

1 WESTERN INTERIOR SUBSISTENCE REGIONAL ADVISORY COUNSEL
2 PUBLIC MEETING
3 March 2, 1994
4 Gana-a' Yoo Conference Room
5 Galena, Alaska
6

COUNCIL MEMBERS PRESENT:

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9 Mr. Harold Huntington, Chairman
10 Mr. Pollock Simon, Sr., Vice Chairman
11 Mr. Raymond L. Collins, Secretary
12 Ms. Sharon Gurtler-Strick
13 Mr. Jack L. Reakoff
14 Mr. Franklin Simon
15 Ms. Angela O. Demientieff
16 Mr. Phillip A. Graham

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19 Mr. David James, Regional Coordinator

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MR. HAROLD HUNTINGTON: Call the meeting to order.
Meeting of the Western Interior Council. We have someone to
take roll call.

MR. JAMES: Pollock Simon.

MR. POLLOCK SIMON, SR: Here.

MR. JAMES: Raymond Collins.

MR. COLLINS: Here.

MR. JAMES: Jack Reakoff.

MR. REAKOFF: Here.

MR. JAMES: Kenneth Madros. Phillip Graham.

MR. GRAHAM: Here.

MR. JAMES: Sharon Gurtler-Strick

MS. GURTLER-STRICK: Here.

MR. JAMES: Angela Demientieff.

MS. DEMIENTIEFF: Here.

MR. JAMES: Harold Huntington.

MR. HAROLD HUNTINGTON: Here.

MR. JAMES: Franklin Simon.

MR. FRANKLIN SIMON: Here.

MR. JAMES: Mr. Chair, eight of the nine members of the
Council are present tonight. Kenneth Madros did indicate ahead
of time that he would not be able to make the meeting and his
membership is one of the items on the agenda for later during
this meeting.

MR. HAROLD HUNTINGTON: You want to go ahead and adopt
agenda or you want to go ahead and introduce the guests first?
Should we adopt the agenda or the introduce the guests?

MR. JAMES: Either way you want to do it, Mr. Chair, it

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doesn't matter.

2

3 MR. HAROLD HUNTINGTON: Why don't we just go ahead and
adopt the agenda. Is there a motion to adopt the agenda?

5

6 MR. JAMES: Mr. Chair, I would like to add one item to
the agenda, perhaps before you get started on old business,
I've got a few announcements to make.

9

10 MR. HAROLD HUNTINGTON: Okay. Any more changes to the
agenda? Is there a motion to adopt the agenda?

12

13 MR. COLLINS: I move to adopt.

14

15 MS. DEMIENTIEFF: Second.

16

17 MR. HAROLD HUNTINGTON: It's been moved and second to
adopt the agenda presented. All in favor signify by saying
aye.

20

21 (Ayes respond)

22

23 MR. HAROLD HUNTINGTON: All opposed, same sign.

24

25 (No responses)

26

27 MR. HAROLD HUNTINGTON: Agenda had been adopted with
the addition. We have announcement by David James.

29

30 MR. JAMES: Thank you. A brief announcement from Mike
Bath who's the manager for Gana-a' Yoo. First of all he wanted
me to be sure to extend his apologies that they're in the
middle of renovating this conference room. In a short while
it's no longer going to be a conference room, it's going to be
office building, they were right in the middle of working on
this room up until noon today and they cleaned it up the best
they can.

38

39 The second thing is that he wanted to point out that
for those who don't know who the rest rooms are, they're in the
entry way to the right and then to the left and back there's a
long hallway. He's asked that you use the rest rooms, but
please don't use the rest of the office as a lounge or other
activities during the evening while there's nobody in the
office. That's all, thank you.

46

47 MR. HAROLD HUNTINGTON: Under old business, approve the
minutes of September 30th, 1993 meeting.

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1 MR. JAMES: Mr. Chair, that's in Section 2 of your
2 binder. Just a reminder to the Council, these notes were
3 circulated to all of you quite a few number of months ago and
4 all of you did have an opportunity to look at them at that
5 point.

6
7 MR. HAROLD HUNTINGTON: David, would it be necessary to
8 read over it?

9
10 MR. JAMES: I don't think it's necessary, no. If
11 that's acceptable to the Board.

12
13 MR. COLLINS: Mr. Chair, on Page 5, Ivan B. Winchell
14 Tanker, it's T-i-n-k-e-r, I believe, it not Tilkner (ph). I
15 think that's the correct spelling.

16
17 MR. GRAHAM: It's got a c-h in it.

18
19 MR. COLLINS: Does it?

20
21 MR. GRAHAM: Um-hum. (Affirmative)

22
23 MR. GRAHAM: Okay, Phil's got a better one than mine.

24
25 MR. GRAHAM: T-i-c-h-n-o-r.

26
27 MS. GURTLER-STRICK: Mr. Chairman, I'd like to correct
28 the spelling of my name on the first line of the first page,
29 it's Gurtler-Strick, it's not Stick.

30
31 MR. HAROLD HUNTINGTON: First line, first page, yeah,
32 okay.

33
34 MS. GURTLER-STRICK: Thank you.

35
36 MR. HAROLD HUNTINGTON: Is there any other corrections?
37 Well, seeing no other correction, is there a motion to adopt
38 the minutes of the last meeting?

39
40 MR. REAKOFF: Make a motion to adopt the minutes.

41
42 MR. HAROLD HUNTINGTON: There's been a motion to adopt
43 the minutes, is there a second?

44
45 MS. GURTLER-STRICK: Second.

46
47 MR. HAROLD HUNTINGTON: It's been moved and seconded to
48 adopt the minutes of the last meeting. All in favor signify by
49 saying aye.

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(Ayes respond)

MR. HAROLD HUNTINGTON: All opposed, same sign.

(No opposing votes)

MR. HAROLD HUNTINGTON: Minutes have been adopted. We're coming up to election of officers under old business. At our last meeting we elected a temporary chair until this meeting that came up because, I think, we had two members absent from the last meeting. I guess we'll have election for Chair, Vice Chair and Secretary.

MR. JAMES: That's correct. Mr. Chair, in front of each member of the Council there's been a tablet provided also so that would facilitate your secret ballot and the order that you stated them would be appropriate. Also a reminder, there's some confusion over this point, for nominations a second is not required.

MR. HAROLD HUNTINGTON: What about, like, in a case where we have three of our members seats that are going to expire in August, the people that were appointed for one year, they'll be expiring in August. What's the chances of getting back on the board if you're elected one of the officer's positions?

MR. JAMES: Mr. Chair, that's a good question. I suggest a policy of not trying to second guess whether a Council Member is going to be appointed or not. I suspect the chances are very good that each member will be an incumbent, but that's -- the way the program is set up it's not a guarantee. Because nominations, applications from others will be solicited and they will be evaluated. So it's up to the Council to decide, you know, how that affects who you want to nominate.

MR. HAROLD HUNTINGTON: Well, we can start with Chairman, I guess, huh? Would that be okay with the rest of the member? Elect a Chairman for the next year. Is there any nominations?

MS. DEMIENTIEFF: I nominate Harold.

MR. HAROLD HUNTINGTON: It's been a nomination for me.

MS. DEMIENTIEFF: Do you accept?

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1 MR. HAROLD HUNTINGTON: I guess so. I accept.
2
3 MR. FRANKLIN SIMON: I nominate Pollock Simon.
4
5 MR. POLLOCK SIMON, SR: I decline.
6
7 MR. HAROLD HUNTINGTON: Pollock has been nominated and
8 declined. Any other nominations for Chairman.
9
10 MR. COLLINS: Mr. Chairman, I move that nominations be
11 closed and the secretary cast an unanimous ballot.
12
13 MR. POLLOCK SIMON, SR: I second.
14
15 MR. HAROLD HUNTINGTON: It's been moved and seconded to
16 close those nominations. Guess it's pretty well unanimous then.
17 Well, I don't really know

18
19 MR. COLLINS: Well, by voting for this you're casting a
20 ballot at the same time when there's only one nominee, so if
21 you vote to close nominations then you have elected.
22
23 MR. HAROLD HUNTINGTON: Oh, okay. Nominations have
24 been closed. Should we have a ballot?
25
26 MR. COLLINS: No, we have to vote on that motion, if
27 you are.
28
29 MR. HAROLD HUNTINGTON: We have to vote on the motion,
30 Oh?
31
32 MS. GURTLE-STRICK: Did anyone second it?
33
34 MR. HAROLD HUNTINGTON: Pollock seconded it. It's been
35 moved and seconded to close nomination and cast a unanimous
36 vote. All in favor signify by saying aye.
37
38 (Ayes respond)
39
40 MR. HAROLD HUNTINGTON: All opposed, same sign.
41
42 (No opposing votes)
43
44 MR. HAROLD HUNTINGTON: I guess I'm Chairman again.
45 All the end of my term, anyway. And we'll have to elect a
46 Vice Chair. I open nomination for Vice Chairman.
47
48 MR. REAKOFF: I nominate Pollock.
49
50

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1 MR. HAROLD HUNTINGTON: Pollock has been nominated. Is
2 there any more nominations for Vice Chairman? Seeing none, I
3 move that nominations be closed for Vice Chairman. All in
4 favor signify by saying aye.

