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1 FEDERAL SUBSISTENCE REGIONAL COUNCIL MEETING

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WESTERN INTERIOR

4

YUKON KUSKOKWIM DELTA

5

VOLUME I

6

Lake Lucille Lodge

7

Wasilla, Alaska

8

October 12, 2003

9

9:00 o'clock a.m.

10

11

12 COUNCIL MEMBERS PRESENT:

13

14 WESTERN INTERIOR

15 Ronald Sam, Chair

16 Angela Demientieff

17 Benedict Jones

18 Emmitt Peters

19 Michael Stickman

20 Robert Walker

21

22 YUKON KUSKOKWIM DELTA

23 Harry Wilde, Chair

24 Nick Andrew, Sr.

25 James A. Charles

26 Mary Gregory

27 John Hanson, Sr.

28 Billy McCann

29 Philip Moses

30 John B. Thompson, Sr.

31 Lester Wilde

32

33 Regional Council Coordinators:

34 Vince Mathews, Western Interior

35 Alex Nick, Yukon Kuskokwim Delta

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P R O C E E D I N G S

(Wasilla, Alaska - 10/12/2003)

(On record)

CHAIRMAN WILDE: The meeting will come to order by me and Ron Sam. Ron Sam and me we're going to do this agenda together. So at this time I'd like to ask Yukon-Kuskokwim Delta to do roll call.

MR. SAVAGE: Harry Wilde.

CHAIRMAN WILDE: Yeah.

MR. SAVAGE: John Hanson.

MR. HANSON: Here.

MR. SAVAGE: Mary Gregory.

MS. GREGORY: Here.

MR. SAVAGE: Nick Andrew, Sr.

MR. ANDREW: Here.

MR. SAVAGE: Ray Oney.

MR. ONEY: Here.

MR. SAVAGE: Robert Nick.

MR. NICK: Mr. Chair -- Mr. Chairman.

CHAIRMAN WILDE: Yeah, Alex Nick.

MR. NICK: Robert Nick. (In Yup'ik)

CHAIRMAN WILDE: What?

MR. NICK: Robert Nick couldn't make it because of other commitments.

CHAIRMAN WILDE: Yeah, Robert Nick, he went to other meeting so he's not here.

MR. SAVAGE: Bill McCann.

MR. MCCANN: Yeah.

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1 MR. SAVAGE: James Charles.
2
3 MR. CHARLES: Here.
4
5 MR. SAVAGE: Mike Savage. Here. Philip
6 Moses.
7
8 MR. MOSES: Yeah.
9
10 MR. SAVAGE: Lester Wilder -- I mean,
11 Lester -- yeah, Wilder, Sr.
12
13 MR. L. WILDE: Yes. Here.
14
15 MR. SAVAGE: John Thompson, Sr.
16
17 MR. L. WILDE: He's here.
18
19 MR. SAVAGE: I can't pronounce how you
20 say this.
21
22 MR. L. WILDE: Thaddeus.
23
24 MR. SAVAGE: Thaddeus.
25
26 MR. L. WILDE: Yeah, Thaddeus Tikiun.
27
28 MR. SAVAGE: Thaddeus Tikiun.
29
30 MR. NICK: Mr. Chairman. Thaddeus Tikiun
31 couldn't make it also because of personal reasons.
32
33 MR. SAVAGE: Mr. Chairman, we got 11
34 present and two absent.
35
36 CHAIRMAN WILDE: Yeah, thank you. Yukon-
37 Kuskokwim Delta, we have quorum. Now, Western Interior
38 Subsistence Regional Advisory Council, Ron Sam.
39
40 CHAIRMAN SAM: Yeah, Vince, will you do a
41 roll call.
42
43 MR. MATHEWS: Yes, Mr. Chair. Well, Ray
44 Collins is not here, he is ill and we'll talk about that
45 later but he wanted to make it here but he's in the
46 hospital.
47
48 Jack Reakoff is weathered in. He'll be
49 in at 4:00 o'clock this afternoon if the weather allows.
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1 Angela Demientieff.
2
3 MS. DEMIENTIEFF: Here.
4
5 MR. MATHEWS: Benedict Jones.
6
7 MR. JONES: Here.
8
9 MR. MATHEWS: Carl Morgan.
10
11 (No comment)
12
13 MR. MATHEWS: Robert Walker.
14
15 MR. WALKER: Mr. Chairman. Carl Morgan
16 said he'd be late. He had personal business to take care
17 of in Anchorage this morning.
18
19 MR. MATHEWS: Okay. Robert Walker.
20
21 MR. WALKER: Yes.
22
23 MR. MATHEWS: Micky Stickman.
24
25 MR. STICKMAN: Yes.
26
27 MR. MATHEWS: Emmitt Peters.
28
29 MR. PETERS: Here.
30
31 MR. MATHEWS: Ron Sam.
32
33 CHAIRMAN SAM: Here.
34
35 MR. MATHEWS: Mr. Chairman, we have six,
36 so you have a quorum. And, of course, Mr. Morgan will be
37 here in a little bit.
38
39 Thank you.
40
41 CHAIRMAN WILDE: Yeah, thank you. For
42 invocation I'll ask Moses. (In Yup'ik) Philip Moses.
43
44 MR. MOSES: Yeah.
45
46 CHAIRMAN WILDE: Invocation (In Yup'ik)
47
48 (Invocation - By Mr. Moses In Yup'ik)
49
50 CHAIRMAN WILDE: Quyana, Philip.

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1 MR. MATHEWS: Mr. Chairman.

2

3 CHAIRMAN WILDE: Vince.

4

5 MR. MATHEWS: Yes, we have quite a bit of
6 ground rules to go through and things like that and I
7 think Mr. Boyd may want to speak before that and then you
8 could go right into the agenda, if that's okay with you.
9 I need to go over some safety items and things like that.

10

11 CHAIRMAN WILDE: Mr. Boyd.

12

13 MR. BOYD: Thank you. Chairman Sam,
14 Chairman Wilde. Members of the Yukon-Kuskokwim Council
15 and Western Interior Council. I want to thank you for
16 traveling so far from your homes to meet together today
17 and through the remainder of the week.

18

19 I think I recognize, as well as the
20 members of the Federal Subsistence Board and the agencies
21 that participate in the Federal Subsistence Program
22 recognize that the Councils are an important, probably
23 the most important aspect of this program and we commend
24 you for the work that you've done in the past and that
25 you're going to continue to do. We also want to, just,
26 again, thank you for traveling so far to be here to work
27 on these issues.

28

29 I know that the Chair of the Board, Mitch
30 Demientieff, plans to be here later to address you but I
31 just want to, on his behalf as well, to say thank you and
32 welcome to this area to work on your difficult issues.

33

34 CHAIRMAN WILDE: Thank you, Mr. Boyd.
35 When we planned this meeting, they were asking me why,
36 that was earlier this summer, why we going to have a long
37 ways from home and meeting here, so I don't know what to
38 respond, saying, I just say well we have to run away from
39 the mosquitoes farther up and that's why we're going to
40 have a meeting here.

41

42 (Laughter)

43

44 CHAIRMAN WILDE: Yeah, thank you. You
45 got some housekeeping things to take care of first,
46 Vince, I think.

47

48 MR. MATHEWS: Yes, Mr. Chairman.
49 Basically we need to go over, that if you need to leave
50 the room it's obvious you would go, if there's a fire or

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1 some kind of disaster, you need to leave through the
2 doors behind me by the windows. That's obvious. The
3 washrooms are down the hallway. If you have any lodging
4 concerns or that, you need to talk to one of your
5 coordinators or better yet talk to the front desk.

6
7 Let's see, the other things, I'm just
8 going down food, shelter and water. Lunch, I'm not sure
9 when it will start but we'll announce that later. There
10 is a buffet lunch here because they do not have lunch
11 normally here at this location and that will be in the
12 back of the room. And Council members will be served
13 first and then we'll work through the list.

14
15 Due to the agenda and possibly going into
16 an evening session, I'm not sure we'll need one now but
17 just to make sure it's clear, we're looking at evening
18 sessions from 7:00 to 10:00 p.m., so people can schedule
19 around that. So I think dinner would be around
20 5:00/5:30.

21
22 Okay, that gets us through food, water,
23 and safety, now we get to the topics. The topics that
24 you need to know about, if you haven't already is today
25 we're going to be -- the agenda is in this tan book here,
26 the first section, there's no materials on today's
27 materials but just to get you ready for the upcoming
28 meeting so today will be the tan book, just for the
29 agenda. Tomorrow will be the salmon colored book and
30 then we'll talk about the other books when we need them.
31 So right now you do not need the green book but later on
32 you will. If you do not have copies of these books, get
33 a hold of myself or Alex or Donald Mike back at the
34 public desk if you forgot to bring in your books.

35
36 Okay, now, we need to go over how this
37 system works, most of you are familiar with it but there
38 are other people that may not. You press the button to
39 turn it on, the red light's on, so when the red light's
40 on, you can speak. It's best for the system and for the
41 recorders and translators if you speak slower. So you
42 saw me slow down I know I was going too fast. The
43 translator's will be waiving at me, it's not because they
44 like me, they're going to waive at Alex and I and that's
45 our signal to slow down for sure. So it is a challenge
46 to translate. Since we brought up translation all of you
47 should, if you so desire, Council members would like to
48 hear the translation, you need one of these little red
49 boxes, and Alex, they're at the public desk right?
50

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1 MR. NICK: They're over at the
2 translator's desk.

3
4 MR. MATHEWS: You need to check one out
5 -- oh, they're over at the translator's desk. And you
6 just turn one on and plug it in your ear. If it doesn't
7 work then get a hold of one of us and we'll see why it
8 doesn't work so this is your translator. For public,
9 there's some there, we may need you to sign up for them
10 or whatever so we can keep track of them.

11
12 Okay, so that's translation part of it.

13
14 Let's see what else do we have here.
15 Well, for the Staff I don't remember the amount, but for
16 Council members, you don't need to pay for the buffet
17 lunch. I don't remember the amount for Staff.

18
19 MR. RIVARD: 12.95.

20
21 MR. MATHEWS: It's 12.95.

22
23 MR. RIVARD: For those who have signed up
24 previously.

25
26 MR. MATHEWS: Right, that have signed up
27 previously on that.

28
29 Now, we get into meeting management. As
30 you've already seen Mr. Wilde will be chairing the
31 morning session, Ron Sam will be chairing the afternoon
32 session, and we're still negotiating on how the tri-
33 Council meeting will be divided up. So we will need to
34 direct our attention to the Chair when we want to bring
35 up topics.

36
37 Okay, I'll just go down the meeting rules
38 and conducts that the Chair's reviewed and agreed to. So
39 basically a person wishing to speak needs to be
40 recognized by the meeting Chair. The Councils are very
41 familiar with that, we just want to make sure everyone
42 understands that.

43
44 The next rule is one person speaks at a
45 time. That has to happen. We can't translate two people
46 at once, nor can we record them at once. Any kind of
47 questions or comments coming from a Regional Advisory
48 Council member should be directed through the Chairs and
49 all your Council members have done that, and know how to
50 do that.

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1 The Chair can give a time limit to public
2 testimony if time limits are needed to maintain a timely
3 review of agenda topics and issues before the Councils.
4 We've instructed all the presentations under the
5 organization section that they have 10 minutes, plus
6 questions and answers, so that needs to be maintained.
7 Now, today it's not going to be that we need to maintain
8 it but as we move into the meetings down the week here,
9 it's going to be critical.

10

11 Okay, and then we need -- the Chair can
12 ask the presenters to summarize their key points when
13 they approach that 10 minutes. This is to keep the
14 meeting moving and to get clear to everybody what's going
15 on.

16

17 Okay, public testifiers cannot ask the
18 Regional Council questions, it's a standard meeting.
19 That's how it is every meeting. They can't come up there
20 and ask you questions. The Chair can ask them, you know,
21 if they -- the Chair can grant that, but they can't
22 automatically do that.

23

24 If people have copies of their
25 testimonies we need to keep a good administrative record
26 on this so the Council can keep informed of past
27 discussions. So copies need to be given to the Regional
28 Council coordinators so one of us up here needs those
29 copies. Don't just hand them out to the Council members
30 because we need to maintain a record.

31

32 We discussed, because down the road,
33 we'll have three Councils here that we're going to do a
34 roll call after lunch, do roll call in the morning, after
35 lunch and then of course if we do an evening session,
36 another roll call just to make sure that we have all the
37 people here.

38

39 Okay, those are the rules.

40

41 Conduct, it's very obvious. Respect will
42 be shown to all attending and all attending and
43 participating in the meetings.

44

45 Discussions, comments and dialogue should
46 focus on the issue at hand and not the person presenting
47 it.

48

49 Proper attention by Regional Advisory
50 Council members shall be shown all presenters and

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1 testifiers.

2

3

 So those are kind of the rules we went
4 over. I wasn't able to talk to Harry on this, Mr. Wilde,
5 excuse me, Chairman Wilde, we'll have to discuss if we
6 get into voting situation how we want to deal with
7 voting. We're hoping, as Staff, that most of the issues
8 you will reach consensus and it will be obvious that
9 there's no need for voting. So when we get to the vote
10 situation we may need to talk on how to do that. I think
11 it will be a roll call vote but we need to know how you
12 would like to conduct that. And I don't envision that
13 today, but I do envision that when we get into the
14 fishery proposals.

15

16

 That's all I have unless you have some
17 other rules you want to discuss or I didn't clearly
18 portray these. And before I do that is there anything
19 else, Salena, that I need to point out on the sound
20 system?

21

22

 REPORTER: (Shakes head negatively)

23

24

 MR. MATHEWS: Donald, is there anything
25 else back there that I need to point out on the public
26 desk?

27

28

 MR. MIKE: (Shakes head negatively)

29

30

 MR. MATHEWS: Oh, I know what I forgot
31 and he told me to do it and so did Salena, and I forgot,
32 please sign in, it really helps us to know who's here and
33 then that way we can have a better idea of our attendance
34 but also there may be other reasons that we may need to
35 share information and we'll have your name there. So
36 please sign in.

37

38

 Was there anything else, Donald?

39

40

 MR. MIKE: (Shakes head negatively)

41

42

 MR. MATHEWS: Okay. Any other Staff that
43 I forgot. Okay, Mr. Chairman, I appreciate the length of
44 the -- the patience you had with me, if you have any
45 questions on that, thank you.

46

47

 CHAIRMAN WILDE: Yeah, thank you, Vince.
48 Now, at this time I'd like to introduce some of our
49 Yukon-Kuskokwim Delta Councils. Most of this Council,
50 they're from the Yukon and Kuskokwim, mouth of the Yukon

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1 and Kuskokwim, and I want to thank them this morning that
2 they could be able to make it here. And it is -- I know
3 it's very hard. They left their families and they were
4 ready for the winter, some of them their subsistence
5 huntings and seal huntings and all that. But I
6 appreciate what they're doing. And some of them, they
7 have a little problem in their home.

8

9 As myself, I thought I wouldn't make it
10 here. I thought I would only be able to go as far as
11 Anchorage, and yesterday I had -- I thought I would go
12 back to my home. Last Saturday me and my wife we had
13 50th Anniversary.

14

15 (Applause)

16

17 CHAIRMAN WILDE: That's the reason my
18 wife was kind of.....

19

20 MS. GREGORY: Stingy.

21

22 CHAIRMAN WILDE:shook up little bit
23 and having hard time and land in the hospital. What
24 happened is she had not enough salt in blood and last
25 night she call and told me not to worry about her, don't
26 worry about me, I'm okay, and she is home. It makes me
27 feel better I could able to be here this morning.

28

29 Ron.

30

31 CHAIRMAN SAM: Thank you, Mr. Wilde. The
32 next item on the agenda is Regional Advisory Council
33 member introduction and concerns and topics. With the
34 consensus of Western Interior and YK-Delta, I would like
35 these introductory remarks directed to the agenda. As
36 you all know we will all have our own Regional Council
37 meetings alone down the line and these introductory
38 remarks and concerns could go quite long since we have
39 quite a big Council on the front table. So at this time
40 I would just ask Western Interior and the Yukon-Kuskokwim
41 Delta Regional Advisory Council how they feel on this?
42 Do you want to wait on the introductory remarks or
43 concerns or go ahead and present them at this time?

44

45 MS. GREGORY: Mr. Chairman.

46

47 CHAIRMAN WILDE: Go ahead, Mary.

48

49 MS. GREGORY: Even if we didn't say
50 anything I think it would be proper to introduce

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1 ourselves, where you come from, what village you're from.

2

3 CHAIRMAN SAM: That's fine with me. So
4 go ahead, Harry.

5

6 CHAIRMAN WILDE: Okay, Mary you could
7 start.

8

9 MS. GREGORY: My name is Mary Gregory.
10 I'm from the Bethel area. I live in Bethel but I go
11 gather my food in (In Native).

12

13 MR. L. WILDE: I'm Lester Wilde from
14 Hooper Bay on the coast.

15

16 MR. SAVAGE: Mike Savage from Kalskag,
17 Lower Kalskag.

18

19 MR. ONEY: Yeah, good morning my name is
20 Raymond Oney. My Eskimo name is Vamiqaq, and I'm
21 representing Alakanuk. Thank you.

22

23 MR. MOSES: (In Yup'ik)

24

25 INTERPRETER: This is Philip Moses from
26 Toksook Bay.

27

28 MR. MOSES: Philip Moses.

29

30 MR. CHARLES: James Charles from
31 Tuntutuliak, YK-Delta RAC member.

32

33 MR. ANDREW: (In Yup'ik)

34

35 INTERPRETER: His Yup'ik name is (In
36 Native) and his English name is Nick Andrew, Sr. from
37 Marshall. He hasn't been in this country since he was a
38 young man. Even before we were born he was -- he was
39 here.

40

41 MR. ANDREW: Quayana.

42

43 MR. THOMPSON: My name is John Thompson.
44 I'm from St. Mary's, originally from Lower Yukon.

45

46 MR. HANSON: Yeah, good morning. My name
47 is John Hanson. I'm from Alakanuk. I'm a member of
48 Yukon Delta RAC committee, also CFC member. Thank you.

49

50 MR. MCCANN: Billy McCann from Bethel. I

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1 lived at Napakiak but I moved up to Bethel about 10
2 years. Good enough, thank you.

3

4 (Laughter)

5

6 CHAIRMAN WILDE: Yeah, thank you. Philip
7 Moses is one of our elders. He's an elder from Toksook
8 Bay. And next to me here, Mary Gregory, is vice Chair
9 for Yukon-Kuskokwim.

