

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

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COUNCIL MEMBERS PRESENT:

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- ~~Mr.~~ Harold Huntington, Chairman
 - ~~Mr.~~ Pollock Simon, Sr., Vice Chairman
 - ~~Mr.~~ Raymond L. Collins, Secretary
 - ~~Ms.~~ Sharon Gurtler-Strick
 - ~~Mr.~~ Jack L. Reakoff
 - ~~Mr.~~ Franklin Simon
 - ~~Ms.~~ Angela O. Demientieff
 - ~~Mr.~~ Phillip A. Graham
- 16
- ~~Mr.~~ David James, Regional Coordinator

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P R O C E E D I N G S

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2 MR. HAROLD HUNTINGTON: Good morning, everybody. I'll
3 call the meeting back to order, the Western Interior Regional
4 Council. And is there any announcements this morning you'd
5 like to make before we get started?
6
7 MR. JAMES: I have none, Mr. Chair.
8
9 MR. HAROLD HUNTINGTON: Okay. Okay. We'll get back to
10 our agenda on the status of 1993 annual report.
11
12 MR. JAMES: Mr. Chair, each of you on the Council has a
13 copy of the annual report that came out of last fall's meeting.
14 As you recall, the time between your meeting and the deadline
15 for the report was very short, and the Council elected to do an
16 abbreviated report, in essence a two-page letter. And it was
17 decided to -- excuse me, a three-page letter. It was decided
18 to simply highlight the issues that had been identified at last
19 fall's meeting, and it was also done to express I think a good
20 faith effort to the Subsistence Management Program that the
21 Council was taking this all seriously, and wanted to develop,
22 you know, a basis for future reports.
23
24 The items that were covered in the report you see are
25 some Village moose quota, federal management of navigable
26 waters, mean high water, or what we've come to realize is more
27 properly called ordinary high water mark, customary and
28 additional determinations for military installations in rural
29 areas and the Dalton Highway Corridor, the difficulty of
30 identifying land ownership boundaries, appointment authority
31 for national park subsistence resource commissions, council
32 representation for the Aniakchak area.
33
34 Well, there's been no official response to this report
35 yet. Each of these topics, however, is -- will be covered in
36 this meeting or we have already covered it as you can see. The
37 some Village thing, for instance, will be the point of a
38 lengthy discussion this afternoon when we look at those
39 regulation proposals. Federal management of navigable waters
40 we talked about last night, And I think if you go down through
41 the report and compare that to the agenda, we're going to be
42 dealing with these things during this meeting.
43
44 And other than that, I have nothing else to add about
45 the annual report at this time. Now, if there is some follow
46 up or discussion wants to do right now, we could certainly do
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MR. HAROLD HUNTINGTON: That's just up for review now?
 1 We don't have to approve it or anything?

2

3 MR. JAMES: No. No, I just wanted to include it under
 4 old business to keep you appraised of what's going on with
 5 this. We will be discussing later in the meeting the
 6 preparations necessary for the 1994 annual report, but like I
 7 say, the topics of this one are -- we're going to be talking
 8 about them for the rest of the meeting anyway. So no specific
 9 action is required on this.

10

11 MR. HAROLD HUNTINGTON: Is there any other question
 12 from the Council members on the annual report? Seeing none,
 13 we'll get on with the next item on the agenda, ordinary high
 14 water mark definition.

15

16 MR. JAMES: Mr. Chair, a suggestion. That is the topic
 17 that the station in Koyukuk wanted to participate in, or at
 18 least listen to. And also I was asked when I established
 19 contact with them this morning if they could get a brief review
 20 of summary of what took place in our discussion last night on
 21 the navigable waters issue, and I would be glad to do that now,
 22 if

23

24 MR. HAROLD HUNTINGTON: Okay.

25

26 MR. JAMES: that's acceptable?

27

28 MR. HAROLD HUNTINGTON: Yeah, that would be okay. Go
 29 right ahead.

30

31 MR. JAMES: Okay. Let me check here. First of all,
 32 Koyukuk, are you still with us? Lori Lolmitz, are you there?

33

34 MS. LOLMITZ: Yeah.

35

36 MR. JAMES: Okay. Thank you. What I'm going to do is
 37 try to summarize briefly what was reviewed yesterday on the
 38 navigable waters issue to bring you up to date. Last fall this
 39 Council sent a letter to Secretary Bruce Babbitt, requesting
 40 that the Federal subsistence management authority be extended
 41 to navigable waters. The Council made this request because the
 42 current Federal subsistence management program has two serious
 43 flaws: Fishing is not included, and this makes no sense,,
 44 because fishing is an important part of subsistence; and,
 45 second, hunting, and in particular moose hunting is very
 46 difficult to do legally where rivers, which are under State
 47 authority are surrounded by Federal lands which are under
 48 Federal management authority.

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1 The Office of the Secretary acknowledged receipt of the
2 Council's letter, but that letter did not have -- the
3 Secretary's letter did not have any explanation of what the
4 Secretary was going to do about it.

5
6 We do have some information that we can share, however,
7 on that subject. Currently there's still no official statement
8 from the Secretary of the Interior to this Council or to any of
9 the other councils in Alaska. However, the Federal Office of
10 Subsistence Management here in Alaska has been directed to do
11 the planning necessary for Federal take-over of subsistence
12 management on navigable waters, if that should occur.

13
14 During the past week, the Secretary of the Interior has
15 made some statements in the press, and before a Congressional
16 committee. These statements seem to indicate that the Federal
17 take over of navigable water is only a matter of time. When
18 Senator Murkowski asked Secretary Babbitt when this would
19 happen, the Secretary said it would not happen next month,
20 which I guess means March.

21
22 Also, there's the judicial question concerning the
23 navigable waters issue. There are two cases in Federal Court.
24 One of them has been in the press most recently, and it's the
25 concerns the argument about Federal subsistence management
26 of navigable waters. Judge Holland published a preliminary
27 judgment in favor of Federal management of navigable waters.
28 He's scheduled to hear final, or at least further oral
29 arguments on that subject this month.

30
31 The second argument is about the entire Federal
32 subsistence management program. Judge Holland in the past has
33 seemed to favor the Federal program, although most recently his
34 written statements seem to favor the State program, which would
35 result in the elimination of the Federal management -- the
36 Federal subsistence management program.

37
38 I've asked, if it's necessary, Sue Detwiler could
39 correct me if I've said anything that's too far off base, or if
40 I've left an important point out. Is she indicating
41 affirmative?

42
43 MS. DETWILER: No.

44
45 MR. JAMES: I've done okay?

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47 MS. DETWILER: No, that covers it pretty well I think.

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MR. JAMES: Okay. All right. That's all I had to say on that subject. So, I guess if I can speak to Lori, Lori Lolmitz in Koyukuk, if -- having heard that, you or the -- any other people listening, if you wish to ask or direct any questions to the Council, now would be the time.

MS. LOLMITZ: I didn't really have any questions. I just wanted to get updated on this and kind of follow along on the agenda. And every now and then you keep getting cut off.

MR. JAMES: Well, if you miss anything because you were cut out of it, then let us know. Just speak up and we'll repeat it.

MS. LOLMITZ: Okay.

MR. HAROLD HUNTINGTON: About ready to move on, Dave?

MR. JAMES: Yes, that's all I had.

MR. HAROLD HUNTINGTON: Okay. Well, we'll get back on the ordinary high water mark definition.

MR. JAMES: Mr. Chair, that's section eight in your binder.

MS. LOLMITZ: Are you going down your agenda now to the 9:25 a.m. item?

MR. JAMES: Lori, we're actually starting now the 9:15 item.

MS. LOLMITZ: Okay. All right.

MR. JAMES: Mr. Chair, at last fall's meeting, the Council got into a long discussion about the difficulty in identifying State and Federal boundaries as they pertain to river areas going through Federal lands, and it became apparent during that discussion that no one had a definition for what we were calling "mean high water" at that time. So the staff -- you -- the Council asked the staff to provide a definition, and primarily through the efforts of Bill Knauer who solicited this information from BLM, we came up with this -- these items that you have in your binder here. The title of it is "Ordinary High Water Mark," and the second page is the definition of ordinary high water mark.

Now, BLM provided Bill with much more material than this. It was a several-page thick document, which was

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essentially I think a judicial history of the development of where this definition is at this time. I don't want to oversell this. All I could say is this was the best definition of ordinary high water mark that we could come up with.

4

5 In an ideal world, this definition would be agreed to by the Federal Government and by the State Government. If that were the case, I think if you read through this, you would see that I think it would be possible to come up with very workable definitions for field use. However, realistically, the political climate is such, and the arguments going on about this definition are such that we should not take any definition that we come up with for granted and simply try to apply it out in the field. What I'm saying is if a hunter is out hunting along the Koyukuk within the Refuge, shoots a moose that's close to the water, there's still a good chance that that person would be cited by law enforcement officials. That's what I think.

18

19 So I'm afraid it's not a very satisfactory solution or conclusion to your earlier discussions, but all I'm saying is that's where we're at right now.

