: Huh?

13
14 MR. EWAN: My question should have been, you don't have
15 any suggestion to deal.....

16
17 MR. SHERROD: Well, doing it.....

18
19 MR. EWAN:how do deal.....

20
21 MR. SHERROD:by unit, all residents of a
22 unit.....

23
24 MR. EWAN: Oh, okay.

25
26 MR. SHERROD:solves that problem. And that was
27 part of the rationale behind using units and subunits. And
28 again, as I say, this was a way to try to deal with the
29 existing shackles of the regulations confronted by the Eastern
30 Interior.

31
32 MR. EWAN: I do have a -- it's not a question, it's
33 comment, and that is I think it works the other way, too. In
34 my opinion Copperville was included in with Glennallen or --
35 with Glennallen all along in my opinion. I don't know. I
36 didn't know that they were -- they fell through the cracks.

37
38 MR. SHERROD: Their census district.....

39
40 MR. EWAN: I didn't know.

41
42 MR. SHERROD:if you draw the boundaries by census
43 district, by the State definitions, Copperville is not part of
44 Glennallen, even though logically you think this is just a
45 suburb.

46
47 MR. EWAN: I didn't know that, yeah.

48
49 MR. SHERROD: It falls through the cracks.

50

0083

1 MR. EWAN: I always thought it was included in
2 somewhere.

3
4 CHAIRMAN LOHSE: Gloria?

5
6 MS. STICKWAN: I think these proposals that deal with
7 Healy Lake as adding them as customary and traditional use
8 should be deferred until we go through the c&t process. It
9 will make it a lot easier for everybody, because then you'll
10 have these c&t determination process in place. And it may or
11 may not include these grey areas. It just would be easier,
12 there would be less, you know, disagreements.

13
14 CHAIRMAN LOHSE: Okay. We have basically in front of
15 us, which they are requests for c&t for black bear in Unit 13
16 and 20, requests for c&t for brown bear in Unit 20, requests
17 for c&t. That's what the proposals are that are in front of us
18 right now. My suggestion is that since they're in front of us,
19 now would be a good time for us to take them up, and with the
20 information that we have, and decide whether we want to find a
21 c&t or not for them. And then that would leave Eastern
22 Interior basically to do with them what they wish after we have
23 -- you know, they can either appeal our findings or have
24 consensus with them. We have some information here in front of
25 us from the Copper River Native Association on them. We've had
26 information on them in the past. Can somebody inform -- what
27 are we lacking to take them up? Are we lacking anything,
28 Rachel? You have the findings that you found on them, haven't
29 -- don't you?

30
31 MS. MASON: Yes, Mr. Chairman. What I expected to do
32 today would be to just give a very brief overview of the issues
33 in the proposal, and then -- and also state why the Board
34 deferred them, and my understanding was that this was an
35 opportunity for representatives of both the councils to
36 exchange information.....

37
38 CHAIRMAN LOHSE: Uh-hum.

39
40 MS. MASON:in order to shed light on those
41 proposals.

42
43 CHAIRMAN LOHSE: Would you go through?

44
45 MS. MASON: Sure.

46
47 CHAIRMAN LOHSE: Should we take them -- let's just take
48 number one, Proposals 30 and 31. Tell us where we stand and
49 where.....

50

0084

1 MS. MASON: Okay.

2

3 CHAIRMAN LOHSE:why the Council deferred it,.....

4

5 MS. MASON: Okay.

6

7 CHAIRMAN LOHSE:and.....

8

9 MS. MASON: Proposals 30 and 31 have to do with black
10 bear in Unit 13, and in Units 20(A) and 20(C) in the case of
11 Proposal 31. Proposal 30 was submitted by the Copper River
12 Native Association, and it requested a positive c&t for black
13 bear in Unit 13 for the residents of Cantwell, Chistochina,
14 Chitna, Copper Center, Gakona, Gulkana, Mentasta Lake, and
15 Tazlina. And Proposal 31 was submitted by the Middle Nenana
16 River Fish and Game Advisory Committee, and it requested a
17 positive c&t for black bear in Unit 13 for the residents of
18 Unit 13, and in Unit 20(A) and 20(C) for all the residents
19 between Milepost 216 and 309 of the Parks Highway.

20

21 The Southcentral Regional Council recommended that --
22 supporting Proposal 31 as modified, which would be for a
23 positive c&t in Unit 13 for black bear for all residents of
24 Unit 13; however, the Regional Council did not pass a positive
25 c&t in Units 20(A) and 20(C) for the residents on the Parks
26 Highway. And the main justification for this is that the
27 Council recognized that black bears have been traditionally
28 used by the Alaska Native people that are indigenous to the
29 area; however, the communities along the Parks Highway, they
30 didn't recognize that those could be linked with traditional
31 subsistence harvesting.

32

33 This, as George pointed out, is the only one of the
34 proposals listed here where the Eastern Interior Council and
35 the Southcentral Council disagreed. And the Eastern Interior
36 Regional Council recommended supporting Proposal 30 with
37 modification to include the adjacent subunits in Region 9, and
38 deferring Proposal 31 pending clarification with the proponent
39 about their request.

40

41 And the Board decided to defer action on both Proposals
42 30 and 31 for further review by the Southcentral and Eastern
43 Interior Councils, and this was particularly in order to have
44 further discussion of the Eastern Interiors approach of the
45 units and adjacent subunits. So that's.....

46

47 CHAIRMAN LOHSE: Okay. Did everybody understand that?
48 So basically, Rachel, let me kind of try to review this.....

49

50 MS. MASON: Okay.

0085

1 CHAIRMAN LOHSE:in my mind. Basically what we're
2 -- the reason it was deferred was that there was a difference
3 of opinion between Eastern Interior and Southcentral, and part
4 of that difference of opinion was over the use of units and
5 subunits, and also the inclusion of certain -- It wasn't Unit
6 9, was it?

7
8 MS. MASON: It's Region 9.

9
10 CHAIRMAN LOHSE: Region 9.

11
12 MS. MASON: Region 9 is the Eastern Interior
13 Region,.....

14
15 CHAIRMAN LOHSE: Okay. Because I was.....

16
17 MS. MASON:so it's Unit.....

18
19 CHAIRMAN LOHSE:going to say Unit 9 was a long
20 ways away.

21
22 MS. MASON: Yeah.

23
24 CHAIRMAN LOHSE: Region 9.

25
26 MS. MASON: I had the same reaction when I first saw
27 that, but.....

28
29 CHAIRMAN LOHSE: Okay.

30
31 MS. MASON:they're referring to this -- the units
32 and subunits that are in Region 9, right.

33
34 CHAIRMAN LOHSE: Right. Having access to bear, black
35 bear in Unit 13.

36
37 MS. MASON: Uh-hum. (Affirmative)

38
39 CHAIRMAN LOHSE: Vince?

40
41 MR. MATHEWS: Mr. Chairman, I need a clarification. Is
42 the Council going forward to make a recommendation at this
43 time? And if they are, then we need to incorporate written
44 public comments, Fish and Game's comments, and et cetera. Or
45 if you're just looking preliminary for future meetings. But
46 there were written comments submitted and there was also Fish
47 and Game's comments, and I don't know, Fish and Game is present
48 here, if they want to.....

49
50 UNIDENTIFIED VOICE: Yeah.

0086

1 MR. MATHEWS:discuss.

2

3 MS. MASON: Mr. Chairman, it was my impression that
4 this was simply an opportunity to provide information, and.....

5

6 CHAIRMAN LOHSE: Right.

7

8 MS. MASON:to discuss the.....

9

10 MR. MATHEWS: Well, if that's the case, we should
11 probably get the Eastern Interior Council members up to the
12 table so they could participate. If they so desire. I mean,
13 otherwise we're -- apparently they don't desire, so.....

14

15 UNIDENTIFIED VOICE: (Indiscernible - away from
16 microphone).....

17

18 MS. EAKON: Well, you could come up to the testifier's
19 table, I have your name plates there, if you want to.....

20

21 MR. EWAN: Are we taking up these proposals now or.....

22

23 CHAIRMAN LOHSE: No, we're not taking it up, we're just
24 collecting information on.....

25

26 MS. EAKON: Sharing information.

27

28 CHAIRMAN LOHSE: Sharing information on these
29 proposals. We could take them up, but at that point in time we
30 need to take some other information on.....

31

32 MR. EWAN: (Indiscernible) that's why I said that.

33

34 (Whispered conversation)

35

36 CHAIRMAN LOHSE: So basically what we have in front of
37 us, Rachel, is we've got a proposal on which we disagree, we've
38 got two proposals on which we agree?

39

40 MS. MASON: Right.

41

42 CHAIRMAN LOHSE: But the proposal for units and
43 subunits would be applicable to number 2 and number 3 also?

44

45 MS. MASON: Right. Right.

46

47 CHAIRMAN LOHSE: And we haven't come to an agreement as
48 to.....

49

50 MS. MASON: Yeah.

0087

1 CHAIRMAN LOHSE:whether -- in fact, from what it
2 sounded from listening to our Council before, our Council seems
3 to have an aversion to using units and.....

4
5 MS. MASON: Yes.

6
7 CHAIRMAN LOHSE:subunits. I mean, it didn't
8 sound to be an acceptable way of approaching the problem by our
9 Council. Am I correct in -- correct in assuming that, or am I
10 -- was I wrong in my.....

11
12 MR. EWAN: I think I made a comment about that, and I
13 think if I can recall what I said, was that it's not a good
14 idea to include other subunits of other regions, unless there
15 was an agreement with -- between the two councils or the two
16 regions, whatever you want to call them.

17
18 CHAIRMAN LOHSE: In other words, not automatically.

19
20 MR. EWAN: Yeah.

21
22 CHAIRMAN LOHSE: But if there was an issue that the two
23 councils came to an agreement on, then that could be included
24 in there. That.....

25
26 MR. EWAN: But just to say -- just because one regional
27 council recommends that they have c&t determination in a
28 subunit and another region doesn't automatically allow the -- I
29 don't know what the word is, I mean, doesn't.....

30
31 MS. MASON: Yeah.

32
33 MR. EWAN:give them that right.....

34
35 MS. MASON: Right.

36
37 MR. EWAN:I think unless you have no objection on
38 the other region, something like that, would be a good way to
39 handle that.

40
41 CHAIRMAN LOHSE: Rachel?

42
43 MS. MASON: I don't want to give the impression that on
44 each of these proposals the Southcentral Council endorsed the
45 approach of units and subunits. In fact, there -- while they
46 didn't disagree on any one other than Proposals 30, 31, on
47 Proposals 32 and 33, which is the brown bear proposal, the
48 Eastern Interior actually deferred to the Southcentral Regional
49 Council, and the Southcentral Regional Council had supported
50 another approach, which was the same as what they had on --

0088

1 well, actually they wanted to support Proposal 32, but defer
2 Proposal 33, so.....

3
4 CHAIRMAN LOHSE: Uh-hum.

5
6 MS. MASON: So it's not a thing that in two cases out
7 of three they.....

8
9 CHAIRMAN LOHSE: No.

10
11 MS. MASON:supported that.

12
13 CHAIRMAN LOHSE: No, if I remember right, we supported
14 from a different standpoint. We basically named the
15 communities that we recognized as having c&t.

16
17 MS. MASON: Right.

18
19 CHAIRMAN LOHSE: As opposed to a unit by unit. Have
20 you -- George or Vince, has your Council or that -- has your
21 Council considered any other approach as acceptable to the
22 problem other than just unit and subunit type thing?

23
24 MR. SHERROD: I can speak. Eastern Interior has been
25 debating c&t for the Upper Tanana area now for four or five
26 years, and they have certainly considered all sorts of options
27 with total meetings dedicated to simply trying to come to grips
28 with this problem. And as I say, I think they've been
29 confronted with trying to work within the regulatory structure.
30 I'm not -- I think it's safe to say they were not promoting the
31 unit and subunit approach as the end-all to the situation, but
32 they have been challenged in the past with trying to carve up
33 c&t boundaries for all the many different communities. There
34 are over 250 some rural communities in Alaska. We could have
35 250 some distinct determinations. If we do it by multiple
36 resources, let's say five, we're over 1,000 determinations, and
37 they've been confronted with the problem. So they were looking
38 at a system that they could use to try to get -- I think we had
39 20-some c&ts backlogged, get them off the books, and do it in a
40 way that made sense, although it may not be perfect. And I
41 don't think in this case when you supported -- in the spring,
42 when this body supported their determination, I'm not trying to
43 put forward that you supported the concept carte blanche of
44 units and subunits, but at least in the cases presented to you,
45 and the evidence in the analysis, in these cases that approach
46 made sense.

47
48 CHAIRMAN LOHSE: Well, I'm kind of at a loss where to
49 go right now. I just -- Fred?

50

0089

1 MR. JOHN: I remember what we supported was the Village
2 of Dot Lake to hunt in, you know, certain area because they got
3 t&c there, and Healy Lake. But I don't know -- I really don't
4 know about having a whole unit, you know, coming down there and
5 having c&t down here. But I just remember individual villages,
6 that's about all.

7
8 CHAIRMAN LOHSE: Lee?

9
10 MR. TITUS: One of the -- Whatever you guys decide as
11 this -- whatever you guys decide at this meeting, we probably
12 will take it back for our next meeting for consideration.
13 We'll probably go through these at our meeting next month.