10

11 Ron.

12

13 CHAIRMAN SAM: Thank you. At this time I
14 would like to just reintroduce myself as Ron Sam, Western
15 Interior Chair. But before I begin I would like to thank
16 OSM and Tom Boyd and all the Staff we see present for
17 getting this meeting together. I would also like to
18 thank Mitch Demientieff for setting this place up where
19 we could meet quite intimately and all stay in the same
20 hotel.

21

22 I have just one major concern that I want
23 to take care of with Western Interior. I would like to
24 appoint a co-Chair at this time, a vice Chair. Our vice
25 Chair is in the hospital. He wasn't doing so good a
26 couple days ago so as you go along, I would like to take
27 your suggestions on that.

28

29 But I am from Alatna on the Koyukuk
30 River. So with that we'll start with Angela.

31

32 MS. DEMIENTIEFF: Good morning. I'm
33 Angela Demientieff from Holy Cross.

34

35 MR. PETERS: Good morning. My name is
36 Emmitt Peters from Ruby. And you all know who I am so
37 that's why I'm the Yukon Fox. Thank you.

38

39 (Laughter)

40

41 MR. STICKMAN: Micky Stickman from
42 Nulato.

43

44 MR. JONES: Benedict Jones from Western
45 Interior from Koyukuk.

46

47 MR. WALKER: Good morning. Robert Walker
48 from Holy Cross -- correction, Anvik, I was from Holy
49 Cross.

50

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1 Mr. Chairman, I'd like to recommend Micky
2 for vice Chair.

3
4 CHAIRMAN SAM: Is that acceptable with
5 you, Micky?

6
7 MR. STICKMAN: Sure.

8
9 CHAIRMAN SAM: Would you take the front
10 table. I feel kind of naked up here without Ray Collins
11 and Jack Reakoff. No back up so if you could move your
12 name tag up here for the moment.

13
14 And that takes care of the Regional
15 Council member introductions and concerns. Again, I
16 would like to thank everyone on the YK Delta Council and
17 Western Interior for bearing with us. We do have a long
18 agenda, and again I would like to thank everybody that
19 set this meeting up.

20
21 And if there are no other housekeeping --
22 other housekeepings to be done?

23
24 MR. MATHEWS: No.

25
26 CHAIRMAN SAM: We'll go right on. Go
27 ahead, Robert.

28
29 MR. WALKER: Thank you, Mr. Chairman. At
30 this time I'd like to introduce somebody from our GASH
31 Committee from Unit 21, if I may.

32
33 CHAIRMAN SAM: Go ahead.

34
35 MR. WALKER: Ted Kruger, Jr., would you
36 please stand up, he's our new elected GASH member from
37 21(E).

38
39 Thank you, Mr. Chairman.

40
41 CHAIRMAN SAM: Thank you, Robert. Any
42 other housekeeping.

43
44 (No comment)

45
46 CHAIRMAN SAM: If not, we'll go into
47 review and -- oh, Vince, go ahead.

48
49 MR. MATHEWS: Yes, I forgot in the sound
50 system part, you'll notice some of the members have a

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1 head set, if you do need to use the headset, please let
2 us know and we can have that, it plugs into the side of
3 the system and you can adjust the volume, so if you need
4 a headset, just see Salena, and please use it it will
5 make the meeting a lot more efficient. Get a hold of
6 myself or Salena and we'll get those.

7

8 Thanks.

9

10 CHAIRMAN SAM: Thank you, Vince. If
11 there's nothing else, we'll go on with the agenda review
12 and adoption of agenda. For discussion purposes the
13 Western Interior Chair will entertain a motion to adopt
14 the agenda as presented for discussion purposes.

15

16 MS. GREGORY: Mr. Chairman, I so move.

17

18 CHAIRMAN SAM: Is there a second.

19

20 MR. STICKMAN: I second.

21

22 CHAIRMAN SAM: Seconded by Micky
23 Stickman. All those in -- oh, before I call for a vote,
24 we are flexible and we do like to listen to everyone and
25 that includes both the Staff and the audience.

26

27 We've been dealing with this item agenda,
28 Unit 21(E) moose, C&T use for a good number of years, so
29 at this meeting we hope to resolve it through the
30 satisfaction of both the Western Interior and the Yukon-
31 Kuskokwim Delta, you're all more than welcome here.

32

33 Any further discussion on the agenda.

34

35 (No comment)

36

37 CHAIRMAN SAM: If not, all those in favor
38 of adopting the agenda signify by saying aye.

39

40 IN UNISON: Aye.

41

42 CHAIRMAN SAM: Those opposed.

43

44 (No opposing votes)

45

46 CHAIRMAN SAM: Motion carried. Vince, do
47 we go into introductory remarks, A?

48

49 MR. MATHEWS: Well, Mr. Chairman, Mr.
50 Boyd already did that and I think when Mitch arrives we

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1 will, you know, move right to him. My back is to the
2 crowd so I don't see him here, but we will incorporate
3 Mitch Demientieff, the Chair of the Federal Subsistence
4 Board. No, I think we're ready for the topic that's
5 scheduled for today if you are ready for that.

6

7 Okay.

8

9 CHAIRMAN SAM: How soon is coffee coming
10 in?

11

12 (Laughter)

13

14 MR. MATHEWS: Well, I see red lights over
15 there so I think maybe coffee is ready.

16

17 CHAIRMAN SAM: Okay, do the Councils want
18 to get their coffee, it's right out here, over there now,
19 before we get into the meeting with Mr. Boyd? Anybody
20 want coffee?

21

22 (No comment)

23

24 CHAIRMAN SAM: Yes, we'll take about two
25 or three minutes to get some coffee and use the restroom
26 if you need it, five minutes.

27

28 (Off record)

29

30 (On record)

31

32 CHAIRMAN WILDE: Meeting back to order.
33 Number 6, workshop on Unit 21(E) moose, customary and
34 traditional use determination, C&T workshop facilitator
35 Pat McClenahan at this time.

36

37 CHAIRMAN SAM: Yeah, just for your
38 information I would like to introduce a friend and a co-
39 Chair of our tri-Council meeting within our presence, we
40 have Gerald Nicholia, Chairman of Eastern Interior, would
41 you stand up please.

42

43 Thank you, Gerald, for attending.

44

45 CHAIRMAN WILDE: Go ahead, Pat.

46

47 MS. MCCLLENAHAN: Thank you, Mr. Chairman.
48 If you would like I will provide you with a brief few
49 words regarding the deferred Proposal WP03-33. This
50 Staff analysis can be found in the packet that I sent to

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1 you. Is there anyone who doesn't have that packet?

2

3 MS. GREGORY: I didn't carry it with me
4 because it's too heavy.

5

6 MS. MCCLLENAHAN: We can get you the
7 analysis, it's in the back.

8

9 (Pause)

10

11 MS. MCCLLENAHAN: This paper that I gave
12 you was where we are right now. This is the Staff
13 conclusion which is to support the proposal, and the
14 proposed regulation would read:

15

16 Unit 21(E) south of a line beginning at
17 the eastern boundary of Unit 21(E) near
18 Tabernacle Mountain extending easterly to
19 the junction of Piamute Slough and Innoko
20 Slough and southeasterly in the direction
21 of Molly Mountain to the juncture of
22 Units 21(E), 21(A) and 19(A), residents
23 of Unit 21(E) and Alakanuk, Chevak,
24 Emmonak, Hooper Bay, Kotlik, Marshall,
25 Mountain Village, Nunam Iqua, Pilot
26 Station, Pitka's Point, Russian Mission,
27 Saint Mary's (including Andraefsky Town
28 Site), Scammon Bay and Taklik, and then
29 Unit 21(E) remainder, residents of Unit
30 21(E) and residents of Russian Mission.

31

32 MR. L. WILDE: Mr. Chairman.

33

34 CHAIRMAN WILDE: Yeah, Lester.

35

36 MR. L. WILDE: Mr. Chairman, I'd like to
37 suspend the rules since we are working on an approved
38 agenda, and deferred Proposal 21 -- 33 is not on our
39 agenda, our working agenda. According to my agenda,
40 Proposal 1 is Proposal 5. So I'd like to suspend the
41 rules if this is the discussion we are going to be taking
42 up first, I'd like to suspend the rules to include WP03.

43

44 MR. MATHEWS: Mr. Chairman, I may be able
45 to help on this, if that's okay.

46

47 CHAIRMAN WILDE: Yeah, Vince, go ahead.

48

49 MR. MATHEWS: Lester, are you looking at
50 the tan book, first tab, Page 1?

00017

1 MR. L. WILDE: (Nods affirmatively)

2

3 MR. MATHEWS: Well, maybe we got you the
4 wrong book. But the first tab, joint meeting, the agenda
5 that was approved is on Page 1 and Proposal 33 is down
6 there so we may have the wrong book in front of you, if
7 we do we'll get you the right book.

8

9 CHAIRMAN SAM: It may not be the wrong
10 book, I think it's just we do have one page in there
11 that's extra, I think, that first one that you have.

12

13 MR. L. WILDE: I stand to be corrected,
14 Mr. Chairman, just looking at the wrong agenda.

15

16 MR. MATHEWS: Thank you, Mr. Chair, for
17 letting me interrupt there.

18

19 Thank you.

20

21 CHAIRMAN WILDE: Go ahead, Pat.

22

23 MS. MCCLENAHAN: Thank you, Mr. Chairman.

24

25 As you will remember, the existing C&T
26 determination was adopted from State regulations at the
27 beginning of the Federal Subsistence Program in 1990.
28 And this has been under discussion off and on for about
29 10 years.

30

31 At the Federal Subsistence Board's
32 direction a workshop was convened in October 2002. The
33 amended proposal and the analysis that we have currently
34 are direct outgrowths of that meeting. We have
35 information showing that the proposal communities have
36 relied on moose as an important subsistence resource for
37 a long period of time. The proposal communities are made
38 up predominately of Yup'ik speaking people who have
39 historic roots in the Lower Yukon River region.

40

41 Maps provided by Vance, Joan and Snow,
42 show that these groups, as well as the Interior people
43 used the proposal area in the 19th Century. Tables 2 and
44 3 provide information on cumulative moose harvest from
45 ADF&G harvest database. Those of you who have packets
46 have Tables 2 and 3 and those of you who do not have
47 packets there are tables on the back at the sign up desk.

48

49 According to reports by subsistence
50 users, the subsistence moose harvest in the region is

00018

1 very under reported. Additionally, formal harvest
2 studies of moose and brown bear by Anderson, Utermohle
3 and Brown in 1998 and 1999 also found that established
4 harvest ticket systems used to quantify harvest of big
5 game species under estimated harvest in rural communities
6 in the middle Yukon and Koyukuk River region. For those
7 moose that were reported, the tables provide the
8 information that the southern portion of Unit 21(E) is
9 and has been a primary subsistence resource use area for
10 moose for the proposal communities for the past 20 years.

11

12 While moose are a relative newcomer to
13 the region, the general hunting pattern and subsistence
14 use area patterns for these people have remained
15 relatively stable in the region since the 19th Century
16 with periodic shifts due to fluctuations in the animal
17 populations.

18

19 Moose hunting in southern Unit 21(E) by
20 the Lower Yukon River communities, Chevak, Hooper Bay and
21 Scammon Bay now takes place almost exclusively in the
22 fall during September according to ADF&G harvest records
23 and of reports of subsistence users.

24

25 If adopted, the proposal will provide
26 residents of the proposal communities the opportunity to
27 hunt moose during Federal seasons on Federal lands within
28 the southern portion of Unit 21(E). The fall Federal
29 moose hunting season begins a few days before the State
30 season begins in Unit 21(E) and it provides Federally-
31 qualified subsistence hunters an advantage on Federal
32 lands.

33

34 Mr. Chairman, I will stop there and turn
35 it over to you for questions and deliberation.

36

37 Thank you.

38

39 CHAIRMAN WILDE: Thank you, Pat. Maybe
40 follow agenda all the way down, I'm going to introductory
41 remarks by Federal Subsistence Program at this time.

42

43 MR. BOYD: Mr. Chair.

44

45 CHAIRMAN WILDE: Yeah, Tom, go ahead.

46

47 MR. BOYD: I'm Tom Boyd with Fish and
48 Wildlife Service, Office of Subsistence Management. I
49 think this place in the agenda is probably best for the
50 Chair, Mitch Demientieff, to address the Councils,

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1 however, he's not here at the moment. I know he's
2 planning to be here and would like to say a few words to
3 the Councils about this issue.

4

5 But barring that, let me just say that --
6 as you have already said, that this is a longstanding
7 issue between the two Councils. It's one that's been
8 around for awhile that you've addressed in the past. And
9 I know that the Federal Subsistence Board and Chair
10 Demientieff sincerely would like to see the two Councils
11 work this issue out and resolve any differences that you
12 may have regarding the customary and traditional use
13 determination for moose in 21(E).

14

15 And that's why this meeting is happening
16 today the way it is. And so I would rather reserve my
17 remarks and allow Mitch to address you when he arrives on
18 this issue.

19

20 Mr. Chair.

21

22 CHAIRMAN WILDE: Thank you, Tom.
23 Introductory remark by Ron Sam.

24

25 CHAIRMAN SAM: Thank you. At this time
26 it seems like we don't have quite a set agenda or a real
27 agenda as we would before we introduce any proposals.
28 Was there a reason for this, Vince?

29

30 MR. MATHEWS: Okay. Why don't we just go
31 right to the heart of it. Basically the Staff is here to
32 help you understand what the issue is before you and with
33 Pat's indulgence, I think really we need to focus on this
34 one sheet of paper here that says deferred Proposal 33.
35 And basically we're here if you have any questions about
36 this, we're not saying to adopt it or to not adopt it.
37 I'm just saying that if you have questions of what this
38 regulation means, we're all here to help you out on that.

39

40 For me to understand this, this is a who
41 question. Who qualifies to hunt? And the answer, or
42 potential answer to it is as Pat laid it out, there is an
43 area that's been carved out of the southern part of Unit
44 21(E) and these are the communities that the analysis and
45 Yukon-Kuskokwim Council agreed to. So with that, let us
46 know if you have any questions of what this means so we
47 can get to your questions on that and that's what we're
48 here for.

49

50 I think many of you know the issue by

00020

1 heart, but we want to make sure that it's all clear,
2 where it's at and then you guys can discuss various
3 options that are before you.

4

5 I assume that there are some people here
6 that also want to testify on it. So that might be
7 another thing down the road here.

8

9 Thank you.

10

11 CHAIRMAN WILDE: I think my remarks would
12 be concerning this 21(E), we have been spending a lot of
13 time with. We travel Holy Cross and Anchorage and so I
14 think something has to be done before next moose season.
15 But this time on number 6 and go down to C, deferred
16 Proposal 33 C&T determination for moose in Unit 21(E),
17 I'll bring it back to you, Pat.

18

19 MS. MCCLLENANAHAN: Thank you, Mr. Chairman.

20

21 I provided you with a little
22 introductory, a very abbreviated introductory to this.
23 That it was similar to how I present my analysis to you
24 and you had already heard that before, both these
25 Councils heard that at the last Council meetings.

26

27 You asked me to prepare answers to some
28 specific questions that you had, if you'll recall in our
29 last teleconference. And perhaps you would either like
30 to ask me those questions or perhaps you'd like to hear
31 from those who are here to testify. Whichever you like.

32

33 CHAIRMAN WILDE: Thank you, Pat. Right
34 now I'm trying to follow the whole agenda here.

35

36 Number 1, customary and traditional use
37 determination process, what is the C&T determination?

38

39 MS. MCCLLENANAHAN: Customary and
40 traditional use determination simply establishes who,
41 within a region, has hunted there in the past and that
42 hunting fits a pattern of use. And I gave you the page
43 with the eight factors that we use to look at to write
44 our analyses. We tried to speak to each of those factors
45 so that we can provide you with a picture of the type of
46 hunting that's taking place.

47

48 Is it subsistence hunting? If it is then
49 the Council and the Board make a customary and
50 traditional use determination. This is separate from

00021

1 Subpart D regulations, which establish season, bag limit,
2 methods and means.

3

4 Thank you, Mr. Chairman.

5

6 MS. GREGORY: Mr. Chairman.

7

8 CHAIRMAN WILDE: Mary.

9

10 MS. GREGORY: Pat, when we met in Chevak
11 in March we approved this. The Yukon-Kuskokwim approved
12 this proposal but somewhere else it didn't make it. Can
13 you tell me the difference between a C&T determination is
14 and in Federal Subsistence Management, I want to know if
15 there's any difference there.

16

17 MS. MCCLENAHAHAN: I'm sorry. I don't know
18 if I understand your question.

19

20 But customary and traditional use
21 determination.....

22

23 MS. GREGORY: In the Federal management
24 system, that's what I want to know.

25

26 MS. MCCLENAHAHAN: In the Federal -- that's
27 what I just explained to you, that's the Federal
28 management system. It's usually found for a community or
29 an area rather than for an individual. And that's one
30 difference that we have from other regulations.

31

32 What other -- I'm not sure where your
33 concern is, I guess.

34

35 MS. GREGORY: I just wanted to know what
36 the difference between the two, B and C is -- A and B?

37

38 MS. MCCLENAHAHAN: Are you looking at the
39 agenda?

40

41 MS. GREGORY: Uh-huh. (Affirmative)

42

43 CHAIRMAN WILDE: Vince.

44

45 MS. MCCLENAHAHAN: I don't have an agenda.

46

47 MR. MATHEWS: Let me try doing a graphic
48 here, this is a high-tech one.

49

50 Okay, this is the State moose season,

00022

1 okay. We have a Federal moose season, okay. It just so
2 happens that it might be a little bit longer, the season,
3 say five days, whatever, this is just a visual here. So
4 what it means with B is that the people that get to hunt
5 this lower salmon area here during those five days, they
6 have to have a positive determination by the Board. So
7 that's what B is. B is that when we have a different
8 season, who qualifies to hunt that season on Federal
9 lands is determined by the C&T determination. There's
10 more to it but I think that's where Mary's going.

11

12 MS. GREGORY: Right.

13

14 MR. MATHEWS: And then that's that part
15 of it. And then Pat's already pointed out that you could
16 use this geographically too, to point out an area, too,
17 and that's what the proposal has done and that's where
18 the work has ended up, is graphically pointing out an
19 area, not the whole subunit, a portion of the subunit
20 that everyone agreed to. And that is common between the
21 two Councils, is that area that Pat laid out. I won't
22 try to repeat it but it's the southern portion of 21(E).

23

24 Did that help, Mary?

25

26 MS. GREGORY: That helped, thank you.

27

28 MR. MATHEWS: Thank you.

29

30 CHAIRMAN WILDE: Yeah, next is number C.
31 What is the process used to make C&T determination?

32

33 MS. MCCLLENHAN: Thank you, Mr. Chairman.

34

35 The Staff anthropologist receives a
36 proposal to change regulations. And at that time we take
37 the eight factors, which I handed out to you earlier and
38 we write an analysis based on those eight factors. When
39 the analysis is prepared, we present it to the Regional
40 Advisory Council for input, then we take it to the Board,
41 with the Regional Advisory Council's recommendations and
42 the Board makes final decision. And if it's favorable
43 it's then put into regulations.