22

23 MR. OSBORNE: I would like to ask a question.

24

25 MR. JAMES: Harold? Mr. Chair, there's a question in the audience.

27

28 MR. HAROLD HUNTINGTON: A question? A question, Tim?

29

30 MR. OSBORNE: Could you read that for the audience, please? That definition?

32

33 COURT REPORTER: And you are who, sir?

34

35 MR. OSBORNE: Tim Osborne.

36

37 COURT REPORTER: Thank you.

38

39 MR. JAMES: I'd be glad to, Mr.?

40

41 MR. HAROLD HUNTINGTON: Yeah, go ahead, Dave.

42

43 MR. JAMES: Okay. The ordinary high water mark of a body of water refers to an observable physical mark caused by the action of water upon the water body's banks. It is the mark at which the bed of the water body ceases. The bed of the water body is where the soil is so usually covered by water that it prevents the growth of upland vegetation and destroys

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the soil's value for any agriculture purposes. The ordinary high water marks then is the location where the presence and action of water are so common and usual, and so long continued in all ordinary years, that the water marks upon the soil of the bed a character distinct from that of the banks.

5

6 For vegetation, this mark is that at which the growth of upland vegetation. For soil, is where the character of the soil of the bed differs from that of the upland.

9

10 Ordinary high water of a water body does not take in the overflowed land beyond the bank, nor does it include swamps or low grounds liable to be overflowed, but which would be -- could be reclaimed for agriculture purposes.

14

15 That statement, Mr. Chair, is essentially a summary of much more lengthy descriptions that was provided by BLM is the way I understand it.

18

19 MR. KNAUER: (Nods head in affirmative)

20

21 MR. JAMES: I get an affirmative from Bill Knauer, who got this from BLM.

23

24 MR. HAROLD HUNTINGTON: Do you have a question?

25

26 MR. TAYLOR: Yes, Mr. Chair. I'm Ken Taylor. I was wondering, since I haven't been part of this prior to last night, if you had looked at the Alaska Supreme Court definition of ordinary high water mark? They had considered ordinary high water in a court case here, and come up with a definition that's very close to what you're talking about here. But I don't know whether you guys looked at that in formulating your draft definition or not. I have a copy of it with me, if you'd like to see it.

35

36 MR. HAROLD HUNTINGTON: Would you like to see it?

37

38 MR. JAMES: I don't know. Maybe if Bill Knauer could address this and let us know. It's -- essentially this is what BLM provided us. And to the degree in which they incorporated things from the State Supreme Court, I have no idea, Ken. I really don't. But if you've got copies of that, perhaps the Council would like to have it for a reference anyway.

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45 Is that a speaker there?

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47 COURT REPORTER: That's a speaker, but it doesn't pick up everybody in the room.

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1 MR. JAMES: I mean, what he's trying to get, what's
going through that mike.

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4 COURT REPORTER: Oh, okay. That's fine. Then that's
the speaker right there.

6
7 MR. JAMES: Yeah, put it

8
9 MR. HAROLD HUNTINGTON: Is that it?

10
11 MR. JAMES: Yeah, I put it under that. Sorry.

12
13 MR. HAROLD HUNTINGTON: I've got to try to see if I can
hear you guys. You have this nice voice, and I don't

15
16 MR. JAMES: Well, we'll make that part of the record,
Mr. Chair, and also maybe at a break we can get some copies
made for the Council.

19
20 Mr. Chair, to conclude, I had no illusions that this
was going to solve any kind of problems or really answer the
basic question,

23
24 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

25
26 MR. JAMES: but I wanted to -- we wanted to try
to provide you with something in response to your request of
the last meeting. It's very complicated and controversial, so
that's where it stands.

30
31 MR. COLLINS: Mr. Chairman, if we're trying to get a
definition put out that people could use, they're probably
going to need more like -- it talks about upland vegetation.
What is that? Is that the willows you see on a bar or not? Is
that -- or is it not? When you travel the rivers, you can see
where the water normally comes up, and it will come up and
there will be little willows come up, but they don't grow
there, but what about back on the bar where the willows are of
larger size? Is that or is it not in the

40
41 MR. REAKOFF: On the next page here, it has another --
42 has basically the same thing, but in the middle of that
paragraph it says, "It is the lands -- it is the land upon
which the waters have visibly asserted their domination, and
does not extend to or include that upon which grasses, shrubs
and trees grow." So that it's my impression of what this is
saying is that they're upland vegetation as any kind of grass
or a willow or anything like that. And water vegetation is

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like weeds and -- I mean, like seaweed and stuff that grows in the water.

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3 Is that the State's -- Ken, is that what your
4 definitions or this court definition, is it going along with
5 what we're reading here?

6

7 MR. TAYLOR: Yes, Mr. Chair, it's fairly close. One of
8 the things that I think you should be aware of, the
9 navigability issue is something that has been a problem for
10 many years, ever since actually statehood, and certainly since
11 the Alaska Native Claims Settlement Act. The navigability and
12 the State's submerged lands, all those issues were really in
13 the forefront when the native corporations were making their
14 selections, the State was making theirs, and the Federal
15 Government was making theirs for the different conservation
16 units.

17

18 After several years of negotiation between the State
19 and Federal Government and native corporations, in 1983 the
20 State of Alaska, the U.S. Department of the Interior, the
21 Alaska Federation of Natives agreed that standard rules of
22 survey should be followed for land conveyances in Alaska. And
23 the effect of that decision was to treat Alaska surveys and
24 land conveyances like Federal land surveys and conveyances in
25 other states. So this whole navigability issue and how that
26 affects land status is something that is of a national concern,
27 and not something that is going to be very easy to come up with
28 a definition on your own to impose on the rest of the country.

29

30 I think there have been countless court cases involved
31 in navigability. It's a highly complicated problem and that in
32 order to deal with it, you should probably work with
33 definitions that have already gone through the court and
34 judicial process and look at it from that point of view.

35

36 One other thing that I wanted to mention on the
37 judicial process is that the navigability issue that's in court
38 right now under the Katie John portion of Judge Holland's
39 decision is strictly a fisheries issue, and it has nothing to
40 do with changing any of the rules or regulations regarding
41 moose hunting on navigable waters in conservation units.
42 That's something that's not part of the judicial question, it's
43 part of the other thing that you were talking about. So make
44 sure you keep that distinction in mind. Nothing that comes out
45 of Judge Holland's decision is going to change one way or the
46 other what happens with moose hunting along navigable waters.
47 And that's about all I had to say on that.

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MR. REAKOFF: Mr. Chairman?

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MR. HAROLD HUNTINGTON: Yeah, Jack?

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MR. REAKOFF: This -- Ken just told us we should go by past court cases, and our second document here is a definition of ordinary high water mark, the U.S. -- what is it, 101 Ranch, et al, versus the U.S. and the State of North Dakota. And what was this a decision that the courts have made down in the South in North Dakota or -- ? And is this a definition that the courts in North Dakota have defined? I guess somebody in the BLM would know, if this was -- if this is what the judge had defined the high water mark as, or what -- whose definition was this, or was this the U.S.'s definition or

14

15

MR. JAMES: Mr. Chair, it's my understanding that these are from past court cases. There was more than one. This was a short one that seemed to be fairly inclusive, so I copied it instead of the whole thick packet. But this is a series of court cases, court decisions, and then, you know, that the first page was developed from that. That's my understanding, I'm not a lawyer.

22

23

MR. HAROLD HUNTINGTON: Is there any other discussion of the ordinary high water mark definition? Well, seeing none, we'll get on with our agenda, getting down to the policy on distribution of meeting transcript.

27

28

MR. JAMES: Mr. Chair, I might first of all ask Lori Lolmitz in Koyukuk if she or anyone else there had any questions or comments on the navigable waters issue?

31

32

MS. LOLMITZ: No, I don't have any questions. My only concern is I guess I didn't -- couldn't hear the comment very well from the other members of the meeting. Maybe they're not close to the microphone or something, but, no, I don't have any comments.

37

38

MR. JAMES: Okay. Lori, we're now starting on the item that's listed as 9:25, so if you'd like to continue listening, that's fine, or otherwise I'll make contact with you again -- well, actually the operator will make contact with you after lunch at 1:20.

43

44

MS. LOLMITZ: Okay, yeah. I'd like to make a couple of comments under your public testimony, just for something that maybe we think about. I don't know if any of your members would bring it up, but I want to be getting off the conference here in a minute or so. I just wanted to mention that during one of

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our meetings, your chair person, Harold Huntington was concerned about the Federal Subsistence Board budget, and I was wondering if he wasn't going to talk about this at any time during this meeting.

4

5 And then the other concern I had was a proposal that I came across on the Alaska Board of Game, a proposal in here for the -- for the 1994 proposal package, and it's Proposal Number 833. I don't know if you have the package there with you, but I wanted to see if it would come up for discussion. It's a concern for our unit. And it's page 99 of that packet.

11

12 MR. JAMES: Excuse me, Lori, is it

13

14 MS. LOLMITZ: Yeah?

15

16 MR. JAMES: Are those proposals to the State Board of Game?

18

19 MS. LOLMITZ: Yeah.

20

21 MR. JAMES: Yeah. We don't have those at this meeting. This meeting is

23

24 MS. LOLMITZ: You don't add them to your meetings?

25

26 MR. JAMES: No. See, this is the Federal -- these recommendations that come from this Council address the Federal Subsistence Proposals, and they do not

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30 MS. LOLMITZ: Okay.