14
15 The thing that I see happening is that when we get two
16 different councils acting on the same proposals, it brings up
17 issues that were not addressed by another regional council.
18 And one regional council will say it's okay, and they pass it,
19 and then the other one make modification and change it, and the
20 proposal just goes back and forth without settling anything.
21 And I'm just saying that I believe that whatever you guys
22 decide to do with these proposals, that you make modifications
23 on that we already passed at our meeting, I have a strong
24 feeling that we'll probably pass it at our meeting. So I guess
25 it's just up to you guys how you want to -- if you're going to
26 make the modifications, or you're going to pass the proposal as
27 it is written.

28
29 CHAIRMAN LOHSE: Rachel, could you read the proposals,
30 Proposal 30 and 31 to us?

31
32 MS. MASON: Do you want just a general description or
33 do you want the actual language agreed to.....

34
35 CHAIRMAN LOHSE: The actual language.

36
37 MS. MASON: Okay. Let's see. Proposal 30, let's see,
38 the existing regulation is no determination for black bear.
39 The proposed regulation is positive c&t for rural residents of
40 Cantwell, Chistochina, Chitna, Copper Center, Gakona, Gulkana,
41 Mentasta and Tazlina. This is in Unit 13, and it was proposed
42 by the Copper River Native Association.

43
44 Proposal 31.....

45
46 CHAIRMAN LOHSE: Now, didn't we modify that one then,
47 too, as a Council?

48
49 MS. MASON: Yes, you did.

50

0090

1 CHAIRMAN LOHSE: Okay. Could you read it currently as
2 it stands as we modified it as a council?

3
4 MS. MASON: As you modified it as a council, it would
5 be in Unit 13, black bear, all residents of Unit 13.

6
7 CHAIRMAN LOHSE: Okay. Okay.

8
9 MS. MASON: Shall I go on to 31?

10
11 CHAIRMAN LOHSE: Go on to 31.

12
13 MS. MASON: Okay. This is also for Unit 13. The
14 request is for all residents of Unit 13, and in Units 20(A) and
15 20(C), also for black bear. There's currently a no
16 determination, and the request is for a positive c&t for all
17 residents between Milepost 216 and Milepost 309 of the Parks
18 Highway. This was proposed by the Middle Nenana River Fish and
19 Game Advisory Committee. And the recommendation of the
20 Southcentral Regional Council was -- actually the modification
21 was to support Proposal 31 with modification, and that way
22 Proposal 30 would be rendered moot, because it was also for
23 Unit 13, so the proposed modification of 31 was for a positive
24 c&t in 13 for all residents of Unit 13, and not to support a
25 positive c&t for black bear in Units 20(A) and 20(C).

26
27 CHAIRMAN LOHSE: Okay. And that's the part where we
28 currently disagree with Eastern Interior then?

29
30 MS. MASON: Actually.....

31
32 CHAIRMAN LOHSE: Or -- I don't like to use the word
33 disagree, but differ.

34
35 MS. MASON: Theirs was a different approach. They.....

36
37 CHAIRMAN LOHSE: Theirs was a total different approach,
38 right.

39
40 MS. MASON: Yeah. Yes. They supported Proposal 30
41 with modification to include the adjacent subunits.

42
43 CHAIRMAN LOHSE: Okay. So theirs would basically say
44 then -- the way yours would be written currently today would --
45 that the Unit 13 would be a positive determination for all
46 members of Unit -- all the residents of Unit 13 and
47 subunit.....

48
49 MR. SHERROD: It would be the surrounding subunits.

50

0091
1 CHAIRMAN LOHSE: The surrounding subunits.
2
3 MR. SHERROD: Which would include 20(A) and 20(C) and I
4 need another map, because I can't keep straight where the --
5 do you have the (indiscernible). 14 I guess would fall into
6 that.
7
8 CHAIRMAN LOHSE: And wouldn't 12 and 11?
9
10 MR. SHERROD: Yes.
11
12 CHAIRMAN LOHSE: Yeah, so basically all surrounding
13 units or subunits?
14
15 MR. SHERROD: Right. And.....
16
17 CHAIRMAN LOHSE: In other words, if there was a subunit
18 on the border, then the whole unit wouldn't be in it, but if
19 there was a unit on the border, the whole unit.....
20
21 MR. SHERROD: Unit.
22
23 CHAIRMAN LOHSE:would be in it.
24
25 MR. SHERROD: And again reminding that after
26 considerable debate about black bear, the general feeling that
27 these were meaningless. I'm not -- I don't -- I'm not trying
28 to put c&t down, but these were ineffective,.....
29
30 CHAIRMAN LOHSE: Uh-hum.
31
32 MR. SHERROD:because anyone could come and hunt
33 there anyway.
34
35 MR. EWAN: So there's really no great opposition to
36 whatever we do then, right? Is that what you're saying?
37
38 MR. SHERROD: I think that's pretty -- realizing that
39 it doesn't mean much. I'll.....
40
41 CHAIRMAN LOHSE: Nat?
42
43 MR. GOOD: And the only other thing here, you know, we
44 look at this and we say, well, this is really inside of their
45 area. We don't think it really directly concerns, even though
46 people in GMU 20, 11 and 12 ordinarily have hunted black bear
47 in this area, we don't think it will really affect them. In
48 theory it could. The only concern that we have is, well, you
49 have to make the decision, but anybody living outside of those
50 community then does not have a c&t, including living in between

0092

1 them. We get really concerned about precisely what is somebody
2 who lives in, say, Gulkona, where does Gulkona begin and end?
3 Is it a mile from there that people are out? What exactly does
4 this mean.

5
6 CHAIRMAN LOHSE: But, Nat, didn't we cover that when we
7 changed it to all rural residents of Unit 13?

8
9 MR. GOOD: If it is all rural residents.....

10
11 CHAIRMAN LOHSE: I mean,.....

12
13 MR. GOOD:of Unit 13.

14
15 CHAIRMAN LOHSE: That's basically as a council what we
16 had recommended was that it was all rural residents of Unit
17 13.....

18
19 MR. GOOD: Yeah. But.....

20
21 CHAIRMAN LOHSE:had findings in Unit 13. So the
22 question comes in, how do we deal with the ones that aren't
23 residents of Unit 13,.....

24
25 MR. GOOD: Yeah, it.....

26
27 CHAIRMAN LOHSE:that's what we're.....

28
29 MR. GOOD: But what we had first was this, and that was
30 our concern, you know, was we can see that this is limiting.
31 When you went to residents of Unit 13, it was not limiting.
32 Not as far as we were concerned.

33
34 CHAIRMAN LOHSE: So that the point of -- the only point
35 of difference between yours and ours at this point in time is
36 that fact that we limited 13 to residents of Unit 13, you
37 limited 13 to residents of Unit 13 and adjacent units.

38
39 MR. GOOD: As I said earlier, you know, we're the real
40 cause of this problem, and the reason being that we wanted to
41 make a point and say that we believe there should be some
42 geographic boundary, some limitations as to how far you could
43 go, but it wasn't so simple as to say that this line that lies
44 right here is the single be all and end all. And whether
45 you're going to go with an adjacent subunit, or a grey area, or
46 something else, we're all saying that it isn't quite that
47 simple, that because you're in 13, you are only in 13 and you
48 belong to a different nation,.....

49
50 CHAIRMAN LOHSE: Yeah.

0093

1 MR. GOOD:or you're in 9, you belong to a
2 different nation. That type of thing.

3
4 CHAIRMAN LOHSE: Well, I'm just trying to figure out
5 what we need to do to come to a point of consensus, or if we
6 can't, you know. George?

7
8 MR. SHERROD: Mr. Chair, I was just pointed -- it was
9 just pointed out to me that the subunits action on the part of
10 Eastern Interior was only for those subunits in Region 9 I
11 guess. They did not promote the idea that 14 or 9, other
12 units, or 11 in your region, should be included. They were
13 just simply promoting the concept that 20(A), 12, and 20(C) I
14 think be included in that determination. They were not trying
15 to step on your toes.

16
17 CHAIRMAN LOHSE: No, I realize that.

18
19 MR. SHERROD: Okay. Well,.....

20
21 CHAIRMAN LOHSE: But -- okay. Other questions from
22 other council members? Roy?

23
24 MR. EWAN: There's Vince.

25
26 CHAIRMAN LOHSE: Oh, Vince?

27
28 MR. MATHEWS: Two things I think. Gloria would like to
29 speak, so I don't want that lost. I don't know if she still
30 does or not, but she stopped me back there.

31
32 MR. EWAN: I do have a question if you're -- you're not
33 going to make a comment now?

34
35 MR. MATHEWS: What now?

36
37 MR. EWAN: Am I interrupting your comment?

38
39 MR. MATHEWS: No, I was going to make a comment, there
40 is a result.....

41
42 MR. EWAN: Okay. Could I ask a question, a quick
43 question, since.....

44
45 MR. MATHEWS: Sure.

46
47 MR. EWAN: In the back of my mind here, as you were
48 talking about this, I guess our difference here, in 20(A) and
49 20(C), what other people are we trying to serve outside of this
50 Mile 215 and 309? What other people are we trying to serve or

0094

1 -- if we include the whole unit -- subunits I mean?

2

3 CHAIRMAN LOHSE: Healy, Healy Lake, Dot Lake.

4

5 MR. EWAN: Okay. But we didn't have a problem with
6 that. Isn't that what Fred was saying?

7

8 CHAIRMAN LOHSE: Yeah.

9

10 MR. EWAN: So what is the disagreement then?

11

12 CHAIRMAN LOHSE: Well, it also contained.....

13

14 MR. MATHEWS: The 20(A).....

15

16 CHAIRMAN LOHSE:in.....

17

18 MR. MATHEWS:and 20(C) has those.....

19

20 UNIDENTIFIED VOICE: Parks Highway.

21

22 MS. STICKWAN: That's the Parks Highway people.

23

24 UNIDENTIFIED VOICE: Parks Highway.

25

26 MR. MATHEWS: Yeah, it's the Parks Highway issue, and I
27 kind of want to not touch that one, because I know the history
28 of that, the genesis of that proposal, so it -- I can't give
29 you an answer at this time.

30

31 But the comment I was going to make by the action of
32 your recommendation to go with Unit 13 residents, based on
33 earlier conversation this morning where I heard, and please
34 correct me if I got it wrong, that if a person goes out hunting
35 for moose, and if a bear is available at that time, that they
36 will take that bear. If the action that you've recommended
37 goes forward, then the resident -- the community of Dot Lake in
38 13(C) would only be able to hunt moose and not black bear. So
39 you would be taking away a community under that scenario that
40 black bear hunting is an opportunistic take. Again, this is
41 difficult, because we're not -- many of us are not geared up
42 for a proposal discussion, analysis discussion. At least, I'm
43 not, you know.

44

45 CHAIRMAN LOHSE: Gloria, did you have something you'd
46 like to share with us right now?

47

48 MS. STICKWAN: (Indiscernible - away from
49 microphone).....

50

0095

1 COURT REPORTER: I can't hear her.

2
3 MS. SWAN: Can't hear.

4
5 MS. STICKWAN: Pat Saylor and I were out -- back there
6 talking, and we thought that we could have a working group with
7 these three people that wrote these different proposals, sit
8 down together and say, you know, this is where we want to go.
9 What c&ts should be given to this area, or not to this area.
10 You could not -- then you won't be deferring the proposal, you
11 would just be saying that we were going -- we'll, you know, get
12 this working group together to work on this.

13
14 CHAIRMAN LOHSE: That's an idea. Thank you, Gloria.
15 That's probably the direction we should go on it, is to set up
16 a working group to work -- from the different councils to work
17 together to find a meeting grounds right here to come up with
18 something that we could present, because I don't think we
19 really have any disagreements. It's just that -- it's just I
20 think our approach is -- somehow or another our approach is
21 going in two different directions a little bit right here, and
22 we can kind of come to a conclusion of what we're trying to
23 accomplish, and at the same time -- and I think we need to
24 stick not with the -- our starting point should be not with the
25 original proposals, but with the proposals as they've been
26 modified, you know, over time, because that -- we've -- as a
27 Council, we've kind of come to a consensus in one direction,
28 which is not the same as the original proposal, and you guys
29 have come to a consensus and a direction that's not the same as
30 the original proposal. That should be our starting point then
31 to start working from there.

32
33 Now, in order to appoint a working group on this, we're
34 dealing with Dot Lake and Healy, in that area there. The
35 obvious choice of members of our Council to deal with that
36 problem is Fred John, Jr. Would you like to propose that we
37 have a working group with a member of your Council, maybe --
38 and your -- do we need to have our two anthropologists be part
39 of that working group, and maybe a representative from CRNA?
40 And maybe one interested member of the public if they'd like
41 to. How does that sound to the rest of you? Vince?

42
43 MR. MATHEWS: The only thing we'd have to do is ask if
44 Pat Saylor would be interested also, and then Tanana Chiefs has
45 a representative here. I don't want to make the group any
46 bigger,.....

47
48 CHAIRMAN LOHSE: Right.

49
50 MR. MATHEWS:but since they overlap on

0096

1 different.....

2

3 CHAIRMAN LOHSE: Yeah.

4

5 MR. MATHEWS:that they be recognized as an
6 option.

7

8 CHAIRMAN LOHSE: That's what I was thinking when I was
9 thinking of the other person. I forgot that he was
10 representing Tanana Chiefs, and that would be a perfect
11 complement to Gloria. So if Gloria and Pat, then Fred and who
12 from your group?

13

14 MR. GOOD: Mr. Chairman, I think it would be wise to
15 leave that to the group to choose at our meeting here very
16 shortly.