44

45 CHAIRMAN WILDE: What is Section .804,
46 how and how does is it related to C&T determinations?

47

48 MS. MCCLLENHAN: We make C&T
49 determinations, to say who can hunt in a particular area,
50 who has -- I'm sorry, who has hunted traditionally in a

00023

1 particular area.

2

3 The Board, the Federal Subsistence Board
4 has two responsibilities under Section .804 of ANILCA.

5

6 The first is that Section .804 gives
7 subsistence uses by rural Alaska residents a priority
8 over other uses, other consumptive uses of fish and
9 wildlife.

10

11 The second responsibility is to allocate
12 among rural Alaska residents, when necessary, to protect
13 the continued viability of fish or wildlife populations,
14 or to continue subsistence uses of specific populations.

15

16 What happens when a number of villages
17 have a positive customary and traditional use
18 determination for a small area and there becomes a
19 shortage of animals in that area, at that time it might
20 be necessary to choose among the eligible users, the
21 users who have C&T, who, among them can be allocated the
22 few animals that are there. When this happens, a
23 priority is implemented through appropriate limitations
24 based on the application of different criteria from those
25 eight factors that we use to find C&T. So these are
26 customary and direct dependence upon the populations as a
27 mainstay of livelihood. Local residency. And the
28 availability of alternative resources. That means that
29 probably the people who are closer to the resource will
30 get the first priority and so forth, out. So this is an
31 additional layer to the customary and traditional use
32 area of regulations.

33

34 CHAIRMAN WILDE: Ron.

35

36 CHAIRMAN SAM: Yeah, I was hoping to move
37 along a little faster than this, but I think that maybe
38 now that I should go ahead and make my introductory
39 remark since vice Chair Mary Gregory of the Yukon-
40 Kuskokwim Delta did make a statement that YK Delta
41 Council was in total support of this Proposal 33 at their
42 Chevak meeting.

43

44 And at our Aniak meeting this April,
45 March Western Interior disagreed by roll call vote to
46 defer or oppose this proposal. And that's where I'm
47 having a hard time, how do we adjust the agenda to meet
48 both Councils' request or how do we resolve this issue to
49 both Councils' satisfaction? From what I've seen on both
50 of these printouts, all it is is just a reprint of the

00024

1 proposals that we opposed at Western Interior's meeting
2 and which was adopted by the YK Delta's Council.

3

4 I guess I'm just looking for some way to
5 proceed on this issue because I haven't seen any changes
6 nor do I expect any changes with the feelings of the
7 Western Interior Council, and I don't think YK Delta
8 Council will change their view either, so where do we
9 proceed?

10

11 CHAIRMAN WILDE: Pat.

12

13 MS. MCCLENAHAN: Mr. Sam -- Mr. Chairman.
14 Do you have some areas of agreement? What are your areas
15 of agreement?

16

17 You established that the southern portion
18 of Unit 21(E) was used by some of the Unit 18
19 communities. Are there other areas of agreement?

20

21 CHAIRMAN SAM: From the Western Interior
22 perspective and I may be speaking -- may be correct,
23 that's the only one we addressed and really, I think,
24 agreed on, that there was some use of this, but limited.
25 And when you go back to the mandate by both the State and
26 the Federal system it is that sustained yield and
27 population of the resources that we based our decision
28 on. And as far as I know that's the only thing that we
29 agreed on.

30

31 I know we did agree to meet, called some
32 special meetings by appointing a special working group to
33 address this issue and while some of it was introduced I
34 don't think we agreed to anything at that time.

35

36 MR. MCCANN: Mr. Harry.

37

38 CHAIRMAN WILDE: Yeah, go ahead, Bill.

39

40 MR. MCCANN: I couldn't quite understand
41 that on that area saying that some is not eligible
42 hunting, who are they? Regional people or someone coming
43 from someplace else or what is it? What does it -- who
44 is not eligible hunting? I'd like to know that because
45 we're trying to help the people as much as we can. I'd
46 like to know who's not eligible for hunting for
47 subsistence?

48

49 CHAIRMAN WILDE: Ron.

50

00025

1 CHAIRMAN SAM: Yeah, one of our main
2 reasons for rejecting this proposal is that this is
3 within our boundaries, it's a population of moose of low
4 density that we cannot and will not accept but about 10
5 or 15 villages in totality to use it just because one or
6 two persons out of that village have used it in the past.
7 And I think we are adamant in our stand on this issue.

8
9 We cannot grant a whole village
10 traditional use while the patterns that are shown on
11 paper that have shown that only one or two residents out
12 of that village have used it in the past and has a
13 positive C&T determination and that's where we stand.

14
15 CHAIRMAN WILDE: Yeah, Pat, my
16 understanding that this is just a workshop for this
17 agenda, am I understanding that we will not make a
18 decision on this moose, customary and traditional use
19 determination until next meeting when we'll get into
20 wildlife proposals and all that; is that right?

21
22 MS. MCCLLENANAHAN: Mr. Chairman. It's my
23 understanding that you can make a decision and a vote
24 today if you'd like. And you can, in fact, it would be
25 good if you can make a decision today. And perhaps the
26 Board can move this forward. And Mr. Boyd may want to
27 correct me on this, but since this was directed by the
28 Board, they may wish to hear back as quickly as possible
29 and they may be able to address this at the upcoming
30 fisheries Board meeting or even sooner.

31
32 CHAIRMAN WILDE: Okay. At this time I'm
33 going to try to find out something here. I think I'm
34 going to ask Pete DeMatteo moose population status for
35 Unit 21(E) and surrounding units.

36
37 MR. DEMATTEO: Thank you, Chairman Wilde.
38 Staff was working with the Department of Fish and Game
39 and also the Bureau of Land Management. The two
40 gentlemen that were prepared to speak on that note could
41 not be here today and they regret so, but, they are out
42 because of other obligations. They will be here tomorrow
43 to answer any of those questions.

44
45 CHAIRMAN WILDE: Pat.

46
47 MS. MCCLLENANAHAN: Mr. Chairman, because we
48 had a question from Billy McCann about who is eligible,
49 can I please read you the existing Federal regulation and
50 talk to you a little bit about the current situation for

00026

1 Unit 21(E), the southern portion?

2

3 CHAIRMAN WILDE: Go ahead, Pat.

4

5 MS. MCCLLENANAHAN: The existing Federal

6 regulation is:

7

8 Unit 21(E) moose, residents of Unit 21(E)

9 and the residents of Russian Mission.

10

11 Those people have a positive customary

12 and traditional use determination for that area for

13 Federal regulations.

14

15 Under State regulations, the area is open

16 to hunting under State regulations. But the Federal hunt

17 comes a week before the opening for the State.

18

19 Does that help?

20

21 (No comment)

22

23 MS. MCCLLENANAHAN: And another subject is

24 I'm not sure how familiar everybody is with the history

25 of this, why we're here today.

26

27 Two years ago this proposal came before

28 the Councils and was deferred and we had a special

29 workshop. At that time there was agreement among those

30 representatives from both Councils as to the area of

31 21(E) south and as to the communities and they were all

32 listed and then we went back to the Councils with that.

33 When we went to the Council this last time, YK Council

34 approved it, but Western Interior Council did not approve

35 it. It went before the Board, and the Board directed the

36 Councils to come back and work together to try to resolve

37 the issue, and that's why we're here today.

38

39 Thank you, Mr. Chairman.

40

41 MR. MCCANN: Mr. Chairman.

42

43 CHAIRMAN WILDE: Go ahead.

44

45 MR. MCCANN: I kind of think of the

46 villages on that area close together and if it's moose

47 population is low that shouldn't be into -- go into allow

48 some of the villages that are eligible for hunting and

49 some not. I don't think it's right.

50

00027

1 If it's moose population, then they
2 should say that moose season is going to be closed for
3 certain years, not say you not part of it, it's not
4 eligible for hunting. I don't think that's right.
5 Because people are hunting for subsistence use. We
6 should know that.

7
8 Yeah, I would agree if the moose
9 populations are pretty low, then we can tell everybody
10 that that year is we not going to hunt, not for just a
11 part of it. I don't like that.

12
13 CHAIRMAN WILDE: Pat, go ahead.

14
15 MS. MCCLENAHAN: Mr. Chairman, I'd like
16 to point out that customary and traditional use
17 determination only says who has hunted in the area in the
18 past or, you know, presently. It does not set forth
19 season or bag limit or gear type or any of those things.
20 So we need to keep the two separate in our minds.

21
22 The only thing we're saying today is who
23 has hunted there. Okay, thank you.

24
25 CHAIRMAN WILDE: Vince Mathews.

26
27 MR. MATHEWS: Yes, Mr. Chairman. As the
28 facilitating coordinator for this meeting I have to
29 caution you on your discussion about the moose
30 population.

31
32 The question before you is who,
33 traditionally hunts that area that you both agreed to. I
34 understand Mr. McCann's concerns. There could be a
35 million moose there or there could be one moose there.
36 The question before you is who. Once you determine who,
37 then we use the Section .804 or whatever other tools we
38 need to address it.

39
40 So I have to caution you on that. We can
41 provide the information on the moose population, you're
42 more than welcome to get that but that should not be a
43 factor when you're looking at who.

44
45 Now, let me give you an example. In
46 Southcentral they had a caribou herd, which I can't
47 remember the name of, that was almost down to nothing and
48 that person there had to determine who qualified. Now,
49 when that caribou herd comes back again, those
50 communities that qualified will be able to hunt under

00028

1 Federal seasons.

2

3 The other thing that needs to be pointed
4 out to Mr. McCann is this is only addressing the Federal
5 seasons, the State seasons are still in effect. So
6 people, for wherever in that area around the 21(E) area
7 they can hunt under the State season. It's just that
8 week earlier season that exists there is what's before
9 you as who can hunt that earlier season.

10

11 Does that make sense to you now? And
12 then maybe down the road to assist the Councils in
13 discussions, maybe we can cover the points that Western
14 Interior agreed to as to why they disagreed and see if
15 there's some room there for negotiation, because Ron the
16 other Council members on YK have not had privy to those
17 talking points because they didn't attend the Board
18 meeting. So that might be something you want to deal
19 with down the road to see where there are some common
20 ground beyond just the area.

21

22 Thank you.

23

24 CHAIRMAN WILDE: Thank you, Vince.

25 Robert.

26

27 MR. WALKER: Thank you, Mr. Chair. My
28 name is Robert Walker. I'm originally from Holy Cross.
29 And, you know, we've talked this issue, WP03-33 for going
30 on two years now. A lot of money has been spent here and
31 we still haven't come to some kind of agreement, and I
32 don't think we will. Because we're going to take our
33 stand, Western Interior. It's nothing personal but it's
34 just how we feel.

35

36 And just to give you a little information
37 from the past. People did come up from the Lower Yukon
38 and hunt the lower portion of 21. We didn't mind.
39 Because like Harry Wilde says, and I had a good
40 conversation with Mr. Philip here last night, he said, we
41 always shared everything, we don't need a piece of paper.
42 And I'm just really thinking here now that, we got a
43 whole audience here, we're sitting down here, and we're
44 going to argue right to the end.

45

46 If you would pull WP03-33 and drop it,
47 you know, you're going to still hunt in the lower portion
48 of 21 anyway. I mean what is a piece of paper say, I got
49 7,000 constituents to take care of? We only got -- the
50 last moose count was 5,000 and there's 800 of us living

00029

1 in 21(E). I mean I don't want to get into a lengthy
2 discussion, I don't think our Chairman, our Board and
3 your Board.

4
5 I seen John Thompson up there hunting
6 there. You know, hey, you're welcome John. And we
7 didn't tell John, you know, anything, we're glad to have
8 him, because we have to share everything on the Yukon as
9 it is, our fish. And, you know, at this time, Mr. Wilde,
10 I would like you to caucus with your Board and take a
11 roll call vote, ask them to pull WP03 and this issue
12 could be resolved right here.

13
14 I will remind you, what this is could
15 happen to your area in the next five years and then you,
16 all these people here are going to be battling, maybe
17 some of us wouldn't be here to do it. The younger people
18 will be doing it. So the precedence you set everybody's
19 going to follow.

20
21 Thank you.

22
23 MS. GREGORY: Mr. Chairman.

24
25 CHAIRMAN WILDE: Mary.

26
27 MS. GREGORY: Yeah, I agree with Mr.
28 Walker, and I agree with my colleague over here. The
29 reason why we -- like you said, we never meet together as
30 two groups of Councils and until we do that then we will
31 know what the Western Interior is thinking about. Like
32 you said, not all of us go and discuss this, so I partly
33 agree with you and I'd like to see if we can get together
34 and discuss why -- exactly why you are opposing it. I'd
35 like to know the reason for that. I don't like to but
36 something away without knowing what's happening.

37
38 CHAIRMAN WILDE: Alex.

39
40 MR. NICK: Thank you, Mr. Chairman. My
41 name is Alex Nick. I'm our regional Council coordinator
42 for YK Regional Advisory Council. I just wanted to
43 remind the YK Council, I can't speak for Western Interior
44 but for YK Council, as YK Council remember -- I'm going
45 to do this both in Yup'ik and English with your
46 permission, Mr. Chair, so that your Council members could
47 understand.

48
49 CHAIRMAN WILDE: Yes, you could.

50

00030

1 MR. NICK: Okay. (In Yup'ik)

2

3 INTERPRETER: He's going to talk about
4 where we're headed.

5

6 MR. NICK: As Robert Walker mentioned,
7 the two Councils has considered this proposal more than
8 once. As everybody know when I got on board in 2000.....

9

10 MS. GREGORY: Excuse me, (In Yup'ik)

11

12 INTERPRETER: If you're going to do it in
13 English do it all in English and Yup'ik, if you're going
14 to do it, do it all in Yup'ik.

15

16 MR. NICK: Okay. What Mary was saying is
17 that I could cover it all in English and then translate;
18 is that okay with you, Mr. Chair.

19

20 CHAIRMAN WILDE: Go ahead.

21

22 MR. NICK: Yeah. When I got on board
23 with OSM in year 2000 Proposal 31 was just emerging, I
24 think, and the two Councils considered that. As everyone
25 knows Proposal 31, 21(E) proposal, the same proposal
26 you're talking about today is, you know, was deferred by
27 the Federal Board, Subsistence Board, and referred back
28 to the Councils. And then after the Staff worked with
29 the Councils, Proposal 33, modified proposal was
30 presented to the Councils last year.

31

32 Yukon-Kuskokwim Delta Regional Council,
33 during their deliberations regarding the Proposal 33,
34 considered very seriously, I believe, the reports they
35 got from Harry Wilde and John Thompson on the moose
36 meeting we had in Anchorage, I think it was in Anchorage,
37 and then also they considered the reports they got from
38 the Holy Cross meeting regarding the same issue. That's
39 how they based their vote to support Proposal 33. But
40 then everyone knows that after YK met, Western Interior
41 met and then they opposed it.

42

43 The Federal Subsistence Board deferred
44 this proposal back to the regions for regions to work
45 with the OSM Staff. As a result of that, the Western
46 Interior Chair, Ron Sam -- this is my understanding, Ron,
47 Western Interior Ron Sam and also Harry Wilde, they got
48 together and they talked about this and they thought it
49 was a good idea to iron this out once and for all and
50 they recommended that this meeting. So the Staff worked

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1 on this. And that's why we're here. And, you know,
2 Robert's recommendation is very valid, that's the real
3 purpose of this meeting, to iron out differences and then
4 come up with a decision.

5
6 If I am incorrect, we have Staff here to
7 correct me on this. But that's my understanding about
8 this meeting and that's why you're here.

9
10 And then what I'm going to do is I'm
11 going to quickly translate this into Yup'ik, and then
12 I'll be done.

13
14 (In Yup'ik)

15
16 Mr. Chairman, Quyana.

17
18 CHAIRMAN WILDE: Thank you. Ron.

19
20 CHAIRMAN SAM: Yeah, what Alex Nick was
21 alluding to is that we did, Harry and I did get together
22 at the Chairman's meeting, along with the Chairman of the
23 Federal Subsistence Board and Mr. Tom Boyd and I believe
24 Peggy Fox was involved.

25
26 What we do not is to have some issue
27 mandated to us, to our region, separate regions by
28 developing a policy of their own if we can't come to a
29 conclusion here. I would like to work this out and agree
30 on something that we would all vote, Western and YK-Delta
31 could agree upon today instead of having this issue
32 decided by the Office of Subsistence Management and the
33 Federal Subsistence Board, and that is why we said we
34 could try, both Harry Wilde and I said we could make a
35 good attempt at resolving this issue at this meeting here
36 at Wasilla. And I think it can still work, but if we
37 don't resolve it it will go to OSM and the Federal
38 Subsistence Board, and we may -- both YK or Western
39 Interior may not like what they come up with.

40
41 MS. GREGORY: Mr. Chairman.

42
43 CHAIRMAN SAM: And that is why we're
44 here.

45
46 MS. GREGORY: Mr. Chairman.

47
48 CHAIRMAN WILDE: Mary.

49
50 MS. GREGORY: That's why I'd like to get

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1 together as YK and Western Interior group, only, without
2 anybody else and hash things out and work together and
3 come up with a compromise maybe.

4

5 CHAIRMAN WILDE: Yeah, Mary, you know,
6 earlier me and Sam, when we talk about this we said that
7 if we -- without no one we would have already settled
8 out. I think right now we have to follow our agenda and
9 all that.

10

11 Vince, go ahead.

12

13 MR. MATHEWS: Mr. Chairman, I don't want
14 to put words in Mary's mouth, but are you kind of
15 requesting an executive session that your two Councils
16 could talk about this issue because it's dealing with
17 sensitive issues; is that what you're intent is?

18

19 MS. GREGORY: That's my intent. I'll do
20 it in Yup'ik.

21

22 INTERPRETER: This proposal, some of us
23 doesn't know, doesn't like the proposal that was the
24 result and tabled, but we'd like to ask the if they don't
25 agree with that, even though she likes what the other
26 person said. If we meet with no one else we would -- if
27 someone speaks or whatever, if we say something, those
28 people who are in a different area, they don't want to be
29 -- they don't want to be overruled, but if we met on our
30 own, along with the coordinator it would be good.

31

32 CHAIRMAN WILDE: Mary, I think it's
33 something important that we have to know, this is a
34 public meeting. In a public meeting that it will always
35 be hard to caucus together.