31

32 MR. JAMES: specifically address those for

33

34 MS. LOLMITZ: All right.

35

36 MR. JAMES: the game board.

37

38 MS. LOLMITZ: Okay. Then I hope at some point you discuss this Federal Subsistence Board budget during this meeting. As I said, I have to get off the phone now, and thanks for letting me listen in, and I'll see you around 1:20.

42

43 MR. JAMES: Okay. Thank you.

44

45 Mr. Chair, the item on policy on distribution of meeting transcripts is very brief. I just -- we could establish a policy if you'd like that the three officers of the Council will automatically get transcripts of the meeting.

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When they're available, we'll just -- I'll just send them out to you. The rest of the Council members, if you want to have a copy of the transcripts, let me know, and I can get a copy out to you, too. But rather than send it out to everybody automatically, there -- you know, it's a lot of paper, it's a lot of copying, and some expense, so unless you really want it, I don't want to waste time or your time doing it. So if that's fine with the Council, I'll just assume that's the policy.

8

9 MR. HAROLD HUNTINGTON: Do you want that in the form of a motion, or anything?

11

12 MR. JAMES: Not necessary.

13

14 MR. HAROLD HUNTINGTON: Okay. Okay. I guess it's okay with the Council to

16

17 UNIDENTIFIED: As long as we get a copy of the minutes.

18

19 MR. HAROLD HUNTINGTON: Yeah. Oh, well, the minutes, everybody gets the minutes. It's just -- Well, we're getting down to new business. Public testimony.

22

23 MR. JAMES: Mr. Chair, the public testimony doesn't have to be right now. I just threw that in just to -- a reminder to the Council to check with the audience, but otherwise we could proceed on from there.

27

28 MR. ROGER HUNTINGTON: Well, I'd like to give public testimony.

30

31 MR. HAROLD HUNTINGTON: Okay. Roger, you've got the mike.

33

34 MR. ROGER HUNTINGTON: Good morning. My name is Roger Huntington. I live in Galena here. I'm an Alaska native, and also a subsistence user. Thanks for giving me this opportunity to address you. As you know, many of you know, I'm on the Alaska Game Board as well.

39

40 And the proposal that you're -- that I was particularly interested in wasn't going to be discussed until about two, three p.m. or so, which is Proposal One. But more in general, I'd like to give an impression of my concerns as an overview, and addressing all proposals that incorporate some principles that are being adopted in handling methods and means of taking bearers or any other animals by subsistence users. And Proposal One addresses some very key points in this area.

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As many of you know, I'm a pilot. I trap and hunt with an airplane. Not from an airplane, but using an airplane. And I know of others who do that, have done that as well. I've got a history of getting a few wolves. Land and shoot. And now I trap, and I walk away from the airplane, and in the past and I still do that today.

6

7 Getting onto page four of the proposal, under the analysis I guess, the primary concern that I'm worried about in the long run is the direction we're heading in developing policy at both the State and the Federal Level. As you know, we're receiving an onslaught of Lower 48 mentality on how animals in Alaska or other parts of the world should be or should not be killed. More in line, and there's growing concern that these animals should not be killed for any purpose at all. That's the mentality that's now governing and gaining foothold in the management of our consumptive use of all species of animals, including fish. And as that continues to gain more foothold, the bigger -- we give them a little more and then they want some more restrictions.

20

21 I look at it here as a long-range plan by those various groups to do without all sorts of killing of any animals. I can see them replacing the word aircraft in here with snow machines next. You think about it. It's going to happen. As being a member of the Game Board, there were proposals last -- at our last meeting to look at designing regulations to allow taking of animals with snow machines. After some discussion we dared not attack it. We dared not try to discuss it, because it would bring to the table, to the forefront, and to the public and to those animal -- those people down in the Lower 48 and from throughout the world who knows best for us, to bring the attention of them and bring an onslaught of attack against the use of snow machines on public lands. And you look at those lands over there. Most of the land that's within your jurisdiction today is the best hunting grounds, is the best subsistence grounds available, you know. And that momentum that's going there is going to hit snow machines. It -- We bought some time by not -- the State Game Board bought some time by not discussing it or bringing it up at that particular time, but it's going to happen.

41

42 And as soon as this -- these laws like this get on the books, where it says on page four, the last paragraph, the same-day-airborne regulations invite potential abuse, okay, of Federal regulations providing -- prohibiting harassment in taking of wildlife, or taking of wildlife. Invites potential abuse, you know, that's the motivation for -- it's a poor excuse to design a regulation. I mean, you can -- if you use

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that principle to design regulations at all levels of live, we'd have endless volumes of laws, more than we have now. I mean, we have hundreds more than we need right now.

3

4 More to the point though, when you go to the conclusion
5 here, this -- the meat of this, this proposal would provide
6 additional subsistence harvest opportunity. Okay. As minimum
7 as it is, there -- it invites -- I mean, it provides additional
8 subsistence opportunity, and that -- there's -- to airplane
9 owners, there are, you know, if you don't allow that
10 opportunity for harvest, then you take it away. Proposal One
11 maintains that opportunity.

12

13 And then it goes down there, more over, there is no
14 compelling biological or socio-cultural reason for rejecting
15 this proposal. Okay. Those are key points right there.

16

17 There's one -- there's two words there I'd like to pay
18 a little close attention to there in that conclusion as well.
19 And the two words are "sufficiently abundant". Species
20 affected by the proposed regulation are sufficiently abundant
21 to sustain the resulting increased harvest that may result. I
22 want to bring that out, because when you make a regulation to
23 not allow something, whether it be means of a boat or a snow
24 machine, in this case an aircraft, and then at a time when the
25 animals are not sufficiently abundant, then you take that --
26 you make a restriction on that, the use of that facility. And
27 then if you have a turn-around in the abundance, the
28 availability of species, and then you're not going to get it
29 back on the books. Politically -- you're politically hamstrung
30 by bringing it on the books, allowing it again by this momentum
31 of guys and animal lovers. We love animals, too. I mean,
32 we're one of the greatest animal lovers in this part of the
33 country, and you can testify to that yourself. But you're not
34 going to be able to take it away.

35

36 There is a means to regulate that besides you
37 restricting the use the use of vehicles or whatever. It's the
38 bag limits, you know. That's the only thing that should be
39 governing, the bag limit and seasons, the length of the season
40 and how many animals, but the method of using it, the method of
41 killing, the method of using equipment shouldn't be a factor.

42

43 And then down in the last part there, in the last
44 paragraph, generally the way I read it, sets the tone of how
45 the writer sees it, and it's kind of passive in a sense. He
46 can't make no recommendation.

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48 And I don't know what -- fully what your

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authority is in the scenario of how do you influence the primary Subsistence Board, the operation of it, but I appeal to you to maintain or adopt Proposal One, or recommend the adoption of Proposal One to the -- up to the upper echelon, because it does threaten other activities down the road. And you can see it now. Just substitute the word aircraft with snow machines, and you'll be here in a few year talking about snow machines, and

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9 That's basically all I had to say about the means. In general, the proposals before you, I like them in the sense that they align themselves with the State regulations, or they align together anyway to minimize confusion by anyone who -- wishing, you know, to hunt on federal lands that are adjacent to State lands and maybe have conflict trying to identify which 15 which. I know that's been trouble in the recent seasons since there's been two management schemes.

17

18 With that, I just want to thank you for listening to me. And the reason why I wanted to testify at this time is because 2:00 is an inconvenient time for me.

21

22 MR. HAROLD HUNTINGTON: Thank you, Roger.

23

24 MR. COLLINS: Mr. Chairman, could we have a question?

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26 MR. HAROLD HUNTINGTON: You have a question, Ray?

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28 MR. COLLINS: Since you're not going to be here, Roger, could you clarify on that 56? Are you in favor of the proposal or not? That's the one that deals with eliminating that early hunt on Federal land.

32

33 MR. ROGER HUNTINGTON: On the first four days?

34

35 MR. COLLINS: Yeah, the first four days. Or do you have a position? I don't want to put you on the spot necessarily.

38

39 MR. ROGER HUNTINGTON: Well, I'm not in favor of it right off, because of the confusion factor. And other than that, I have no -- There's plenty of opportunity within 20 days for a person wanting and willing to get a moose in the State's 40 days.

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45 MR. COLLINS: Um-hum. (Affirmative) Thank you.

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47 MR. ROGER HUNTINGTON: Thank you again.

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MR. HAROLD HUNTINGTON: Is there anybody else want to
make testimony here as long as you have the opportunity?

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MR. GILBERT HUNTINGTON: I would.

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MR. HAROLD HUNTINGTON: Gilbert?

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MR. GILBERT HUNTINGTON: I haven't had much opportunity
to look over the proposals here, but I do want to say something
about your Council here. And I heard maybe someone was coming
up a proposal to -- for the Department of Interior or the
Federal Government, or whatever, to take over the navigable
waters, and I don't see it here. I don't know where this
thought came from.

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MR. JAMES: Mr. Chair?

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MR. HAROLD HUNTINGTON: Yeah, Dave?