17

18 CHAIRMAN LOHSE: Okay. Excellent idea. And then the
19 two anthropologists? And if you guys.....

20

21 UNIDENTIFIED VOICE: Pat may have something.

22

23 CHAIRMAN LOHSE: Pat?

24

25 MR. SAYLOR: That's Connie Friend.

26

27 CHAIRMAN LOHSE: Oh, Connie Friend?

28

29 MR. SAYLOR: Yeah.

30

31 CHAIRMAN LOHSE: Okay. Connie instead of you?

32

33 MR. SAYLOR: No, both. Both.

34

35 CHAIRMAN LOHSE: Both?

36

37 MR. SAYLOR: She is Tanana Chief's representative.

38

39 CHAIRMAN LOHSE: Okay. Well, I -- you know, what we
40 could do is just have volunteers for the working group, and I
41 see Rachel and George.....

42

43 MR. MATHEWS: They don't volunteer?

44

45 CHAIRMAN LOHSE: They don't have a choice. Because it
46 looks to me like we've got some proposals here that we don't
47 have to take action on right now, but we need to come to
48 consensus on. Is that agreeable with the rest of the Council,
49 that we'll propose a working group to handle these, and I think
50 it's Chair's responsibility to appoint somebody from the

0097

1 Council to be on that working group, so I'll appoint Fred John,
2 Jr. And I'll leave that up to your group to appoint somebody,
3 and then we'll get the interested parties together and work on
4 that. And then when do we need -- do we need to set a
5 timetable when to bring something back to us, at the next
6 meeting? Is that too late?

7
8 MS. MASON: That would be -- that seems reasonable to
9 me. Yeah.

10
11 MS. EAKON: It would have to be, because that's when
12 you make your -- the Regional Councils make their
13 recommendations to be presented by the chairs to the Board at
14 the main Board meeting.

15
16 CHAIRMAN LOHSE: So we would need it by the next
17 meeting.

18
19 MS. EAKON: We need to.....

20
21 MS. MASON: Okay. So, Mr. Chair, with the group that
22 would have to meet, we'd meet in order to develop a
23 recommendation to bring to the next Council.....

24
25 CHAIRMAN LOHSE: You'd either meet or do it by
26 teleconference.

27
28 MS. MASON: Okay. That.....

29
30 MR. TITUS: Are they going to be dealing with all the
31 overlapping proposals, or just 30 and 31? Because you have 13
32 -- 32 and 33, too.

33
34 UNIDENTIFIED VOICE: I think we should deal with them.

35
36 CHAIRMAN LOHSE: I think we should deal with all of
37 them, myself, to come to consensus on all of those overlapping
38 proposals.

39
40 I've got -- am I wrong? It looks to me like there's
41 eight of them that are overlapping? Well, some of them are
42 double proposals, but there's basically eight.....

43
44 MS. MASON: Yeah.

45
46 CHAIRMAN LOHSE:right there?

47
48 MS. MASON: Yes.

49
50 CHAIRMAN LOHSE: Eight basic proposals that overlap.

0098

1 That can be the wishes of our Council. We can't put that on
2 your Council.

3
4 MR. GOOD: Right. But I think we'll buy it real quick.

5
6 CHAIRMAN LOHSE: Okay. Okay. If that's agreement with
7 everybody, we'll -- what do we need to do to make this
8 official?

9
10 MS. EAKON: Well, what we always do is ask our big
11 boss, Mr. Boyd, if we can have the funds for this.

12
13 MR. BOYD: Well, of course, we do.

14
15 MS. EAKON: Okay. Well, we just need -- we just need
16 confirmation.

17
18 CHAIRMAN LOHSE: Are we within our bounds to do this?

19
20 MR. BOYD: Yes, we are, Ralph, and I -- Mr. Chair, I
21 think what we will probably have to do, and I'll need to get
22 some clarification on this, but we'll probably have to notice
23 the meeting. In other words, of the working group, make it
24 available to the public if they want to participate. My sense
25 is that the interest lies primarily in the primary people that
26 you've indicated to attend. And that we would also -- I think
27 we should consider, you know, others might want to attend and
28 participate. But clearly the purpose of the meeting is to work
29 out a compromise, or try to work out a compromise, and bring
30 that input or that -- those results of that meeting back to the
31 respective councils, and hopefully everyone will be in synch at
32 that point, and -- but I just wanted to let you know we will
33 have to notice the meeting. Elizabeth Andrews has indicated
34 that she would like to have State representation to help and
35 participate in the meeting, and -- but I think everything is
36 do-able, and certainly our office is supportive of this kind of
37 thing, because it resolves problems and -- before they get to
38 the Board level, and that's what we're charged to do, so.....

39
40 CHAIRMAN LOHSE: Do we need to take any further steps
41 as a Council here to set this in order, other than basically
42 appointing Fred to take care of it?

43
44 MR. BOYD: Yeah, I think that's within your purview to
45 designate who you would like to attend and then report back to
46 you. If you have any additional guidance to the working group
47 that you want to develop, that my staff could make sure, you
48 know, it gets on the agenda for this meeting, that would be
49 good.

50

0099

1 CHAIRMAN LOHSE: Because I was thinking actually the
2 only person that we can appoint to it is a member of our
3 Council.

4
5 MR. BOYD: Uh-hum.

6
7 CHAIRMAN LOHSE: Anybody else, it's going to be at
8 their discretion, at the discretion of them and the other
9 council and the staff.

10
11 MR. BOYD: Certainly, and you could suggest.....

12
13 CHAIRMAN LOHSE: Yeah.

14
15 MR. BOYD:who you think might be appropriate to
16 attend.

17
18 CHAIRMAN LOHSE: Okay. With that in mind, we will
19 defer action on these proposals then, which we weren't planning
20 on doing, and we will revert it to a working group, and
21 hopefully have a solution brought by the next meeting. Vince?

22
23 MR. MATHEWS: Mr. Chairman, I just need one last
24 clarification,.....

25
26 CHAIRMAN LOHSE: Okay.

27
28 MR. MATHEWS:I apologize, but Helga and I have
29 been working on possibly having one or two of your members
30 attend Eastern Interior. In light of your action that you just
31 took, it's an open question if there's still a need to have
32 Southcentral representatives attend the meeting in Minto.
33 You're more than welcome to come. I know the Council would
34 like to have you there, but the original idea of having this
35 interchange was the proposals, so you're more than welcome to
36 come to Minto, but I need to know, and get lodging and all that
37 other stuff. I'm kind of pushing you here, I apologize for
38 that, but it.....

39
40 CHAIRMAN LOHSE: Yeah.

41
42 MR. MATHEWS:would make it easier.

43
44 CHAIRMAN LOHSE: Is there any members of the Council
45 who would like to attend Eastern Interior's meeting at Minto,
46 and.....

47
48 MR. JOHN: What date is it?

49
50 CHAIRMAN LOHSE: What date is it?

00100

1 MR. MATHEWS: It's October 20th and 21st. And again
2 the two members here are not.....

3
4 MR. JOHN: (Indiscernible) Kotzebue.

5
6 CHAIRMAN LOHSE: You're in Kotzebue?

7
8 MR. MATHEWS:are not speaking for the Council,
9 but I would guess that they would also defer action for this
10 task force to take action, so if that's the case, then these
11 proposals really will not be discussed.

12
13 CHAIRMAN LOHSE: So then there's no immediate need to
14 have somebody at that -- that's basically what the working
15 group will be taking care of.

16
17 MR. JOHN: I don't think we need anybody up there at
18 this time.

19
20 CHAIRMAN LOHSE: Okay. Great.

21
22 MR. MATHEWS: Okay. Thank you. That means I don't
23 have to put staff out in the cold, because all the rooms in the
24 lodge were taken up, so.....

25
26 CHAIRMAN LOHSE: We just suggested that somebody in
27 your group bring their tent. Okay. Well, we didn't accomplish
28 much there, but we recognize that we have something that we
29 need to work together to get, you know, kind of a consensus on,
30 and I think George is right, that you like us have approached
31 this from so many different angles, and there are no easy
32 solutions. So.....

33
34 Okay. We're going to -- we already had a break. I
35 wouldn't mind a five-minute break to.....

36
37 UNIDENTIFIED VOICE: Let's take a break, yeah.

38
39 UNIDENTIFIED VOICE: I've got to go.

40
41 CHAIRMAN LOHSE: Okay. We have -- before we do
42 anything,.....

43
44 MS. EAKON: Proposal 19.

45
46 CHAIRMAN LOHSE:we have one more proposal on the
47 book here, the deferred proposal by Don Kompkoff that we
48 deferred as a Council. It has nothing to do with Eastern
49 Interior. At this point in time, maybe we should take care of
50 that before we take our break.

00101

1 MR. EWAN: Okay. Mr. Chairman, I have a comment about
2 the discussion that took place here on the other proposals.

3
4 CHAIRMAN LOHSE: Okay.

5
6 MR. EWAN: I don't know if we gave enough guidance to
7 whoever's going to represent the Council here on our position.
8 It seems to me like it would be counter-productive if we didn't
9 give any guidance, or let me know our position. You know, they
10 could go back and agree to something, and then come back to
11 this Council, and then if we voted it down, I think it
12 will.....

13
14 CHAIRMAN LOHSE: Yeah.

15
16 MR. EWAN:be counter-productive.

17
18 CHAIRMAN LOHSE: Well, that may happen.....

19
20 MR. EWAN: Yeah.

21
22 CHAIRMAN LOHSE:that may happen anyhow,
23 because.....

24
25 MR. EWAN: Yeah.

26
27 CHAIRMAN LOHSE:I mean, it's possible that a
28 consensus can't be reached.

29
30 MR. EWAN: Well, we could save time if we tell him what
31 -- how we'd like to see it.....

32
33 CHAIRMAN LOHSE: Yeah.

34
35 MR. EWAN:before he goes.

36
37 CHAIRMAN LOHSE: Well, I kind of took for granted that
38 Fred John, Jr., knew which direction this -- has a better idea
39 of how this Council was going than most of us did. Fred, what
40 kind of guidance would you like us to give you before you.....

41
42 MR. JOHN: (Indiscernible).....

43
44 CHAIRMAN LOHSE: Well, the direct questions that you'd
45 like answered.

46
47 MR. EWAN: Yeah. The disagreement is on whether to
48 include the whole submit unit or go.....

49
50 MR. JOHN: Yeah.

00102

1 MR. EWAN:to community by community.

2
3 MR. JOHN: Yeah, that's what I'd like to know, if it's
4 community by community, or taking the whole subunit.

5
6 CHAIRMAN LOHSE: I think we might have to go to some
7 kind of modification, like what Gloria suggested, where you
8 have units and then.....

9
10 MR. JOHN: A grey area?

11
12 CHAIRMAN LOHSE:grey area type thing, which is
13 not a Fish and Game subunit, but basically an area of people,
14 you know, that would be a defined area of people, which makes
15 more sense to me than.....

16
17 MR. JOHN: What about areas like -- I'm talking about
18 Dot Lake and Healy Lake that has for t&c in 11 and.....

19
20 CHAIRMAN LOHSE: 13.

21
22 MR. JOHN:Delta Junction that doesn't have, you
23 know?

24
25 CHAIRMAN LOHSE: Yeah.

26
27 MR. JOHN: Those are.....

28
29 MR. EWAN: Mr. Chairman, I think there are questions
30 probably on everyone's mind about some of the comments that
31 were made concerning communities, boundaries and so forth. I
32 know that that has been a question for years that I served on
33 this Council. We do not define community boundary. When we
34 talk about Healy Lake, we don't know where exactly we're about.
35 Are we talking about just a small geographical area, or a large
36 geographical area? And that was probably one of the areas that
37 we might disagree on. I don't know. Maybe we won't disagree.
38 But I don't like the idea of including a large area. I don't
39 know why. I think we.....

40
41 MR. JOHN: I know that.

42
43 MR. EWAN: That could get us into trouble I think down
44 the road. I don't know exactly what that problem could be, but
45 I feel including such a large area opens the door to problems I
46 think. We can deal with issues as they -- as a community grows
47 or new residents build houses in a particular area, then we can
48 deal -- can include them. Stated in the -- maybe we need
49 termination or whatever you want to call it.

50

00103

1 CHAIRMAN LOHSE: Redeterminations (Indiscernible -
2 simultaneous speech).

3
4 MR. EWAN: Yeah, say to include certain small I guess
5 segment of a community, subdivision, or whatever you want to
6 call it.

7
8 CHAIRMAN LOHSE: So at this point in time then what we
9 need to do is we need to give Fred some direction as to how to
10 go in that way, and then that's, you know, as a Council. As a
11 Council we did not, you know, accept the idea of unit/subunit,
12 but I think you're going to have to go to probably some kind of
13 modification somewhere between where we were, which was
14 community by community, and where they are, which is subunit
15 and unit. It has -- there's going to have to be a meeting
16 ground some place in there that -- if we're going to come to
17 any consensus. And.....

18
19 MR. JOHN: I think I know where we stand on.....

20
21 CHAIRMAN LOHSE: Right.

22
23 MR. JOHN:we stand on communities.

24
25 CHAIRMAN LOHSE: Yeah. And recognize that, you know,
26 there might have to be some modification of that. What that
27 modification should be a minor (indiscernible).

28
29 MR. JOHN: Okay.

30
31 CHAIRMAN LOHSE: Do we need to -- Do we need to pass --
32 we don't need to pass a motion on that I don't think.

33
34 MR. EWAN: No, just.....

35
36 CHAIRMAN LOHSE: Yeah.

37
38 MR. EWAN: I just wanted to know if he had guidance,
39 you know, to represent our views, because we will be spinning
40 our wheels if.....

41
42 CHAIRMAN LOHSE: We may spin our wheels anyway.