5

6 (Ayes respond)

7

8 MR. HAROLD HUNTINGTON: All opposed, same sign.

9

10 (No opposing votes)

11

12 MS. DEMIENTIEFF: No body seconded.

13

14 MR. HAROLD HUNTINGTON: We don't have to have a second.
15 Pollock is Vice Chair. And there's one more officer's
16 position, what is that; Secretary?

17

18 MR. JAMES: Secretary, Mr. Chair. That position has
19 been treated quite a bit different among the different
20 Councils. Some Councils have a secretary who have function in
21 the full sense of the word, taking care of notes and so on and
22 so forth. Others, the secretary plays a reduced roll,
23 primarily drafting some of the specific correspondence that
24 addresses certain recommendations and that sort of thing, so
25 there's really a broad spectrum, there's lots of different ways
26 that the secretary can do the job. Being elected secretary
27 does not automatically saddle Council Member with all of the
28 secretarial duties.

29

30 MR. HAROLD HUNTINGTON: Well, should we go ahead and
31 elect a Secretary? What's the Council think?

32

33 MR. JAMES: Mr. Chair, one more comment relative to
34 that subject. One of the advantages to having a Secretary
35 draft letters is then myself -- it's not me doing it. Some
36 times that's an awkward position for me to be in, trying to
37 state the opinion or recommendations coming from the Council,
38 there's always a slight gray area there as to whether I could
39 speak most accurately for the Council. I'll continue to do my
40 best.

41

42 Some councils have objected to that, you know, they
43 would rather that a Fish and Wildlife Service employee is not
44 the one to do that, but other councils have worked that way.
45 So, like I said, there's a number of options that you have
46 there. So if you don't feel comfortable with that at all, you
47 know, then it's really important, I think, that the Council
48 elects a Secretary as sort of the person that oversees that. I
49 can work closely with that person, whoever it is, and help

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them. It's not as if all of those duties will fall to them. It does help me because I've got, you know, at least one other person, other than the Chair, perhaps the Vice Chair, that I can refer to guidance when I'm not clear on the interpretation of a particular letter or other action.

6

7 MS. GURTLER-STRICK: Mr. Chair.

8

9 MR. HAROLD HUNTINGTON: Sharon.

10

11 MS. GURTLER-STRICK: Would a nomination be in order
now?

13

14 MR. HAROLD HUNTINGTON: Yeah, I think so.

15

16 MS. GURTLER-STRICK: I would like to nominate Ray
Collins.

18

19 MR. HAROLD HUNTINGTON: Ray Collins been nominated for
Secretary. Is there any more nominations for Secretary?
Seeing none, I move that nominations be closed. All in favor
signify by saying aye.

23

24 (Ayes respond)

25

26 MR. HAROLD HUNTINGTON: All opposed, same sign.

27

28 (No opposing votes)

29

30 MR. HAROLD HUNTINGTON: Ray, I guess you're the
Secretary.

32

33 MR. COLLINS: Thank you. Point of clarification,
Chairman, I would prefer not to take minutes at the
meeting, if that's agreeable with this Council, I would rather
have them do it. I don't mind working on drafting something
after, but if you're trying to keep minutes here you can't
really take part in the discussion and so on. So what is your
feelings on that? Can we use

40

41 MR. JAMES: That's understood, Ray, that's fine.

42

43 MR. COLLINS: Okay.

44

45 MR. HAROLD HUNTINGTON: Well, we have our three elected
officers and I guess that's it for election of officers, huh?

47

48 MR. JAMES: Yes. One reminder is that the terms for
officers is one year.

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2 MR. HAROLD HUNTINGTON: Starting from now?
3
4 MR. JAMES: Yes.
5
6 MR. HAROLD HUNTINGTON: Or until you seat expires,
whatever comes first?
8
9 MR. JAMES: True, thank you for reminding me.
10
11 MR. HAROLD HUNTINGTON: Okay. Well, we'll go on down
the agenda. Under C, we have correspondence from the last
meeting. We have letters from different agencies and people.
I guess David has got a list of it, huh?
15
16 MR. JAMES: Mr. Chair, this is Section 3 of your
binder. The first letter that you have in your binder was
addressed to Mr. Steve Martin, who is the Superintendent of the
Coast of the Arctic. And this letter was drafted following the
direction of the Council at the last meeting. It was to
indicate that the Council had decided to appoint Pollock Simon
to continue to serve on the Subsistence Resource Commission for
Coast of the Arctic. And that also Council had decided to
table the second appointment.
25
26 The second letter, which is addressed to Pollock is
simply a formality that has to be done in order to officially
notify him and the Park Service that his has been appointed.
29
30 And the third letter addressed to the North Slope
Subsistence Regional Advisory Council talks about why the
second appointment was tabled. And, as you recall, the Council
decided that it was inappropriate that two of the appointments
that SRC be made by the Western Region because the Village
of Anaktuvuk, which is one of the highest user groups of that
area, of the park, don't fall within the Western Region, but
are now, because of the boundary change, fall within the North
Slope Council.
39
40 Because of the way the regulations are written, it's
impossible for the North Slope Council to make an appointment
to the SRC. It's also impossible for the Western Council to
choose anybody from Anaktuvuk. Now, it's not a given that
somebody from Anaktuvuk has to be chosen, but the Council came
to the conclusion at their fall meeting it made the most sense,
since they're right in the middle of the area and they have a
very high interest in the area.
48
49 So, anyway, this letter to the North Slope Subsistence
50

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Regional Council was seeking their support in making the appropriate changes to the charters of this Council, the North Slope Council and then also to the SRC to reallocate the appointments. Such that the Western Region would make one appointment, the North Slope Region would make the second appointment and the Northwest Regional Council would make the third.

8

9 There has been no response back yet, that I've received, from the North Slope. The Gates of the Arctic SRC, however, did respond and that's what the next letter is. It's addressed to Harold Huntington and signed by Raymond Paneak, the Chair of the SRC. And they agreed, they concurred with the same reasoning that this Council -- they would like to see one of those appointments given to the North Slope. And the second page of that letter is simply a record of their resolution, the action that they took at their meeting.

18

19 We have a representative in the audience from the Gates of the Arctic Park who is available if you need any more information from him or if, you know, have any questions that need to be answered that I can't handle. But the appropriate action here would be to -- if the Council is still thinking the same way as last fall would be, then, to pass a motion, which would be a recommendation, to the Chair of the Federal Subsistence Board advocating a change in the appropriate charters. Well, it would be the Western Interior charter and the North Slope charter to accommodate that.

29

30 It's my understanding talking with representatives with Gates of the Arctic Park that the SRC will likewise make the appropriate recommendation to the Secretary, as I recall. So maybe Pollock has more to say about that.

34

35 MR. POLLOCK SIMON, SR: Nothing to add, David (ph).

36

37 MR. JAMES: What will happen if this is approved is that the charter for both of the Councils will be changed December of this year, that's for the North Slope and the Western and then the SRC charter will be up for change the next month, in January, '95. It doesn't appear that there's any disagreement with this so far.

43

44 Both Councils seem to be in agreement, the Northwest Council also was made aware of the situation, there's been no response from them. And the SRC is basic agreement. We haven't found anybody yet that disagrees, to my knowledge. Now, Mr. Ed Forner might have something else to add to that, but that's as much as I know about the subject.