36

37 Vince.

38

39 MR. MATHEWS: Okay, Mr. Chairman, let's
40 just talk frank here. I think you guys may need to go in
41 executive session to move forward. I've been consulted
42 by the leadership of the program that you can do that,
43 the only thing that needs to happen is when you complete
44 that executive session, that some kind of summary be
45 shared with the public so that they would know, not the
46 details of your discussion, but what came out of that.

47

48 So you could go into executive session,
49 we just need to know if you want to do that and then how
50 do we, you know, we make it. We do have a separate room

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1 that I think would fit us all. I haven't walked over
2 there because that might be easier for you, or this room,
3 whichever you want. But there is a whole other room
4 where you guys can meet. But I think both Councils have
5 to agree to an executive session.

6

7 MS. GREGORY: Mr. Chairman, I move for an
8 executive session.

9

10 CHAIRMAN WILDE: Ron.

11

12 CHAIRMAN SAM: I would ask you to
13 withdraw that request at this time. We have a lot of
14 people within the audience from our respective areas,
15 both from your area and ours who have traveled to listen
16 in with us and also to testify. Until I hear from
17 Chairman Mitch Demientieff and these people, I wouldn't
18 agree to an executive session at this time. I would like
19 to hear everyone's suggestions before we do go into
20 executive session even though it might take a little
21 longer to resolve this issue. And that is my request,
22 Harry.

23

24 MR. THOMPSON: Mr. Chairman.

25

26 CHAIRMAN WILDE: John Thompson.

27

28 MR. THOMPSON: My name is John Thompson
29 from St. Mary's. And I'm just wondering since we are
30 just an advisory, if the executive session is allowed by
31 Federal?

32

33 MR. MCCANN: Mr. Chairman.

34

35 CHAIRMAN WILDE: Yeah. Bill, go ahead.

36

37 MR. MCCANN: Yeah. (In Yup'ik)

38

39 INTERPRETER: Bill McCann, he said it
40 would be good before executive session for those areas
41 that doesn't like that suggestion after it is heard. It
42 should be open and spoken. For those who disagree with
43 that, it is okay, but there are some people who oppose
44 it. Before it is an executive session, if we hear them
45 first it would guide us which way to go.

46

47 MR. MCCANN: Thank you. If I'm clear,
48 thank you.

49

50 CHAIRMAN WILDE: Yeah, Bill, you know, it

00034

1 always be -- for me it always be hard after you approve
2 agenda that we will be run -- I wish that Pete is here,
3 we could continue listen population of the moose in 21(E)
4 and after that Regional Council discuss and an action
5 supposed to be.

6

7 MS. GREGORY: I move for maybe 10 minute
8 or 15 minute recess.

9

10 CHAIRMAN WILDE: Yeah, we going to break
11 maybe five, 10 minutes.

12

13 (Off record)

14

15 (On record)

16

17 CHAIRMAN WILDE: Tom, we'll give you this
18 opportunity, go ahead.

19

20 MR. BOYD: Mr. Chair, thank you. I think
21 we, as a Staff, may have misled you at the -- prior to
22 the break and I want to clarify the record and offer you
23 an option of what actions you may wish to take concerning
24 this issue. I think we all sensed from your discussions
25 prior to the break that you had a desire to have some
26 informal communication between various members of the two
27 Councils. And I think our desire was to try to figure
28 out a way to accommodate that.

29

30 However, I guess as the lead official
31 here from the Federal agencies, I want to make clear that
32 as a Council or two Councils, when you meet, we are
33 guided by the Federal Advisory Committee Act, and I think
34 I would be remiss if I said you could conduct your
35 business off the record, that is not the case, you must
36 conduct your business in a public setting, in a public
37 session so that the public may hear. So anything -- any
38 deliberation that you have, any action that you take in
39 terms of formulating a recommendation must be done in a
40 public setting.

41

42 And clearly, Mr. Sam was right in
43 acknowledging that a number of people have come a long
44 way to testify to the Council and you certainly need to
45 take that into consideration.

46

47 However, in saying that if you wish to
48 recess at a certain point in time in your deliberation
49 and then recall the meeting at a later time you may do
50 that. So I would offer that up to you as an option if

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1 you wish to have informal discussions amongst yourself.
2 However, I must caution that that's not going to be --
3 those aren't official proceedings and there can be no
4 decisions made or actions taken during a recess period.

5
6 I recognize that this is a matter of
7 intense concern and there are differences of opinion
8 between the two Councils and you may need to have an
9 opportunity to sort of talk to one another and understand
10 one another. But when you meet in the public setting you
11 must put everything on the table and have an open
12 discussion about the issues.

13
14 So those are the cautions that I provide
15 to you, Mr. Chair.

16
17 CHAIRMAN WILDE: Thank you, Tom. Ron.

18
19 CHAIRMAN SAM: Thank you, Harry. Again,
20 I would like to reiterate and restate my feelings for the
21 public as Mr. Boyd so ably pointed out, this is a public
22 process. We do have to listen to the audience, whoever
23 wants to testify. It is my understanding that we have a
24 lot of village Council people here to testify, we do have
25 Tanana Chiefs here to testify, we do have people from
26 AVCP here to testify. And until we go through that
27 process I don't think it would be recognized as a public
28 process decision-making meeting. And I would still like
29 to see public testimony and listen to public testimony
30 before we even break or recess to meet on our own.

31
32 And that is my stand unless there's any
33 differences, I think I just would really like to follow
34 up and follow through on my request.

35
36 Thank you.

37
38 CHAIRMAN WILDE: Lester Wilde.

39
40 MR. L. WILDE: Mr. Chairman, at this
41 time, since there is no schedule on our agenda to hear
42 testimony from the other areas in our -- from the other
43 villages in our area, to give them an opportunity to
44 testify on this subject, Mr. Chairman, I'd like to
45 suspend the rules and at this time invite the testimony
46 of those people that are here.

47
48 MS. GREGORY: I second the motion.

49
50 CHAIRMAN WILDE: Motion been made, is

00036

1 there a second?

2

3 MS. GREGORY: Second.

4

5 CHAIRMAN WILDE: It has been second. All
6 those in favor of Councils say aye.

7

8 IN UNISON: Aye.

9

10 (No opposing votes)

11

12 CHAIRMAN WILDE: Motion pass. At this
13 time public comments. We're accepting if you want to
14 make a comment on 21(E) there's some testimony comment
15 papers somewhere you could fill out and we could proceed.
16 You could bring it down here, maybe give it to Sam and
17 from there we could start testimony.

18

19 Vince.

20

21 MR. MATHEWS: Mr. Chairman, just by
22 oversight, we don't have those little testimony cards, so
23 I think it would be best if people want to address this
24 issue that they just raise their hand and the Chair would
25 recognize them, and then you'd bring them up. We do not
26 have the cards here and the room isn't that packed, so it
27 might be best just to have them come up to the Chair and
28 be recognized to speak.

29

30 If you want we can create cards, but
31 they're not here.

32

33 CHAIRMAN WILDE: Thank you, Vince. Ron.

34

35 CHAIRMAN SAM: Thank you, Harry. From
36 what I've seen and from what I've heard around the table
37 that it's just a general consensus that we do accept
38 anybody that comes up to testify. We'd just ask that you
39 turn the microphone on for recording proceedings, you
40 state your name, village or organization that you
41 represent.

42

43 Micky, did you have something.

44

45 MR. STICKMAN: Yes, Mr. Chair. Before
46 you open it up to the general public for their comments,
47 you know, I have to agree with Robert, you know, I know
48 how long this issue been before us. And also like
49 Robert, I think we will never ever come to a conclusion
50 unless the proposal is dropped because, you know, I see

00037

1 customary and traditional use, not just with only going
2 back 20 years, but going back 100 years or more, you
3 know.

4

5 When I do -- when I use, back in Nulato
6 when I talk about traditional and customary use areas, I
7 don't say I'm going to claim this area and it's going to
8 be my area, I go to the other villages, Koyukuk, Huslia,
9 even though Huslia is more than 200 miles from Nulato, we
10 still share customary and traditional use area, there's a
11 border there and, you know, those areas go back for a lot
12 longer than my lifetime, which is only 44 years. But if
13 you talk to the elders back home they'll talk about how
14 they share, how they walk, how they use, and who they use
15 it with.

16

17 So, you know, I don't see how they can
18 say that it's their customary and traditional use area
19 with only 20 years of data. You know, I can't see that.
20 So I agree with Robert. I'd prefer to see the proposal
21 dropped, and they'd still be able to hunt there. I mean,
22 you know, but they just wouldn't have a claim to the
23 area.

24

25 Thank you.

26

27 CHAIRMAN WILDE: Thank you. Right now
28 I'm going to recognize Myron Naneng, AVCP.

29

30 MR. NANENG: Good morning, ladies and
31 gentlemen. There's a couple of ladies on there so we
32 have to definitely include them. Wegesehawa, that's my
33 Yup'ik name. And my English name is Myron Naneng. I'm
34 originally from the Native Village of Hooper Bay. I'm
35 the president of the Association of Village Council
36 Presidents.

37

38 AVCP participated last spring when the
39 Yukon-Kuskokwim Regional Advisory Council sat down to
40 talk about this and we have some concerns regarding the
41 proposals. We had some concerns and we still do have
42 some concerns regarding the proposal. And there's a lot
43 of issues that are related to this that are not only
44 limited to the moose issue. I have with me Tim Andrew
45 who is our natural resource director for AVCP. And we've
46 had, in many instances, worked with many of our villages
47 and AVCP, at times, has represented some of our villages
48 within the Yukon-Kuskokwim Delta regarding the customary
49 and traditional use of certain resources within our
50 region. Case in point, Native village of Quinhagak with

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1 the use of trout in the river systems.

2

3 And, you know, I think we all need to
4 keep in mind one of the biggest issues regarding the
5 proposal is that when one is hungry and in need of food
6 they will search out wherever they can go to find that
7 food regardless of who's land it is and what boundaries
8 may have been drawn. And in many instances, maybe things
9 are better left unsaid rather than trying to write them
10 down and start making it restrictive that it will only
11 affect this one resources species, meaning the moose for
12 this time.

13

14 And, you know, our Yup'ik people, and I
15 think in many of the villages, not only within our
16 region, are very opportunistic, they take whatever
17 opportunity that the food provide itself or a resource
18 provides itself for those people to be able to get their
19 food. I've told a couple of Fish and Wildlife refuge
20 managers in Bethel, the customary and traditional use of
21 our people in the Y-K Delta is that whenever an animal
22 makes itself available to them, to any hunter, they shoot
23 it, they gather it and then they share it with the rest
24 of their family and the rest of the community.

25

26 We have already had, like I say, some
27 instances where we've had to try and make customary and
28 traditional use determinations as the base of the
29 protection of the right to use of a resource by our
30 people. We have other entities that are affecting the
31 issue that you have before you. One, the village
32 corporations; the regional corporations; even the State
33 of Alaska and the Federal agencies. In some instances
34 the village corporations put a land use restriction on
35 non-shareholders, saying that you are not to camp on this
36 land or use this land unless you pay a fee and in this
37 case because of some of the major issues that are going
38 on with moose on the Lower Kuskokwim area, a whole
39 stretch of land on the river system was closed to non-
40 shareholders.

41

42 So this is a very important issue that I
43 think will need to go before many people before a
44 determination is made. But keep in mind that Fish and
45 Wildlife Service and their Fish and Wildlife protection
46 officers are going to use this criteria as to determine
47 if you have customary and traditional use of a resource.
48 I'm not saying vote for it, I'm not saying don't vote for
49 it but I think there needs to be, from my our
50 perspective, a lot of discussion and good understanding.

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1 And I know the State is trying to be in
2 control of many of the resources within our state and
3 trying to determine who is a subsistence user. Like I
4 stated, I'm originally from Hooper Bay and I love my seal
5 meat during the springtime and during the falltime and I
6 grew up with the salmon that we harvested out there and
7 if they say -- if they start excluding that customary and
8 traditional use of those salmon resources within Hooper
9 Bay or for only Hooper Bay and Chevak, and possibly
10 Scammon, by the very fact that I live in Bethel am I
11 going to be excluded after having grown up with that in
12 my early years before I had to go off to school to get an
13 education? But you know these are a lot of things that
14 we really need to think about in addressing this issue.

15
16 And I'd like to recognize Tim to make
17 additional comments.

18
19 CHAIRMAN WILDE: Tim Andrews, go ahead.

20
21 MR. ANDREWS: Thank you, Mr. Chairman.
22 And thank you for this opportunity to testify before you.
23 Members of the Regional Advisory Councils, both Western
24 Interior and Yukon-Delta.

25
26 As Myron said, AVCP has dealt with these
27 issues in the past. We've dealt with customary and
28 traditional determination issues in both the State arena
29 and also in the Federal arena and we've also dealt with
30 customary and traditional use determinations in the
31 courts as well. And especially in the Quinhagak rainbow
32 trout issue where the State regulators were trying to say
33 that the people in Quinhagak did not have customary and
34 traditional determination or use determination for
35 harvesting rainbow trout for their subsistence use. We
36 fought that issue, we were successful in that issue and
37 we continue to fight for customary and traditional use
38 determinations for all of our species that our Yup'ik
39 people depend on.

40
41 Just this past summer and this is
42 something that probably quantifies what -- or makes known
43 what Myron is saying about how this issue could possibly
44 be far-reaching, far beyond this room here, or far beyond
45 the moose issue, would be a person that was out fishing
46 for the day with a rod and reel in one of the rivers just
47 right above Bethel, and on his way home he was stopped by
48 a Federal law enforcement officer en route going home and
49 the Federal law enforcement officer saw a rainbow trout
50 in this person's boat. And the Federal law enforcement

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1 officer asked this person where is he from, the person
2 said he's from Napaskiak and the Federal law enforcement
3 officer asked this guy, what are you doing with rainbow
4 trout, you don't have customary and traditional use
5 determination for rainbow trout. You know, all of us,
6 whether you're Athabascan, whether you're Yup'ik or
7 whether you come from Western Interior or Yukon-Kuskokwim
8 Delta, we all are opportunistic hunters, we're all people
9 that depend on the resources in both areas, in fact in
10 all different areas.

11

12 You know, there are several of you that
13 have married people from other villages, like for
14 example, Robert Walker here originally from Holy Cross
15 who lives in Anvik. Ray Oney who's originally from
16 Marshall who lives in Alakanuk. And Mary Gregory who
17 just with her opening statement said she harvests and
18 utilizes food from the Kwetheluk/Nythaguk Native area,
19 but she lives in Bethel. Myron just said he's from
20 Hooper Bay but he lives in Bethel. So do I. I'm
21 originally from Marshall, I live in Bethel.

22

23 The customary and traditional use
24 determination is something that's completely foreign, you
25 know, to all -- probably all Alaska Natives and these
26 artificial boundaries that were created by the State
27 management system are also artificial boundaries,
28 something that, you know, historically we never did have
29 boundaries. We were able to hunt, just, you know, where
30 you were able to hunt. I mean there's definitely people
31 from my home community that have trapped, you know, this
32 is just to show that, you know, all of us have different
33 areas that we go to. But there's this gentleman that
34 traps, or that used to trap way back behind Marshall, way
35 up north and ran into a person from Anvik that was
36 trapping in the same area. And he said he was out in the
37 middle of nowhere, didn't see an airplane, didn't see a
38 single person, did not see any tracks and he ran into
39 this guy out there in the middle of nowhere and he was
40 from Anvik and they kind of crossed paths.

41

42 So, you know, all of us have different
43 areas that we use, sure there's a lot of us that use the
44 different areas more than others, but, yet, the decisions
45 you make on the customary and traditional use
46 determinations will affect every one of us in one way or
47 the other. It's like Robert said, it will set a
48 precedent. So please be careful in your proceedings and
49 if there's any way that we can possibly help at AVCP,
50 we're available.

00041

1 Thank you.

2

3 CHAIRMAN WILDE: Myron.

4

5 MR. NANENG: Yes. One closing comment.

6 One of the things that was raised at an issue at the
7 meeting of the Yukon-Kuskokwim Regional Advisory Council
8 was the fact that the list, as it was made, did not
9 include some of the villages on the Kuskokwim, even those
10 that are really in close proximity of the area that is in
11 discussion right now. The Kalskag villages, Aniak,
12 Chuathbaluk, and some of the other villages on the
13 Kuskokwim. And when we start talking about boundaries,
14 the boundaries that are set by people that are not
15 necessarily doing it for the benefit of the people in the
16 villages, we start excluding the very people who use
17 those resources within that land area without ever having
18 seen the boundaries and say that they're excluded from
19 there, so I think this, like I stated, definitely needs
20 more discussion and more work than what has currently
21 been proposed.

22

23 So with that, I'd like to thank the
24 Regional Advisory Councils for giving us an opportunity
25 to bring these issues up before you.

26

27 Thank you, very much.

28

29 CHAIRMAN WILDE: Thank you. Now, I
30 recognize Mike Smith, TCC.

31

32 MR. SMITH: Thank you, Mr. Chairman. My
33 name is Mike Smith and I work for Tanana Chiefs
34 Conference.

35

36 This issue of C&T determination has been
37 coming toward us for a long, long time, ever since ANILCA
38 was passed. Certainly, the idea of C&T determination as
39 it originally was intended was to kind of an offer a
40 distinction between urban and rural areas. And in the
41 past that's what we've had to deal with. But now we're
42 getting into -- it's getting real tricky because it's now
43 pitting Native people against Native, and villages
44 against villages.

45

46 We agree with our good friends at AVCP
47 that the issue is extremely complex. The very eight
48 criteria, there's a lot of questions about the eight
49 criteria that is used for a C&T determination. The
50 issue, again, like AVCP indicated, is not just for moose.

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1 The C&T determinations on fishery issues, things of that
2 nature that can arise and ultimately will end up arising
3 as we see dwindling resources is a very complex issue.

4

5 We feel that it requires more people than
6 is here. We feel it requires a statewide Native caucus
7 or meeting so that the Native people can work this out
8 amongst ourselves. Therefore, we would not support or
9 tell you not to vote or vote for or against this
10 proposal, but we feel that the issue is so large that it
11 requires more than we have here and more people involved
12 in the process. Certainly it may be something that AFN
13 or a statewide organization like that can put together a
14 working group or something on how we're going to deal
15 with this amongst ourselves because it's pretty clear
16 that the Western Council is opposed to it and the Yukon-
17 Kuskokwim people are in favor of it. And I don't think
18 we're going to change that today here. But again, that
19 exemplifies why we need to get together as a statewide
20 Native community to try to work these issues out or else
21 we'll never have a satisfactory conclusion to it.

22

23 Thank you, Mr. Chairman.

24

25 CHAIRMAN WILDE: Thank you, Mike.

26

27 CHAIRMAN SAM: I know we have some more
28 from the Western Interior. But who else -- if you want
29 to testify just come up and testify, just state your name
30 and organizations please. Do we have any more people
31 that want to testify.