43
44 MR. EWAN: Yeah.

45
46 CHAIRMAN LOHSE: Don, shall we go to Proposal 19 now?

47
48 MR. KOMPKOFF: Yes, Mr. Chairman, Proposal 19 is that
49 residents from Tatitlek and Chenega be added to those with a
50 positive customary and traditional use determination for moose,

00104

1 Units 6(A), 6(B), and 6(C). It's in map one. And we had --
2 we've hunted both -- all the units for moose over, at the
3 Bering River all the way up to Mile 24 in Valdez on Unit (D),
4 and across the river on Unit -- Subunit 6(B). That's right
5 across the river.

6
7 CHAIRMAN LOHSE: Yeah, Martin River.....

8
9 MR. KOMPKOFF: Right. Martin River, yeah. And that's
10 the -- my proposal.

11
12 CHAIRMAN LOHSE: Okay.

13
14 MR. KOMPKOFF: I have also another proposal that I'd
15 like to make for Unit 7.

16
17 CHAIRMAN LOHSE: We'll have to make that for the --
18 we'll have to make that under new proposals for the future.

19
20 MR. KOMPKOFF: All right. Thanks.

21
22 CHAIRMAN LOHSE: Right now we're under the discussion
23 of Proposal 19.

24
25 MR. KOMPKOFF: Okay

26
27 CHAIRMAN LOHSE: Rachel, have you got anthropological
28 stuff to give us on that one?

29
30 MS. MASON: Mr. Chairman, that proposal was deferred by
31 the Board in order to get more information from the communities
32 of Tatitlek and Chenega Bay. And in the absence of
33 Mr. Kompkoff, we were unable to put that information together,
34 so I don't have any more myself, but Mr. Kompkoff should be
35 able to cast light on the subject.

36
37 MR. KOMPKOFF: Yes, we had several people from Chenega
38 and Tatitlek, like four or five people that got two moose, you
39 know, in 198- -- early 1980s, and in Chenega in 1970, 1975. My
40 brother Joe got one from there, and Paul Valasof got two when
41 he was living in -- he was living in Tatitlek at the time.
42 He's -- that's where he's from. And we'd just like to continue
43 doing it with -- to get moose from there, even if it is one.

44
45 CHAIRMAN LOHSE: Yeah, every so often. Okay. So the
46 proposal in front of us is to find customary and traditional
47 use determination for residents of Units 5(A), 6(A), 6(B), 6(C)
48 and residents of Tatitlek and Chenega for Unit 6. If we take a
49 look at the staff analysis that's over here, currently, if I
50 remember right, residents of 6(A), 6(B), and 6(C), and Unit

00105

1 5(A) have customary and traditional use on the transplanted
2 moose herd in Unit 6.

3
4 MS. MASON: That's right.

5
6 CHAIRMAN LOHSE: And they have customary and
7 traditional. Okay.

8
9 MS. MASON: A slight revision of that, Mr. Chairman.
10 In Unit 6(A), Unit 5(A).....

11
12 CHAIRMAN LOHSE: Unit 5(A), right.

13
14 MS. MASON:has a positive c&t. In Unit.....

15
16 CHAIRMAN LOHSE: Right.

17
18 MS. MASON:6(B) and 6(C), it's residents of 6(A),
19 6(B) and 6(C). And the proposal is for Units 6(A), 6(B) and
20 6(C), to add the residents of Tatitlek and Chenega Bay.

21
22 CHAIRMAN LOHSE: Right. Okay. We've gone through --
23 we went through this quite a bit in the last meeting about the
24 idea that these were an introduced species, that there's been a
25 very short time period that all of this has taken place in.
26 Basically all of the hunts up to this point in time have been
27 drawing hunts, and most of the people from the whole area
28 participate in the drawing hunts. And Tatitlek and Chenega we
29 recognize has both -- has ties with Cordova or Eyak, and have
30 -- some of them have lived at one place and lived in the other.
31 We basically were -- we deferred action to get to more
32 information, and so the information that we have then is what
33 Don has just presented us about residents that have taken moose
34 in that hunt. And Don is right, it's -- that hunt has always
35 been a very sought after thing. Everybody in the area puts in
36 for the drawing, and you don't get drawn very often. I think
37 I've been drawn once in 20-some years.

38
39 So we basically have nothing more to consider, other
40 than the fact that like Don has pointed out, that residents
41 from Tatitlek and from Chenega have taken part in that limited
42 hunt in the past. They're members of the Prince William Sound
43 community for lack of a better way of putting it. Fred?

44
45 MR. JOHN: Mr. Chairman, I'd like to make
46 (Indiscernible - away from microphone). It's just Tatitlek and
47 Chenega, them two in Unit 6,.....

48
49 CHAIRMAN LOHSE: Right.

50

00106

1 MR. JOHN:to hunt in.....

2
3 CHAIRMAN LOHSE: In 6(A), (B) and (C).

4
5 MR. JOHN: Oh, okay.

6
7 CHAIRMAN LOHSE: Do I have a motion?

8
9 UNIDENTIFIED VOICE: Could I -- Mr. Chairman? Do we
10 have to hear from Fish and Game?

11
12 MR. EWAN: Yeah, I'd like to hear about the.....

13
14 CHAIRMAN LOHSE: We've already heard from them, haven't
15 we?

16
17 MS. MASON: Yes, this.....

18
19 MR. EWAN: At the last meeting?

20
21 CHAIRMAN LOHSE: At the last meeting. We heard from
22 them at the last meeting. Basically what we were missing was
23 any information on the take.

24
25 MR. EWAN: Because Ben wasn't here, right.

26
27 CHAIRMAN LOHSE: Well, Ben wasn't here, and you weren't
28 here. Is Fish and Game prepared to make -- or Fish and
29 Wildlife prepared to make a presentation?

30
31 MR. EWAN: I think it's more interesting reviewing the
32 population of moose and stuff like that. I forgot what was
33 said last time.

34
35 CHAIRMAN LOHSE: Don?

36
37 MR. KOMPKOFF: They said at the last meeting we had was
38 -- there was 30 moose over in that area.

39
40 CHAIRMAN LOHSE: Oh, we're talk- -- you're talking in
41 King's Bay now.

42
43 MR. KOMPKOFF: Okay.

44
45 CHAIRMAN LOHSE: No, we're talking Units 6(A), (B) and
46 (C).

47
48 MR. KOMPKOFF: Oh, okay.

49
50 CHAIRMAN LOHSE: Robert?

00107

1 MR. WILLIS: Thank you, Mr. Chair, Robert Willis, Fish
2 and Wildlife Service. Typically we don't do a biological
3 analysis for c&t proposals, because the c&t proposal is a
4 determination of whether people customarily and traditionally
5 harvested animals in the area irrespec- -- in past time,
6 irrespective of whether there's a 1,000 moose in there today or
7 only one. For that reason, we don't typically gather
8 biological information to present with a c&t proposal. And,
9 Ralph, I would guess that in those areas you probably have a
10 greater knowledge than anybody in the room on the number of
11 moose over there, since we don't have the regional biologist
12 from Cordova with us.

13
14 CHAIRMAN LOHSE: Yeah, I think what Robert is basically
15 saying is that for a c&t determination, the presence or the
16 number of the game animals and the hunting seasons don't apply.
17 It's whether or not they have taken part and made use of it in
18 the past.

19
20 MR. EWAN: Well, for a person that don't -- doesn't
21 live in that area, I think we'd like to have some general
22 knowledge of moose population. Are they new to the area now or
23 what? What have I got.....

24
25 CHAIRMAN LOHSE: The moose population's new to the
26 area. And we found.....

27
28 MR. EWAN: Yeah. How new?

29
30 CHAIRMAN LOHSE: How new? 1950 basically. The first
31 moose came to Cordova in 1950. They kept them in the post
32 office. They came from the Kenai Peninsula. And the local
33 community raised them, turned them loose on the Copper River
34 Delta. Currently there is about, I'll say between 270 and 300
35 moose on the west side of the Copper River Delta. They had --
36 they just had a hunting season on that. They have a drawing
37 only. It was 15 bulls and five cows.

38
39 They have a hunt on the east side of the Copper River,
40 which is what we call the Martin River Valley. I think that
41 again we're dealing with a population of about 250 moose there.
42 Calf survival was down. They had a hunt, and I would hate to
43 quote myself exactly, but it was either 15 or 20 bulls, and
44 that was either -- there was a ten-day walk-in hunt, and that's
45 a registration hunt. First come, first served on that.

46
47 And then the other part of the herd has spread down to
48 the Bering River area, and the Bering River area is 6(C), and
49 that's also the area, and then down into 5(A). And that's the
50 area that we've talked about before where we deal with people

00108

1 from Unit 5. And those are all parts of that transplanted
2 moose herd. And that's -- that is a registration hunt also,
3 and that's a case of first come, first served. We have people
4 -- I know we have people from -- most of the people that take
5 part in those hunts are from the Cordova/Eyak area, although
6 the drawing has gotten popular even in the rest of the State,
7 and there are people putting in for the drawing from all over
8 the State.

9
10 It's always been approximately 15 cows, 15 bulls on the
11 west side of the Copper River. And that would be the hunt that
12 Don is talking about that residents of Chenega or Tatitlek put
13 in for a drawing. Some of the residents of Chenega and
14 Tatitlek have boats, and they probably went down to Bering
15 River area, which is what we call 6(C), and that's an open
16 hunt. And I know that moose have been taken in the past there.
17 Now, I think Don had a record of who had taken them.

18
19 MR. KOMPKOFF: The State has -- I believe the State has
20 that, too, (Indiscernible - away from microphone) lucky draw
21 or.....

22
23 CHAIRMAN LOHSE: Yeah.

24
25 MR. KOMPKOFF:lucky numbers.....

26
27 CHAIRMAN LOHSE: Yeah.

28
29 MR. KOMPKOFF:that were drawn.

30
31 CHAIRMAN LOHSE: Yeah. It's -- we're looking at a hunt
32 that hasn't got a long history. I think the first hunt was in
33 1974 or '75, somewhere in that neighborhood, and so we're
34 looking at a hunt that's been going on for 20-some years.

35
36 We did -- as a Board we found a c&t determination on
37 that same hunt for the residents of Unit 6(A), 6(B) and 6(C),
38 and the unit -- and residents of Unit 5(A) in 6(C). Was that
39 6(C)? Yeah. In 5(A) and 6(C). We as a board found they had
40 c&t determination on those hunts, even if those hunts haven't
41 been there very long. Don put a proposal in to request that
42 the residents of Chenega and Tatitlek -- they are part of the
43 Prince William Sound, you know, community, which Cordova, Eyak,
44 Tatitlek, Chenega, all has a lot of moving back and forth
45 between, and we fish together, move back and forth to different
46 communities and things like that. So basically what he's
47 requesting is that we find a c&t for Tatitlek and Chenega. We
48 have to take into account that these hunts are interrupted, not
49 that many people don't take part in these hunts because they
50 don't want to, they don't take part in these hunts because it's

00109

1 always been a drawing hunt, you know. Fred?

2

3 MR. JOHN: Are you ready for a motion?

4

5 CHAIRMAN LOHSE: I'm ready for a motion.

6

7 MR. JOHN: Okay. I make a motion.....

8

9 COURT REPORTER: I can't hear you, Fred.

10

11 MR. JOHN: I make a motion we adopt Proposal 19.

12

13 MS. SWAN: Second.

14

15 CHAIRMAN LOHSE: It's been moved and seconded.

16 Discussion? Tom, you had your hand up.

17

18 MR. BOYD: Well, I was hoping I would be able speak
19 before you got your motion on the table, so this may be a
20 little awkward, but let me just suggest some things to you, and
21 you can take them under consideration here. Normally we deal
22 with regulatory proposals in the winter meetings, and that's
23 when most of the public is sort of accustomed to our process
24 now. Understandably, this one was on the table last winter,
25 and it was deferred pending additional information. Mr.
26 Kompkoff was not present at the time, and he, of course, lives
27 in the region and has personal knowledge of use down there.
28 And it was the concern of the Council that they -- that you
29 gather more information at that time. And I would suggest that
30 you defer this decision until the winter meeting when you take
31 up the other proposals. That -- I think what we've done at
32 this point today is get that additional information on the
33 table, so that Rachel can accommodate it now in her staff
34 analysis. That will be then distributed to other interested
35 parties who might have a stake in this and might want to
36 comment on it. I know from my recollection there was some
37 lively commentary from other residents of Cordova, for example.
38 I believe the local advisory committee had some concerns about
39 this. And I think you would do yourselves a favor to wait and
40 make sure that we bring in some of the other interests to
41 comment to you and then you would have a better basis for
42 making your decision. So that's my recommendation to you at
43 this time.

44

45 CHAIRMAN LOHSE: Okay. We have another hand up in the
46 back also. Nat? You've got to take your card with you when
47 you go.

48

49 MR. GOOD: Oh, it's both sides. Gee whiz. Just
50 briefly, I taught school in Cordova from 1970 until 1982, and

00110

1 seeing as you have a lack of testimony during that period of
2 time, I thought maybe I better throw some in while I'm here.

3
4 I'd like to state that in -- when I went there in 1970
5 the hunt from -- on the -- from the west side of the Copper
6 River headed east, was open at that time for moose, so it goes
7 back quite a ways.

8
9 I'd like to say also that the people from Tatitlek sent
10 their children very frequently to school in Cordova. They
11 spent a great deal of time in Cordova. They were hunting
12 there. The people in Chenega were living Cordova at that time,
13 and they were hunting in Cordova at that time. I hunted there.
14 I was very successful with moose, I have to say, and I did meet
15 those people out hunting on the Copper River Flats. I do know
16 that they were involved with the hunt.