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2 MR. FORNER: I think that about covers it as far Gates
of the Arctic.
4
5 MR. JAMES: Ed, and other speakers, when you come to
the table, if you could identify yourself for the record.
7
8 MR. FORNER: Ed Forner, Gates of the Arctic National
Park, representing the Subsistence Division. And I think that
was pretty well covered as far as we're concerned and stated
very accurately. So if there's any other questions on that,
I'll be happy to answer them.
13
14 MR. COLLINS: Is there any problem with the seat empty
now, is there much business now? Because they won't be able to
fill until it's amended.
17
18 MR. FORNER: I know of no problem associated with that.
19
20 MR. JAMES: Excuse me, I think, maybe, all nine seats
are currently occupied, are they not?
22
23 MR. REAKOFF: Yeah.
24
25 MR. JAMES: Did you want to -- you tell them.
26
27 MR. REAKOFF: The seat that's currently in question is
still being sat on by Joe Cleveland, Ambler. And he'll stay on
that seat until such time that there's a charter change and
there can be a shift to somebody from Anaktuvuk or Region 10.
31
32 MR. HAROLD HUNTINGTON: Phil.
33
34 MR. GRAHAM: I just -- Joe Cleveland, are we bumping
him off? Or he's just filling that seat for the time being? I
don't quite understand.
37
38 MR. HAROLD HUNTINGTON: Jack.
39
40 MR. REAKOFF: I'm Vice Chairman of that Subsistence
Resource Commission for Gates and he is in the Region -- what's
that NANA Region?
43
44 MR. HAROLD HUNTINGTON: Northwest.
45
46 MR. REAKOFF: Northwest Region and they only have one
seat that they can put a SRC member on. Their one seat is
filled currently with Levi Cleveland and Joe Cleveland is
basically in this limbo state. They still will only have one
50

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seat and they filled their seat. Joe Cleveland is basically filling the seat in question until there's a change, but that Northwest area will still only have one selection in the future. Whether they change that charter or not Northwest would still retain that one seat selection.

6

7 MR. FRANKLIN SIMON: I don't quite understand. Is that just one fellow from over in that area or do they have their own Board over there.

10

11 MR. REAKOFF: There's nine Subsistence Resource Commission Members on the Gates of the Arctic Resource Commission and they used to have two seats from the Regional Councils appointments from that region, but they will no longer have two seats, they'll only have one seat.

16

17 And if they change the charters, according to the way, you know, we'd like it, Western Interior would appoint one, the Northwest would appoint one and then the Arctic on the North Side would appoint one. That way every Regional Council that has land inside of the park or jurisdiction would be appointing somebody to the Park Commission. They'll have equal representation over there.

24

25 Then there's three members appointed by Regional Councils, then there's three members appointed by the Secretary of Interior, then there's three members appointed by the Governor, so there's cross representation from other -- from the Governor and Secretary.

30

31 MR. COLLINS: Mr. Chairman.

32

33 MR. HAROLD HUNTINGTON: Yeah, Ray.

34

35 MR. COLLINS: Question for David. You said that the next step would be for us to recommend the Secretary of Interior change the charter, is that appropriate?

38

39 MR. JAMES: Yes, keeping in mind that the Secretary has delegated the authority for the program to the Chair of the Federal Subsistence Board, so, you know, a recommendation directed to that body would be appropriate.

43

44 MR. COLLINS: Mr. Chairman, I'll make that motion that we send a letter to the Chairman of the Federal Subsistence Board recommending that the charter be changed when it's next opened for review to reflect one seat for each of the -- yes.

48

49 MR. JAMES: Another point of clarification, it won't be

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necessary to always address things to the Chair of the Federal Subsistence Board. When something is addressed to the Federal Subsistence Board, it will always be the Chair that finally signs off on it, so you can save yourself some words by just sending it to the Federal Subsistence Board.

6

7 MR. COLLINS: I so move.

8

9 MR. REAKOFF: I second.

10

11 MR. HAROLD HUNTINGTON: It's been moved and seconded to send a letter to the Federal Subsistence Board in regard to the appointment of the representative on the SRC. Is that it?

12 Yeah, David.

15

16 MR. JAMES: Another point. Before you take your vote it would probably be best if I read the motion back to make sure we got the wording the way you want it.

19

20 MR. HAROLD HUNTINGTON: That would be good.

21

22 MR. REAKOFF: Do you want to state that again, Ray?

23

24 MR. COLLINS: Move that a letter be submitted to the Federal Subsistence Board recommending that the charter be changed to grant one seat to each of the three designated Regional Councils.

28

29 They should be written out in the motion, but -- it's Western Interior, North Slope and Northwest.

31

32 MR. JAMES: The only action that needs to be taken is that one of the appointment authorities from this Council be transferred to the North Slope Council. Would it be appropriate to word it that way?

36

37 MR. COLLINS: Okay.

38

39 MR. JAMES: It's, maybe, a little cleaner to it that way.

41

42 MR. COLLINS: Okay, if that's cleaner. The charter be amended to transfer one of the seats from the Western Interior Regional Council to the North Slope Regional Council. One of the designated seats. Is that clear now?

46

47 MR. JAMES: I think that'll do it.

48

49 MR. COLLINS: Yeah, okay.

50

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2 MS. BURLEY: Can you say that again?
3
4 MR. COLLINS: Move that one -- well, you have to say
who we're addressing it to, but move -- recommend that one of
the seats of the Western Interior Council be transferred to the
North Slope Regional Council. Well, I guess it should say that
the charter be changed too, do that. Right? We should mention
that because that's what has to be done.
10
11 MR. JAMES: Yeah, that's correct.
12
13 MR. COLLINS: Can you slip those words in there?
14
15 MR. JAMES: The motion is that the charter be amended
to transfer one seat

17 MS. BURLEY: That one of the seats be transferred to
the North Slope Regional Council.
19
20 MR. JAMES: Okay, the motion is that the charter of the
Western Interior Regional Council be amended

22
23 MR. COLLINS: No, it's not our charter, it the charter
of the Gates that should be changed.
25
26 MR. JAMES: All the charters have to be changed, but we
can only recommend for the Council, so we're on the right
track.
29
30 MR. COLLINS: All right.
31
32 MR. JAMES: The Western Interior Regional Council
recommends that the charter be amended

34
35 MR. COLLINS: Transferring one of the Western Interior
Council's designated seats to the North Slope Regional Council.
37
38 MR. JAMES: Okay. Is that right? That's good enough.
39
40 MR. HAROLD HUNTINGTON: Want to take a vote on that?
41
42 MS. DEMIENTIEFF: Who seconded that?
43
44 MR. POLLOCK SIMON, SR: I second.
45
46 MR. HAROLD HUNTINGTON: It's been moved and seconded.
Could I see that, Theresa?
48
49 MS. BURLEY: Okay.
50

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2 MR. HAROLD HUNTINGTON: It's been moved and seconded
3 that the charter be amended and one of the seats be transferred
4 to the North Slope Regional Council. All in favor signify by
5 saying aye.

6
7 (Ayes respond)

8
9 MR. HAROLD HUNTINGTON: All opposed, same sign.

10
11 (No opposing votes)

12
13 MR. HAROLD HUNTINGTON: Motion carries. Is there any
14 more questions on this subject here? Seeing none, we'll go on
15 with the agenda. That was Number 3, we're on Number 4 next.
16 Of Number 3, we're on Number 3? Letters to Denali SRC and
17 Southcentral Regional Council requesting appointment authority
18 for Western Interior Regional Council.

19
20 MR. JAMES: Mr. Chair, that's Section 4 in your binder.
21 Again, these letters are the follow up from the last meeting
22 that you all had last fall. The first one is to the
23 Southcentral Alaska Subsistence Regional Advisory Council and
24 it was an explanation of why this Council wanted to have one
25 of the appointment authorities for the Denali Subsistence
26 Resource Commission. There has been no official response from
27 that Advisory Council yet, and they are meeting this week, the
28 same time that we are. And there has been no response from
29 them.

30
31 I suspect, based on conversations with one of the
32 members of that Council, that they may not go along with this
33 idea at all. And I would defer to Ray who could fill you in a
34 lot better than I can on some of the issues there.

35
36 MR. COLLINS: Yeah, there is a letter from the Denali
37 Subsistence Resource Commission and they agreed with our
38 argument and moved that the charter be changed. The problem
39 has to do with those three members have to be subsistence users
40 within the park. Nikolai and Telida are both resident
41 communities with subsistence rights, but where they're
42 subsisting is in the Denali Park extension, not in the Park.

43
44 In other words, the land closest to Telida is an
45 extension and it's actually open for hunting, not only to
46 residents of those communities, but any residents of the state,
47 it's not closed to hunting right now. So we may not have a
48 resident in our area who would could legally fill that seat.
49 Whereas on the other side in the park part over there, there is
50

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a number of people along the highway that use that park.

2

3 So they may want to keep their two representatives, but
 4 there are three seats coming up that are filled by the Governor
 5 and those seats can be filled by any resident of the State that
 6 he chooses and what they recommended to us -- since nothing can
 7 happen to the charter is changed and it may not be changed, but
 8 there's seats up now that we nominate someone to one of those
 9 Governor seat and send off a letter. I would recommend that we
 10 nominate Steve Eluska because he's filling that seat right now
 11 and soon as an appointment is made then he'll be out. He's
 12 like this one up in the north that's filling in a seat until
 13 it's appointed.

14

15 So that's kind of where it's at right now. So if we
 16 did that we would achieve it, but it would not give us a
 17 guarantee see on there. That's the problem that I have with it
 18 for the long term. Maybe somebody else could speak to that.