32

33 CHAIRMAN WILDE: And whom you represent.

34

35 CHAIRMAN SAM: For Tina.

36

37 MR. STICKMAN: If no one's going to step
38 forward, I have a couple questions.

39

40 CHAIRMAN WILDE: Yeah, go ahead.

41

42 MR. STICKMAN: My questions are to the
43 Staff. You know, Robert, he talked about setting
44 precedence. So if this proposal passes, that means I've
45 been coming to Anchorage since 1975 so I can claim a
46 customary and traditional use area in the Anchorage area
47 or I can claim a customary and traditional use in the
48 Fairbanks area where I've been going since I went to
49 college in 1978?

50

00043

1 CHAIRMAN WILDE: Pat.

2

3 MS. MCCLLENANAHAN: Thank you, Mr. Chairman.
4 Mr. Stickman. First of all for the Federal program, we
5 find customary and traditional use determinations for a
6 community or an area not for individuals. This is true
7 everywhere except for some Park Service lands where there
8 have been some exceptions.

9

10 Secondly, Anchorage is an urban area, we
11 don't do C&Ts in Anchorage.

12

13 MR. WALKER: Mr. Chairman.

14

15 (No comment)

16

17 MR. WALKER: Mr. Chairman.

18

19 CHAIRMAN WILDE: Yeah, go ahead.

20

21 MR. WALKER: Thank you, Mr. Chairman.

22 Pat, you know, I'm going to ask a question the same as
23 what related to Micky's here, if you're ready to answer
24 that.

25

26 My question is that the Innoko National
27 Wildlife Refuge, you know, we've trapped there for years
28 and years and years, some of us people, too, and, you
29 know, we have Native allotments there, does that give us
30 precedence to go up to a Wildlife Refuge, a Federal
31 Wildlife Refuge, and say we have C&T here and we're going
32 to claim this portion right here or ask to trap year
33 after year even though it is restricted?

34

35 CHAIRMAN WILDE: Pat.

36

37 MS. MCCLLENANAHAN: Mr. Chairman. Mr.
38 Walker, I'll try to answer your question. Most of the
39 Refuges and the Parks have some -- they have, what do I
40 want to say, there is subsistence on most of the Refuges
41 and in most of the Parks. There are some areas that are
42 restricted.

43

44 In your case, does your community have a
45 positive C&T in that region?

46

47 MR. WALKER: We've had -- people did trap
48 in the Innoko National Wildlife Refuge for 50 years that
49 lived there during the winter time. Now, you're going to
50 tell me that these people cannot go there because the

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1 Federal law states that -- you know, you just got done
2 saying earlier that this was mandated by the Federal
3 government for C&T, now, you're going to turn around and
4 tell me tell the rest of these Council members that on
5 the Yukon-Delta National Wildlife Refuge you can't go
6 there, you can't do this, you have restrictions?

7

8 I mean I'm just curious here, you can do
9 this and you can do that, but, you know, you can't do
10 this.

11

12 CHAIRMAN WILDE: Pat.

13

14 MS. MCCLLENAHAN: I understand what you're
15 saying. Previously there were no restrictions.

16

17 MR. WALKER: Thank you, Pat.

18

19 CHAIRMAN WILDE: Andrews, go ahead.

20

21 MR. ANDREWS: No, no.

22

23 MR. CHARLES: Me?

24

25 CHAIRMAN WILDE: Yeah, go ahead.

26

27 MR. CHARLES: Thank you, Mr. Chairman. I
28 got a couple of questions for Pat on this C&T use. Is it
29 for both fall and winter seasons, moose seasons and
30 that's my first question. And if it is for both winter
31 and fall seasons, I don't see a lot of other neighboring
32 villages, are not listed, why they are not listed like
33 I'm all the way from Tuntutuliak and I've harvested the
34 moose in that area, like I've seen people from Quinhagak,
35 Eek, and all up and down the Kuskokwim and it's really
36 close to Kalskag and maybe they hunt over there in winter
37 time. We don't go in fall season but there's a lot of
38 people from Bethel area go to that area in the winter.

39

40 Thank you.

41

42 CHAIRMAN WILDE: Pat.

43

44 MS. MCCLLENAHAN: Mr. Chairman. Mr.
45 Charles. This came up at the fall Council meeting, if
46 you will recall.

47

48 First of all, I want to talk about
49 seasons. Seasons fall under Subpart D regulations. Even
50 though we discuss them as part of the eight factors when

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1 we're doing our customary and traditional use analysis,
2 when you set up seasons and bag limits it's under Subpart
3 D, which is not the customary and traditional use part.

4

5 Secondly, about the other communities,
6 Mary Gregory brought this up as well, and also we just
7 heard from Myron Naneng. There are other communities who
8 have used 21(E), and that's part of the record. However,
9 at your last Council meeting you voted that we would keep
10 this particular issue just to those communities that were
11 in this proposal, an individual proposed this, not the
12 Council. So the Council has been reluctant to change the
13 proposal without the individual's input. And it was
14 agreed and voted on at the last Council meeting that for
15 the other villages, who hunt in the wintertime that a
16 separate proposal would be forwarded at the upcoming --
17 during the upcoming round.

18

19 Does that answer your questions?

20

21 MR. CHARLES: (Nods affirmatively)

22

23 CHAIRMAN WILDE: Thank you, Pat. Let me
24 ask Western Interior Council, do you have -- you want to
25 talk about this Proposal 33, customary trade, is there
26 anyone here, Council, that you want to talk, you want to
27 say something about it. I think this opportunity, you
28 could raise your hand and we could recognize you.

29

30 CHAIRMAN SAM: Yeah, do we have anymore
31 people to testify from the audience, it doesn't matter
32 which region you're from. If you got anything to say to
33 help us out. Ted Kruger. Yeah, state your name and your
34 organization, please, for the record.

35

36 MR. KRUGER: Hi. My name is Ted Kruger,
37 I'm from Anvik, Unit 21(E). And I'd just like to give
38 the YK, Lower Yukon region some information on our moose
39 population which may help them decide in this important
40 matter.

41

42 During the last 10 years I've seen a
43 decline in our moose in Unit 21(E). It went from 10
44 years ago to right now it's like 50 percent decline from
45 what I've seen, and I fly during the winter and I look at
46 all these islands and the moose come out there to the
47 islands to feed on the willows. And during the last 10
48 years there used to be a hundred moose on the island,
49 now, I see 30, 20, so we have a big decline going on. I
50 don't know -- a lot of it is from, I think, the wolves

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1 and some migration. But what we want is we want to try
2 to bring our population back and keep it from declining
3 and so we have moose for future generations here.

4

5 I'd just like to let you Lower Yukon
6 people know that, you know, we want moose for everybody,
7 and we're talking about one area here, you know, the
8 moose population might be healthy now but maybe four or
9 five years from now it's not going to be.

10

11 And I just wanted to shed some
12 information on our moose population, it's going down,
13 we're getting more and more hunters and the wolf
14 population is way up. So I just want you guys to know
15 that.

16

17 Thank you.

18

19 CHAIRMAN WILDE: Yeah, thank you. And
20 who else want to testify or comment.

21

22 MR. WALKER: Mr. Chairman.

23

24 CHAIRMAN WILDE: Yeah.

25

26 MR. WALKER: Just for the record here,
27 Ted Kruger is also with the GASH Advisory Board in Unit
28 21.

29

30 CHAIRMAN WILDE: Thank you. Yeah, you
31 are recognized, you could come over and your name and who
32 you represent.

33

34 MR. DEMIENTIEFF: Good morning. My name
35 is Phillip Demientieff. I work for Tanana Chiefs
36 Conference. I'm from Holy Cross. I work on behalf of
37 the tribal councils Anvik, Grayling, Holy Cross and
38 Shageluk.

39

40 I just wanted to back up what Ted Kruger,
41 from Anvik said, that you know I hunted all my life in
42 Holy Cross, I seen hunters from -- you know, come from up
43 the river, down river, fly from outside, you know, our
44 moose population in the area, I think is the most in the
45 state and these last 10 years, like Ted said is have
46 really declined, and I see an increase in wolves, these
47 last couple years. I seen four or five moose kills, you
48 know, just from wolves in the wintertime, and falltime,
49 September -- August/September hunt, I see hunters from
50 down river, up river, those bunch outside hunters,

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1 outfitters, guides, big game hunters. There's been
2 really an increase in -- if this keeps up, you know, our
3 moose population is going to be like the McGrath area and
4 there will be no more pretty soon, and, you know, where
5 is all the people going to hunt.

6
7 I hear about the moratoriums in Unit 18,
8 if they close that down that increases the moose hunting
9 pressure in our area. You know, our village people they
10 have this Federal hunt, August, that open early, but this
11 year it took a while for us to even catch a moose due to
12 hardly any moose running around. And finally by the time
13 the State open up, people in my village started catching
14 some moose but I figure 90 percent of this year caught a
15 moose and we usually catch it early in the season but
16 everybody been going right up to the end of the season to
17 catch a moose. I hear reports, you know, wasted meat
18 from the game -- I heard one elder tell me that up in the
19 creek he found -- you know, see moose with, you know, the
20 horns just taken and those -- there's a bunch of other
21 issues that our area has and you guys heard about it in
22 the past and so I just won't bring that up again.

23
24 But I'd like to see this proposal, you
25 know, like Robert said, just drop it because you guys
26 from the Lower Yukon come up and hunt anyway and, you
27 know, we don't mind that.

28
29 But what I'm concerned is moose
30 population, the pressure from the wolves, outside hunters
31 and everything. If we don't do nothing, you know, we're
32 going to -- the moose population is going to be wiped out
33 and we'll just have a tougher time making a living on our
34 subsistence in harvesting moose meat.

35
36 So I think I said enough, so thank you,
37 Mr. Chairman.

38
39 CHAIRMAN WILDE: Yeah, thank you. I'm
40 still requesting Pete DeMatteo is here or not?

41
42 CHAIRMAN SAM: He's back there.

43
44 CHAIRMAN WILDE: Pete DeMatteo, you here
45 or not?

46
47 MR. DEMATTEO: Chairman Wilde, thank you.
48 Mr. Chair, the issue or the report on the status of the
49 moose population of that area is, as you heard before, is
50 not part of this discussion or the C&T process for that

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1 matter.

2

3

4 The C&T determinations of which
5 communities have eligibility to hunt in any particular
6 area is not based on the current moose population, it's
7 based on their pattern of use over a period of years as
8 Pat McClenahan covered under the criteria within the
9 process. So with that, Mr. Chair, Staff asks you that
10 maybe it would be best if we leave that report for later,
11 not to muddy the waters so to speak.

11

12

CHAIRMAN WILDE: Go ahead, Mike.

13

14

15 MR. SAVAGE: Yeah, I think with this
16 moose population thing here will give us a better
17 decision that we can make, the whole, the two committees
18 because if you don't give it to us now, you know, and we
19 make a decision, we might make a wrong decision. And
20 it's best we hear that now, what's the moose population.

20

21

22 MR. DEMATTEO: Again, Chairman Wilde.

23 Let me get a little deeper into the process.

23

24

25 The determination of which communities
26 have customary and traditional use determination to
27 harvest moose in a particular area is not based on the
28 healthiness or the lack of healthiness of the population,
29 it's based again on patterns of use of particular
30 communities.

30

31

32 Let's just say if a particular area, if a
33 moose population would take a nose dive and crash and
34 burn and get down to the point where we'd have to start
35 divvying up hindquarters between communities, then there
36 is another process for that called the .804 process,
37 which is Section .804 of ANILCA which would identify
38 which particular communities would have the eligibility
39 to hunt in a particular area and that would, more
40 specifically define, which communities would have access
41 to those few moose.

41

42

43 Down in the GASH area we're nowhere near
44 that step yet. I don't think there's any fear of that.
45 And I ask you, Staff asks you to look at this issue
46 before you based on the information that's given in the
47 analysis, and that is looking at the communities that are
48 in question here and looking at their patterns of use,
49 not based on what the status of the population is
50 currently. The status of the population has nothing to
do with customary and traditional use determinations for

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1 specific communities who can hunt in a particular area.

2

3

4 The beauty of regulations are is that
5 they can be changed over time, and if moose populations
6 or any populations for that matter, decline to the point
7 where we have to start weeding communities out, well,
8 then we address that at that point. But we're by no
9 means at that point right now.

9

10 Does that help any, sir?

11

12 CHAIRMAN WILDE: Sam.

13

14 CHAIRMAN SAM: Why is it that we have to
15 have a crash to make any kind of determination? I mean
16 why wait until we go to that? I know that it does and it
17 will hinge -- infringe upon my decision as to granting or
18 not granting C&T determination, because sooner or later
19 the moose will crash if you keep up with the State's
20 granting of grandfather rights, use of State green
21 tickets and the present C&T determination without 33. I
22 think that with the predators not being controlled we
23 will lose this resource sooner or later or a good part of
24 it. And it still hinges or infringes upon our decisions
25 on this issue.

26

27 Again, maybe the best thing is to do
28 business to delete Proposal 33 altogether from both the
29 Federal books and the Western books and the YK-Delta
30 books, but then even if you do do that, I still see an
31 increase of hunters with or without the C&T
32 determination.

33

34 If we back off from our no decision from
35 the Western Interior you automatically invite more people
36 to come in. And with that decision being published there
37 will be more people coming in with or without this list,
38 if we back off from this list, and even name a few,
39 sooner or later because of the increase in mobility, the
40 purchases of bigger boats, faster motors you will have an
41 increase anyway. And with all the commercial fishing
42 openings you will have a wealth of some sort to buy these
43 boats and motors that can go a long ways. And I think
44 that no matter what we do we will have an increase later
45 and why does it have to -- why does this C&T
46 determination, if we do accept it, it could create a
47 crash, not be considered now?

48

49 CHAIRMAN WILDE: Tom Boyd.

50

00050

1 MR. BOYD: Thank you, Mr. Chair. And
2 maybe in an indirect way I'm going to try to answer your
3 question, Chairman Sam. Let me try to -- I think several
4 people have made an attempt to try to explain what it is
5 we're trying to do here.

6
7 And I think it's a difficult concept, I
8 think, because we're concerned about a lot of things.
9 We're concerned about the moose population. We're
10 concerned about use on that moose population and what
11 effects additional users may have on that use population.
12 And all of those are valid concerns. However, the whole
13 concept of a customary and traditional use determination
14 is really simply this; it's an acknowledgement of use by
15 communities on a given resource in a given area.

16
17 And it simply says that these are the
18 subsistence uses that have occurred on this resource.

19
20 There are other tools that then are used
21 to regulate the harvest or to manage the wildlife
22 population, if you will, and these are the other
23 regulations that we impose, the seasons, the harvest
24 limits, the methods and the means. Moreover, in times of
25 shortage, there is another tool that we have in our
26 regulations whereby we can actually narrow down the
27 users. This has been explained previously is found in
28 Section .804 of ANILCA. Where is if there are higher
29 demands on the resources, in other words, more users to
30 use a limited resource, then restrictions can be imposed
31 to narrow the number of users, narrow, if you will, which
32 communities can harvest those resources. However, that's
33 not imposed until we have that kind of situation arise.

34
35 So I think if we could come back to maybe
36 the problem on the table, the problem on the table really
37 is what are the customary and traditional uses of the
38 resources, of the moose resources in this case, in Unit
39 21(E). And all that question asks is what communities
40 have harvested moose in that area, based on the eight
41 criteria that we have laid out in our regulations. And
42 if the answer is X number of communities or this
43 community or that community, that's all it says is that
44 they have harvested those resources over a period of time
45 and in a certain way and it acknowledges their use.

46
47 Then the next step is the regulation of
48 that resource, which is separate from the finding that I
49 just spoke to.

50

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1 I guess that's my way of explaining a
2 customary and traditional use determination. I know
3 others have tried to explain it as well.

4
5 Let me just restate, simply, what we're
6 trying to do is the subsistence uses or the customary and
7 traditional subsistence uses of a resource in a
8 particular area, that's all this decision is.

9
10 CHAIRMAN WILDE: Sam.

11
12 CHAIRMAN SAM: Yet, then my argument
13 still stands that once you grant or recognize C&T use for
14 all residents of these 12 villages, then I can't see
15 where you could grant area villages more priority over an
16 established C&T user if you're granting the whole
17 villages. So once these C&T users are granted, that
18 right or recognition, you would have to grant them C&T
19 use perpetually, annually because they do have C&T use,
20 right? Am I wrong?

21
22 CHAIRMAN WILDE: Tom.

23
24 MR. BOYD: Well, I think you're right in
25 the sense that once you acknowledge that use then it's
26 acknowledged, you know, in the future, that's correct.
27 However, if there is a shortage of the resource in that
28 area at any time during the future, it is possible that
29 you could regulate or narrow the number of users that can
30 participate in the hunt through another means.

31
32 CHAIRMAN SAM: Then in effect you'd be
33 creating Tier I, Tier II, Tier III, Tier IV, which I
34 think we want to stay away from, right?

35
36 MR. BOYD: Mr. Chair. That's correct,
37 Mr. Sam, it's very similar to Tier I, Tier II, that's
38 correct.

39
40 CHAIRMAN WILDE: Bill McCann.

41
42 MR. MCCANN: Yeah, we always talk about
43 what we do on animals or any kind of animals, that's
44 mostly guessing. Like we might blame the hunters, that
45 might be true sometimes. But there's other animals
46 that's eating what we're talking about, like wolf, bears.
47 Sometimes the hunters might not be doing that, claiming
48 the area, maybe wolf did, maybe bears did. The young
49 moose, bears can kill them -- maybe killing them too
50 much, and we blame the people that hunt, it might be

00052

1 wrong. We might be wrong.

2

3 Because I know on my experience, example
4 muskrats, when we used to hunt them, they grew up, many,
5 many muskrats and when we go down, no more hunt them they
6 going down too. So actually we're trying to blame
7 somebody to doing this, but we don't know what we're
8 blaming about.

9

10 Like I said it might be wolf. It might
11 be not the hunters here. Some people say that something
12 in an area when they hunt them there's a lot of them,
13 when they don't hunt them they go down too. So we know,
14 all of us we know that earth, the good Lord's taking care
15 of it, they give us what we have to do, what we got to
16 eat. We should think of that too. The good Lord's
17 taking care of it, takes care of us, give us what we have
18 to eat. That's what purposefully animals are. Us to
19 use. Or it might be the animals to use. But if we keep
20 on talk about it, fight about, they might claim it too.