17
18 Now, the only concern I would have is that Don has
19 mentioned when they took moose, and I think we should also be
20 counting the fact that they were hunting in this area and
21 hunting for a long period of time. Thank you.

22
23 CHAIRMAN LOHSE: Thank you. So with that in mind, we
24 have two choices. We can table our motion until the winter
25 meeting, or we can act on it. What is the pleasure of the
26 board?

27
28 MR. JOHN: We could make it a motion (Indiscernible -
29 away from microphone).

30
31 CHAIRMAN LOHSE: Right.

32
33 MR. JOHN: The motion die for lack of second.

34
35 CHAIRMAN LOHSE: Oh, there was no second?

36
37 MS. MASON: There was a second.

38
39 CHAIRMAN LOHSE: There was a second.

40
41 UNIDENTIFIED VOICE: There was a second, yes.

42
43 CHAIRMAN LOHSE: Clare.....

44
45 MR. JOHN: Oh, there was?

46
47 CHAIRMAN LOHSE:had seconded it.

48
49 MR. JOHN: I guess I'm going to have to withdraw.....
50

00111

1 CHAIRMAN LOHSE: Would you withdraw your motion?

2

3 MR. JOHN: Yeah, I withdraw my motion.

4

5 COURT REPORTER: Closer to the mike, please.

6

7 CHAIRMAN LOHSE: Would you withdraw your second?

8

9 MS. SWAN: Oh, yes, I will.

10

11 CHAIRMAN LOHSE: Okay. Is that acceptable to you, Don,
12 that we'll.....

13

14 MR. KOMPKOFF: That's fine.

15

16 CHAIRMAN LOHSE:we'll take this information and
17 consider it at the winter meeting?

18

19 MR. KOMPKOFF: You bet.

20

21 CHAIRMAN LOHSE: Okay. With that in mind, that's
22 exactly what we'll do. Boy, we're getting.....

23

24 MR. EWAN: Boy, we're just deferring everything.

25

26 CHAIRMAN LOHSE: We're getting nowhere.

27

28 UNIDENTIFIED VOICE: We're not doing nothing.

29

30 CHAIRMAN LOHSE: We haven't taken any kind of action.
31 Now we will take a break though.

32

33 UNIDENTIFIED VOICE: Okay. That's something.

34

35 CHAIRMAN LOHSE: Five minutes.

36

37 MR. EWAN: Can we leave our stuff here? I've got to
38 leave.

39

40 (Off record)

41

42 (On record)

43

44 CHAIRMAN LOHSE: Okay. We're reminded that we need to
45 speak close to the microphone because people aren't hearing us.

46

47 With the rest of the Council's permission, I'd like to
48 take and move one from Unit D -- from section D to the head of
49 section C, because we have a person that's here to speak that
50 won't have the opportunity to stay later than today. And if

00112

1 the rest of the Council agrees with that, I'd like to have this
2 update on the Board committee planning on ATVs moved next. And
3 then we'll have the -- then we'll have the Regional Council
4 discussion on the fisheries issue after that. Okay.

5
6 And the other comment I'd like to make is I forgot that
7 we had an old Cordova biologist out here who could correct me
8 on some of my mistakes on the Cordova moose hunt, and the
9 actual first hunts from his information took place in the 60s,
10 not the 70s. And the original hunts were drawing, and then for
11 a little while they went to an open hunt, but the open -- a
12 registration hunt, but the registration hunts got so short that
13 they went back to drawing. But they've always been a limited
14 hunt. So I was only about ten years off. And that also
15 explains the presence of Chenega and Tatitlek people definitely
16 in those first hunts, because that was right after the
17 earthquake, and right after the earthquake a lot of people from
18 Chenega and Tatitlek lived in Cordova. So that's a little bit
19 of background and history right there to go with it.

20
21 Okay. At this time we'd like to go to Section D, the
22 update on Board of Game subcommittee planning on ATV, and I
23 think the individual is Bill Bartley?

24
25 MS. EAKON: Bruce Bartley.

26
27 CHAIRMAN LOHSE: Bruce Bartley.

28
29 MS. EAKON: Alaska Department of Fish and Game.

30
31 CHAIRMAN LOHSE: Bruce, are you here? There you are.

32
33 MR. BARTLEY: Mr. Chairman, I apologize. Apparently
34 there's been some miscommunication, because I am not privy to
35 the Board's deliberations any more than what's in your packet.
36 I was asked simply to come if there were questions about our
37 policy, Division of Wildlife Conservation or Fish and Game. As
38 far as what the Board of Game subcommittee is doing and which
39 way they're headed, they're the ones that need to speak to
40 that. I have not been present at any of those meetings, and I
41 was actually quite interested to read the summary that you have
42 in your book.

43
44 As far as general questions about Fish and Game's
45 current policies or Board jurisdiction, I can answer those, but
46 as far as the actual progress of that subcommittee, I'm sorry,
47 sir, I can't help you.

48
49 CHAIRMAN LOHSE: Okay. Does any -- recognizing that,
50 does anybody on the Council have some questions that they'd

00113

1 like to ask Bruce? Currently jurisdiction by Fish and Game on
2 ATVs applies only to not where they can go, but what they can
3 be used for, right?

4
5 MR. BARTLEY: Primarily, within the context of hunting.
6 I mean certainly that's one of the stumbling blocks with ATV
7 regulation is that the Board of Game could establish any number
8 of regulations dealing with the use of ATVs for hunting or
9 trapping, but they can't do anything about gold miners and
10 berry pickers and picnickers and things like that, people who
11 -- there is substantial use by all of those people in many of
12 the same areas that are used in the fall by hunters.

13
14 CHAIRMAN LOHSE: John? Fred?

15
16 MR. JOHN: My question would be on ATVs. Is there any
17 -- anybody have jurisdiction over them? Over -- in the State
18 of Alaska?

19
20 MR. BARTLEY: Well, it depends on who owns the land.
21 If it's state land, certainly the Department of Natural
22 Resources could pass whatever sort of regulations they want
23 governing the use of ATVs on their lands, just the same as a
24 native corporation can pass regulations saying what kind of
25 access can be on their land, or as a private landowner, or the
26 -- in the case of the Federal Government, you know, the
27 wildlife refuges, different ones have different polices.
28 Parks, so forth.

29
30 MR. JOHN: If a native corporation banned ATVs on their
31 land, would the State back that up with their police force or
32 whoever they.....

33
34 MR. BARTLEY: Well, again, I think that would be --
35 that would be Alaska State Troopers that would be in charge
36 of.....

37
38 MR. JOHN: Would they, I mean?

39
40 MR. BARTLEY: I can't speak for them. I don't know.
41 I'm sure that if they were to see a violation, I mean, an
42 effective -- if a native corporation closed the land to ATV
43 use, and then there was ATV use, essentially it's a trespass
44 violation as nearly as I could tell, and so, you know, I'm sure
45 it's like any trespass violation. If there's an officer of the
46 law that sees it, you know, it's brought to his attention, I'm
47 sure that they'd enforce it. But, you know, whether or not
48 they could be out there enforcing it all the time, you know,
49 that's -- I'm sure you're aware that there are not very many
50 Fish and Wildlife Protection officers in the entire state. You

00114

1 know, I think it's something like 70 or 80 field officers right
2 now. So realistically, their ability to enforce something like
3 that is going to be pretty limited.

4
5 MR. JOHN: No enforcement.

6
7 CHAIRMAN LOHSE: Ben.

8
9 MR. BARTLEY: Sir?

10
11 MR. ROMIG: Yeah, I guess that was the problem that
12 I've always had with when somebody would come up with a
13 proposal, it seemed like the Fish and Game was lacking the
14 funds for the -- you know, the enforcement side of it, and that
15 seems to be kind of a sticking point in a lot of regulations
16 that people want to bring about. Fish and Game comes back and
17 they says, well, we -- you know, we don't -- we can't enforce
18 it anyway. Is that a real -- going to be a real significant
19 problem with this do you think?

20
21 MR. BARTLEY: Well, first let me just for the record
22 clarify the fact that we're talking two different agencies
23 here. We're talking the Department of Public Safety, which is
24 -- a division of that is Fish and Wildlife Protection, and they
25 are the game wardens. Then there's the Alaska Department of
26 Fish and Game, which I'm with Division of Wildlife
27 Conservation. So they're two very different organizations, and
28 they have separate budgets, and we don't have any control over
29 the Troopers budget and so forth. But certainly, I mean, just
30 enforcing the regulations that the Board of Game passes is
31 certainly a challenge given the number of people that are out
32 there to enforce it.

33
34 We do have people on our staff in Wildlife Conservation
35 and other divisions within Fish and Game who are peace officers
36 with respect to enforcing Fish and Game laws, Title V and
37 Chapter 16. We can enforce those laws, so, for example, I
38 could enforce a law having to do with the season and bag limit
39 on moose hunting, but if it's a trespass violation, I don't
40 have the authority to proc- -- or to, you know, pursue that
41 violation, because that's not under the Fish and Game statutes.

42
43 CHAIRMAN LOHSE: So you can enforce Fish and Game
44 regulations, but you can't enforce general laws, because that's
45 for the State Troopers?

46
47 MR. BARTLEY: Yes, sir.

48
49 CHAIRMAN LOHSE: Any other questions? Thanks, Bruce.

50

00115

1 MR. BARTLEY: I appreciate you moving up the agenda.
2 Thank you very much for.....

3
4 CHAIRMAN LOHSE: Yeah. So the information we have is
5 in Tab H on that.

6
7 We're going to go back to number C, which is the update
8 on federal subsistence fisheries management. You'll find it
9 under Tab G in your book. Rosa, you're going to give us the
10 update?

11
12 MS. MEEHAN: Yes, Mr. Chairman. It's nice to see all
13 of you here still working so hard in the afternoon.

14
15 As your Chairman pointed out, there's information on
16 fisheries behind Tab G, and what's there is a summary of the
17 major issues that we got from comment letters on the proposed
18 rule, and then there's a summary of all the comments on the
19 proposed rule included in here.

20
21 And what I'd like to do with you today is just
22 basically provide you with an update of where we are in the
23 process, and just to kind of put it all in context, I did chat
24 with you about fisheries at the last meeting when we were all
25 out in Glennallen, and the -- and you remember, all this
26 started when a relative of Urswell (ph) and Fred John here
27 started all this with taking the subsistence program, Federal
28 Subsistence Program to court challenging the limitation of the
29 current program to terrestrial species, and not including
30 fisheries. And as you all recall, there was the decision by
31 the Ninth Circuit Court in December that the Federal Government
32 should include fisheries within the Federal Subsistence
33 Program. However, we've had a series of moratoriums from
34 Congress on implementing the fisheries expansion, and there
35 have been -- there's been a lot of activity around this issue
36 by the Governor's panel to try and resolve the -- or to seek a
37 resolution on the difference between State law and federal law,
38 and that all played out this summer. We've had -- yes, part of
39 that task force, there were amendments to ANILCA that were
40 introduced by Senator Stevens. Those were ANILCA amendments.

41
42 Despite all of this -- or in addition to all of these
43 efforts to try and resolve the State/Federal conflict, in our
44 office we have been pursuing planning to expand the program
45 into fisheries, because if all of the attempts at resolution
46 failed, which for right now they appear to have, we are still
47 under court order to pursue the expansion. And so we went
48 ahead and published a proposed rule, and that's what we
49 reviewed in your meeting last year in Glennallen, and we also
50 held 31 public hearings around the State. That's a lot of the

00116

1 material that you see summarized in your book.

2

3 We're in a position now as I mentioned that the
4 attempts to resolve the conflict seem to have failed, and
5 therefore we're in a position of December 1st of being
6 obligated to pursue the expansion, and therefore we've got --
7 we're on a time frame that we have to do something by December
8 1st. So basically the proposed rule, just to -- we've worked
9 on this proposed rule. And just to remind you what's in it,
10 primarily it has a delineation of jurisdiction, and we've
11 talked about this before with the maps that have the rivers
12 delineated in red, so you could see which ones would be
13 included. And it's basically all the waters that cross federal
14 lands or are adjacent to federal lands.

15

16 There's also in the proposed rule is the
17 acknowledgement of the Secretaries' authority to extent
18 jurisdiction off public lands and waters if there is an
19 activity occurring off of federal public lands that directly
20 affects subsistence activity on federal public lands. That's
21 the extraterritorial jurisdiction.

22

23 A third part in the regulations spoke to customary
24 trade regulations and that -- again, that was one that we had
25 -- went through a lot of questions on that at your Council
26 meeting last -- last winter Council meeting. And customary --
27 the intent of the -- our proposed rule is to recognize current
28 customary trade practices, and generally they're recognized as
29 practices that are not a significant commercial venture. But
30 it's just recognizing existing practices.

31

32 And a real key part of this is the actual regulations
33 themselves that say how many fish you can take where.
34 Basically our program has adopted the State's current
35 regulations. And that's the same approach that was taken when
36 the terrestrial program started nine years ago. In other
37 words, we started with the state regulations, and then over the
38 years those have been modified through the council process, and
39 so it's the same approach with fisheries.

40

41 So basically, we -- that's the proposed rule. We've
42 received a lot of comments on it. A lot of comments. I mean,
43 the written comments, if you'd stack them up, are huge.