19

20 MR. REAKOFF: Your SRC also has a Secretarial
 21 appointment, are all of the Secretarial seats being filled by
 22 good people right now. You only have a Governor seat you want?

23

24 MR. COLLINS: Well, I think there -- it's just that
 25 there's two or three of those up right now, at least two of the
 26 three are up right now. I'm filling one of the Federal ones
 27 currently, so we do have someone from our area that's on there.
 28 I don't think either of the Federal ones are, but that would
 29 be another -- we could recommend that, too, if there's an
 30 opening there.

31

32 MR. JAMES: Mr. Chair.

33

34 MR. HAROLD HUNTINGTON: Dave.

35

36 MR. JAMES: Let me get caught up with where Ray has
 37 taken you now. He mentioned the fact that the SRC, Denali did
 38 support it and that's what this next letter is in your binder
 39 here, it's addressed to the Western Interior Regional Advisory
 40 Council, signed by Florence Collins, Chair of the SRC.

41

42 After that, the next letter, which is addressed to
 43 Harold Huntington, and to the Western Council is from Hollis
 44 Twitchell who is the Subsistence Coordinator for Denali. And
 45 Hollis in that letter explains essentially what Ray just
 46 explained to you. I think what Hollis has -- the position that
 47 the park has taken here that Hollis is explaining is that it
 48 just makes a lot of sense to leave it the way it is now because
 49 of the problem that Ray said. You may well get appointment

50

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authority for one of the seats on the SRC, but according to the way the regulations are written they're not aware of anybody from those two villages, Nikolai and Telida that would qualify, so it puts them in a real bind.

5

6 There are several other issues, lots of other issues surround that. One of them is that there are more users on the South side of the park anyway, and that's one of the arguments that's been made, to leave is so that the Southcentral Council retains two appointments to the SRC.

11

12 There's some other things involved also, but if you keep turning here you'll see a list, Denali Subsistence Resource Commission that's been provided by the Denali Park and if it you see Henry Peters, Ken Leavitt, I guess it is, and Harry Johns are all Governor appointments and two have resigned and one term has expired. So, again, that's what Ray has already told you is that rather than try to pursue getting the Charter changed and probably getting into a disagreement with the Southcentral Council, that you may be able to satisfy your desire for those two villages to be represented simply by getting the Governor to make an appointment from that area.

23

24 And as Ray said, the suggestion would be Steve Eluska, who is already on the Council. That's the suggested course of action and I reemphasis that's been the official response of the Park Service, Denali. They think that that would -- that's their recommendation, anyway, to the Council.

29

30 MR. HAROLD HUNTINGTON: All right.

31

32 MR. JAMES: Mr. Chair, also Bruce Greenwood who's with the National Park Service may be able to provide you with more information or perhaps answer any questions that you all have.

35

36 MR. HAROLD HUNTINGTON: Is Bruce here?

37

38 MR. GREENWOOD: Bruce Greenwood, National Park Service in Anchorage, Subsistence Division. Do you have any questions that I may be able to help you with?

41

42 MR. REAKOFF: Mr. Chair.

43

44 MR. HAROLD HUNTINGTON: Yeah, Jack.

45

46 MR. REAKOFF: I wonder if it would be to this Council's advantage to totally table any action on this. Or write a letter to the Denali SRC. Subsistence Resource Commissions can write letters directly to the Governor and to the Secretary of

50

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the Interior. I don't think that our Regional Council can write to the Governor at all. We could, but it doesn't have the weight, it doesn't -- it's not one of our avenues of discussion. And if the Regional Council tabled the whole Denali question or directed a letter to the Denali SRC, sort of reiterating the support for Governor appointee then the Denali SRC directly communicating with the Governor requesting Steve Eluska, that would be the quickest route.

9

10 MR. GREENWOOD: That would probably be the best thing to do because I believe that Ray and Dave did a good job of explaining the background on this. It looks like even if you did get a seat there it would be very hard to fill it. And one other thing to consider too, is the person that if they were a subsistence user of the park, they would also have to be a member of an Advisory Committee or another committee such as that before they could even be considered a nomination by this Council. So the very best bet to get someone representing the Council immediately would be to go and have the State appointment to that Commission. Thank you.

21

22

23 MR. REAKOFF: I thought if I make a motion to the Western Interior Regional Advisory Council to transmit a letter to the Denali Subsistence Resource Commission stating that we support Steve Eluska as a Governor appointee. How would that be?

28

29 MR. COLLINS: Yeah, I think we should mention somebody from our area that we would be interested in seeing.

31

32 MR. REAKOFF: Okay. And you might want that a little better.

34

35 MR. COLLINS: You looking to be a secretary now, is that what you're saying?

37

38 MR. REAKOFF: I got the idea, I need the wording.

39

40 MR. COLLINS: I could work with David in drafting a letter that's if you want to make that motion.

42

43 MR. REAKOFF: Okay, I make that motion.

44

45 MR. HAROLD HUNTINGTON: Motion made to draft a letter to Denali SRC on appointment. Is there a second?

47

48 MR. GRAHAM: Second.

49

50

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1 MR. HAROLD HUNTINGTON: It's been moved and seconded to
 2 draft a letter to the Denali SRC concerning the appointment of
 3 one seat. All in favor signify by saying aye.

4

5 (Ayes respond)

6

7 MR. HAROLD HUNTINGTON: All opposed, same sign.

8

9 (No opposing votes)

10

11 MR. HAROLD HUNTINGTON: Motion passed. So, Ray, you'll
 12 probably draft a letter with David on that?

13

14 MR. COLLINS: Mr. Chairman, I just have one other
 15 comment on that. Again, I think we should take a long range
 16 view. My concern, knowing the situation in the area, is that
 17 things can change rather dramatically, you never know. For
 18 instance, there's a proposed road that goes through the north
 19 area, the slope all the way done through to Telida and Nikolai.
 20 If that road ever goes through and gets built, the people in
 21 Nikolai and Telida will have the increased pressure of hunting
 22 from all over the state and they may want to drive up that road
 23 and subsists in the area where they have a right as resident
 24 community, so it could change in the future. That's why I
 25 thought they ought to have a voice in what's happening in the
 26 long term.

27

28 But it's true that right now if the charter was changed
 29 they're not actually using that part of the park, they're using
 30 that wilderness, but we got to keep thinking long term and
 31 protect their interest too.

32

33 MR. JAMES: Mr. Chair.

34

35 MR. HAROLD HUNTINGTON: Yeah, Dave.

36

37 MR. JAMES: The last letter in that section is a letter
 38 from the Denali SRC to the State of Alaska, Department of
 39 Transportation on the subject that Ray just told you about.
 40 And they've gone on record as opposing construction of a road
 41 across the lands that they have authority for, in other words,
 42 the park, itself.

43

44 I put this in here just to call it to your attention,
 45 which is not necessary now since Ray already did, but anyway,
 46 that's the letter that documents that.

47

48 MR. HAROLD HUNTINGTON: Okay, going on to Number 4.
 49 Letters to Lake Clark SRC and Bristol Bay Regional Council

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requesting appointment authority for Western Interior Regional Council.

3

4 MR. JAMES: That is in Section 5 of your binder. The letter is actually the same as the letter that was sent to the Southcentral Council. In this case it was sent to the Bristol Bay Subsistence Regional Advisory Council. Currently the Bristol Bay Council holds the authority for all three appointments to the Lake Clark SRC and the Southcentral Council has a little bit of jurisdiction in there because of the way the boundary is drawn. And, of course, this Council does Western also.

13

14 So this letter simply outlines the rationale and the arguments that were essentially the same for the Denali situation. There has been no official response along that at this time. That Lake Clark SRC has not met since you all last met, the Council had postponed a meeting, they haven't yet taken care of that.

20

21 Is Lee Fink in the audience, here?

22

23 MR. FINK: (Raises his hand)

24

25 MR. JAMES: We do have a representative from Lake Clark National Park who could address this issue.

27

28 MR. FINK: Mr. Chairman, my name is Lee Fink, I'm the Subsistence Coordinator of Lake Clark National Park. I believe we have a very similar issue to the one just discussed with Denali. I was at the Region 4 Council meeting last week in Dillingham and Region 4 discussed this issue, it was on their agenda, no action was taken at the time. They're waiting for some word from the Lake Clark Subsistence Resource Commission, which is scheduled to meet April 27 right now, for some input.

36

37 But we have a very similar situation in that Lime Village is a user village, but they are quite a ways outside the park boundary. Any subsistence activity from Lime Village is probably limited to the preserve which is similar to the Denali issue and it would have the same difficulties, most likely, in finding a qualified nominee. No official action has been taken, possibly a similar approach would be appropriate.

44

45 MR. REAKOFF: Are there any Lake Clark SRC members from
46 that are residing within Region 6, this Western Interior
Region?