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MR. JAMES: Gilbert, just to clarify that for you.
That's not in the proposal booklet. It was simply a
recommendation that the Council made in letter form to the
Secretary of the Interior from their last meeting. So it's a
real thing, you know, it's not a rumor. They did make that
recommendation, but it's not in the proposal booklet.

25

26

MR. GILBERT HUNTINGTON: Okay. Good. Thank you. But
just wanted to speak out against that, you know. I don't
know if you guys realize it, but when we're talking the Federal
Government, we're talking about who's really running the show,
you know, we're talking about somebody from Washington, D.C.
The environmentalists is the big thing nowadays, and when it --
when they see you out there in the country, practically
everything I do out there in the country, I'm breaking the law.
Running over trees, and shooting animals that look too pretty
to somebody, and, you know, it's -- according to the Federal
regulations, I read it sometime this past winter that you're
not supposed to drive a three-wheeler around the Federal -- I
don't understand this part, Fish and Wildlife Refuge or
something, I think. And the next thing, they'll be pulling
that on the navigable waters. You can shoot moose two miles
back on the lake, and you can't drive your three-wheeler and go
get it. There ain't nothing wrong with that.

43

44

You know, you've got to watch out who you're dealing
with there, you know. The way I look at it, it's the people
that's running the show, the Fish and Wildlife Refuge, they're
just they same people that took over this whole country in the
first place. That's their kids you're dealing with. They've

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been killing Indians and natives for how long? And they're still doing. They gladly pay you for a Native woman to have abortions. They're killing Indians no matter which way you look at it. You've got to watch out for these people. I mean, they're -- that's the way they think. It's cheaper to get rid of Indians than to put up with them. And you watch out, every time you look around, they don't want you out in the country. You can bet right now they're documenting every doggone move anybody's making out in the Refuge right now. You see Natives out there, they won't -- they're gladly saying no people out there using the country. Ten years from now, they all would be down on paper. Nobody using the country. Nobody using the country. They didn't give them the countries. The next thing they say, you don't need it, you haven't been using it. They're living on welfare or food stamps, or whatever else is out there. That's the kind of people you're dealing with. They'll just stab you in the back every chance they get. They even stab each other in the back, the way I look at it. We got to had a guy here running the show, I don't even remember his name now. He gladly let people out there and make a living, whatever way you want. Make a living with the land. What did they do? They get rid of him. You can't have nobody, no people out there making their living. We've got to have this country for people to look at, animals there to look at, take pictures of. That's the way I look at it. They're a bunch of backstabbing people. They have been for the last 200 years and they're going to continue to do it. If they ain't going to stab themselves in the back, they're going to stab you in the back. Now, always remember that when you're dealing with them, you don't know. If you're trying to sign on with them, they'll gladly do it. They want to run the show. They -- these people here in the Refuge, they ain't running the show. There's somebody else down who never even seen the country running the show. They're just little puppets, the way I look at it, these people here in the refuge office, and any other refuge office. You've got somebody somewhere else pulling their strings. They don't like the way they act, and hanging onto that string, they're going to pull that string, get them the hell out of the country. That's the way they operate. And, you know, I really feel bad for the people in this area, in this region. Because I know it. This past winter I've been out there, and covered a lot of miles on a snow machine a lot of country, and there's nobody out there. And they were happy. These people are happy. They're -- the next think you know, they'll have it for themselves. That the way they look at it, for somebody sniffing flowers, and taking pictures of animals, and they don't want to see you have a wolf ruff around your neck or anything. They don't want to see that. So you've got to be careful the way and who you're dealing with there. Watch out

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who the heck you're signing on with. At least with the State Government, we can holler, and at least maybe they'll hear us down in Juneau, and they might not listen, but they hear us maybe. I don't know about this Federal Government thing.

4

5 And there's one proposal there I do know a little bit about. You know, this State coming up with all kinds of proposals. They're trying to snap you back in line to their regulations. You're kind of a pain in the ass to them. The way it is, it's a pain in the butt to us, too. But, you know, this idea of earlier or later regulations may or may not be the best thing to do, but you got to remember that if you think it is the right thing to do, just because the State come up with all kinds of regulations that they think -- things to do, and it may be time for you to come up what proposals to the State to change their regulations.

16

17 Let's see. You know, on this -- my brother was talking about earlier in this -- let me see if -- oh, trapping. There's a good one there. Last year I really think about it just about every day when I'm out there. You know, last year there was a couple of people up here tracking down wolves with snow machines. Wolves is so damn tame, now there's so many of them out there, you don't even have to track them. They're running right in for you it seemed like. But that's illegal. You can't follow those wolves with no snow machine or nothing. That's illegal as shit. And you -- It don't matter to them if they were getting wolf skins for potlatch or nothing. That's breaking the law, you're harassing that animal. The native way for all these -- since I ever moved, you provide for your family the best, the quickest, the easiest and the most convenient way you know how. That's the Native way. That's the way I was taught. And if it means tracking down wolves with snow machine, you do it. That's the way you provide for your family, that's the thing to do. There they are coming around, and they're going to stab you in back, shove that thing a little further in, going to cut you off from snow machines. The next thing you know, it will be illegal to drive a snow machine on the Refuge. You've got to walk out there with snowshoes. Don't disturb the trees and the beautiful bushes. You've got to watch out for these people. That's the way I look at it. There ain't no difference between no airplane and no snow machine, or four-wheeler or nothing, the way these people look. That's just a stepping stone.

44

45 I don't know about no harvest limits. Never even do that with the harvest limit I want. Let me look at them. Ten for wolf? Who's coming up with this? Department of Fish and Game. There's no reason for that. A person should be able to

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get any amount of wolf he wants. In fact, I've been breaking the law or

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3 MR. JAMES: Mr. Chair?

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5 MR. HAROLD HUNTINGTON: David?

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7 MR. JAMES: Gilbert, think I could answer your there. That specific regulation is talking about taking wolves with a hunting license, not a trapping license. Yeah, they want

10

11 MR. GILBERT HUNTINGTON: Yeah.

12

13 MR. JAMES:

14 They want to make the Federal and the State bag limits under a hunting license the same.

15

16 MR. GILBERT HUNTINGTON: Okay.

17

18 MR. JAMES: That's the intent there.

19

20 MR. GILBERT HUNTINGTON: Well, still yet, it don't make a difference, hunting, trapping, it shouldn't matter. Everybody that's out there hunting wolves is using it to make a living. It seems like you're going to master (ph) wolf. The only ones you get is the weak and the lame and the sick and all that crap. All the toughest wolves are the first ones to get out of the country. You don't get no difference. No limit. I don't see why they've got ten, because I think we're on -- what district are we in? Or unit? Oh, five, aren't we? Or are we? Does anybody know?

30

31 UNIDENTIFIED: You guys are in 21.

32

33 MR. GILBERT HUNTINGTON: We're in 21? Son of a Batches. Five wolves? Come on now.

35

36 MR. SIDNEY HUNTINGTON: For hunting.

37

38 MR. GILBERT HUNTINGTON: Yeah, hunting.

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40 MR. SIDNEY HUNTINGTON: Yeah.

41

42 MR. GILBERT HUNTINGTON: They shouldn't -- that's crazy. Five wolves? What's going to happen when you see a pack of 20 wolves out there? You're going to shoot every one of them if you've got the chance. The next thing you know, they'll growing in the game. All you're doing is trying to make a living.

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MR. REAKOFF: Mr. Chairman?

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MR. HAROLD HUNTINGTON: Yeah, David -- or Jack.

MR. REAKOFF: I would like to clarify. There's -- I think you're misunderstanding. The trapping regulations say that you can shoot a fur animal with the rifle while you're trapping, and under the trapping regulations, there's no limit. And what Fish and Game is doing in this proposal is extending the trapping season 30 days to align with the State regulations to April 30th.

MR. GILBERT HUNTINGTON: Um-hum. (Affirmative)

MR. REAKOFF: But you can -- if you see ten wolves, you can shoot ten wolves. If you see 20 wolves when you're trapping, you can shoot 20 wolves. There's no -- it's no limit.

MR. GILBERT HUNTINGTON: Yeah.

MR. REAKOFF: It's on the hunting season, and most people in this country are trapping all winter and using the fur. These trapping -- these hunting limits basically are for guys who fly in and are moose hunting and they see wolves running around in the fall time, and they put a limit of five wolves on during the hunting season.

MR. GILBERT HUNTINGTON: Um-hum. (Affirmative)

MR. REAKOFF: And that's what this regulation is about. Basically it's extending the season.

MR. GILBERT HUNTINGTON: That brings up another point, that's this guy's interpretation. You get somebody else that's really running the show and interpreting the law, and he's going to interpret the way he want to interpret.

MR. REAKOFF: Yeah.

MR. GILBERT HUNTINGTON: That's the thing.

MR. REAKOFF: Sir, I'm on this commission. I'm -- I live off the country, too. I'm not one of these

MR. GILBERT HUNTINGTON: Yeah, I know.

MR. REAKOFF: Federal boys. I live off the country just like you do, and I don't -- I'm not interpreting

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it in my -- for anybody. I'm representing people in my area.