21

22 I don't know which way we going to go.
23 So I think it's best to do is don't fight too much about
24 it. Do what we can do, claim them and not fight over it.
25 Yeah, we can grow moose population some way but we have
26 to make it clear enough to people, like close the season
27 for one year or two years, something like that. But
28 don't fight about it. Let them understand we can try
29 that, we going to try to grow animals someway or another
30 or close it for a couple of years.

31

32 It might happen, but you never know. We
33 can't control it, it might not happen either. It might
34 not grow either. We'll see. But sometimes animals move
35 just because they know the country and they got nose, the
36 country's getting bad for them they move away. That
37 might be happen too. We're not going to hold them there
38 all the time, that's up to them to say or if they don't
39 like the country they move too. So we got to think about
40 what we can do, not fight about it.

41

42 Don't fight about it too much. Because
43 we know, like this bad ones we got now, corporation, long
44 time ago we used to share the land, all of us, nobody say
45 this is my land, no, everybody share the land, hunt, eat,
46 but today some people -- some shareholders -- I mean some
47 corporations say this is my land, you can't hunt, I think
48 that's wrong.

49

50 So we got to straighten that out, too,

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1 some way. Like this wildlife people force the law, what
2 is on the paper, but because it's their job, but they
3 don't make the law, somebody else is making that law.
4 Proposals, whatever. And they have to go for it. But we
5 should have a right to say something about it also, but
6 sometimes we don't have no -- nothing to say about it,
7 it's done.

8

9 Hard time to fix it sometimes. That's
10 where we got to try to understand what we're doing and
11 make it clear to the people.

12

13 Thank you.

14

15 CHAIRMAN WILDE: Thank you, Bill. Johnny
16 Thompson.

17

18 MR. THOMPSON: Thank you. My name is
19 John Thompson. Some of this is already said by Bill
20 McCann.

21

22 But one thing that I want to bring up is,
23 you know, in the past they make regulations and mention
24 the village names for the first time, but when we get
25 together there was a lot of -- a lot of villages were
26 missed out, so we try our best to include those people
27 because they are human beings like us and I don't think
28 the population of hunters didn't increase, the village
29 names were increased, that's where -- I think that's
30 where the problem is.

31

32 And the other thing is, if we cooperate
33 together like we did in the part of Unit 18, we had five
34 year mandatoriums [sic] down below Mountain Village. We
35 do it ourselves. And it increased. Some of the hunters
36 that go up to 21(E) didn't go up, maybe one-third of the
37 hunters stayed down there on account of that. And the
38 other thing is wintertime, if the islands are
39 overpopulated, next year it's going to be different. The
40 moose will move to another place. Any animal migrates.
41 Think of that.

42

43 Unit 18 will welcome people from up river
44 to hunt in that area because they're human beings like
45 us. I've heard that many a times from my elders. To
46 fight over things, our elders always say that's the
47 beginning of declining.

48

49 I think we should sit together and talk
50 this over and make a final decision. Think of this. If

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1 the moose start migrating the other way around, think of
2 that.

3

4 Quyana.

5

6 CHAIRMAN WILDE: Thank you, John. Ron.

7

8 CHAIRMAN SAM: Yeah, at this time the
9 Western Interior Chair would like to acknowledge the
10 presence of Tanana Chiefs President, Buddy Brown, would
11 you stand up and I would ask at this time if you have any
12 comments or anything at this time.

13

14 MR. BROWN: Not now.

15

16 CHAIRMAN SAM: Okay, thank you. It is
17 now 11:55, did you have anything else Tom?

18

19 MR. BOYD: (Shakes head negatively)

20

21 CHAIRMAN SAM: Pete.

22

23 MR. DEMATTEO: (Shakes head negatively)

24

25 CHAIRMAN SAM: Again, you hear clearly
26 the definition of a C&T and the recognition, the power of
27 its recognition. I would like to come back at 1:30?

28

29 CHAIRMAN WILDE: 1:30.

30

31 CHAIRMAN SAM: 1:30, and start over
32 again. If we don't have any more public testimony or any
33 more public comments we may go into -- not an executive
34 session, but a work session, how would you define that
35 Tom?

36

37 MR. BOYD: I would suggest, Mr.

38 Chair.....

39

40 REPORTER: Tom -- Tom, your microphone,
41 please.

42

43 MR. BOYD: I would suggest Mr. Chair,
44 that if you wish to stand down that you recess the
45 meeting. All public -- all of the deliberations of this
46 meeting must be in public, so if you wish to go into a
47 recess, at that time you can do that.

48

49 CHAIRMAN SAM: So if we recess we cannot
50 kick people out, that's what I was wondering about,

00055

1 right?

2

3 (Laughter)

4

5 CHAIRMAN SAM: That is right?

6

7 MR. BOYD: I would just suggest that you
8 recess the meeting if you wish to have informal
9 discussions amongst yourself and then clearly conduct
10 your business in the public session.

11

12 CHAIRMAN SAM: Yes, that's what I wanted
13 identified. Since we are working through the public
14 process we cannot close the doors to anyone. And I would
15 like this to be acknowledged by both the Western Interior
16 Council and the YK-Delta Council. Is that understood?

17

18 (Councils nod affirmatively)

19

20 CHAIRMAN WILDE: Understood. First we
21 have to shake hands.

22

23 (Laughter)

24

25 CHAIRMAN SAM: Okay, Vince, lunch, what
26 do you have coming up on that?

27

28 MR. MATHEWS: No, I don't have any
29 additional information but it should be here soon. We'll
30 contact the staff to make sure they bring it.

31

32 Thank you.

33

34 CHAIRMAN SAM: Harry.

35

36 CHAIRMAN WILDE: Go ahead take a break.

37

38 CHAIRMAN SAM: Okay, with Harry's
39 consent, Chairman Wilde's consent we'll go ahead and
40 break until 1:30, take a little time to meet and talk
41 with each other.

42

43 Thank you again, Tom and Pete, for
44 identifying and making sure we understand that it is a
45 public process.

46

47 (Off record)

48

49 (On record)

50

00056

1 CHAIRMAN WILDE: Just to let you guys
2 know we got two maps here, one back in wall and one over
3 here, that's the one we been talking about. It's on the
4 proposal customary and traditional use just lower end of
5 21(E). It's back there on the map, include the
6 allotments and all that stuff in that map, those red
7 ones, those the ones that people from Lower Yukon start
8 respecting those allotments and also land that belongs to
9 corporation, Holy Cross or -- so Ron, shall we start?

10

11 CHAIRMAN SAM: Go ahead.

12

13 CHAIRMAN WILDE: Yeah, we going to start
14 now. I'm going to turn this over to Ron, go ahead, Ron.

15

16 CHAIRMAN SAM: Yeah, this is temporary.
17 We did gather some more information which wasn't on the
18 floor when we broke for lunch. So before we go into
19 recess and formal discussion, I would like to call back
20 both Don Rivard and Tom Boyd to the front table.

21

22 We had quite a bit of discussion this
23 morning on whether we can withdraw Proposal 33 and both
24 Don Rivard and Tom Boyd can shed new light on our powers
25 on withdrawals of proposals. Go ahead Tom, or Don.

26

27 MR. RIVARD: Thank you, Mr. Chair. This
28 is Don Rivard. I'm with the Office of Subsistence
29 Management, one of the leadership team members of the
30 office, and the Division Chief that covers the three
31 regions that are meeting here this week.

32

33 Just so you know, there's been a couple
34 of suggestions here and I'll call them suggestions, that
35 the YK Council go ahead and just withdraw this, but it's
36 not their prerogative to do so. This proposal was
37 presented by a private citizen, Pete Peterson, I believe,
38 of Mountain Village. And the proponent would be the one
39 that would have to withdraw the proposal.

40

41 What your Councils have the option of
42 reconfirming the recommendations you made last March in
43 your respective meetings, or you can change those
44 recommendations, formally here, if you so choose or
45 continue with what you've already voted on. So you don't
46 have the option of actually withdrawing the proposal
47 itself. The proposal is there for you to deliberate on
48 and make recommendations.

49

50 Thank you.

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1 CHAIRMAN SAM: Did you have anything to
2 add, Tom?

3
4 MR. BOYD: No, Mr. Chair.

5
6 CHAIRMAN SAM: Yeah, during lunch we've
7 been talking amongst each other and one of the options
8 that we have before us is that we go ahead and recess and
9 deliberate on this proposal in public, which will
10 constitute public proceedings. But both Harry and I have
11 agreed to, instead of voting it as two Councils, we would
12 like to vote on our final decisions, if we do come to
13 any, within our respective Council meetings, that is we
14 would hold off until Western Interior, October 16th, to
15 vote on it and to bring up the rest of our Council
16 members, up to grade and have Harry do the same thing.

17
18 So is there a consensus on that or how
19 does both Councils feel on this?

20
21 Robert.

22
23 MR. WALKER: Thank you, Mr. Chairman. I
24 feel comfortable with this, yes, I do.

25
26 CHAIRMAN SAM: Any further comments.

27
28 (No comment)

29
30 CHAIRMAN SAM: Questions, while we have
31 Don and Tom. Don.

32
33 MR. RIVARD: Thank you, Mr. Chair. Don
34 Rivard. If I may, I'd just like to remind everybody of a
35 couple of things. We've already talked about it a little
36 bit this morning, but, back in December when they had the
37 Federal Subsistence Board meeting, both of your Councils
38 recommendations were presented to the Federal Subsistence
39 Board. And at that time there was obvious disagreement
40 between the two and the Federal Subsistence Board was
41 reluctant to make a decision on their own. They wanted
42 to see if your Councils could work out something between
43 you, and the Chairman, Mitch Demientieff, got together
44 informally with Mr. Ron Sam and Mr. Harry Wilde, and as a
45 result we're here today because they all agreed that we'd
46 try to get the two Councils together and to talk out the
47 issue as much as possible.

48
49 Now, you know, I realize that maybe
50 there'll be no changes in your individual

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1 recommendations.

2

3

4 But this is your real opportunity to
5 fully discuss the issue. Whether you do that openly
6 right now or you take a recess and do something else but
7 then come back on the record, that's your prerogative.

7

8

9 I would just -- you know, I don't know a
10 whole lot about the other things that have gone on in
11 your respective regions. I've been here about three
12 years. And I know there's cultural considerations and
13 all that, but I also know something about human nature,
14 and I would just really encourage you to all take this
15 opportunity to fully discuss the issue, let each other
16 understand, you know, why there's reluctance, if there is
17 on somebody's part, to not want to grant this C&T to
18 certain people. But really, just take this opportunity.
19 I really encourage you to take this opportunity. And you
20 may end up where you are now, with the same
21 recommendations, but I'd just really encourage you to
22 take this opportunity to discuss it fully.

22

23

Thank you.

24

25 CHAIRMAN SAM: Any questions for Tom or
26 Don while we have them here?

27

28

Harry.

29

30

31 CHAIRMAN WILDE: Yeah, Ron, when you have
32 a recess and talk about this I was going to try to
33 contact Pete Peterson and telling him what the problem
34 we're having on this certain proposal. He's the one that
35 proposed this. He's the one who only could pull it out
36 if there's going to be pull it out. And I'm planning to
37 talk with him, what kind of problem we're having, all
38 this time, everything shake out this proposal.

38

39

40 I never really had a chance to talk with
41 him even though he live in same village. But I'd like to
42 call him and talk with him as soon as we have a break.

42

43

44 CHAIRMAN SAM: Thank you, Harry. There's
45 only one problem with this, we talked extensively with
46 Pat McClenahan during lunch and she said that, I think
47 it's Bristol Bay or one other region said that any
48 proposals that they propose -- or I mean any proposals
49 that are introduced concerning that region goes through
50 that Regional Council. But then as a public, how do you
51 call it, as public, more or less, defenders of public

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1 opinion makers, law makers or advisors to the public
2 process, any private person can introduce a proposal to
3 any board, right, like the Federal Subsistence Board and
4 the State Board of Game, right, is that correct?

5

6 MR. BOYD: That's correct, Mr. Sam.
7 Anyone may introduce a proposal during the period we have
8 a call for proposals, that's correct.

9

10 CHAIRMAN SAM: With that, what's the
11 consensus of the Councils, respective Councils; do you
12 want to go into informal session?

13

14 CHAIRMAN WILDE: Yeah. Sam, before we go
15 in, the Councils should know that no matter how much we
16 talk and all that, removing customary trade on Proposal,
17 we cannot remove it. Only the person could remove it is
18 the proposal maker. So I think -- my understanding if we
19 don't do nothing right now, if the Federal Subsistence
20 Board will take it they're going to decision themself, we
21 -- for that reason we have to do something.

22

23 CHAIRMAN SAM: Vince.

24

25 MR. MATHEWS: Mr. Chairman, just to make
26 it clear for the record, you're just going to recess,
27 that's all you're going to be doing. And so let the
28 record reflect that, that you're just going to be
29 recessing here. And then we have phones or whatever, for
30 Harry, if you want to contact Mr. Peterson, so there's no
31 problem there with that.

32

33 And I think that's all I had, thank you.

34

35 CHAIRMAN SAM: Before we go into.....

36

37 CHAIRMAN WILDE: Recess.

38

39 CHAIRMAN SAM:I'll go ahead and
40 recognize Carl Jack, I think he had his hand up.

41

42 MR. JACK: Yeah, thank you, Mr. Chairman.
43 My name is Carl Jack. I'm a Native liaison for the
44 Federal Subsistence Board.

45

46 Just an observation I want to share with
47 you. And that is before pre-contact times we had our own
48 way, I'm talking as a Native person, we had our own way
49 of resolving any conflicts. But as more people come into
50 the state it puts more pressure on the resource that our

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1 people have relied on. And with that came Fish and Game
2 management, where everything right now -- the taking of
3 fish and game is governed by rules of individual rights,
4 that you have to get a permit, you have to get a license.
5 And from observation there has been a little bit of
6 departure from this by the Federal system, and that is to
7 allow community permits, community harvest methods or
8 community quotas, which kind of move toward the
9 indigenous way of harvesting methods.

10

11 So from my observations what this
12 proposal is meant, is everyone here has become of age,
13 and that's to deal with these issues more along the lines
14 of what as been brought to the Native people.

15

16 With that, I think it's probably safe to
17 say that if this proposal is pulled, if this proposal is
18 pulled, I think you have to look into that with eyes wide
19 open. Because if more pressure is put on the resources
20 there then there's a process that the Federal Subsistence
21 Board will use, and that's the .804 process as explained
22 earlier.

23

24 But I will also say that if it is pulled
25 from personal point of view, it will take a lot of
26 pressure off of each and every one of you to deal with
27 this, but then again I think we have to deal with this
28 with wide open.

29

30 I just want to express my views on this.

31

32 On behalf of the Chair, he has a desire
33 to see this resolved between the Regional Councils as
34 said before, and if it's pulled that's where it's
35 probably going to end up.

36

37 With that I thank you for the comments I
38 have to make. Thank you.

39

40 CHAIRMAN SAM: Thank you, Carl. Before
41 we go into informal recess, I think that we have to --
42 since we have to do it in public with all the public who
43 want to attending, I think we have to establish some
44 ground rules. And as Chair of Western Interior I
45 wouldn't feel comfortable Chairing this informal session
46 because what I would like to see is a facilitator which
47 neither Harry nor I Chair, is that something that someone
48 could lead or moderate our discussions?

49

50 How does everybody feel about this?

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1 (No comment)

2

3 CHAIRMAN SAM: Tom.

4

5 MR. BOYD: Mr. Chair. I'm a little
6 confused. I'm presuming at this point you want to go
7 into recess to maybe have some informal dialogue between
8 members of the Councils. If that's the case, that's
9 fine. I'm not suggesting that you do that, but if that's
10 what you choose to do that's fine. And I would say,
11 though, that if you're off the record, then there's
12 probably no need for any kind of formal process.

13

14 What I would suggest is that if you want
15 to go off the record, go off the record and have your
16 discussion and then come back on the record at a later
17 time today. Just simply go into recess and then
18 reconvene at a later time.

19

20 CHAIRMAN SAM: Go ahead, Harry.

21

22 CHAIRMAN WILDE: Tom, I would like to ask
23 you, if I want to amend this, it could be amend?

24

25 MS. GREGORY: Yeah, we could do that.

26

27 CHAIRMAN SAM: Yeah, I believe the
28 question is to amending this proposal?

29

30 MR. BOYD: Mr. Chair, I think the
31 proposal stands as it is. If you wish to make a
32 recommendation as a Council you may do so, and that
33 recommendation may be a modification of the proposal, but
34 you can't change the proposal itself.

35

36 CHAIRMAN SAM: So again, this proposal --
37 in order to be changed or amended would have to come from
38 the proposal maker himself, right?

39

40 MR. MATHEWS: Mr. Chairman, let's -- you
41 have -- both Councils have the authority to pass a
42 recommendation. In that recommendation you can ask for a
43 modification to that proposal, and then the Board will
44 take that up and see if that modification is viable.

45

46 The proposal author can also put in a
47 modification and, Pat, I believe he did on this one.

48

49 MS. MCCLLENHAN: Yes, he did.

50

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1 MR. MATHEWS: So we're getting into a
2 language problem here. Yes, you can request a
3 modification to the Board when it takes this proposal
4 back up again. Does that make it clear to you?

5
6 CHAIRMAN SAM: So if we ask for a
7 modification we really do not need to go into recess for
8 informal discussion then; is that understood?

9
10 I mean is that.....

11
12 MR. MATHEWS: Well, Mr. Chairman, Mr.
13 Boyd has repeatedly mentioned to you that you can make no
14 decisions during recess, so, yes, you would have to do
15 your modification when you're in public session. Your
16 modification as part of your recommendation.

17
18 CHAIRMAN SAM: So what's the feelings of
19 the Councils, do we go into recess, if everyone would
20 feel more comfortable?

21
22 CHAIRMAN WILDE: Sam -- Sam, why don't we
23 do it even the public's here. We could talk about it
24 here with our Council one side or not. But I'd like to
25 make a phone call if I could get help from Vince.

26
27 CHAIRMAN SAM: Again, I don't think we'll
28 be getting rid of the problem by getting rid of the
29 proposal as is. I would expect it to be introduced
30 three-fold or four-fold on down the road, and that's what
31 I -- I do not want to do. I'd like to modify it now or
32 make some request to modify it to the Federal Subsistence
33 Board.

34
35 Robert.

36
37 MR. WALKER: Thank you, Mr. Chairman. I
38 wanted to, this morning, I emphasized to pull WP03-33,
39 you know, I wanted to find out more on how people felt
40 and I wanted to hear more from the Staff. You know, this
41 was nothing personal, this was something that I -- you
42 know, this is a whole learning experience for all of us.
43 This is the first time this has ever happened.