44

45 But at any rate, the -- some of the major issues that
46 we got from the comments, and again these are summarized in
47 your packet, but just real quickly, there's a lot of comments
48 on an EIS should be prepared. And as we've talked with you
49 before, what we did was an environmental assessment. And the
50 difference between an environmental assessment and

00117

1 environmental impact statement is primarily the -- an
2 environmental impact statement has a very structured timeline
3 with it with very -- a very structured public input process.
4 And we did a lot of public input on the proposed rule, and so
5 that was part of the discussion as to why there was not an
6 environmental impact statement done. And that's discussed in
7 more detail in your book.

8
9 The -- we had a lot of comments on various waters that
10 should or should not be included. The -- there was a lot of --
11 there was some very sharp comments about the concept of
12 extraterritorial jurisdiction, and that's, you know, what I was
13 mentioning before about the ability of the federal program to
14 affect actions off of federal public lands. And it is -- I do
15 want to point out that's a very restricted case where that
16 could occur. And it's happened very few times in the -- across
17 the country, and there's only a handful of cases where it's
18 occurred.

19
20 There was a lot of comments about customary trade, and
21 that the definition of customary trade should be more closely
22 defined.

23
24 So those were essentially the major topics that we
25 picked up in comments.

26
27 And just to follow up on some of those, one of the key
28 things we changed from the proposed rule that you saw was that
29 the definition of inland waters was -- has been changed. And
30 as you may recall, the Forest Service lands had a different
31 definition for inland waters than Department of Interior lands,
32 so if you look on the map back there, the green lands had one
33 definition, whereas the pink and purple and yellow lands had a
34 different definition. The good news is now everybody's the
35 same. And so basically you take the boundary around those
36 lands, and it's all the waters within those lands are now con-
37 -- are now included within the area of jurisdiction. Okay. So
38 it's a simpler thing on defining jurisdiction.

39
40 The concept of extraterritoriality is retained in the
41 rule. There was some discussion about that as that is a power
42 of the Secretary, therefore we don't need to repeat it in the
43 proposed rule; however, the current thinking on it is that it's
44 a significantly controversial topic that we want to be clear in
45 the proposed rule, and so therefore it's included.

46
47 The -- we did have some comments on modifying existing
48 fish c&t determinations to include the latest State
49 determinations, and basically we're trying to accommodate that
50 in the proposed rule so that it's the most current view of the

00118

1 world.

2

3 The -- and a final one that was important was retaining
4 language about customary trade. In other words, that the
5 proposed -- the rule as it stands right now retains the
6 language that customary trade is permitted except that
7 subsistence fish cannot be sold into commercial markets. Now
8 -- however, this is a significant point of discussion right
9 now, and so what the -- what will happen is that there's going
10 to be an alternative approach to customary trade prepared, and
11 it's going to be presented to the Board. And the alternative
12 is to basically prepare language that customary trade will be
13 permitted by the Board on a case-by-case basis. And so the
14 difference between the two approaches is the way I presented it
15 to you last winter was that customary trade is allowed as long
16 as it's not a significant commercial venture. In other words,
17 the fish that are taken are not sold to a commercial business.
18 Okay. That's the way it's been presented. The alternate that
19 will also be presented to the Board, and the Board's going to
20 have to make a decision on this, is that customary trade will
21 be permitted, but on a case by case basis.

22

23 And so, by way of example, if, Fred, you were catching
24 salmon and you would barter -- you would sell a few to your
25 neighbors down river because they didn't catch any fish, then
26 that would have to come as a proposal in front of the Board,
27 and the Board would have to say, well, yes, this sort of
28 activity has been occurring along the river, and therefore we
29 recognize it. Okay.

30

31 So you see the difference between those two
32 alternatives? Because that's significant. Okay.

33

34 So that's just a quick run-through of where we are with
35 this rule, and what those differences are from what you heard
36 about last winter and where it is right now.

37

38 The next steps are to get all this done in writing,
39 have the Board make a decision on customary trade, which
40 alternative, and then get all that writing down, get it back to
41 D.C. It's going to have to go through a serious bureaucratic
42 process in D.C. It's got to go through OMB and the Secretary's
43 office and all this. The intent is to have the Secretaries,
44 and that's both the Secretary of Interior and the Secretary of
45 Agriculture, sign off on the final rule by December 1st. It
46 takes about a month to go through the rest of the process
47 there, and with -- right now the target date would be to have
48 the final rule published early in January. Okay. This means
49 that the implementation of this whole fisheries expansion would
50 occur in January. So it's very close to the target we've had

00119

1 all along.

2

3 In the first year, there would be -- basically the
4 program would be on the table. It would be in place. But we
5 wouldn't do any changes the first year. The first year would
6 be taking proposals, okay, which would be analyzed. So we'd
7 take proposals in the spring, they'd be looked at over the
8 summer, and then you'd have the opportunity in the fall or
9 winter to look at those proposals and the analyses, and then
10 recommend changes for the following year. Okay. So in 199,
11 the program would be in place the way it is -- reads in the
12 final rule. You wouldn't see any potential changes to it until
13 the year 2000. Okay.

14

15 A side point in all of this is we have to acquire
16 funding to implement the program. Currently we have no money,
17 we being the Federal Government, in the budget to do this.
18 There are certainly efforts going along to get the money lined
19 up, but right now it's not in the budget.

20

21 One of the things that has been brought up in
22 implementing the program that we need to identify elements that
23 are appropriate for contracting or for cooperative agreements
24 to tribal groups and other entities that could help us
25 implement the program. That's certainly something that is very
26 firmly in everyone's mind as we get into the program. And
27 something that will also happen is once we get the program on
28 the books is we'll have the opportunity to step back and re-
29 assess current council structures and the regulatory process
30 for doing fish. And I know that's something we've discussed in
31 this Council, and early on when we started talking about fish,
32 we did take comments from the Council on whether you as a
33 Council would feel comfortable dealing with fish issues in your
34 region. As I recall, the council vote was that, yes, you
35 would, but as I recall, Ralph, you were sort of raising a lot
36 of red flags about it within that discussion, so -- but right
37 now it's tentatively current council structure will be used,
38 but that's going to be looked at again very seriously.

39

40 We'd certainly need to develop staffing and
41 organization plans for the agencies, that hasn't happened yet,
42 but it will.

43

44 And a final thing is that we definitely need to develop
45 a cooperative management strategy with the State. And that's
46 something that there's talks going on now between the leaders
47 in the State and the leaders in the federal program to identify
48 problems that we've got currently with cooperation, look for
49 ways we can cooperate more effectively, and then look into is
50 there a different way, a better way we could do fisheries. And

00120

1 so that's something that's open for further discussion.
2 There's a potential that fisheries may be done differently than
3 we do game, but it's under discussion right now, and so I just
4 want to let you know that that's a possibility, but it's
5 absolutely -- there's been no decisions made. There's just
6 discussions happening. And it is related to how complex
7 fisheries are, and there's real differences between fisheries
8 and game management. And, as you know, Ralph, you've got to --
9 fisheries have a lot of in-season real time decisions that have
10 to be made. And the concern that's driving it is we don't --
11 you don't want to make the system any more complex than it is,
12 and having too many people telling you what you can and can't
13 do. So there -- we're definitely aware of that and open to
14 suggestions on how to be as effective as possible.

15
16 And, Mr. Chair, that's basically what I have to say,
17 and I'm happy to answer any questions, and Tom Boyd's sitting
18 right behind me, and I know he'll help me out if I start
19 floundering, so.....

20
21 CHAIRMAN LOHSE: So.....

22
23 MS. MEEHAN: Not to use a fish.

24
25 MS. SWAN: Mr. Chairman, can I ask her a question?

26
27 CHAIRMAN LOHSE: You sure may, Clare.

28
29 MS. SWAN: Could you run through your customary trade
30 and alternative definition again, please? Just tell me what
31 you said?

32
33 MS. MEEHAN: Right now what the rule has in it is that
34 customary trade will be permitted as long as it's not a
35 significant commercial enterprise. Okay. And that's defined
36 as fish may be sold to someone who's actually going to use
37 them, but not sold to someone who is then going to sell them to
38 someone else. Okay. So they're not sold into a commercial
39 market. Okay. That's the way it is right now.

40
41 The alternate that's going to be developed and then
42 presented to the Board, and the Board's going to have to vote
43 on one or the other is that customary trade would be permitted
44 on a case by case basis, so you as a Council would be seeing,
45 okay, this is what -- this is what customary trade means to us,
46 this is how we handle fish, and it would have to be done
47 through a proposal process, and the Board would have to -- and
48 you would make a recommendation, and the Board would have to
49 act on it. So there's a really dramatic difference between
50 those two options.

00121

1 MS. SWAN: I see.

2

3 MS. MEEHAN: So.....

4

5 MS. SWAN: Okay. Thank you.

6

7 MS. MEEHAN: Sure.

8

9 MR. ROMIG: You said you received a lot of comments.

10 Are they mostly, you know, would -- how are they weighed, you

11 know, for? Against?

12

13 MS. MEEHAN: Many of the comments spoke to concerns
14 about by permitting customary trade, it would provide a
15 loophole if you will to expanding commercial enterprises. And
16 the response to that is that, well, we've tried to define it so
17 that that wouldn't happen. Nevertheless, that concern is very
18 much there.

19

20 Now, from com- -- now, that's in written comments.

21 From Councils we've heard by and large strong support from

22 recognizing existing customary trade practices, but it's been

23 tinged with recognition that it's something that we all want to

24 be very careful about.

25

26 CHAIRMAN LOHSE: Rosa, you used the word current
27 practices earlier, current customary trade practices, or
28 existing customary trade practices. I know one of the big
29 fears is that customary and traditional trade will expand into
30 something that it currently isn't. Under our current
31 definition, there's nothing in that definition that we have --
32 that -- the first definition that limits it to what current
33 practices are. There's actually nothing in the second
34 definition that limits it to what current practices are. The
35 first definition says that it's not of any significant
36 commercial value, but it doesn't say that that -- not of any
37 significant commercial value can't grow, and one of the
38 examples you used is if you sell directly to -- directly to the
39 consumer as opposed to an entity that then resells it, which is
40 an opportunity for an extremely fast-growing commercial
41 enterprise, which doesn't pass through current commercial
42 channels, where, you know, the idea that current practices,
43 like what John pointed out, the idea of trading and bartering
44 fish, one kind of fish for meat, or one kind of fish for white
45 -- salmon for white fish and stuff like that, which is what
46 currently is being done, is different than what could come out
47 of it, which would be an expansion, a very rapid expansion of a
48 less than commercially significant enterprise, which, you know,
49 basically it's up to a court to decide what a commercially
50 significant enterprise is. And that's what I catch one of the

00122

1 biggest fears of -- all through this thing.

2

3 The other question I had was things need to be in place
4 by next summer, and currently there's no funding and no hiring
5 happening yet, right?

6

7 MS. MEEHAN: Correct. You notice Tom's hair's a little
8 greyer?

9

10 CHAIRMAN LOHSE: No comment.

11

12 MS. MEEHAN: We can't do anything about how Congress
13 acts on this.

14

15 CHAIRMAN LOHSE: Yeah.

16

17 MS. MEEHAN: What I can assure you is that through
18 channels everyone is very well aware of what needs to happen,
19 and -- I do want to keep a couple points clear. You've
20 articulated very well what the concern is about the way our
21 proposed language is. That's why there's an alternate
22 language, an alternative being proposed to the Board. The --
23 and that absolutely is a concern, that the way we have it
24 defined really could provide ways for a commercial trade to
25 develop.

26

27 I do what to be clear though that trade and barter, you
28 know, where money is not involved is currently recognized and
29 allowed under regulations.

30

31 CHAIRMAN LOHSE: Uh-hum.

32

33 MS. MEEHAN: This specifically speaks to the case where
34 something is sold for cash. So.....

35

36 CHAIRMAN LOHSE: Right. Yeah. Current trade and
37 barter practices.....

38

39 MS. MEEHAN: Trade and barter is fine.

40

41 CHAIRMAN LOHSE: Trade and barter is fine.

42

43 MS. MEEHAN: Yeah.

44

45 CHAIRMAN LOHSE: The other thing is that underneath
46 that second proposal that you had on a case-by-case basis, are
47 you dealing with an individual case, or are you dealing with a
48 type of case? Let's say, and we use -- you used Fred John,
49 I'll use Fred John. Let's say he decides to sell some fish.
50 Does he as an individual have to come and make his case, or do

00123

1 we decide as a council that this sale of fish on the Copper
2 River is a legitimate sale of fish, and so that then becomes
3 the case for the Copper River?

4
5 MS. MEEHAN: You know, this is one that we haven't
6 really run to the ground, but our regulations, the way they're
7 written are written for a class of actions if you will.
8 They're not written by individual.

9
10 CHAIRMAN LOHSE: Not for individuals, but.....

11
12 MS. MEEHAN: Yes.

13
14 CHAIRMAN LOHSE:for classes.

15
16 MS. MEEHAN: Yeah. And so it's my personal expectation
17 that it would be just to keep using Fred as the example, that
18 it would be a practice that is recognized, not an individual.

19
20 CHAIRMAN LOHSE: Okay.

21
22 MS. SWAN: Mr. Chairman?

23
24 CHAIRMAN LOHSE: Yes, Clare?

25
26 MS. SWAN: Speaking of the customary trade, it's
27 already a problem I know in -- on the Kenai River. Many, many
28 people come up year after year and they fish, but I guess
29 they're sports people, and they come up and fish and they can
30 all of it, and take it back, and they make enough money to pay
31 for their vacations. They just say that openly. And that has
32 been, when we talked about in the other subsistence -- every
33 time you talk about subsistence, that is a big -- it's a big
34 issue with other people. They say, well, we don't mind you
35 guys doing subsistence, but don't sell it. Well, you know, I
36 mean, it's not -- I've never done it, and I don't think -- and
37 it's a concern of ours, because when I hear the expression, the
38 phrase customary trade, it's that I give somebody some berries
39 or some smoked fish, because I had time to do it, and they had
40 time to can. That's.....