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2 MR. GILBERT HUNTINGTON: Yeah. But I'm just saying
3 that you've got to remember, the man with the badge is going to
4 interpret it the way he wants to interpret it. Wait. He's
5 going to follow the letter of the law, and if one's there,
6 don't contact (ph) with the way you think and we're -- that's
7 tough. You have to be careful of that. Every doggone word,
8 you're going to step on shit if you don't watch out. And I
9 almost forgot about that. Thanks for bringing that up.

10

11 You've got to watch out for these (indiscernible). You
12 know, it --that's the thing about dealing with Government, you
13 know, they really don't want you to make a living out there.
14 One -- some way or another there's somebody that's out there,
15 they don't want you to wear fur, they don't want you to trap or
16 nothing. They don't even want you to eat meat. We think
17 they're crazy, but there's more of them than us, you've got to
18 remember that. All right. And that

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20 MR. HAROLD HUNTINGTON: Have a question?

21

22 COURT REPORTER: May I have your name, please?

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24 MR. GILBERT HUNTINGTON: Gilbert Huntington.

25

26 COURT REPORTER: Thank you very much.

27

28 MR. HAROLD HUNTINGTON: Any other questions? Thank
29 you, Gilbert.

30

31 MR. SIDNEY HUNTINGTON: I would like to speak on two
32 proposals, is that through this testimony or not? That's the
33 same ones that made suggestion, but I wanted to bring them out
34 right now. Or do you do it when you bring the proposals on the
35 table? Or right now as testimony?

36

37 MR. JAMES: Sidney, yeah, these proposals will be
38 brought up later. They're scheduled to get started about --
39 after lunch, so if you'll be here at that time, that would be
40 the best time. But if you

41

42 MR. SIDNEY HUNTINGTON: Yeah, I'd like to do it now,
43 because I might not come back, you know.

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45 MR. JAMES: Yeah, if you can't be here, that's fine.
46 ahead.

47

48 MR. SIDNEY HUNTINGTON: Yeah, I probably won't. I'm

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having a hard time hearing. I'm doing better yet. Yesterday I'm -- I was kind of glad I hear some of these people. Some people speak up and -- by my way of thinking.

3

4 And I won't talk about airplanes and stuff like that, or on wolves or stuff. I talked on wolves for 20 years and it didn't do any good on the Board of Game, so I'm not going to start that again.

8

9 But on your time book (ph) four-day opening or five-day opening before the State season, I think that's a -- when you bring up something like that, that is good. Half the Refuge is in navigable waters or stuff like that, and you fellows don't even know in the hell you're at on it. And you made it all like this, contrary to State and State's law, knowing that you were making a law contrary to their law. And so long as you can define navigable waters for just moose, why I would nullify those four days or go along with the State thing until you can come up with them. As Gilbert says that they think we make up laws some time, but I think that will go along with the State so you can go work together, instead of making a law like we did last fall, and not notifying the people. You never done the full feasibility on that piece of paper, whereas the person that used it, number one, he's out in jail, or fine \$50.00, whatever it was, that he killed that moose out on the river. You people that made these laws never done a full feasibility study of that. They were on that -- they would have been in base. You could work with it. But you read there now, you confuse the people. It isn't the State confusing people. They had their regulation in place before you fellows did. So what would do right now, explain your jobs better to the people, by just nullifying that thing completely. I don't mind the four days early, providing it falls in lines and that people can go out there and work with it. Right now they can work with it. All they have to do is get off their ass and get the moose and pass the moose meat out. That's what we used to do in the early days. That was no big fit. Pack moose ten miles, that was nothing. People around here still do that. But I don't -- I think that you guys should nullify that and let the State's regulation fall in place and stay where it is for a while until you can find out how to do this thing.

41

42 And then this other regulation that you have on -- we have on moose on the Yukon River, I kind of resent that a little bit, the way the State has it and you have. From my point you can never generate (ph) for a cow or a bull moose during the winter, depending on where you're looking for it. That's the way I read some of it. You're still coming into contradict each other, but I think we want to maintain a cow

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moose, but I do think that to keep that corridor along the river closed for moose, one-half a mile back. Keep it closed.

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3 MR. JAMES: Excuse me, Sidney. Does the Council understand he's talking about Proposal 58 now?

5
6 MR. SIDNEY HUNTINGTON: And that's -- well, that would be Proposal 58.

8
9 MR. JAMES: 21E.

10
11 MR. SIDNEY HUNTINGTON: Yeah. And the other one is 56 or something like that.

13
14 MR. JAMES: Right. Okay.

15
16 MR. SIDNEY HUNTINGTON: Up on the (indiscernible, simultaneous speech).

18
19 MR. JAMES: Thank you.

20
21 MR. SIDNEY HUNTINGTON: And so -- but if you go ahead and let people harvest the moose right along the river, that's where the cows and the calves are right now. They're generally there. And we have to be protective of them. If you lose those cows and calves along the river, pretty soon you're going to lose all your moose. And so -- even the damn old women can gather their moose back in the woods. They're not out there on the river getting moose. They get a few back on the lake. And so help -- we're not protecting the moose very good right now, you know, at all. Nobody is. You're letting the wolves have a happy day at it. Hell, you go out to Parks River here, and you'll find all kind of dead wolves all over -- moose all over the place.

34
35 And we're not really protecting them until -- whatever you do, don't reject that proposal just it's a Federal and you want to be different from the State, to say that we want to kill moose along the river there. That should never be, because for a guy that lives up -- I'm an American citizen. You guys kind of have a controlling effect on -- you don't, but the people in the Lower 48 do, and to say that we know what the hell we're doing, we've been here a while. And we know what's good for us, or else there wouldn't be no moose here. I've seen the first God damned moose come on the Koyukuk River for Christ's sake, in 1928. And he was spared for seven days and shot. Was used. By the late -- by old Chief John, came over from the Noaty. There was no moose on the Koyukuk. Now you've got an abundance of moose here on the Koyukuk, and it's a good

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animal. We ought to take care of them. And wolves know how to kill them a lot better than you. They don't even mess around with a lousy old caribou down this way. They left the whole flats out here for the caribou. You could that herd up there in the Kaiyuh Mountains. The wolves could probably wipe them out, but they don't even mess with those things, because moose meat is a lot better. There's more of it. At least I think it's better anyway.

8

9 But anyway, keep in mind that whatever you do, don't open that corridor along the river, because at one point in time people used to come in from Fairbanks, all over the country with airplanes, land on these bars, take a moose in the evening and get the hell out of here, and where are we at? We're too -- we've got no more moose. We can't do that. That's not common sense. Common sense, by the way, is a real endangered species. There's not much of it around any more. Thank you.

18

19 MR. JAMES: Mr. Chair? Sidney? Sidney?

20

21 MR. SIDNEY HUNTINGTON: Yes?

22

23 MR. JAMES: A point, could you explain to me, did you say that you recommend to adopt Proposal 56, or you recommend against 56? That's the one for the moose season on the Koyukuk?

27

28 MR. SIDNEY HUNTINGTON: That's -- I'd like to see the State keep it in line, or keep it in line with what the State has.

31

32 MR. JAMES: Okay. Thank you.

33

34 MR. HAROLD HUNTINGTON: Are there any questions from the Board? Do you want to go ahead and keep on going with testimony? Public testimony?

37

38 MR. JAMES: As the Council wishes, you know, for people that can't stay for the meeting this afternoon, now's a good time to do it.

41

42 MR. HAROLD HUNTINGTON: Is there anybody else here that's wants to speak? Public testimony? Hearing none, we'll get back on the agenda under new business.

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46 We have a Council membership for Kenneth Madros. Kenneth was supposed to have been on the Council, but he hasn't been able to make it, because of his job I guess. I guess

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David's got some information on that?

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2 MR. JAMES: I could explain that a little bit more, Mr.
Chair. Kenneth Madros called me on the phone about a month --
two months ago I think it was. Two months. It doesn't make
any difference. At that time, he was ready to resign from the
Council. He said that it was too difficult for him to schedule
his work, which is up on the North Slope, with the Council
meetings. So he was ready to quit at that point. What I
suggested to him was that he hold off until the Council's had a
chance to talk about it. What I suggested to him is that if
the Council knew what his work schedule is on the North Slope,
that you would be able to schedule your meetings for the times
that he's back home in Kaltag, and then he would be able to
attend. And he said he would like to be on the Council. So he
agreed.

16

17 He also agreed to send me a copy of his schedule so
that I could give it to you all so that if you decided to work
with him that way, you would have a schedule. Well, the
schedule didn't make it, and I haven't been able to get ahold
of Kenneth. And I can't speak for him at this time.

22

23 The indications are right now that his schedule is --
appears to be unworkable. He has a difficult knowing in
advance what his schedule's going to be. For instance, he told
me at the time that there -- he would be off work right until
March 2, yesterday, he would be back on the Slope. When I
tried to call him about seven or eight days ago, he was already
back up on the Slope, so he's in a very difficult position.
You know, he has a schedule, but apparently it gets changed
sometimes because of work problems and what not up there with
other personnel.

33

34 So that's all I had to say on that. The Council could
give me some direction what to do, I'd be glad to do it. A
suggestion that I have is that perhaps the Chair or other
person on the Council here could be appointed to make personal
contact with Kenneth and come to some sort of an agreement or,
you know, a mutual understanding on that.