44
45 You know, and I know we're going to have
46 some more later on, so better prepare ourselves, we have
47 more explanation from the Staff here. You know, some
48 Staff I felt a little negative because they kind of like
49 wanted us to pit each other against each other and I kind
50 of smiled when that happened. But now we know where we

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1 stand and where we're going to go. More experience. We
2 learned a little bit more. And I am, you know, I am for
3 modifying the Proposal WP03-33, I am for modifying it.
4 And I would like to see the C&T be in place with the
5 modification.

6

7 I don't know if we have to sit down and
8 do a recess and do this, I think I am going to be very
9 open with this issue. And in fact, when we get to the
10 meeting here, I don't know when it is, Wednesday or
11 Thursday, a motion will be made with the modifications
12 and presented to the Board for, I believe, would be a
13 roll call vote, after, you know, we'll just have to wait.

14

15 Thank you, Mr. Chairman.

16

17 CHAIRMAN WILDE: Sam, may I ask you what
18 would be your modification?

19

20 MR. WALKER: Thank you, Mr. Co-Chair. My
21 modifications would be that to take WP03-33 to modify it
22 in a language where all the people that are in the
23 communities here, written down, Lower Yukon villages
24 Nunam Iqua,
25 Alakanuk, Emmonak, Kotlik, Mountain Village, Taklik,
26 Pitka's Point, St. Mary's (including Andreafsky Town
27 Site), Pilot Station, Marshall, Scammon Bay, Hooper Bay,
28 would be that to offer them -- to modify it to say that
29 these residents will be put on a drawing or have a permit
30 system for these communities rather than have it wide
31 open.

32

33 That would be my motion to present to the
34 joint boards here, without recommendations from the
35 Staff, our own -- my own or Western Interior presentation
36 to the Lower Yukon-Kuskokwim Board.

37

38 CHAIRMAN SAM: How does everybody feel or
39 was that motion or have we reached that point yet or are
40 we still going back or staying in session without going
41 to recess? I think we've got to reach a consensus.

42

43 Vince.

44

45 MR. MATHEWS: Mr. Chairman, it might just
46 be easier just to let Staff respond to that without a
47 motion. It's just an option that we would like to, you
48 know, just discuss with you. Because the reason I say
49 that is sometimes when you make a motion and a second
50 then it's hard to get it withdrawn from the table. So

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1 I'm sure, Staff, we can respond to the modification and
2 explain the ramifications of that modification. Either
3 way. But it might just be easier to keep the discussion
4 going and let Staff respond to the option instead of
5 having a formal motion.

6

7 Thank you.

8

9 CHAIRMAN SAM: Thank you, Vince.
10 Depending on which way the motion was going I was going
11 to declare it illegal anyway since this is a workshop.
12 This is a workshop and that is why I said that we would
13 have to deal with it in a roll call vote in our
14 respective Council meetings. And I think that this
15 response from Staff through questions without motions
16 will take away a lot of the pressure, too, from not only
17 from individual Council members it would take some
18 pressure off of Harry and I up here in the hot seats.

19

20 So is there a consensus with Western
21 Interior and YK Delta Councils, that we just throw some
22 suggestions on the board -- on the floor and have Staff
23 address it?

24

25 CHAIRMAN WILDE: Ron, I think before we
26 do have any kind of motion I would sure like to hear from
27 the Staff, what is it and what is not, I think there's a
28 lot of things that we have to go through respective way
29 of things. I think right now we should let the Staff say
30 something for this -- what you call it?

31

32 CHAIRMAN SAM: Modification.

33

34 CHAIRMAN WILDE: Modification.

35

36 MR. THOMPSON: Mr. Chairman.

37

38 MS. GREGORY: Mr. Chairman.

39

40 CHAIRMAN WILDE: Mary.

41

42 MS. GREGORY: Because I'm a member of the
43 YK Delta and we have already dealt with it, I concur with
44 my Chairman that we hear people and don't talk about
45 motions no more until it's ready.

46

47 MR. THOMPSON: Mr. Chairman.

48

49 CHAIRMAN WILDE: John.

50

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1 MR. THOMPSON: Yes, my name is John
2 Thompson from St. Mary's.

3
4 I think we have to be really careful
5 about if we start mentioning the villages. There might
6 be some discriminatory actions and we have to be really
7 careful about that, too.

8
9 CHAIRMAN WILDE: Thank you. Tom Boyd,
10 Pat, will you give us a comment or something concerning
11 this amendment of how it's going to work?

12
13 MR. BOYD: Let me try. I think Mr.
14 Walker is probably onto something here and I think it's a
15 clear attempt to try to resolve this issue.

16
17 I know the concerns of some of the
18 Council members, particularly in the Western Interior is
19 about the number of folks that are allowed to harvest in
20 a given area. And again, I'll just repeat that a
21 customary and traditional use determination is not the
22 tool to do that. But another management tool, such as a
23 permitting system is the proper tool to address concerns
24 about harvest and managing harvest.

25
26 So maybe a way to approach this would be
27 to have a customary and traditional use determination
28 proposal operate in tandem with another proposal that
29 would regulate the harvest like a permitting system. And
30 I don't know specifically what Mr. Walker has in mind
31 with regard to permits but I believe he's probably trying
32 to come up with some way to make sure that we're not
33 overharvesting the resource.

34
35 I don't want to read too far into this.
36 And if that's the case, then I think you could probably
37 introduce another regulatory proposal that would work in
38 tandem with the customary and traditional use
39 determination proposal.

40
41 So in short, what you might want to do
42 then is defer the C&T proposal, the customary and
43 traditional use determination proposal and propose --
44 make another proposal that would address the regulation
45 of the harvest, such as a permitting system that Mr.
46 Walker is addressing. If you did that then you could
47 address the two together and you may have some -- build
48 in some additional comfort that you're not going to
49 create a problem with regard to the population of the
50 harvest.

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1 I don't know if you want to add to that
2 Pat.

3
4 MS. MCCLLENAHAN: No, I've seen some of
5 these before and they've gone forward together, the new
6 proposal along with the existing proposal that's on the
7 books, and I think it could work.

8
9 MR. MCCANN: Harry.

10
11 CHAIRMAN SAM: So if we defer it, it will
12 still be on the book but it would be managing through
13 another system; is that what you're saying?

14
15 MR. BOYD: Well, you currently have a
16 proposal for an expanded customary and traditional use
17 determination for moose in 21(E) for more communities to
18 have customary and traditional use. I mean you could
19 defer any -- making any recommendations or the Board
20 making any decisions on that proposal and in the
21 meantime, today, for example, you could develop an
22 additional proposal to address the management of moose,
23 i.e., a permit system. Now, that wouldn't modify the
24 customary and traditional use determination proposal, it
25 would be a second proposal that would address the
26 management of moose in 21(E).

27
28 For example a permit system. And then
29 those two proposals could be acted on together.

30
31 CHAIRMAN SAM: So then before we moved
32 any further, both Councils would have to ask that the --
33 or agree that we should defer all further workings on
34 Proposal 33 and submit another one in its place, is that --
35 I still don't get it.

36
37 Go ahead, Pat or Tom.

38
39 MR. BOYD: Well, you would submit a
40 different proposal than Proposal 33. You would submit a
41 different proposal than Proposal 33 that would address
42 the management of the harvest, yes.

43
44 CHAIRMAN SAM: Yes. And with that in
45 light then the Board, the Federal Subsistence Board would
46 take no action on Proposal 33, right?

47
48 MR. BOYD: Well, you could clearly
49 recommend to the Board that they take no action at this
50 time pending a look at a different proposal, yes, or an

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1 additional proposal.

2

3 CHAIRMAN SAM: I think that may be a
4 start in itself.

5

6 Robert.

7

8 MR. WALKER: Thank you, Mr. Chair. Tom,
9 would this permit system, then the Federal government
10 would have to issue permit systems for other things, too,
11 right? Am I correct here or correct me here?

12

13 MR. BOYD: It's not clear to me exactly
14 what you're proposing Mr. Walker so I can't answer your
15 question right now. I don't know how to answer your
16 question.

17

18 MR. WALKER: Okay, let me rephrase it.
19 Offering a permit system in this C&T here on the Federal
20 side, how would it affect other areas with this permit
21 system, would the Federal government have to issue to
22 Federal lands to any place, to BLM lands or whatever?

23

24 MS. MCCLENAHAN: Mr. Chairman. Mr.
25 Walker. We think that probably it would be wisest to
26 propose for all of 21(E) if you're going to propose that
27 permitting system just to make it more straightforward.
28 And you're only proposing for moose, right, you're not
29 proposing for caribou or any other species? It's not
30 that it can't be done, let's see what you come up with.

31

32 And another thing I'd like to mention
33 here and just for clarification sake, the C&T proposal
34 would still be on the books as far as being considered.
35 There would be a second proposal, they would move forward
36 together to the Federal Subsistence Board in the regular
37 round of proposals.

38

39 In other words, we're not doing away with
40 the C&T proposal.

41

42 CHAIRMAN SAM: Don.

43

44 MR. RIVARD: I know it's a little bit
45 confusing. I wanted to add a little bit more to what Pat
46 just said.

47

48 What you're going to have, you've got one
49 proposal right now that you've been considering. You
50 would put that one on hold while you develop this new one

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1 and you could submit this as -- both Councils could
2 submit this other one, and I'm losing my train of
3 thought, let me think about something here for a second.

4

5 CHAIRMAN SAM: I think that's where I
6 lost mine, too, because from what I've gathered we can
7 unanimously request that the Federal Subsistence Board
8 defer Proposal 33 indefinitely and then introduce another
9 one unanimously for the time being, right?

10

11 MR. RIVARD: Well, I've regained my train
12 of thought.

13

14 What would happen is that you would
15 submit a proposal with this permitting system that Robert
16 is talking about, now, Staff can help you develop that
17 here. Then there would be an analysis done by our office
18 just like there always is, and that analysis we'd come up
19 with some kind of Staff recommendation. Those two
20 proposals then would come back to you, both Councils in
21 March or whenever you meet again, probably in March, and
22 you would be able to develop your recommendations on
23 those two as a package now, and then that would go
24 forward to the Federal Subsistence Board in May. So
25 there's the timing on that.

26

27 You don't have to really do anything if
28 you so choose with this C&T proposal right now. You
29 could say we're going to hold off still, the Federal
30 Board will not take it up in December then -- they could
31 take it up in December but if you recommend now that they
32 wait then they could take it up in May when they meet in
33 May, when they usually meet anyways to consider the
34 wildlife proposals.

35

36 I hope that clarifies some things.

37

38 CHAIRMAN WILDE: Yeah, Sam, let me
39 recognize my Council over here. Bill McCann and Lester
40 Wilde. Go ahead, Bill.

41

42 MR. MCCANN: Yeah, this proposal we're
43 talking about we're talking about correcting it in the
44 first place. But the guy that makes the proposal, we
45 should contact him somehow, like Harry said and talk to
46 him and tell him what we're doing right now. Let him
47 understand. If he draws it back then we can do something
48 about it. But otherwise if we make proposals -- another
49 proposal combined to that, we might be in the deep --
50 deep trouble. Because permit -- if we're going to bring

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1 a permit system into it that's going to be something else
2 too.

3

4 So we should contact the person that
5 makes the proposal and let him understand what we're
6 trying to do. We're trying to correct him and we might
7 not even take it off, but correct the words maybe.

8

9 I mean just correcting the words. Maybe
10 some words not fit into some places, some area. I think
11 that's what it is, what we're talking about, if I
12 understood right.

13

14 I'm getting kind of confused myself, too.
15 So I think it would be wise to get a hold of that person.

16

17 Quyana.

18

19 CHAIRMAN WILDE: Lester.

20

21 MR. L. WILDE: Mr. Chairman, would it be
22 the correct procedure to ask to incorporate a motion to
23 bring this proposal back to the Yukon-Kuskokwim RAC for
24 reconsideration?

25

26 Parliamentarian.

27

28 CHAIRMAN SAM: I think we are in an
29 informal work session; is this correct, Tom?

30

31 MR. BOYD: Well, you're on the record. I
32 mean you can call it a work session but you're on the
33 record creating a record around this and if you want to
34 bring a motion back to reconsider, I'm presuming the
35 recommendation of the YK Council, you may do so.

36

37 MR. L. WILDE: Mr. Chairman.

38

39 CHAIRMAN WILDE: Lester.

40

41 MR. L. WILDE: I would like to bring the
42 proposal, since we are on record I would like to make a
43 motion that this Proposal 33 be brought back to the YK
44 RAC for reconsideration.

45

46 MS. GREGORY: I second the motion.

47

48 CHAIRMAN SAM: Again, without a
49 parliamentarian, does this motion leave out Western
50 Interior, because I wouldn't feel comfortable voting on

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1 this.

2

3

Vince.

4

5

(Laughter)

6

7

8

CHAIRMAN WILDE: Let me recognize Carl Jack. Carl, will you answer that question if you could.

9

10

11

12

13

14

15

MR. JACK: I believe to make it legal, the YK Council has to be in formal session to reconsider this, you know, as a body, then you can move -- make that. Now, you can recess right now, and call the meeting of the YK Council to order and then take an action on this.

16

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18

19

I believe you can do that.

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CHAIRMAN SAM: Vince.

CHAIRMAN WILDE: Vince.

MR. MATHEWS: Mr. Chairman, I'm going to try to be a simple person here. The Board met last May, the Board deferred this proposal to these two Councils here to look at this deferred proposal, that's all we're doing today.

So I understand Lester's words but we're doing it now. Unless you want to revisit your recommendation, the deferred proposal is before you now, because the Board deferred it to this meeting, that's why we're meeting here.

So I think we're just spinning around some words here. So it's here. If you want to reconsider your recommendation, I think Carl's already mentioned that. And Carl's mentioned -- we are in formal session. We've already had a roll call. We have a quorum and we're on the record. So the word, workshop, was to -- that was more towards us, Tom, it was more towards Staff to be a little bit -- let a little starch out of our shirts. So you're in formal session now. We are functioning as a public meeting under FACA.

CHAIRMAN SAM: So at this time it would be appropriate for Western Interior to call a recess momentarily?

CHAIRMAN WILDE: Tom.

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1 MR. BOYD: I don't believe that's
2 necessary. I think you got two Councils sitting here at
3 the table. If one Council wants to reconsider it's
4 previous recommendation, I'd say just stand down or just
5 wait and let them do it. And maybe that will shed some
6 additional light on how to resolve this issue.

7
8 CHAIRMAN SAM: Okay, that's fine with me.
9 How does Western Interior feel, just stand down for
10 awhile?

11
12 (Council nods affirmatively)

13
14 CHAIRMAN SAM: Okay. The show is yours
15 Harry.

16
17 CHAIRMAN WILDE: I think it would have
18 been easier before we start talking about this customary
19 trade, it would be easier if we would contact maker of
20 proposal.

21
22 Because in your recommendations on these
23 papers, you are already that -- recommend that you could
24 have teleconference with someone who need to consider
25 some proposals.

26
27 MR. JACK: Mr. Chairman.

28
29 CHAIRMAN WILDE: Carl.

30
31 MR. JACK: I just want to clarify that I
32 got sidetracked on the word, work session, I stand
33 corrected on that. If that's the case, if Western is
34 going to stand down, you have a motion on the floor, it's
35 been seconded, it's alive.

36
37 In other words, you can vote it up or
38 down.

39
40 CHAIRMAN WILDE: Go ahead Alex.

41
42 MR. NICK: Mr. Chairman. Alex Nick,
43 Regional Council coordinator for YK. I'm not quite
44 comfortable with doing -- rather the YK Council making a
45 hasty decision with respect to modification. Billy
46 McCann, I believe -- Car Jack could correct me if I'm
47 incorrect in this statement. Billy McCann is correct to
48 state that this proposal was submitted by Pete Peterson
49 of Mountain Village and it was supported by the YK
50 Council. I would think that proper procedure in

00072

1 consideration of public due process would be to contact
2 the proponent before any modification is made. And if he
3 agrees then -- and it would be a go for YK Council to do
4 whatever they think is best while you have Western
5 Interior on the table.

6
7 The reason why I am stating this is
8 because any changes, when there's any changes when we
9 follow public due process in any case, you know, when we
10 deal with public issues, there's got to be some public
11 comments that needs to be considered before some
12 decisions are made. And I'd be willing to contact Pete
13 Peterson, and if possible to get him -- that's the
14 comment I want to make. If I'm incorrect in this, either
15 Tom or Don or Carl will correct me.

16
17 MR. MCCANN: Can we have him, can we have
18 that person on the phone here, on the meeting? Let's do
19 that then. Let's get him on the phone here and we can
20 listen to him.

21

22

23 MR. WALKER: Mr. Chairman.

24

25 CHAIRMAN WILDE: Tom, go ahead.

26

27 MR. BOYD: Yeah, Mr. Chair, there's two
28 things going on, I think. And I guess the conversation
29 is getting a little confused. But one is, I think
30 there's a concern about addressing the proposal itself,
31 which is what Alex is speaking to, and if you want to
32 confer with the proponent you may recess, make a phone
33 call to him, talk to him about what he wants to do with
34 regard to his proposal. That's number 1, and that's
35 possible, you can do that.

36

37 The second thing that seems to be going
38 on there seems to be some discussion amongst the YK
39 Council, I think, about modifying the recommendation, not
40 necessarily the proposal, but the recommendation on the
41 proposal. And certainly the Council may do that in
42 session.

43

44 But I'm not exactly sure where the
45 Council wants to go, but that's what I hear going on
46 right now, two things. I think you just need to make a
47 decision about which one you want to do.

48

49 Certainly, if you want to call Mr.
50 Peterson, you may recess, we can take a break, I guess

00073

1 maybe is the best way of saying it. We can take a break
2 and you can make the phone call and we can come back into
3 session.

4

5 CHAIRMAN WILDE: Don.

6

7 MR. RIVARD: Thank you, Mr. Chair. Mr.
8 Boyd just basically said what I was going to say.

9

10 Thank you.

11

12 MR. WALKER: Mr. Chairman.

13

14 CHAIRMAN WILDE: Myron Naneng, AVCP.

15

16 MR. NANENG: Thank you, Mr. Chairman.
17 Myron Naneng, AVCP president. I think before you called
18 the meeting this morning was there a roll call made of
19 all those present of the YK RAC members and also the
20 Interior RAC members, to call this meeting?

21

22 CHAIRMAN WILDE: Yes, there was roll
23 call.

24

25 MR. NANENG: Okay, if there was. There
26 was a motion made by one of the members of the YK Delta
27 RAC members saying that they want to take an opportunity
28 to review and probably reconsider the proposal. The
29 proponent does not have to be here for the RAC members to
30 sit down and talk about this further. And the way I
31 understand it, as long as there was a roll call and a
32 call to order of the meeting, even though this is a work
33 session, my presumption or the way I understand it is
34 that it's up to the RAC members of that respective area
35 to vote on that and then discuss it.