48

49 MR. FINK: No, there are none at this time. Nobody

50

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from Lime Village is on the Lake Clark SRC. I think nobody has been appointed by the -- we have never, as far as we know, had any interested nominee from Lime Village. They could easily be appointed by the Governor or the Secretary, but to my knowledge there hasn't been a nomination from there.

6

7 MR. JAMES: Mr. Chair, to clarify the record. There are no Governor or Secretary of the Interior appointees from the Western Region right now, did I understand that correctly?

10

11 MR. FINK: That is correct.

12

13 MR. JAMES: There's no one from the Western Region in any capacity on the SRC?

15

16 MR. FINK: That is correct.

17

18 MR. JAMES: Okay.

19

20 MR. REAKOFF: What do you have to say about this, Phil?

21

22 MR. GRAHAM: Well, being from Lime Village, people from Lime don't actually use it but, you know, if you are looking in the long run, we would -- I think people from Lime would like to have some kind of representation. And maybe we could go about it the same way we did with the other -- with the Denali Park.

28

29 MR. FINK: Yeah, I believe that might be a good avenue, it would certainly be more expedient which was, you know, discussed earlier, if you had an interested nominee, yourself, if you're from Lime Village, or whoever. You know, possibly a better that we could have at our SRC meeting in April would be good and when they are discussing this issue that time, we could present this letter to them.

36

37 MR. GRAHAM: So that possibly somebody from Lime could be appointed by the Governor?

39

40 MR. FINK: By either the Governor or the Secretary if the Commission was acceptable to that then, you know, they could possibly back that nominee. A similar situation -- you know, it has not been discussed so, but I think a very similar situation exists here.

45

46 MR. GRAHAM: Actually some people from Lime Village do use the park when they visit relatives in Nondalton, so it might be a good idea to get some representation on the Lake Clark SRC.

50

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1
2 MR. REAKOFF: Mr. Chairman, I'd like to make a motion
with similar wording inserting a letter to the Lake Clark SRC,
4 inserting Lake Clark SRC as the letterhead, with exactly
5 similar wording as our last motion, stating that we would like
6 to see a person from Lime or a representative from Region 10
and Lime would be the person from Lime Village. Would you be
8 interested in being nominated?

9
10 MR. GRAHAM: I'd be interested or possibly somebody
else. Or would it have to be somebody from a council?

12
13 MR. COLLINS: Not for those appointees, I don't think,
the Governor and the Secretary, they're open. There would
probably be an open appointment to any

16
17 MR. GRAHAM: I'm sure somebody from Lime would like to
be on that. And I would second the motion.

19
20 MR. HAROLD HUNTINGTON: It's been moved and seconded to
draft a letter to Lake Clark SRC.

22
23 MR. JAMES: Mr. Chair, point of clarification, this
motion is for the Western Interior Regional Council recommends
that the Lake Clark Subsistence Resource Commission request the
Governor of Alaska to appoint a resident of Lime Village to the
Lake Clark Subsistence Resource Commission.

28
29 MR. COLLINS: Or the Secretary of the Interior.

30
31 MR. REAKOFF: Or the Secretary of the Interior.

32
33 MR. JAMES: Or the Secretary of the Interior.

34
35 MR. HAROLD HUNTINGTON: It's been moved and seconded.
All in favor signify by saying aye.

37
38 (Ayes respond)

39
40 MR. HAROLD HUNTINGTON: All opposed, same sign.

41
42 (No opposing votes)

43
44 MR. HAROLD HUNTINGTON: Motion passed. Number 6,
4 letters to Secretaries Bruce Babbitt and Mike Espy requesting
Federal jurisdiction over navigable waters. Response from
Paddy McGuire.

48
49 MR. JAMES: Mr. Chair, there's Item 5, letter to the
50

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Kuskokwim Native Association and that's in Section 6 of your Binder. I just wanted to review for the Council, bring you up to date on that issue.

4

5 This was discussed at the fall meeting. At that time the Kuskokwim Native Association has sent a letter to the Federal Subsistence Board stating their concern about what they perceived as a lack of representation by this Council for that area of the Kuskokwim River, down river from Lime Village.

10

11 They had received a response and that letter was shared with the Council at your fall meeting. And then the Council directed me to draft a letter, I think I may have worked with Ray on that, to Mr. Paul Kameroff who at the time was in charge of the Natural Resources and Subsistence Section of KNA. And in the letter were a number of suggestions to KNA about a way to deal with the problem that they felt existed and those are listed in that letter. And these were all points that were requested by this Council at the fall meeting.

20

21 There has been no response since then. I did call and talk with Mr. Kameroff in person, invited him to send correspondence or a person to this meeting or even to get hooked by with conference call, but they chose not to. So apparently what that means is they feel that at this time, you know, there's no pressing need to take some action on this.

27

28 I suspect that they appreciated concern that the Council expressed to them. And I think that probably went a long ways to explaining to them what your intentions are, you do you best to represent them and that sort of thing. But what's it on that subject, there's been no follow ups since my conversation with Mr. Kameroff which was about two weeks ago.

34

35 MR. GRAHAM: Harold.

36

37 MR. HAROLD HUNTINGTON: Yeah.

38

39 MR. GRAHAM: I'd just like to add that I have not talked to KNA directly, but I've talked to members of the Central Kuskokwim Advisory Committee who know that I'm on this Council and we talked about a number of the issues that came up at their meeting last week in Stony River, so there is some communication there.

45

46 MR. HAROLD HUNTINGTON: David, would this be discussed further on? Later on in the agenda, I see we have a vacant seat on our Council here. Would this be brought up here later on for consideration?

50

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1
2 MR. JAMES: It may well -- it could be appropriate for
3 that discussion.

4
5 MR. HAROLD HUNTINGTON: So we don't need no action on
6 that right now then, right?

7
8 MR. JAMES: I don't believe so, Mr. Chair.

9
10 MR. HAROLD HUNTINGTON: Okay, well, we'll go on to the
11 next one then. Six, letters to Secretary Bruce Babbitt.

12
13 MR. JAMES: Mr. Chair, Section 7 of your binder again
14 simply copies of the correspondence that the Council sent
15 out as a result of last fall's meeting. This first letter is
16 an example of the letter that was addressed to Bruce Babbitt,
17 Secretary of the Interior. An identical letter was also
18 addressed to Mike Espy, the Secretary of Agriculture. And the
19 purpose of this letter was to request that the Federal
20 Subsistence Management Program in Alaska be extended to include
21 navigable waters.

22
23 If you turn the page, the next letter is in
24 acknowledgement of the receipt of your letter addressed to
25 Harold and the Council, signed by Paddy McGuire, Special
26 Assistant to the Secretary. And it's really nothing more than
27 an acknowledgement that they received the letter.

28
29
30 MR. SIDNEY HUNTINGTON: Sir, I'm a concerned citizen
31 and I'd like to speak that there a little bit. That's going to
32 have an awful lot of effects on a lot of people of this state,
33 the interior of Alaska that I don't think has been brought to
34 light and I would like to speak to that letter from Mr. Babbitt
35 and what's the other's name? If you'll allow me.

36
37 MR. HAROLD HUNTINGTON: Mike Espy.

38
39 MR. HAROLD HUNTINGTON: Go ahead.

40
41 MR. SIDNEY HUNTINGTON: I don't hear you very good,
42 you're probably a nice bunch of people, but not in the way you
43 talk, poor guy don't understand you, especially a handicapped
44 guy like me. Don't do me much good unless I hear -- I don't
45 know -- there was very little of what anyone said.

46
47 Regarding your letters to Secretaries Babbitt and Espy
48 the Federal take over of navigable waterways.

49
50

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1 I do not think your letters were a good idea because of
 2 the long range effect it would have on Natives and other locals
 3 who use the fish and wildlife. If you want the Feds to control
 4 your children's destiny by having the Feds control over all
 5 potential development of the economy, be it prospecting,
 6 mining, commercial fishing and other ventures. If you let the
 7 Feds be the managers they will slowly strangle from you the use
 8 of our fish and wildlife which we have been dependant on for
 9 the past 1000 years.

10

11 One hundred percent of our navigable waters is only one
 12 more part of their scheme to eventually take back all
 13 management from the State of Alaska just like we had pre-
 14 statehood. I do not know how many of you remember those days
 15 but I sure don't want to return to them. People who want to
 16 live under those conditions are not real Alaskans. Remember
 17 that most of the Feds are short term residents here and do not
 18 know what kind of mess they will leave behind after they leave.
 19 How many of your Federal representatives here will be here
 20 tomorrow or 10 years from now to see how well off the local
 21 people will be. If we are suffering hardships they will never
 22 know.