40

41 MR. HAROLD HUNTINGTON: Wasn't there something in the
policy that states that when a vacancy comes up on the Board,
that we have the directions to follow under the policy
management manual?

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46 MR. JAMES: When a vacancy arises because of a
resignation, first of all it has to be in writing. The person
has to provide a letter of resignation, and then selection for

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a replacement for that seat can be begin as soon as possible. And any selection that's put in that seat will serve for the rest of that particular term, whatever it might be.

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4 The way it sits right now, we -- this month, this is one of the other items we haven't gotten to yet. We're into the annual recruitment phase. So if Kenneth chooses to resign at this time, it simply would be added on to the list of the other three seats that are up for reappointment this year. So there would be appointments of four people instead of three. And we hope to get done by this fall.

11

12 Did that answer your question, Mr. Chair?

13

14 MR. HAROLD HUNTINGTON: Yeah.

15

16 MR. JAMES: Okay.

17

18 MR. HAROLD HUNTINGTON: Any suggestions? Phil?

19

20 MR. GRAHAM: Do you know Kenneth Madros personally or do you have any

22

23 MR. HAROLD HUNTINGTON: Yeah. Yeah. I've known him for about 25 years. I can probably get ahold of him and come up with something.

26

27 MR. GRAHAM: Maybe see how bad he wants to be on it, and if you can talk with him first, and then

29

30 MR. HAROLD HUNTINGTON: Yeah, I could do that I guess, see what -- and then probably at next meeting or some time before the next meeting, we'll come up with some kind of a decision on whether he's going to remain on it or not.

34

35 MR. GRAHAM: Yeah.

36

37 MR. HAROLD HUNTINGTON: Yeah.

38

39 MR. COLLINS: Yeah, Mr. Chairman, just one comment on trying to adjust schedule to that, we went through this on a school board with a similar situation. The individual tried to stay on, but eventually had to resign, because it was too hard to match

44

45 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

46

47 MR. COLLINS: schedules, so that's what you might get into if he tries it, and it's difficult to do. And we end

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up with all kinds of absences. And he might make one meeting and then it would be off again. And we were trying to adjust, too, but it just -- he finally resigned.

3

4 MR. HAROLD HUNTINGTON: Well, I'll get ahold of Kenneth and come back with some more information on that.

6

7 We'll get on down to the Operations Manual. Oh, you want to break? Recess? We'll have a 10-minute recess.

9

10 (Off record)

11

12 (On record)

13

14 MR. HAROLD HUNTINGTON: Okay. Well, let's get back to
15 call the meeting back to order. Hey, Mike? Hey, Mike?
Mike Rath. We're going to get back -- get the meeting back to
order. Can you guys all take your seats?

18

19 Okay. David,

20

21 MR. JAMES: Mr.

22

23 MR. HAROLD HUNTINGTON: do you have something on
this Operations Manual?

25

26 MR. JAMES: Yes, Mr. Chair, Operations Manual in
Section Nine. If you haven't discovered it yet, there's a
little surprise for you. You have to undo the binder so you
can open the Operations Manual. This is a new technique I
developed last week in a hurry. And to guide the discussion
for that, I'll ask Bill Knauer to come forward and answer any
questions you might have.

33

34 MR. KNAUER: Thank you, David, Mr. Chairman, Council
members.

36

37 A few -- a couple of months ago you did receive a
preliminary draft Operations Manual, that had a blue cover on
for you to look at. And we took the comments that were
received from Council members around the State and from agency
staff and incorporated them into this document, which we're
calling a final draft. The first page of the document
highlights the primary changes that occurred as a result of
those comments. Many of them were editorial, and those are not
outlined, but there were some that specifically addressed
issues. We have tried to make the document clearer. We've
tried to simplify it. And we've tried to make it a document
that will try to answer most of the questions that a Council

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member would have in dealing with this program. What will happen now is if this Council and the others have any comments, now would be the time to express them. And then there would be final changes made, and then this document would go before the Federal Subsistence Board in April for its adoption. And this then would be the general operating procedures for the 10 regional councils.

7

8 MR. HAROLD HUNTINGTON: I have some maybe a little input into this manual here.

10

11 MR. KNAUER: Okay.

12

13 MR. HAROLD HUNTINGTON: It's been suggested by other areas of the State that -- to make up the Federal Subsistence Board, it was suggested that each chairman from each Regional Council would sit on that Board to make it up, instead of the six people that's on it right now. If you have any discussion on that?

19

20 MR. KNAUER: That is not within the authority of either the councils or the Operations Manual. That was set through the process that we went through back in 1990 and -- '90 through '92, the environmental impact statement. During the Federal assumption. It was reviewed. There were numerous -- in fact there were a number of alternatives relative to that, and it was reviewed both from a legal and a policy viewpoint. Looking at it. And that our Law Department felt that ANILCA was quite clear in that the role of councils was specifically outlined in legislation to be an advisory nature to the Federal Government, and that they were to provide a forum for public input and also to provide a source of local information to the Secretary. And in this case, the Board is the entity that is representing the Secretary. And it's specifically addressed in Subpart B of the regulations, and that clearly lines out in regulation who sits on the Council, and it the six -- excuse me, the five heads of the Alaska offices of the Fish and Wildlife Service, Forest Service, Bureau of Land Management, Park Service, and Bureau of Indian, and then a chairman appointed by the Secretaries. And they serve for the Secretary, and as a result are much more familiar with the Alaska conditions, and they, in fact, are all residents of Alaska.

43

44 And the chairs of each of the boards -- each of the regional councils, excuse me, do sit as liaisons on that board. They are liaison to the Federal Subsistence Board, but in a non-voting role. So at each Federal Subsistence Board meeting, the chairs will be represented as will be a representative from

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the Alaska Department of Fish and Game. So there is provision for the chairs to be in attendance and provide their input.

2

3 MR. JAMES: Mr. Chair?

4

5 MR. HAROLD HUNTINGTON: Yeah, David?

6

7 MR. JAMES: A suggestion. There are at least two different courses of action the Council could do right now. One is to come to a decision in a few minutes, if you wish, and give its final approval. If you feel that's not enough time, which is limited, you may wish to take it home within a specified period of time, you know, and submit individually your suggestions. The problem with that latter course of action is that then you're not in a position to vote on it as a body, you know, whether you approve it or not. But the important thing is for the Council to feel comfortable with the Operations Manual the way it is.

18

19 MR. HAROLD HUNTINGTON: What does the other Council members think about -- think we should have more time to look it over, before we go ahead and approve it? For myself, I'd like more time to look it over. I haven't really looked at this, the new version over very good.

24

25 MR. COLLINS: Mr. Chairman, may I ask a question? Have other councils adopted it already, and what is our role in this? This is the manual for all the councils, right, so our delaying it, if a majority of the others adopt it, will it be adopted without our vote in it then, or what? What's happening on that? Have some acted already?

31

32 MR. KNAUER: Thus far all of the other councils have approved it. There was one council that indicated that they would like a minor change in the description of the Secretary's duties. They wanted to say the Secretary or regional coordinator takes the roll and decides if a quorum is present. That's on page 18. That's a minor change. And it just provides the option. As David was mentioning yesterday, that the Secretary's duties have varied from council to council. But other than that, all of the councils that have met thus far have found it acceptable and have recommended adoption as is.

42

43 MR. JAMES: Excuse me, Mr. Chair?

44

45 MR. HAROLD HUNTINGTON: Dave?

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47 MR. JAMES: Bill, does that mean that the council that made that suggested change withheld approval of it then? They

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have not?

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2 MR. KNAUER: No, they did approve it.

3

4 MR. JAMES: They did go ahead and?

5

6 MR. KNAUER: Yes.

7

8 MR. JAMES: Okay.

9

10 MR. KNAUER: We have already found a couple of
~~editorial~~ editorial mistakes even in this document. A phone number
~~that's~~ that's incorrect, David's in fact. And we found a mistake on
~~the~~ the date for the closing of the recruitment period in here.
~~But,~~ But, here again, this is the final draft. There will be a --
~~those~~ those changes will be corrected, and an actual approved final
~~document~~ document comes out after the Federal Subsistence Board approves
~~this~~ this document and adopts it.

18

19 MR. HAROLD HUNTINGTON: Jack?

20

21 MR. REAKOFF: Mr. Chairman, I'd make a motion to table
~~this~~ this final draft Operations Manual to the latter part of our
~~meeting~~ meeting so that Council members can review it during the
~~meeting~~ meeting at your leisure.

25

26 MS. GURTNER-STRICK: I'll second that.

27

28 MR. HAROLD HUNTINGTON: It's been moved and seconded to
~~table~~ table the approval of the final draft on the Operations Manual
~~until~~ until later on in the meeting. All in favor signify by saying
~~aye.~~ aye.

32

33 (Ayes respond)

34

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

36

37 (No opposing votes)

38

39 MR. HAROLD HUNTINGTON: Motion passed. So we'll table
~~it~~ until later.

41

42 Well, we -- I think we just took a break, so maybe we
~~can~~ can just keep on going with the -- on down the agenda, Dave?
~~Look~~ Look over the Council Charter review?