36

37 You know, this issue has been around for
38 quite some time. And because of the inability to the two
39 RACs to be able to come to a consensus on it, I think the
40 motion made by Mary for reconsideration or by Lester for
41 reconsideration is in order and it has to be acted upon.

42

43 So that's the comment I want to make.

44

45 Thank you.

46

47 CHAIRMAN WILDE: Yeah, Myron now we
48 understand that. But if you are proposal maker, if we
49 done something around behind you, what you would think.

50

00074

1 MR. NANENG: If I was the proposal maker
2 and you guys wanted to reconsider it, I would expect you
3 guys to give me a call and say that you are going to be
4 giving this proposal some modification or ask questions
5 about it and see if there is any other changes that might
6 be added to the proposal by the proponent.

7
8 So I think this is in order for this to
9 be reconsidered and for you guys to give Pete Peterson a
10 call and ask him what he thinks.

11
12 MR. L. WILDE: Mr. Chairman.

13
14 CHAIRMAN WILDE: Lester.

15
16 MR. L. WILDE: Yeah, the reason I made the
17 motion was to give us an opportunity to revisit this
18 recommendation from the Yukon-Kuskokwim RAC so we'd be
19 able to address this with Mr. Peterson at our regular YK
20 meeting, which is going to be scheduled in a day or two.
21 At that time we'd be able to talk with Mr. Peterson as
22 the YK RAC to thoroughly discuss this proposal.

23
24 MS. GREGORY: Mr. Chairman, can I
25 translate that to our Council members?

26
27 CHAIRMAN WILDE: Mary.

28
29 INTERPRETER: She says one of the motions
30 and this proposal should be brought back to the Council
31 so they can be worked on again. The proposal can be
32 included in the meeting when we meet on Thursday, that is
33 what our motion is. If you misunderstand.

34
35 MS. GREGORY: We want to take it back and
36 look at it again with Mr. Peterson present.

37
38 MR. HANSON: Mr. Chairman.

39
40 MR. L. WILDE: Harry, John.

41
42 CHAIRMAN SAM: John Hanson.

43
44 CHAIRMAN WILDE: John Hanson.

45
46 MR. HANSON: Yeah, thank you, Mr.
47 Chairman. I think before we vote on that motion, I think
48 the motioner should take his motion back and the seconder
49 follow and then do like what Ron said, take a recess and
50 then you get a hold of Pete Peterson and see what -- if

00075

1 Pete Peterson wants to go along with all this then we
2 have to take it back on the YK Board, which is in March --
3 next year in March, and that's going to take too long.

4

5 That's how I look at it now.

6

7 CHAIRMAN WILDE: Carl Jack.

8

9 MR. JACK: Thank you, Mr. Chairman. What
10 the motion is intended for is for the YK Board to take up
11 the issue, it doesn't address discussing it. After you
12 vote on it, if it's affirmative then you can go ahead and
13 discuss it. But right now you're trying to -- you're --
14 what your motion is, let's take the issue back to discuss
15 it. You vote on the reconsideration. If the vote is yes,
16 then you will reconsider, then you can discuss it from
17 there on. But the motion is simply to take it back so it
18 becomes the property of the Council to discuss it.

19

20 That's essentially what the vote will
21 mean. Then you can discuss it. If the vote is
22 affirmative then you can invite Mr. Peterson and go from
23 there. The vote is simply to take it back to discuss it.
24 If you vote on that, if it's yes, then you will discuss
25 it, if it's no, you will not. That's simply what it
26 means.

27

28 CHAIRMAN WILDE: Go ahead, Sam.

29

30 CHAIRMAN SAM: Yes, I totally agree with
31 Carl Jack and that, that they do have the opportunity to
32 go ahead and discuss the motion after it's -- or the
33 context and the intent after a motion is voted up or
34 down. So at this time I would like -- do you think Carl,
35 that you can help them if you interpret it or make that
36 same presentation in Yup'ik?

37

38 MR. CARL: (In Yup'ik)

39

40 INTERPRETER: You can reconsider what you
41 want to, it's like this, you can take back the proposal
42 and if you vote, it will be like opening the door, but if
43 you say no, if you vote no you will not take it back.
44 Lester's motion says you want to work more on this issue.
45 That is the only one to vote on. If you say yes you will
46 have more discussions. If you have no, you will not
47 speak any more of it.

48

49 MR. MCCANN: Jack (In Yup'ik)

50

00076

1 INTERPRETER: What you said I understand.
2 The motion, if we want it up it will be discussed. If
3 that is the only case, before we vote the person who made
4 that proposal, like you said, we should speak about it
5 and not ignore it, a greater proposal, but we should just
6 speak about it, discuss it, I think that is what you're
7 saying and the person who made the proposal should be
8 included, make changes, add more.

9
10 Sometimes we make a mistake when we
11 think. We should be careful of about that. If we vote
12 just to speak about it or discuss it, the person who make
13 the proposal, we haven't heard from him, but they said
14 right now we can call him and hear his opinion. And
15 maybe he might not mind after he hears what we need to
16 say then we can try to go fix the problem or to end it or
17 make a mistake.

18
19 CHAIRMAN WILDE: Yeah, James Charles.

20
21 MR. JACK: Mr. McCann, Mr. Chairman. (In
22 Yup'ik)

23
24 INTERPRETER: If you vote yes you may
25 call the person who made the proposal and include him on
26 the work on it but if you vote -- if you say yes you have
27 to discuss it, if you say no you will not discuss it.
28 But it will open the door to reconsider. That is what
29 reconsider is, the way I understand it.

30
31 Quayana.

32
33 CHAIRMAN WILDE: I think you understand
34 the motion, if it's yes or no, I'm going to ask you how
35 you may -- mention your name if you want it to be yes you
36 will say yes, if you don't want it to happen then you
37 will say no.

38
39 Mr. Hanson.

40
41 MR. HANSON: Yes.

42
43 CHAIRMAN WILDE: Mary Gregory.

44
45 MS. GREGORY: Yes.

46
47 CHAIRMAN WILDE: Nick Andrew.

48
49 MR. ANDREW: Yes.

50

00077

1 CHAIRMAN WILDE: Ray Oney.
2
3 MR. ONEY: Yes.
4
5 CHAIRMAN WILDE: Robert Nick is not here.
6 Billy McCann.
7
8 MR. MCCANN: Yes.
9
10 CHAIRMAN WILDE: James Charles.
11
12 MR. CHARLES: Yes.
13
14 CHAIRMAN WILDE: Mike Savage.
15
16 MR. SAVAGE: No.
17
18 CHAIRMAN WILDE: Phillip Moses.
19
20 MR. MOSES: Yeah.
21
22 CHAIRMAN WILDE: Lester Wilde.
23
24 MR. L. WILDE: Yes.
25
26 CHAIRMAN WILDE: Harry Wilde. Yes.
27 Motion carried.
28
29 MR. L. WILDE: Mr. Chairman.
30
31 CHAIRMAN WILDE: Lester.
32
33 MR. L. WILDE: I need a little
34 clarification. I thought we were working under the
35 deferred Proposal 33 where both Western Interior and
36 Yukon Delta were discussing this matter, that was the
37 reason why I was asking Western Interior didn't get an
38 opportunity to vote on it.
39
40 CHAIRMAN WILDE: Well, according to the
41 Chairman that they're going to stand back while we're
42 working with proposal maker.
43
44 MS. GREGORY: Mr. Chairman, I think a lot
45 of people didn't hear that they just wanted to stay back
46 and let us do our thing for awhile. That was my
47 understanding.
48
49 MR. L. WILDE: For the record, Mr.
50 Chairman, there was a roll call that was made at the

00078

1 beginning of this meeting where the Western Interior was
2 also included, and this discussion did include Western
3 Interior and my motion at the time that it was made
4 included both Western and Yukon-Kuskokwim RACs.

5

6 CHAIRMAN WILDE: Sam.

7

8 CHAIRMAN SAM: Yeah, Vince, I would like
9 to recognize Vince and I think it's clear that we wanted
10 to stay out of the discussion because we did not ask for
11 reconsideration or none of our Council members on Western
12 Interior asked for reconsideration so we just wanted to
13 stand by and let you -- we'll be sitting down in our
14 seats.

15

16 I think Vince, and then Don and Tom.

17

18 MR. L. WILDE: As long as it meets the
19 requirements of our RAC members by-laws and whatever,
20 then I have no objection to that.

21

22 CHAIRMAN SAM: Don.

23

24 CHAIRMAN WILDE: Don.

25

26 MR. RIVARD: Thank you, Mr. Chair. I
27 know we're all kind of going through some confusing times
28 here and I'll try to explain it, my understanding of it
29 anyways.

30

31 The whole reason we're here, all of us
32 together is to reconsider your stances if you so choose.
33 This whole thing today is all about taking another look
34 at this Proposal 33. So Lester made a motion and you
35 voted on it, I mean that's the whole objective we're here
36 anyway is to discuss this again.

37

38 And also you do have the option of, while
39 you're both here together in session of one Council
40 making a motion and working on something together
41 independent of the other one, what you just did. So when
42 there's a motion made by somebody, I suppose you need to
43 make it clear that you want both Councils to vote on it
44 if that's what you want to do but you don't have to have
45 it done that way, okay, you have the option of working
46 together as two Councils voting together on one thing or
47 as the YK Council just did, voting on something in front
48 of the other Council without they needing to participate
49 as well. You've got those options in front of you, okay.

50

00079

1 And I'd also like to clarify one other
2 thing. There's talk that this is a work session, well,
3 in a sense it is, but this is just like one of your
4 regular Council meetings. If we were in Chevak or if we
5 were in Aniak which is one of these Councils -- this is
6 what we're doing, it's a Council meeting today. It's --
7 you're working on one topic, but it is a formal Council
8 meeting and all that that entails and both Councils have
9 had lots of experience in working in a Council meeting.
10 So it's kind of gotten people confused a little bit by
11 calling this a work session in a way. It's a formal
12 Council meeting right now. There's two Councils meeting
13 together and you're working on one issue.

14
15 And again, you have the option of coming
16 up, staying on your stances, staying on the
17 recommendations you made last March or you have the
18 option of reconsidering and making another
19 recommendation, a different recommendation than the one
20 you made in March on this same proposal.

21
22 So I hope that helps clarify things a
23 little bit. I know there's -- it's kind of swirling
24 around and we've kind of gotten so much confusion that
25 there's not even any discussion about the proposal
26 itself.

27
28 Thank you.

29
30 CHAIRMAN WILDE: I don't know, we're
31 getting farther and farther and farther. If it's not for
32 this paper here we wouldn't have no problem. These are
33 Federal regulation, it have to be working the way the law
34 requires so I think I'm still -- even though I don't like
35 to work behind anybody. If I make a proposal, if someone
36 going to work on it without contact me first I wouldn't
37 like it.

38
39 That's the Native people way of life. I
40 think we respect that. If Vince could call Pete Peterson
41 we will just listening right now, all of us we could hear
42 it. It's a very important proposal people in down river,
43 it have to be done the right way.

44
45 Sam.

46
47 CHAIRMAN SAM: Yes, Harry, I'm just
48 wondering about the protocol, our motive operandi on this
49 issue because some of -- one of my Council members wants
50 to testify, is that legal now that we turned over the

00080

1 floor to YK Delta?

2

3

Vince.

4

5

MR. MATHEWS: Okay, let's get back. The only thing that happened here was the motion, as I understood it and I believe the tape would reflect is that YK, Yukon-Kuskokwim Delta Regional Council had a motion to reconsider the proposal. I took that as reconsidering their recommendation. But let's just say whatever it is, in handling that Western Interior was being polite and just stayed in the room and allowed that to go on. So there was no turning over the authority it was still there and it resides with Harry Wilde running part of the meeting and you running the other part of the meeting, so we're still together. It just needed to work on Yukon-Kuskokwim.

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The other thing, I think we really, really need right now is a half hour break because we have too many issues that are spinning around. We do have Staff contacting Mr. Peterson but I think it would be better if we could just take a little bit of break, get a little sun and come back and I think it would be a lot clearer because we're really bouncing on a lot of topics right now and a break would be able to help us sort.

CHAIRMAN SAM: Before we break though, the answers are in front of us. I don't see Western Interior reconsidering. And what we could do is ask Federal Subsistence Board to defer any action on this because that it won't hurt anything. Hunting season is over for the fall of 2003. The Federal Subsistence Board could theoretically act in December but we could ask them to wait until the Chairman's meeting in May. By then that would also give us time to act and clarify on our recommendations and still introduce it by the next fall moose hunting season.

So even that would work for the time being. A deferral, a request to the Federal Subsistence Board and at the same time we introduce a different proposal to surpass this proposal, which gets back into this permit system. And that's one option before us.

However, I can see Yukon-Kuskokwim Delta's need or desire to contact Pete Peterson which could also speed up the process and finally deliver any action on Proposal 33. So if the Yukon-Kuskokwim Delta

00081

1 Council wants to take a break and get a hold of Pete
2 Peterson I'm sure that the Western Interior will more
3 than agree to a half an hour break.

4

5 CHAIRMAN WILDE: Yeah, Sam, that's what
6 that motion for.

7

8 MS. GREGORY: No.

9

10 MR. L. WILDE: No.

11

12 CHAIRMAN WILDE: No?

13

14 MS. GREGORY: Break time for a half an
15 hour.

16

17 MR. L. WILDE: So we can get a hold of
18 Pete Peterson.

19

20 MR. WALKER: Mr. Chairman, I'd like to
21 make a motion to take a half hour break.

22

23 (Laughter)

24

25 CHAIRMAN WILDE: Okay. At this time.....

26

27 MS. GREGORY: I second the motion.

28

29 (Laughter)

30

31 CHAIRMAN WILDE: I think the motion is
32 already -- it's been taken care of already. At this time
33 we going to take a break, half an hour. Right now
34 it's.....

35

36 CHAIRMAN SAM: 2:40.

37

38 CHAIRMAN WILDE: Yeah.

39

40 CHAIRMAN SAM: 3:10, 3:15.

41

42 CHAIRMAN WILDE: 3:15 come back here
43 again.

44

45 (Off record)

46

47 (On record)

48

49 CHAIRMAN WILDE: Yeah, we'll go back to
50 our meeting. We still have some more items to work on.

00082

1 What is happening right now, I talk with
2 Pete Peterson, the person who make proposal on this
3 customary traditional use in 21(E). I talk to him, the
4 problem we having and been having before and also the
5 meetings with people from 21(E), he said that he don't
6 want to continue fighting. He's tired of it.

7
8 Fighting. Fighting. And fighting. So
9 what happened is he pull his proposal out. That's the
10 end of it and he authorized Lower Yukon and Lower
11 Kuskokwim replace it with another proposal so that next
12 round Lower Yukon is going to make a proposal. Not
13 similar but same almost to that -- not all the way, he
14 pulled out customary traditional use determination from
15 21(E). But he advise us to make another proposal, not
16 with customary traditional use, so it will be different,
17 this Council will.

18
19 So right now my understanding it goes
20 back the way it was before. People hunt when it's time
21 to hunt. And only thing that he like to have people that
22 come in from Lower Yukon and from Kuskokwim, they usually
23 wait until the 5th of September before we go hunting,
24 sometime I come up on 2nd of September and wait and put
25 up a good camp, good camp but this time he recommends
26 people that come in from Lower Yukon hunting up in 21(E),
27 they should start hunt the way they hunt around there,
28 same time, same time and same day.

29
30 There's one thing that I want you to
31 understand, I been hunting here over 50 years. And moose
32 are moving down. It's going to be continuously moving.
33 Our elders say all the animals they move down river. We
34 never used to have beavers in our area, right now
35 wherever you go there's a beaver dam. Even the beavers
36 in wintertime you could see them on the ice so we believe
37 when you fighting anything, fight over it, it don't last
38 long, never last long.

39
40 Right now this summer Lower 21(E) around
41 18 area -- Unit 18 there were a lot of moose. People
42 didn't even have to go way up there and hunt. So for
43 that reason the Pete Peterson proposal is no longer
44 there. So the Yukon-Kuskokwim Council going to make a
45 proposal.

46
47 They will present it when the time comes.

48
49 MS. GREGORY: Mr. Chairman (In Yup'ik)
50

00083

1 INTERPRETER: This proposal, I'm just
2 going to enter it into the record.

3
4 MS. GREGORY: I just want to clarify that
5 it was the Proposal WP03-33 was pulled by its proponent.

6
7 MR. L. WILDE: We're done.

8
9 MS. GREGORY: We're done.

10
11 CHAIRMAN SAM: Yeah, Vince.

12
13 MR. MATHEWS: Mr. Chairman, I think
14 you're asking me, if the proposal is withdrawn then there
15 is no further discussion on that. If you're looking at
16 the agenda, we can't move forward on the agenda because
17 the Staff that needs to take up the Kuskokwim River
18 Drainage Fishery issues are not present here. They will
19 be arriving tomorrow. The report from the Alaska
20 Department of Fish and Game on moose planning are not
21 here until tomorrow.

22
23 So I think you get time off. Recess.
24 You get a real recess.

25
26 CHAIRMAN WILDE: Yeah, Vince, right now
27 we going to recess until 8:30 in the morning. Sam.

28
29 CHAIRMAN SAM: On behalf of the Western
30 Interior Regional Council, I would like to express my
31 thanks and relate to Pete Peterson for withdrawing this
32 proposal and recognizing our dilemmas -- the dilemmas we
33 went through to try and deal with this issue.

34
35 It probably won't go away but I guess we
36 can deal with it in other ways.

37
38 But I'd like to also thank all the Staff
39 present, Council members present for trying to deal with
40 this issue as best as we could. And I would like my
41 thanks to Pete Peterson for withdrawing it, conveyed to
42 him. And, again, thank you all for coming.

43
44 Vince.

45
46 MR. MATHEWS: Okay. Well, we're really
47 off the record now on recess. Alex and I have been
48 conversing and some of you guys would like to see some of
49 the -- yes, Mary, would like to see some of the sights of
50 Wasilla, so if you'd like to do that you could meet us in

00084

1 the lobby like in a half hour. And then we can take you
2 to different places around here and then come back here
3 in the fairly early evening.

4

5 CHAIRMAN WILDE: Yeah, Vince, as long as
6 you don't bring us where the moose are we'll go.

7

8 (Laughter)

9

10 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC do hereby certify:

THAT the foregoing pages numbered 02 through 84 contain a full, true and correct Transcript of the WESTERN INTERIOR and YUKON DELTA FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCILS MEETING taken electronically by Salena Hile on the 12th day of October 2003, beginning at the hour of 9:00 o'clock a.m. at Wasilla, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 29th day of October 2003.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 04/17/04 □