23

24 If we work together though the state system remember we
 25 own it and it is responsible to us. The Federal system has 250
 26 million people who own it and they do not all agree that you
 27 should be able to harvest anything. If anything the more vocal
 28 ones do not want you to harvest a single animal and they are
 29 the power in Washington, D.C. That is what I fear most, the
 30 long lasting effects on the future well being of Alaska's bush
 31 people. That's what I have to say about that.

32

33 I know it's probably too late to come and testify but
 34 when I seen it I really go up set to think that they're asking
 35 this Board to encourage doing things like that, to cut their
 36 own throat and that's why I had to testify. I had to testify
 37 because (indiscernible) and I stopped you guys from making it
 38 all green from the coyote down to old (indiscernible) clean up
 39 the Allakaket one time. It was going to be all green. Proposal
 40 was in before these people could to adapt that, you know, we
 41 were the monkey wrench in that thing and stopped it. I don't
 42 believe the woods should be all green.

43

44 Subsistence ought to (indiscernible) you know, in the
 45 first days when Udall was up here and them guys come in there
 46 and they say everybody would be able to use subsistence
 47 resource to the end of their life as long as their born before
 48 1971. It's the invitation of stuff like this, the Federals
 49 take over all the navigable waters. Another thing that just

50

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surely tell me they're still working in that direction and I resent that. I haven't got long to be here and stuff like that, but just the same I don't want see things even start happening in my lifetime.

5

6 If I was a local that could hear I should be on the Board of Game, stuff like that. And I had a lot of good experience with stuff like that. Proposals in here pertaining to harvesting moose in the winter where you want to eliminate the half mile -- close along the river. That's the worst thing you can do. What we going to abuse (ph) to take moose (indiscernible) with airplanes and snowmachine people running along the river to take them. What moose stay along the river? How many of you know that? What moose live along the river? The cows with calves stay right along there, the edge of the bank all along these rivers. Those are the ones we don't want to harvest.

18

19 The bad cows that carry no calves or lost their calves were back in the woods with the bulls. We used to go back and harvest them. We don't have to touch these things. The protection of changing something for subsistence just because you got to work at it. And tomorrow you'll open I'll probably speak on some of the others, but I wanted to bring it to your attention that I sure did not accept your position with defeating waters to be an accepted factor (ph) which would be writing to Washington, D.C. to cut our own throat if anything. And that's exactly what we're doing. So we got to be damn careful of what you adopt and what you don't adopt.

30

31 It's too back too many people are not concern over this resource. I spent 20 years on the Board of Game 'cause I was concerned over the welfare of the resources of that people pretended was that resources (ph). If it wasn't for that resource us Indians wouldn't be around here (indiscernible) Thank you for letting me say my piece.

37

38 (Off record comments -- Court Reporter asking for better)

40

41 MR. STAN HUNTINGTON: Could I say something?

42

43 MR. HAROLD HUNTINGTON: Yeah, go ahead, Stan.

44

45 MR. STAN HUNTINGTON: Throughout the years I've seen a lot of changes and things have changed even since the old man was alive and was on the Board of Game and Fish. Some of them have been gradual changes and one of them is that the State goes by whoever is in power at the time, whether it's a

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Republican or whether it's a Democrat that be able to work with the Native groups.

3

4 And the way it's been going, money talks, you know, that's the bottom line. I could see your reason for requesting jurisdiction over navigable waters because you can just see what happened last fall when they cut off our subsistence fishing. And thing like that they could be work out all right, but as long as you have people in there that are ignorant to the fact that you pay twice as much for meat and fish out of the stores down there than you do in Fairbanks and Anchorage.

12

13 Maybe they are part of Alaska and own part of Alaska, but the focal point of Alaska is Anchorage and Fairbanks. They're the ones that carry the most people and the most population. They're the ones that have the vote.

17

18 Now, I've been Tanana Chief's Task Force for a long time now. and one of the things we always tried to do was try to get State control back. When they fought for -- to amend the State Constitution for what it is now (ph) and I was down in Juneau a couple of times and you talk with Ramona Barnes and those people wouldn't give you the time of day, you know, talk about amending the constitution, you know, that's the way their mind is set (ph).

26

27 They are getting pressures from a lot of the Senators, Markowski, Stevens, these people. One of the reasons they're getting pressure is because the Federal Government is saying they're going to stay here unless something happens within the State. So maybe this Council might be only a temporary thing, you know, but as long as you're on the Council you go to do your part. You got to do what the people around you say, just like anything else. And if the people are saying that we should have Federal jurisdiction over navigable waters and they're telling you that and giving you reason why, then it's your job as Council to go in that direction. That's the way I would see it.

39

40 And a lot of the things now that -- like, Proposal 56, they're trying to change it back now because it almost impossible to enforce or to implement because you can only kill those in the high water mark, it's up (indiscernible) you know the moose down in the sand bars in the fall time, you know. So things like that -- but when I was wondering was requesting Federal jurisdiction over all navigable waters.

47

48 Now, the State's got some land too and there's going to be a different scenario, one scenario would be for fishing and

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another scenario would be for game. Now, if you go into a Game Management Plan and say that Federal jurisdiction goes over all navigable waters then you're just about saying that the whole Yukon River, on State land and Federal land, would be under Federal jurisdiction. Do you know what I mean? Do you follow what I mean, Harold?

7

8 MR. HAROLD HUNTINGTON: I think the whole Yukon is considered navigable waters.

10

11 MR. STAN HUNTINGTON: They are all water ways, but then you have wildlife refuge and it cuts off above Ellis Camp (sic) there and below that it's State land. Now, if you say all navigable waters then that means that hunting is wide open during that time, that includes State land too, because navigable water is high water mark, do you know what I mean?

17

18 MR. HAROLD HUNTINGTON: Yeah. I think right now

19

20 MR. STAN HUNTINGTON: These things are things that you have to address. How much jurisdiction you want? I mean, you say over all navigable waters or over part of it or during what seasons would you recommend. These are all things you have to look at. Now fishing that would have to be just about over all navigable waters, you can't go fishing on just Federal and State land, because fish go all the way through. But if you're going to think about management for game then you have to have your cut off point. That's it.

29

30 MR. HAROLD HUNTINGTON: Thank you, Stan.

31

32 MR. JAMES: Mr. Chair.

33

34 MR. HAROLD HUNTINGTON: Yeah, Dave.

35

36 MR. JAMES: We have a staff member here in the audience, Sue Detwiler, who has come prepared to give a summary of the current status of the navigable water issue from the standpoint of the Department of Interior and also the judicial question.

41

42 MS. DETWILER: Well, those are pretty hard acts to follow up on here. I can start out by giving you some of the background on this issue and I will start out by saying that there's two issues basically. One, is where issue, it's the navigability issue, it's whether Title 8's priority for subsistence extends to navigable waters. And the second issue is who has the jurisdiction to manage for the subsistence priority, whether it's the State or Federal Government.

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1
2 To go back to the beginning of the Federal Subsistence
Program, by way of background information. Our regulations
4 still don't include fisheries, subsistence fisheries in
5 navigable waters. In 1990 Katie John, who is an elder from the
6 Copper River area asked the Federal Subsistence Board to
7 establish a subsistence fishing season at her traditional
8 fishing site.

9
10 The Federal Subsistence Board refused, saying that here
11 subsistence fishing site was in navigable waters and navigable
12 waters were not within the definition of public lands that's in
13 Title 8 of ANILCA. Katie John disagreed with that and took it
14 to court. She filed suit saying that the Federal Government
15 had misinterpreted Federal lands -- misinterpreted the
16 definition of Federal lands or Federal public lands and that
17 the Federal Government should have interpreted to mean that it
18 includes navigable waters.

19
20 Recently Judge Holland, who is the judge for the
District Court in Alaska, Federal Court, issued a tentative
21 opinion saying that he is leaning towards agreeing with Katie
22 John that the definition of public lands in ANILCA does include
23 navigable waters, but he hasn't made that a final decision yet.
24 What he did was lay out some rationale that he was thinking of
25 making a final decision and set a hearing for the parties in
26 his lawsuit for March 18th, so nothing has been decided yet.
27 And Judge Holland is going to hear additional comments from
28 both sides of the issue on March 18th, after which, he'll make
29 his decision.

31
32 As far as the Department of Interior position on this
33 goes, we don't have any clear idea yet of which way we want to
34 go. We started out the program saying that we didn't have
35 jurisdiction over navigable waters, however, last summer
36 Secretary of Interior Babbitt indicated that he thought maybe
37 fisheries should be included in Federal subsistence management.
38 But then a couple of weeks ago in response to the question
39 from Senator Murkowski he said, we'll, we're not under any
40 tight deadlines to assume subsistence fisheries management in
41 navigable waters and we want to work with the State.