45

46 MR. JAMES: Yes, Mr. Chair. Council Charter review.
~~There's~~ There's some information in B-10 of your binder. There is the
~~48~~ a general information sheet on the Charters, and also a copy

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of the charter for this Council in that section. Once again we'll have Bill Knauer come forward to answer questions and bring us up to date on the status of that.

3

4 MR. KNAUER: Thank you. Council members, this summary sheet, it's got the border around it, does two things. One, it highlights the primary sections of your charter, and then on the second page at the bottom it indicates the five items that the Council could recommend for change by the Secretary. The other items in the charter are either set in regulation, or are a matter of format, and they are specified.

11

12 The items that this Council could recommend be changed would be a change to the name, a boundary change, the size of the Regional Council membership. In other words, numbers, either reducing or increasing numbers. Specific subsistence resource commission appointments, and in fact you already recommended a change in that. And the criteria for removing a member.

19

20 In the last discussion, there was a question regarding how the other regional councils had reacted to the Operations Manual. I can respond similarly to how other regional councils recommended changes if any. And the one change that we have seen almost across the board from -- that the other regional councils are recommending occurs under the section on membership, Section Nine in the charter. You've got a copy of the charter in front of you. And the last page of it, under removal of members. The other regional councils are recommending that it say if a council member appointed under Paragraph Nine misses, and they are recommending that that say two consecutive regularly scheduled meetings as opposed to three, the Chair of the Federal Subsistence Board may recommend. They are recognizing that this is -- it's still permissive, to allow for, you know, valid excused misses, such as weather and things like that. But the other councils have felt that since the terms are three years, and if there are normally two meetings per year, missing three would deprive representation of an area about half the time, and they felt that was excessive, so they felt that two consecutive regularly scheduled meetings would be more appropriate. However, that's 41 it is up to you how you wish to deal with the matter.

42

43 One of the other regional councils -- excuse me, two of the other regional councils recommended an increase in size by two members. The other councils felt that their -- the size was adequate both for representation and being able to get business done and have a quorum.

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MR. POLLOCK SIMON, SR: Mr. Chairman?

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MR. HAROLD HUNTINGTON: Yes, Pollock?

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MR. POLLOCK SIMON, SR: You said we have two meetings a year? That's what the charter said?

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MR. KNAUER: That's a minimum.

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authorized by the -- by ANILCA, Alaska National Interest Lands Conservation Act, and that was passed into law in December of 1980. So essentially in December of the even-numbered years, the charters have to be renewed. So -- and because of the time it takes the recommendation from the Council, the recommendation then from the Board to the Secretary, our office revising the documents, them going to Washington and being reviewed by the lawyers in the Solicitor's Office, and then being signed by the Secretary, it takes about that long for something to happen, so that's why you're looking -- you're being asked to look at it now and make your recommendations now.

12

13 MR. COLLINS: Mr. Chairman, I was looking at page 33 under recruitment, because that's an issue that had come up now, and we've got a member that has missed the two meetings. Since we're not doing anything at this meeting, April 1 recruitment will end for this year, and it won't be until next January that they can start recruiting for members, even if we have an absent. So that means it's going -- and they wouldn't be appointed then until the fall of next year. We wouldn't have somebody on board. So that means they're going to -- even if a person resigned now, since it was not before this meeting, they wouldn't come on board until almost a year from this fall. They're going to miss the next two meetings. So there's no provisions in here for appointment in the meantime or something. It's -- you -- most board appoint until some process. Is it -- or am I misreading this?

28

29 MR. KNAUER: Two things. First off you're correct as far as the Board's appointing until replaced, like the Subsistence Resource Commissions.

32

33 MR. COLLINS: Um-hum. (Affirmative)

34

35 MR. KNAUER: That is a short-coming that has been pointed out to us numerous times, and that's one thing that we're going to try and get put in all of the charters, so that a member would serve until resigned, replaced, or reappointed. So if the -- if your term actually expires on we'll say July 40 and you're not reappointed until November 1, it's not like you automatically go off July 1. You're going to stay on. We're going to and to put that in.

43

44 The other thing as far as if you do -- did have a vacancy now, like Mr. Madros, because we are in the recruitment process right now, up until April 1, we will have a number of applications, and if he were to resign, and that vacancy were to come up, we would use those applications and the recruitment

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process that we're in right now

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2 MR. COLLINS: Um-hum. (Affirmative)

3

4 MR. KNAUER: to fill it. Because the seats that
you're in are not tied to a particular community, you're
representing the region as a whole, and you as individuals were
selected because of your knowledge of large parts of the
region, we can do that. If an individual were to resign, or
choose not to reapply and be reappointed, the Secretary might
not appoint from the same community where -- for example,
you're from McGrath. The individual that's appointed if you
were to, you know, leave might not be from McGrath.

13

14 MR. COLLINS: Um-hum. (Affirmative)

15

16 MR. KNAUER: They might be, also, so, you know, that's
one of those things where you never know. It depends on the
applications we get, and the qualifications. In one region we
have four members from one community, and that's because we
just didn't get any applications from some of the other
communities in the region, as much as we tried. That's not a
desirable situation. We would like to have individuals on a
council coming from all areas of the region, and we think we
have a pretty good mix here from north to south, east to west.

25

26 MR. COLLINS: But the question I has was timing. Now,
let's suppose that Mr. Madros decides that he is going to
resign, but he doesn't send his letter until the middle of
April. Maybe he's up at the Slope or something, so he doesn't
get it in to us before the 1st of April. If he sends it in and
it's the middle of April, we won't -- that position couldn't be
recruited for until next January. We would be making a
recommendation next March, and he wouldn't come on board until
a year from this fall.

35

36 MR. KNAUER: That's what I'm saying. Because the
recruitment process had just occurred for the vacancies for
this region,

39

40 MR. COLLINS: Um-hum. (Affirmative)

41

42 MR. KNAUER: we will have a pool of applicants
that we can

44

45 MR. COLLINS: Oh, even though no

46

47 MR. KNAUER: Even though his application -- or his
resignation didn't come in until after April 1st, we would

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still have a pool of applicants, a brand new pool in fact, from which to draw.

2

3 MR. COLLINS: Okay. I see.

4

5 MR. REAKOFF: So you have a pool of applicants for each
6 one of these seats?

7

8 MR. KNAUER: No.

9

10 MR. REAKOFF: No?

11

12 MR. KNAUER: It would be a pool of applicants for the
13 vacancies in the region. We will -- what we will do is -- in
14 fact we have already started. There is a mail out of, -- if
15 you'll excuse me, I'm sort of getting into the next subject as
16 far as member recruitment, but there is a blue form which is a
17 flyer, and it's got on the back of it the seats that each of
18 you are occupying, the term -- the date that your term ends,
19 and it's in bold and italics, identifying which ones are
20 becoming vacant. And so we will be sending that announcement
21 out all over the State. And we hope also that Council members
22 will post notices and encourage individuals both to apply and
23 organizations to nominate. And if your seat is one of the ones
24 that is becoming vacant, you also have to reapply. That's just
25 part of the process to assure that it's not like Congress where
26 once you get in, nobody can remove you. We have seen that most
27 of the members that we have -- that were selected the first go-
28 around, we've been very pleased with. We feel that we have an
29 outstanding group of council members around the State, but we
30 would hope that everybody would reapply. But it might be that
31 personal commitments have changed, and an individual may not
32 wish to. So we will receive a pool -- or applications from
33 many people in the region, and they will be put into a single
34 group from which those vacancies are filled.

35

36 MR. JAMES: Mr. Chair?

37

38 MR. HAROLD HUNTINGTON: Yeah, David?

39

40 MR. JAMES: A question for Ray. Ray, was the point
41 you're getting was that two meetings a year wouldn't be enough,
42 and that was an example of why it wouldn't be enough, or did I
43 misunderstand that?

44

45 MR. COLLINS: No, I understand why it's timely, but I
46 was thinking even if you're moving timely, can you end up with
47 long gap with nobody being appointed, because you missed the
48 recruitment deadlines. See, what I'm -- that's what I was --

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if a vacancy occurs during the summer, let's say, or something like that, somebody resigns, we're not going to have anybody for the fall meeting. How long do you have to wait until they would come on board again. That's all I'm thinking.

4

5 MR. JAMES: Okay. This is a slightly different question. Bill gave you an answer of what we would do in that specific example. Since we'd gone through, you know, a month or two from now, we will have just gone through the recruitment process. We will have a fresh batch of applications, we can use them.

11

12 But your question's different. What if a resignation occurs a lot later? We can no longer claim a fresh batch, and I'm not sure if we have a policy as to how long -- how long it's going to be before they go stale, you know, and therefore we'd have to go through the whole recruitment process for one that. I thought that we would. If we have a vacancy, we would start immediately to fill it. Is that not the case, Bill?

19

20 MR. KNAUER: I think it would depend on individual circumstances: how close it was to that fresh batch of applicants, the applications that we have, or how stale it is. Since we will be going through this on a yearly basis, I don't think the -- it will ever get to a point where it going to be real bad.

26

27 MR. JAMES: So -- excuse me So what you're saying is that if someone resigns, we will not necessarily begin to fill it immediately? It may in fact wait?