41
42 CHAIRMAN LOHSE: Right.

43
44 MS. SWAN:that's all. But the other is, and it's
45 a big market, and last year and the year before, the -- whoever
46 the powers that were decided that they weren't going to -- they
47 had some sting operations, and they know that it -- you know,
48 that it happens, but they just decided they weren't going to do
49 anything about it, so -- because these were just every day
50 ordinary little retired people. I mean, somebody that was in

00124

1 the paper.

2

3 CHAIRMAN LOHSE: Uh-hum.

4

5 MS. SWAN: So we all know that. I mean, -- and if you
6 make -- you can make four or \$5,000 because I've had friends
7 who used to be friends who said that's how they finance all
8 their vacations, so.....

9

10 CHAIRMAN LOHSE: Yeah, that.....

11

12 MS. SWAN:it's not insignificant.

13

14 CHAIRMAN LOHSE: Well, see, but that is not.....

15

16 MS. SWAN: But see, you're right, that's not
17 subsistence.

18

19 CHAIRMAN LOHSE: That's not a subsistence problem.

20

21 MS. SWAN: Yeah.

22

23 CHAIRMAN LOHSE: That's an enforcement problem. That
24 takes place in sport fishing, that takes place in personal use
25 fishing, that takes place in.....

26

27 MS. SWAN: Yeah.

28

29 CHAIRMAN LOHSE:commercial fishing.

30

31 CHAIRMAN LOHSE: So.....

32

33 CHAIRMAN LOHSE: I mean, that -- and it's illegal in
34 every one of those cases.

35

36 MS. SWAN: I know.

37

38 CHAIRMAN LOHSE: Any fish that's sold that doesn't have
39 a fish ticket on it, is an illegal fish.

40

41 MS. SWAN: But, you see, it does happen. I mean, it's
42 going.....

43

44 CHAIRMAN LOHSE: Oh, it does happen.

45

46 MS. SWAN:to. It will happen.

47

48 CHAIRMAN LOHSE: And that's where the.....

49

50 MS. SWAN: Yeah.

00125

1 CHAIRMAN LOHSE:that's where part of the.....

2

3 MS. SWAN: And then subsistence also.

4

5 CHAIRMAN LOHSE:fear is generated, because it's
6 known how easy it is to do.....

7

8 MS. SWAN: Yeah.

9

10 CHAIRMAN LOHSE:right now. You're right on that,
11 Clare. I mean, it would be very simple, because we know how
12 simple it is, because we all know people who do it, you
13 know,.....

14

15 MS. SWAN: Uh-hum. But we.....

16

17 CHAIRMAN LOHSE:and it's basically.....

18

19 MS. SWAN:all use it to beat each other over the
20 head with when we say, no, you can't have subsistence. So I
21 mean, are we just going to keep it out there so we can use it
22 for a baseball bat or are we going to do something about it?
23 And I -- and it just seems to me that it's one of those things
24 that you just -- you know, that we -- if we're not going to do
25 much about it, then we just should get on with it.

26

27 CHAIRMAN LOHSE: Yeah. The question is how do we get
28 on with it, Clare? I mean, we have to put something in
29 regulation. You have to have something in regulation even if
30 it's not enforced, because if you don't,.....

31

32 MS. SWAN: Okay.

33

34 CHAIRMAN LOHSE:there's nothing to enforce. I
35 mean, -- Do you have a comment from back there?

36

37 MS. BECKER: Isn't there some way you could put wording
38 in like you had for designated hunter permits for a while to
39 where the.....

40

41 CHAIRMAN LOHSE: You need to come and talk to.....

42

43 MS. BECKER:Council -- Okay. At one point in
44 time under the subsistence hunting regulations you had wording
45 in there to where -- for designated hunter permits, it was on
46 an individual basis, and that's the way it was written in the
47 regulations. Can't you do something like that with fisheries
48 over this? Wouldn't that be a viable option? I mean, if
49 you're going to -- you've got to regulate it somehow, and you
50 can't just put something in the regulation book to where it can

00126

1 be interpreted -- you could interpret it one way, and you could
2 interpret it one way, and you can interpret it another way, you
3 could write it to where it has to be brought in front of
4 somebody before anything could be done?

5
6 CHAIRMAN LOHSE: Well, that's -- I think that's.....

7
8 MS. MEEHAN: That's the second one.

9
10 CHAIRMAN LOHSE:to a certain extent what they're
11 approaching with their second option, that, you know, again it
12 doesn't answer what Clare brought up, is the fact that
13 currently we have a problem in the state with -- well, let's
14 just use the word illegal sale of.....

15
16 MS. SWAN: Uh-hum.

17
18 CHAIRMAN LOHSE:fishery products. I mean, that's
19 what it boils down to. That -- Clare's right, we can't use
20 that to hammer the subsistence issue. That's an issue that
21 Fish and Game needs to address correctly for the problem that
22 it is. But at the same time, we don't want to write -- we
23 don't want to write the kind of regulations that promote the
24 same kind of problems either.

25
26 MS. MEEHAN: Right. There is a regional perspective on
27 this. And certainly you've got some of the complexity of
28 fisheries down here being in such close quarters with the
29 sports fisheries and the road access and everything else that
30 goes along with it. This issue is very different to hear it up
31 in the Northwest where -- or up on the North Slope, where very
32 opportunistically a family may do very well white fishing, and
33 so what one will end up seeing is just a notice in the grocery
34 store, have white fish for sale, come see me, you know. And
35 right now that's not legal. And so what we're trying to do is
36 recognize that that does happen. So it's -- it does vary re-
37 -- you know, this issue does vary regionally, so -- which does
38 not at all diminish the issue you raise with enforcement of
39 current regulations.

40
41 CHAIRMAN LOHSE: So you feel that you could have -- in
42 time for the coming season, you could have the staff on hand to
43 regulate the coming season, Tom?

44
45 MS. MEEHAN: I'll share.

46
47 MR. BOYD: I'm not that optimistic, Ralph, to be quite
48 honest with you. I mean, we've done everything we could to
49 identify our needs, budgetary and manpowerwise so far, and
50 we've made that known through budget requests. And I won't go

00127

1 into the ins and outs, because I'm not sure I could clearly --
2 I don't clearly understand, nor could I clearly explain the
3 budget process to you, but for the fiscal year '99 which we're
4 about to go into next -- well, at the end of this week, we made
5 a budget request for fiscal year '99, but we came at it at a
6 time when the President's budget for FY 99 had already gone to
7 Congress, and they were already deliberating it. Obviously we
8 couldn't make any headway with the budget request until the --
9 until all attempts to resolve the subsistence impasse through
10 the State Legislature had sort of -- had, you know, run its
11 course. Now it -- you know, now the crisis is before us, and
12 we've got to react to it. And so, you know, we've made our
13 attempt to identify our needs through the normal process -- or
14 it's not normal. Through a supplementary budgetary request,
15 and that's all we can do. We've been told that in FY 99 we
16 would get some resources to meet whatever needs are there, but
17 it's uncertain right now where those resources are going to
18 come from, whether we're going to get an additional
19 Congressional add-on to the budget, or whether we're going to
20 get -- or whether we're going to have to what we call reprogram
21 funds from within the agencies or the departments that we
22 operate in. So we're still dealing with some uncertainty
23 there, and we have yet to hear exactly resources we're going to
24 have, and the later it gets, the more pessimistic I get that
25 we're going to be able to fully implement anything in '99.

26
27 I think we're going -- we're going to be obligated to
28 publish regulations as soon after December 1 as we can, and
29 right now I think we're targeting around the first of January.
30 We're going to be obligated to do everything. We're going to
31 be obligated to, as soon as we have the resources, the funding
32 that we need, to begin doing the work we need to do to bring
33 staff on board, but realistically having staff come on board
34 takes months. Developing, you know, in-house systems to
35 implement programs takes months, so -- and we don't have very
36 long between now and the beginning of next fishing season. So
37 we're going to be scrambling to put something together, but
38 what it looks like, I don't know. It's probably not going to
39 be pretty. But, I mean, that's the way a lot of programs
40 begin, to be realistic. And so the first year's going to be a
41 rough year, and we're going to do the best we can.

42
43 CHAIRMAN LOHSE: I guess my question is when it comes
44 to managing the fisheries next summer, if you don't have the
45 staff on hand, or trained, or qualified, or whatever, are you
46 going to be able to manage them, or are you going to have to
47 turn them -- or you're going to have to make use of the State
48 to manage most of the fisheries?

49
50 MR. BOYD: Well, we're currently consulting with the

00128

1 State to see if we can develop a cooperative management
2 approach. I think we've begun that discussion I think on a
3 positive note, and hopefully we'll be able to work something
4 out. I can't describe to you at this point what that's going
5 to look like or how it's going to be set up. In a nutshell,
6 that's why we adopted the State subsistence fishing regulations
7 at the outset as a place to start, to -- because we knew we
8 were going to probably run into these kind of problems.
9 Nothing ever starts out smoothly, so.....

10
11 CHAIRMAN LOHSE: But there will be management, it won't
12 be just left in limbo?

13
14 MR. BOYD: No. I mean, the intent is to move as far
15 and fast as we can, but I guess what I'm trying to tell you is,
16 it's not going to be as far and fast as some people might like
17 to see. The idea is to get something in place and begin to
18 build from there.

19
20 The program -- the federal program, subsistence program
21 began in 1990 very similarly. We had very little staff and
22 very little funding when we kicked it off. We got emergency
23 funding somewhere down the line, and then we slowly had to
24 build, you know, an organization and a program to do it. We
25 relied very heavily in the initial period on the State and
26 their input. We relied fairly heavily on the existing regional
27 advisory councils, and that was kind of hit and miss, because
28 only a few of them were actively participating in our program
29 at that time, and were even active at that time. So it was a
30 slow, rocky start, but it took about two or three years to get
31 things firmly in place, and then we were operating. So I
32 expect something similar this time around. I'm speaking to you
33 candidly from where I see it, so.....

34
35 MR. ROMIG: Are you -- Tom, are you going to have like
36 enforcement, you know, on the stream banks next summer? You
37 know, like Fish and Game now, I see more and more people within
38 the refuge on the Kenai out doing something or another. Are
39 they going to be enforcing something that, you know, that the
40 State's actually still controlling? I mean, you won't have the
41 staff in place, but you'll have money for enforcement
42 obviously.

43
44 MR. BOYD: Oh, we have currently an enforcement
45 program, and whatever federal regulation's in pla- -- are in
46 place, will certainly come under their jurisdiction. Exactly
47 where we will place enforcement, I don't know right now. But,
48 I mean, yeah, clearly we will have responsibility, and I will
49 assume that we will have people in the field where they're
50 needed to do enforcement activities. But I would guess it's

00129

1 going to be spread pretty thin.

2

3 MR. ROMIG: Yeah, I just see a real problem with two
4 different factions working.....

5

6 MR. BOYD: Right.

7

8 MR. ROMIG:against one another.

9

10 MR. BOYD: And hence the need to develop some sort of a
11 cooperative strategy to work those -- work those types of
12 conflicts out.

13

14 CHAIRMAN LOHSE: On that line, will -- once this --
15 once the Federal Government takes over management, will the
16 State Government have the authority to enforce federal
17 fisheries rules on federal waters, and will the Federal
18 Government have the authority -- in other words, violations --
19 would a State Trooper or State fish and game officer have the
20 authority to even enforce a fisheries biologist, let's say on
21 the Copper River?

22

23 MR. BOYD: I'm not sure I under- -- I know the answer
24 to that question is currently we do -- and this is getting out
25 of -- sort of getting out of my realm of understanding, but
26 current-.....

27

28 MS. MEEHAN: I think the answer is yes.

29

30 MR. BOYD: Currently there is a cross-deputization
31 process that goes on between state and federal enforcement
32 officers. I'm not sure exactly how it works, whether the State
33 can enforce federal rules and regulations, and the feds --
34 federal agents can also enforce state rules and regulations.
35 It's not quite that simple, but there is a mechanism in place
36 to set that sort of thing up, yeah. And we currently do that
37 under the federal subsistence program.

38

39 CHAIRMAN LOHSE: You currently do that under federal
40 subsistence law. So that would be possible to also enter into
41 the fisheries thing, too. Any other questions for Tom? Don?

42

43 MR. KOMPKOFF: Yeah, I witnessed some -- quite a few
44 takings of fish from Copper River there up at Chitna, and I
45 haven't -- I'd never seen a Fish and Wildlife Service enforcer
46 there. These guys were cutting the fish and putting in --
47 putting them in their totes and stuff, you know, just loading
48 them up full, you know, just -- I don't know how much the legal
49 limit is, but there was quite a few king salmon being taken,
50 and I got lucky. I just took the heads. I couldn't catch any,

00130

1 so I took six heads from there.