42
43 We also don't know what arguments the Department of
44 Interior or the Department of Justice are going to present at
45 the hearing in March. So that's where that stands now. We
46 don't know for sure until after March sometime when Judge
47 Holland hears all of the arguments and makes his final
48 decision. And that decision will be about is whether or not
49 subsistence priority that's in Title 8 applies to navigable
50

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Waters. It won't address the issue of whether the Federal Government has jurisdiction or the State Government has jurisdiction.

4

5 That issue is a separate issue as part of another lawsuit that was filed by the State. And that what is commonly known as who issue and that will be decided further along down the line. And basically what that is is as part of the State's lawsuit against the Federal Government, the State says that Title 8 does not exclusively give the Secretary of the Interior the authority to set seasons and bag limits and methods and means.

13

14 And that's also before the same Federal Judge, Judge Holland, in Federal District Court here and he has in late last fall he heard arguments from both sides of the party and asked for additional information which was given to him in January and we don't know when he's going to rule on that.

19

20 So the way it stands now is that there's two issues to be decided. One, is whether this Federal subsistence priority is going to apply to navigable waters and even if the judge does decide that that does apply on navigable waters he still will have to decide whether the Federal agencies have the right to set the seasons and bag limits and methods and means, or whether it should be done by some other entity, you know, perhaps the court, itself, will take on that responsibility because it's not really clear in Title 8 where the responsibility lies.

30

31 I think I should also mention the petition last summer that was filed by the Native American Rights Fund and it addresses the same issue. It basically says that Title 8 was meant to include fisheries. Congress in the legislative history when it was developing Title 8 mentioned fisheries quite a lot and fisheries is a pretty substantial part of subsistence. And by not including fisheries in subsistence management pretty much gut (sic) the subsistence priority.

39

40 MR. JAMES: Excuse me. Mr. Chair, I'm sorry to interrupt. We originally had arranged for the Tribal Council of Koyukuk to listen to this portion of the discussion, but I told them it wouldn't be till quite a bit later, till 8:50 or 9:00 o'clock. If it's acceptable to the Council, can we take a 15-minute brief break, I'll call just in case somebody is there early and see if they would like to join. If they're not then the Council can just proceed and finish off the business, if that's acceptable.

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1 MR. HAROLD HUNTINGTON: Fifteen minute break?
2
3 MR. JAMES: Oh, not even that, Mr. Chair, five minutes
4 would be plenty.
5
6 MR. HAROLD HUNTINGTON: Okay, it's been suggested that
7 we take a five minute break, so let's do that now.
8
9 (Off record)
10
11 (On record)
12
13 MR. HAROLD HUNTINGTON: I call the meeting back to
14 order. During the break we discussed the introduction of our
15 guests, I guess we let it slip by earlier and so we want to get
16 that out of the way now. Maybe we can start from one end of
17 the table here. We'll start introducing our Subsistence Board.
18
19 MR. COLLINS: Ray Collins, I reside in McGrath, Alaska.
20
21 MS. GURTLE-STRICK: Sharon Gurtler-Strick, I reside in
22 Ruby.
23
24 MR. GRAHAM: Phil Graham, Lime Village.
25
26 MS. DEMIENTIEFF: Angela Demientieff, Holy Cross.
27
28 MR. HAROLD HUNTINGTON: Harold Huntington, Koyukuk.
29
30 MR. FRANKLIN SIMON: Frank Simon, Huslia.
31
32 MR. POLLOCK SIMON, SR: Pollock Simon from Allakaket.
33
34 MR. REAKOFF: Jack Reakoff from Wiseman.
35
36 MR. JAMES: David James with the U.S. Fish and Wildlife
37 Service in Fairbanks.
38
39 MS. BURLEY: Theresa Burley, Fish and Wildlife Service
40 here in Galena.
41
42 COURT REPORTER: Joe Kolasinski, R&R Court Reporters,
43 Anchorage.
44
45 MR. STAN HUNTINGTON: Stan Huntington, Galena.
46
47 MR. SIDNEY HUNTINGTON: Sidney Huntington, Galena.
48
49 MR. SHERROD: George Sherrod, Fish and Wildlife
50

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Service, Anchorage.

2

3 MR. GUENTHER: Conrad Guenther, Fish and Wildlife
Service, Subsistence, Anchorage.

5

6 MR. KNAUER: Bill Knauer, Fish and Wildlife Service,
Subsistence, Anchorage.

8

9 MS. DETWILER: Sue Detwiler, Fish and Wildlife Service,
Subsistence Office in Anchorage.

11

12 MR. GREENWOOD: Bruce Greenwood, National Park Service,
Subsistence, Anchorage.

14

15 MR. FORNER: Ed Forner, Gates of the Arctic National
Park.

17

18 MR. DENTON: Jeff Denton, BLM, Anchorage.

19

20 MR. YOKE: Dave Yokel, BLM, Arctic District,
Fairbanks.

22

23 MS. PILOT: Ragine Pilot from (inaudible).

24

25 MR. TAYLOR: Ken Taylor from Fish and Game in
Fairbanks.

27

28 MR. DeMATTEO: Pete DeMatteo, Fish and Wildlife,
Galena.

30

31 MR. OSBORNE: Tim Osborne, Alaska Department of Fish
and Game, Galena.

33

34 MR. FINK: Lee Fink, Koyukuk National Park.

35

36 MR. HAROLD HUNTINGTON: Who's that standing in the door
over there.

38

39 MR. RATH: Oh, Mike Rath, Gana-y' Yoo, Galena.

40

41 MR. HAROLD HUNTINGTON: Okay, thank you everybody.
Okay, I think we're still on Number 6.

43

44 MR. JAMES: Yes, Mr. Chair, I think Sue Detwilder may
have some more comments to make or she would certainly be in a
position to answer any questions or join in any discussion on
that subject.

48

49 MR. HAROLD HUNTINGTON: Sue, do you have any more to

50

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add on?

2

3 MS. DETWILER: No, I don't have any more comments to
make.

5

6 MR. HAROLD HUNTINGTON: Okay.

7

8 MR. STAN HUNTINGTON: Got a question for you. Judge
Holland is supposed make an oral statement sometime, I think
10's scheduled for the 18th of the month, is that right?

11

12 MS. DETWILER: He's scheduled to hear oral arguments
from the Defendants and the Plaintiffs in the case. He's just
going to take their comments into consideration, but he hasn't
told us when he's going to make his final decision.

16

17 MR. STAN HUNTINGTON: Okay, he's going to hear it or?

18

19 MS. DETWILER: He's going to hear it. He may make some
additional comments or he may just hear other people's comments
and take them back to his chambers and may his statements some
other time.

23

24 MR. JAMES: Sue, is there any official line from the
Department of the Interior right now on this subject?

26

27 MS. DETWILER: No, there's not. They're still working
on it back in D.C., the policy analyst and the legal people,
they're reviewing the arguments that were made Native American
rights signed petition and they're also reviewing the legal
aspects of it and that's all I know.

32

33 MR. HAROLD HUNTINGTON: Is there any more questions for
Sue. Thank you, Sue. Want to go on to Number 7?

35

36 MS. DEMIENTIEFF: That's for tomorrow, I think.

37

38 MR. HAROLD HUNTINGTON: I guess there was a request
from the audience to maybe discuss Proposal 56, I don't know if
we've got time now or later. What do you think?

41

42 MR. JAMES: Mr. Chair, that one is one of interest to
the Tribal Council of Koyukuk and also in Huslia, they both
have requested to be hooked up with the telephone conference
while you discuss that issue. We think, now, that we can
finally have a telephone conference tomorrow when we get the
appropriate phone. So to do it now would, perhaps, be leaving
them out, you know, an opportunity to participate in that.

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1 MR. HAROLD HUNTINGTON: Stan.

2

3 MR. STAN HUNTINGTON: Will I be able to testify, I'm
4 only going to be at the meeting tonight. I'm the one that put
5 in that proposal there when it first came out. I won't be here
6 for the rest of the meeting tomorrow or the next day.

7

8 MR. HAROLD HUNTINGTON: Well, what does the Council say
9 about that? Will there be no problem to discuss Proposal 56
10 now?

11

12 MR. COLLINS: Just take testimony, you mean, and hear
13 it.

14

15 MR. HAROLD HUNTINGTON: Yeah, I think so, huh?

16

17 MR. STAN HUNTINGTON: Yeah, it's just testimony.

18

19 MR. HAROLD HUNTINGTON: Yeah, it's just testimony.

20

21 MR. STAN HUNTINGTON: Okay, a couple of years ago I put
22 Proposal 56 for moose season to open September 1st instead
23 of September 5th for subsistence users. The reason being --
24 what they're saying is that there's a lot of traffic there in
25 the fall time, boats from Fairbanks, whatever come up and a lot
26 of people with smaller boats that can't go very far, don't have
27 much gas, have a harder time getting their meat in fall time.
28 Having to track a moose back in the woods, you know.

29

30 There's no problem for me, myself, you know. I didn't
31 put it in for Stanley Huntington because I got 175 Yamaha to go
32 up the river in one day if I want to, but a lot of people don't
33 have that around here and they're not very good at coming up
34 and (indiscernible) so somebody -- that they should represent
35 them. And those actually are the true subsistence users that
36 come from different villages around here and a lot of them
37 have like 25-30 horsepower motors for the boat and can't afford
38 to go too far for too long, they don't have enough gas. That
39 was the reason that I proposed putting in that regulation a few
40 years ago and now I see Fish and Wildlife want to take it out
41 because it's too hard to enforce because of this navigable
42 water thing.

43

44 You can't kill a moose on a sandbar during this period
45 time, you can only kill it up in the hills because of the
46 way the law states right now. But I'd like to see this
47 regulation stay the way it is because of the -- because of this
48 Judge Holland's decision that State right (ph) on jurisdiction
49 over navigable waters and if that goes through or stays the

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same -- if that goes through within this coming summer, then that regulation would mean anything above, what is it, Ketchikan (ph), would be open for subsistence users for the first five days or four days and then after that it's open season for everybody in the state.

6

7 And that's all I have to testify, that I'd like to see it just stay there because the reason being that navigable waters may be resolved this year, but if this proposal is taken out now, it'll be harder than hell to put it back in later.

11

12 MR. HAROLD HUNTINGTON: Thank you, Stan. Sharon.

13

14 MS. GURTLER-STRICK: Could I ask you a question, Stan?

15

16 MR. STAN HUNTINGTON: Yeah.

17

18 MS. GURTLER-STRICK: If we have questions tomorrow when we debate this, if you're not going to be here is there someone who could speak for you?

21

22 MR. STAN HUNTINGTON: I don't know, I don't like nobody speak for me. They may put words in my mouth. No, -- if there's a teleconference I might be able to -- if I get time and I could get by phone during that time. What time that teleconference going to be scheduled for?

27

28 MR. JAMES: After lunch, 1:20, give or take a few minutes. A point here, though, if the Council Members have any specific questions right now, it would certainly be appropriate to ask them. It may not be as convenient as when you're deliberating on it, but there's no reason why you can't get more information from Stan if you want to.

34

35 MR. SIDNEY HUNTINGTON: The teleconference, are we going to be able to hear that or is it going to be quiet thing, like going on now. No answer, huh?

38

39 (General laughter)

40

41 MR. POLLOCK SIMON, SR: I just have one comment, was told me when I was talking with Clara Tupman (ph) (indiscernible) two or three years, you know, we want the open season.

45

46 MR. STAN HUNTINGTON: Yeah, I think it good for the people around Koyukuk and Allakaket too. Like I said, I didn't make it for myself, you know, I have a big boat and motor and there's a lot of people around the Galena area that have a big

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boat and motors and they can stay out for one week at time, burn the gas, but then you get a lot of smaller rigs around here, it's not really that way.

4

5 MR. SIDNEY HUNTINGTON: Well, as far as I'm concerned the people in Allakaket (indiscernible) I don't think they have a problem getting moose anytime they want them. I have real problems to say that, you know, we have a real -- we're in jeopardy of losing something when we advocate, you know, -- I don't mind a four day opening, you know, but we'll have to suffer the consequences. We have all kinds of seasons like that.

13

14 But I don't think I should jeopardize the State of Alaska for wildlife resources subsistence use primarily for the rest of the years to come, our grand children, stuff like that, just because we advocate that moose would have -- opened it for navigable waters by the Federal Government that would allow for four days of hunting, I don't think that's asking -- we're giving away too much for nothing, just because of these concerns (ph).

22

23 I think that we all harvest resources. We got to bite the bullet one in a while, one of these days there's going to be no damn resources if we don't watch out because we're not taking care of the wolves and stuff in some areas. And the other thing is we got to bite the bullet, we have to suffer a little bit to be able get there. Years ago people had no game on this Koyukuk River and they suffered days and days without meat, we had salmons and everything else like that outfit (ph) that you're talking about. And yet to go back and say, yeah, let's somebody else run the show for us, you know, as long as we get -- it's like asking for welfare, for Christ's sake.

34

35 We don't want to do that, we want to have something to say in the management of our wildlife resources. We want to use good common sense and that's a damn scarce item anymore. Everybody is looking for somebody to give them something. Lots of people -- there's a guy from out of the Yukon, we go a little farther (indiscernible) hunt how many moose for how many years till you get that moose.

42

43 The other day when I was up in the home town of Huslia, who comes by to congratulate me for making a proposal like that? It's everybody on the Lower Yukon, Harry Wiley (ph) and Tom Jansen, they both congratulate me for making that proposal. They said now we got lots of moose, we ought to put aatorium on the, close completely (ph). This are the boys (ph) we got to fight and if we want to kill a moose, like

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Eddie Hilderbrand (ph), he went out there and got three moose last fall before he and his two kids, (indiscernible) police department miles back in the woods.

4

5 (Indiscernible) have to go back and get them. We can't load them in the boat or nothing, too late to get them on the bar (ph), they have to do a little bit of something for themselves. Just because a man is old he wants somebody else kill them or have to kill them, that's a lot of B.S. too. Let's do some work and let's preserve these resources, not go look for the easy way out. And ask the Federals to manage our wildlife and rivers and everything else.

13

14 I might want to go out prospecting and mining up the (indiscernible) or the Koyukuk River -- (indiscernible) for mining gold. If I had nothing to do I'd be up there working those places, but we have navigable waters (indiscernible). Same with wanting to harvest timber off the Koyukuk River, what do we want to get back out of that? We ain't going to get no lumber. We got to remember those things.

21

22 If it came to the wildlife, take a moose in the four days (indiscernible). I got no problem with opening the season the way it is right now. A person takes care of himself, you're supposed to watch yourself. I'm not paid \$500.00 -- I paid a \$500.00 fine last summer because I didn't know the fishing season had closed. I had the regulations, too, when it open and closed, they came along and fined my wife and I \$900.00 a piece 'cause we were fishing illegally. I didn't do anything wrong, but then anyway I had to pay \$500.00. I didn't do nothing wrong though.

32

33 But that's the way she goes, that's what they told me anyway. And so we got to learn to take care of ourselves a little bit. And not go having to have navigable waters run by the Federal government, they took enough of Alaska from me already and I don't take no more. After I'm gone they can have all, I guess.

39

40 MR. HAROLD HUNTINGTON: So are we about done with testimony for navigable waters now? Any more questions? We can get on with our agenda again. I guess you want to start on the status of the '92 Annual Report now or do you want to start that tomorrow? It's going to take a while it looks like. If it's okay with the Council, maybe we could move on to D, "Mean High Water Mark" definition.

47

48 MR. JAMES: Mr. Chair.

49

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1 MR. HAROLD HUNTINGTON: Yes.

2

3 MR. JAMES: This was also another subject that Koyukuk
4 Tribal Council requested to listen in on with the
5 teleconference in the morning, 9:15.

6

7 MR. HAROLD HUNTINGTON: Well, what does the other
8 Council Members have in mind then? Want to keep on going with
9 the meeting or adjourn for the night?

10

11 MR. REAKOFF: Mr. Chairman.

12

13 MR. HAROLD HUNTINGTON: Jack.

14

15 MR. REAKOFF: I make a motion that we adjourn for the
16 evening as interested parties are wanting to participate with
17 the agenda, so I make a motion for adjournment until 9:00 a.m.
18 tomorrow.

19

20 MR. HAROLD HUNTINGTON: It's been moved to adjourn till
21 tomorrow.

22

23 MS. GURTLER-STRICK: Second.

24

25 MR. HAROLD HUNTINGTON: It's been moved and seconded to
26 adjourn. All in favor signify by saying aye.

27

28 (Ayes respond)

29

30 MR. HAROLD HUNTINGTON: All opposed same sign.

31

32 (No responses)

33

34 MR. HAROLD HUNTINGTON: We have adjournment or recess
35 till 8:30.

36

37 (Off record)

38

39 (TO BE CONTINUED)

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STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and Reporter for R&R Court Reporters, Inc., do hereby certify:

THAT the foregoing pages numbered 02 through 37 contain a full, true and correct Transcript of the Western Interior Regional Subsistence Advisory Council meeting taken electronically by me on the 2nd day of March, 1994, beginning at the hour of 7:00 o'clock p.m. at the Gana-a' Yoo Conference Room, Galena, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by me to the best of my knowledge and ability;

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

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