2

3 MR. BOYD: My understanding is that is a personal use
4 fishery, and it's regulated by the State of Alaska.

5

6 MR. KOMPKOFF: Yes.

7

8 MR. BOYD: Yeah.

9

10 MR. KOMPKOFF: Yeah, there's a -- they have a limit of
11 500 fish you can get.

12

13 MS. MEEHAN: That's the subsistence fishery.

14

15 MR. BOYD: I'm not sure that the personal use fishery
16 has that high a limit. I think it's far less than that.

17 But.....

18

19 MR. KOMPKOFF: That's what they wrote on my ticket.

20

21 MR. BOYD: That may be -- that may be the subsistence
22 fishery in the Copper River.....

23

24 MR. KOMPKOFF: It could have been.....

25

26 MR. BOYD:has a higher limit, yeah. And.....

27

28 MR. KOMPKOFF:subsistence.

29

30 MR. BOYD:I'm not sure what those numbers are,
31 but.....

32

33 CHAIRMAN LOHSE: Any other questions for Tom? Don?

34

35 MR. KOMPKOFF: Well, Mr. Chairman, I have -- I wanted
36 to find out something. The guys from Cordova, they wanted me
37 to bring something, to ask how come Cordova has like a 15-fish
38 limit, subsistence fish limit in Cordova, and in Copper River
39 you get 500.

40

41 MR. BOYD: I'm not sure I understand the question.

42

43 CHAIRMAN LOHSE: I don't know if the question really
44 applies to you, because I think it's underneath the State at
45 this point in time. He was just wondering how come the
46 subsistence limit in Cordova is 15, and the subsistence limit
47 in Copper is 500, and I think that's a question that has to be
48 addressed to the State, Don.

49

50 MR. KOMPKOFF: All right.

00131

1 CHAIRMAN LOHSE: I don't -- at this point in time
2 anyhow.

3
4 MR. BOYD: Yeah. I'm sure that the answer to that's
5 pretty closely tied to resource abundance, and -- between the
6 two areas, and demand, but.....

7
8 CHAIRMAN LOHSE: Any other questions for Tom? No?
9 Tom, thank you muchly, and Rosa. Any discussion on this from
10 any members of the Council, anything that you wish to discuss
11 on the update that they gave us? Boy, we're a quiet bunch
12 today.

13
14 MR. JOHN: Is there riders going on?

15
16 CHAIRMAN LOHSE: Are there any riders going on it?

17
18 MR. JOHN: Going to the -- going through a conference I
19 mean on moratorium.

20
21 CHAIRMAN LOHSE: Oh. He said is there any riders
22 proposing a moratorium at this point in time in Congress?

23
24 MR. BOYD: Well, I'm aware of a couple, and I -- but, I
25 mean, you know, this has been in the news, so anyone who has
26 been following this issue would aware that Senator Murkowski
27 had introduced a bill, a stand-alone bill, that would have
28 delayed federal take-over for another year. There was --
29 recently, in the past two or three weeks, there was a rider
30 attached to a -- and I think it was kind of a catch all bill
31 that dealt with Park Service lands issues, and Congressman
32 Young had attached a rider to that particular bill as well,
33 which would essentially do the same thing, it would delay
34 federal take-over for another year. And I don't know that
35 those have met with any success. Clearly the -- we're
36 currently moving toward operating under what we call a
37 continuing resolution, because they haven't passed any of the
38 budget bills for the Department of Interior yet, and they've
39 agreed to delay it up until October 9th, so whether or not
40 there will be a moratorium rider attached to the Interior
41 appropriations bill, I don't know yet. But, I mean, all of
42 that is possible.

43
44 CHAIRMAN LOHSE: Any other comments from -- comments or
45 questions from any members of Council? At this point in time,
46 what time have we got, Helga?

47
48 MS. EAKON: (Indiscernible - away from microphone).

49
50 CHAIRMAN LOHSE: We've got three minutes till five.

00132

1 You know, we could -- let me take a look at this one item on
2 the agenda. It's possible -- thank you both for your
3 presentation. Basically -- what you've told us is basically
4 everything is still on paper, and nothing's guaranteed. Okay.
5 Could we get this -- do you think we've taken care of this one
6 here, Denali Park, Kantishna?

7
8 MS. EAKON: Yes, and Hollis Twitchell is (Indiscernible
9 - away from microphone) the Park. Yes, Mr. Chair, we will now
10 take up the second issue under the 1997 annual report response
11 update. Under Tab H in your booklet, and to refresh your
12 memory, the Regional Council had written a letter to the
13 superintendent of Denali National Park asking that the
14 Kantishna closure not set a precedent, and as Sandy mentioned
15 this morning, there are copies of a letter from the
16 superintendent and from the regional director of Park Service
17 in Alaska that I'm going to hand out right now, and Hollis will
18 be here at the mike to answer any questions.

19
20 CHAIRMAN LOHSE: Hollis?

21
22 MR. TWITCHELL: If you have not had a chance to review
23 this letter, I could go through it with you as a group.

24
25 CHAIRMAN LOHSE: Could you hit the key points for us,
26 especially as to the precedence setting and things like that?

27
28 MR. TWITCHELL: Yes, I could.

29
30 CHAIRMAN LOHSE: I'm kind of going through it real
31 quick right now, too, but if -- it might be helpful you just
32 went through and verbally hit the key points of the letter.

33
34 MR. TWITCHELL: Okay.

35
36 CHAIRMAN LOHSE: Or you could read the whole thing if
37 you'd like,.....

38
39 MR. TWITCHELL: Well,.....

40
41 CHAIRMAN LOHSE:if it's easier for you.

42
43 MR. TWITCHELL: Well, I'll just about.....

44
45 CHAIRMAN LOHSE: Okay.

46
47 MR. TWITCHELL:the key points of each paragraph,
48 that would be easier.

49
50 CHAIRMAN LOHSE: Okay.

00133

1 MR. TWITCHELL: I think there's members here that
2 weren't on the Council when the initial proposal was presented
3 in '95, so this might be new to some members as well, so.....

4
5 This is Denali's response to the annual -- hello?
6 Better?

7
8 CHAIRMAN LOHSE: No, it's still pretty soft.

9
10 MR. TWITCHELL: Okay. Is this any better? How's this?

11
12 CHAIRMAN LOHSE: Much better.

13
14 MR. TWITCHELL: Much better? This letter is the
15 response from Denali to the Council. The Council had sent an
16 inquiry to the superintendent regarding the Kantishna firearms
17 discharge closure, which is a temporary closure that we do in
18 the developed area of Kantishna. The question posed was that
19 it not set a precedent for Denali or other areas in the park,
20 and Denali's position is that the temporary Kantishna closure
21 doesn't set a precedent in Denali or anywhere else for that
22 matter. It is in response to a very unique set of
23 circumstances in Kantishna which involves private in-holdings,
24 commercial businesses, special access via the Park road, high
25 levels of visitor use that occur in this corridor along the
26 Kantishna Road, for a very specific period of time. So there's
27 a unique scenario that's playing in this particular area.

28
29 We also acknowledge that there is a federal regulation
30 prohibiting shooting from, on or across a public highway or
31 road, which would be the case in the Kantishna area, but we do
32 not feel that that is sufficient in itself to provide public
33 safety in this developed area.

34
35 It's also not possible to reduce the level of transient
36 into the Park in this area, because of the private in-holdings
37 and the commercial businesses associated with the area.

38
39 For that reason, we consider a limited firearm
40 discharge closure the least restrictive measure that we can
41 employ, and yet ensure the public safety concerns here. Again,
42 acknowledging that beyond this one-mile corridor from the
43 Kantishna road, that the surrounding lands, which are less
44 heavily visited and utilized are not affected by this action.

45
46 After the Federal Subsistence Board tabled Proposal 53
47 in 1995 requesting this closure, the Board recommended that the
48 National Park Service through its own administrative
49 regulations develop and deal with this situation. After that
50 action, the Park returned to Denali Subsistence Resource

00134

1 Commission, and consulted with them further, and we made a
2 number of adjustments to try to minimize any potential impacts
3 that might affect subsistence use.

4
5 The first of those was that the ending date for this
6 temporary discharge closure was shortened to the 15th of
7 September, which allowed for 15 days of the fall hunting season
8 to be open in this developed area.

9
10 I also wanted to point out that the Denali Subsistence
11 Resource Commission recommended, and the Federal Subsistence
12 Board approved the establishment of a winter moose hunting
13 season for Unit 20(C) within the Park, which includes this
14 Kantishna region, and that is open for 30 days from November
15 15th to December 15th. So that the combined fall and winter
16 and moose hunting seasons provide for 45 days of hunting
17 opportunity for moose within this area of the firearms closure
18 itself. Beyond this one-mile corridor of the Kantishna Road,
19 the surrounding area is open for a total of 60 days of moose
20 hunting with a firearm.

21
22 The second point we wanted to bring out is that the
23 Kantishna firearms discharge closure is not a subsistence
24 hunting prohibition. Other legal means of take, such as use of
25 bows and arrows within this developed corridor is not
26 restricted. This closure is based solely upon concerns for
27 public safety resulting from discharging high-power firearms
28 within the developed area which has relatively open habitat and
29 experiences high levels of visitor use.

30
31 Another point we wanted to bring out was that the
32 current days of -- the current 60 days of moose hunting within
33 the Kantishna Hills region, including the Kantishna closure, is
34 longer than any other moose hunting season provided for in
35 Southcentral Region 2, with the one exception of Denali
36 National Preserve's subsistence moose hunting season in Unit
37 16(B), which is open for a total of 120 days. We believe the
38 season lengths and the date more accurately reflect the
39 traditional moose harvest practices for our region, and that
40 the current moose populations and harvest levels are
41 biologically sustainable.

42
43 Seasonal use and visitation in the Kantishna business
44 and community occurs every year for a very specific period of
45 time after the Park road opens. It's a recurring use, and
46 therefore it's prompted us to propose a temporary closure that
47 would be done on an annual basis for this developed area.

48
49 Again, this proposed regulation is in development.
50 When it is published in the Federal Register, it will go

00135

1 through full public review, as well as advisory groups will
2 have an opportunity to comment on it as well.

3
4 That constitutes the Superintendent of Denali Park's
5 position.

6
7 MR. RABINOWITCH: I'm Sandy Rabinowitch with the
8 National Park Service, and there's also a second letter
9 attached there. It's a shorter one, and it's from the Regional
10 Director of the Park Service, Bob Barbee. I think if I read
11 two sentences of the letter, it captures the high points.

12
13 In about the middle of the letter it says, and I quote,
14 "I can assure you that the National Park Service does not view
15 this temporary closure as precedent setting." And then the
16 final sentence of the letter said, "Should there be any future
17 proposals to make temporary or other closures, they will be
18 based upon the facts pertinent to the specific location and
19 situation, and these facts will be evaluated independently of
20 those currently proposed in the action at Kantishna." So the
21 letter gives you a little more detail, but I think that conveys
22 the high points.

23
24 And the reason for the two letter is that the way that
25 the Council letter was sent to the Park Service, it asked for a
26 response on a statewide basis, so the superintendent, what
27 Hollis just spoke about, deals with sort of his jurisdiction in
28 Denali Park, and then Bob Barbee is statewide.

29
30 CHAIRMAN LOHSE: And both of those letters directly
31 address our concerns as to whether that was precedence setting.
32 Any questions or comments? Gilbert, have you got any
33 questions on that one? It's kind of interesting that the two
34 longest hunting seasons are in the Denali Park, which is.....

35
36 MR. DEMENTI: Well, maybe I.....

37
38 CHAIRMAN LOHSE: Gilbert?

39
40 MR. DEMENTI: Yeah, do you have a record of how much
41 moose has been taken out of that area?

42
43 MR. TWITCHELL: It's been fairly small. The
44 traditional user groups in that area are the McKinley Village
45 residents along the Park eastern boundary. In more recent
46 years, we've been having anywhere from six to three individuals
47 going into that area from Cantwell, which is an area that does
48 have c&t use in that region, but typically haven't been the
49 more traditional users. The actual harvest numbers coming from
50 that area are pretty limited. I only know of one moose that

00136

1 was taken out of that area, and that was after the firearms
2 restriction was lifted, in the latter part of September.

3
4 CHAIRMAN LOHSE: Now, is that including the area that's
5 got a 120-day season, or is that -- or is there much take of
6 moose in that area?

7
8 MR. TWITCHELL: Not really. The -- like I said, the
9 intensity of the use is it's not a really high use area in
10 terms of subsistence hunting.

11
12 CHAIRMAN LOHSE: Yeah, right.

13
14 MR. TWITCHELL: For moose.

15
16 CHAIRMAN LOHSE: Right.

17
18 MR. TWITCHELL: That would change significantly if
19 there was a caribou season in there. There would be a lot more
20 activity going in, but right now with just the moose season,
21 it's relatively.....

22
23 CHAIRMAN LOHSE: And all hunting that takes place in
24 there is subsistence hunting, right?

25
26 MR. TWITCHELL: That's correct.

27
28 CHAIRMAN LOHSE: Any other questions for Hollis or
29 Sandy? Hearing none, thank you for your reports and for
30 bringing those letters to our attention.

31
32 We have another section under Unit D, but due to a
33 paper that needs to be brought, we'd like to put that off until
34 tomorrow. So at this point in time, we can call a recess of
35 the meeting. It's about ten minutes after five. We have that
36 thing that you were talking about. Do we need to present that
37 to the board, or just is that.....

38
39 MS. EAKON: Well, just informal announcement, that we
40 -- you as a regional council will have an informal session with
41 the new member, Clare Swan at the Iditarod Room of the Hilton,
42 that is on the second floor, beginning at 6:30, and we have the
43 room until 8:30, so we'll just leave it up to Clare. And she
44 wants the opportunity to ask questions about the Regional
45 Council from those of you who are able to attend. Okay.

46
47 CHAIRMAN LOHSE: Are there any other things that any
48 member of the Council would like to bring forward? If not we
49 will recess until 8:30 tomorrow morning.

50

00137

1
2

(Meeting recessed)

* * * * *