30

31 MR. KNAUER: That is a possibility, and there may be a situation where this group may meet with only officially eight members appointed. That is not a -- that is not the most desirable situation, but it is likewise not an insurmountable situation.

36

37 MR. COLLINS: But again under this -- I'm looking at page 33 again. It says the Regional Council -- on March 1st, the Regional Council submits suggestions for change to the Board. Are we at this meeting going to review this pool of applicants now to make any recommendations on it?

42

43 MR. JAMES: No, Ray. This is the beginning of the application procedure. It will go for the rest of the month essentially.

46

47 MR. COLLINS: Okay. So we have no opportunity then to make any recommendations on what those appointments will be?

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1 MR. JAMES: Maybe Bill has an answer.

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3 MR. KNAUER: One council member in another council made
the statement that I thought was very apropos. They felt that
it might not be appropriate for the Council to make
recommendations because there would be council members who were
applying -- reapplying, and there would be others in the region
who would also be reapplying, and they felt that it might
jeopardize some of the working relationships of members on that
Council, either present or future, if they were to make a
recommendation as a council. That's certainly not to say you
couldn't. But, you know, if I were on your council and I was a
real bummer,

14

15 MR. COLLINS: Yeah.

16

17 MR. KNAUER: you might not want to say in formal
Council meetings that, no, you don't want to recommend me.
Likewise, if I'm really good, I might be embarrassed if you did
that. There might be somebody else outside just as good.
However, you could do it, you know,

22

23 MR. COLLINS: But my question was where is our place
for input in this schedule. That's what I was looking
at,

26

27 MR. KNAUER: Your place for

28

29 MR. COLLINS: and it says March

30

31 MR. KNAUER: input is right

32

33 MR. COLLINS: If we choose to. I can see where
we

35

36 MR. KNAUER: Right.

37

38 MR. COLLINS: might choose not to.

39

40 MR. KNAUER: there are two ways to do it. The Council
could in fact recommend someone. The Council could submit
nominations during the -- during this process up through April
3, just like any other organization. You may be aware of
someone in a community that would be really, really good, and
you would with their approval submit their nomination. And
that's fine. Likewise, the Village Council of Nulato could
submit a recommendation, or the KNA Corporation could submit a
nomination, or even more than one.

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1 MS. GURTLE-STRICK: If anyone were anticipating that
they would not be on the Council any longer, because -- for
personal reasons, could they recommend a replacement, or
recommend -- not someone to fill the seat, but a recommendation
or a nomination?

6

7 MR. KNAUER: Anyone can apply, anyone can -- anyone or
any organization can nominate someone. So it makes no
difference whether you're not going to be on the Council for
reasons or are. Even if you're still going to be on, and it's
not even your seat that's coming up vacant, you can recommend
or submit a nomination for someone else, because you think that
they would be a really good individual to represent the region.

14

15 MR. JAMES: Mr. Chair?

16

17 MR. HAROLD HUNTINGTON: Yeah, David?

18

19 MR. JAMES: I think to summarize, the Council may
recommend someone for a seat, and you may start right now. In a
nutshell, that's where we're at.

22

23 MR. KNAUER: We have plenty of the blue fliers at the
back. We would hope that you would take some to your
communities and post them on appropriate bulletin boards, or
give them to people. They can be reproduced. Those of you
that -- whose appointment is expiring, now is a good time to go
ahead and fill one out and give it to David before you leave.

29

30 MR. HAROLD HUNTINGTON: Phil?

31

32 MR. GRAHAM: Yeah. I just wondered, how else are these
getting out, these applications?

34

35 MR. KNAUER: We are mailing out about -- it's between
two and 3,000 of them to all the corporations, to the advisory
37 State Fish and Game Advisory Committees, to the Federal and
State offices. And also remember part of the role of the
39 regional councils is to connect with the local people, so we're
asking the council members to talk to folks about them, talk to
41 organizations about them in just your normal conversations.

42

43 MR. GRAHAM: Yeah, I haven't seen them anywhere and
really we only have a month to go, don't we, to?

45

46 MR. KNAUER: More or less. That's -- that particular
date usually is not a -- if it's not here by April 1st, we're
going to pitch it in the waste basket. It's more like, you

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know, we recognize that sometimes the mail from Interior Alaska takes a little bit longer, especially if weather conditions in Anchorage precludes some of the mail flights.

3

4 MR. JAMES: Mr. Chair?

5

6 MR. HAROLD HUNTINGTON: Yeah, Dave?

7

8 MR. JAMES: Phil, that's going to be a priority for this program starting next week is to get these things out disseminated to the public. It just hasn't been done yet.

11

12 MR. GRAHAM: Um-hum. (Affirmative)

13

14 MR. JAMES: Yeah. Is that not enough time? Would you recommend next time that they ought to be sent out sooner?

16

17 MR. GRAHAM: Well, it -- oh, yeah, I'd say so, because it's already, you know, March. It's less than a month before the deadline. And if somebody sees that the deadline is April 20th, and, you know, they're -- they've got to wait a week for a mail plane or something, they might not bother to send it in.

22

23 MR. KNAUER: We do accept applications faxed in. too. And in fact we had -- the last time it was done, in other words, the application process that you went through, we had many applications that were faxed in and that is acceptable also.

28

29 MR. GRAHAM: I was just thinking about Paul -- I mean, Kenneth Madros' seat, too, that as long as this is -- you know, they're selecting -- you know, they're working on membership, maybe we should get an answer from him by April 1st or as close as we can so that his seat is either filled from the pool or else he'll take it himself.

35

36 MR. HAROLD HUNTINGTON: On this removal of members, what does the Council think on -- would you rather have two misses than three? I think two misses make more sense. If you miss a meeting twice, you know, it's -- that's a year's meeting ought there. I think it should be, you know, reduced from three meetings to two meetings.

42

43 MR. COLLINS: Mr. Chairman, I'll make that motion if you want to entertain it now, that we recommend that it be changed from three to two.

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47 MR. HAROLD HUNTINGTON: It's been moved to recommend to have two missed meetings instead of three missed meetings for

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removing of members. Is there a second?

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2 MR. POLLOCK SIMON, SR: I'll second.

3

4 MR. HAROLD HUNTINGTON: It's been moved and seconded to
5 amend the missed meetings from three to two consecutive regular
6 scheduled meetings. Phil, question?

7

8 MR. GRAHAM: Just a little discussion. Does this -- If
9 we adopt this motion, does that mean that Kenneth Madros then
10 will not have a seat?

11

12 MR. HAROLD HUNTINGTON: No, I think this thing probably
13 takes effect, you know, now and it -- anything happened before
14 that probably doesn't really apply to it. That's what I think.
15 My interpretation.

16

17 MR. JAMES: A reminder. The language here is "may,"
18 it's not a given, it's not an absolute. It just says that --
19 I would say, if a council member appointed under Paragraph
20 One misses two consecutive regularly scheduled meetings, the
21 Chair of the Federal Subsistence Board may recommend, et
22 cetera.

23

24 MR. COLLINS: And it's unexcused, too, isn't it?

25

26 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)
27 Unexcused, yeah.

28

29 MR. COLLINS: So the Chair could rule that because of
30 sickness or because of work requirements, he couldn't make it,
31 so it's an excused absence.

32

33 MR. JAMES: Um-hum. (Affirmative) There's flexibility
34 be liberal. It's just that this gives you the -- you know,
35 doorway if there's a real problem. If a person misses two,
36 circumstances are such that it wouldn't be productive to keep
37 going, but to make a change, then this gives you the basis to
38 do it, if you change it to two.

39

40 MR. HAROLD HUNTINGTON: Ready to vote on the motion?

41

42 MS. BURLEY: Who second?

43

44 MR. HAROLD HUNTINGTON: Pollock seconded. It's been
45 moved and seconded to have the three meetings changed to two
46 meetings, or regularly scheduled meetings. All in favor
47 signify by saying aye.

48

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(Ayes respond)

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MR. HAROLD HUNTINGTON: All opposed, same sign.

(No opposing votes)

MR. HAROLD HUNTINGTON: Motion passed. Is there any other changes on this charter that we might be able to review now? No questions for Bill? Thank you, Bill.

MR. KNAUER: Um-hum. (Affirmative)

MR. JAMES: Oh, Mr. Chair?

MR. HAROLD HUNTINGTON: Yeah, David?

MR. JAMES: I'd like to perhaps correct myself. Yesterday during the discussion -- or during the elections, I reminded the Council that terms of officers are one year. I notice in the charter here it says the term of the chair is one year. And it doesn't specify that for the other two officers. So I stand corrected. I guess I was wrong, if that makes any difference to the Council members.

MR. COLLINS: But it also says November there's a section, doesn't it in here? I mean, that it's scheduled at a specific meeting, so how does that work since we didn't fill last October? I think there's a date in here, isn't there? In the Manual?

MR. JAMES: You've got me. I don't know.

MR. COLLINS: Well, we can look at this tonight I guess.

MR. JAMES: Okay.

MR. HAROLD HUNTINGTON: Do you want to go on down to Council member recruitment, nominations?

MR. JAMES: Mr. Chair, I need some clarification here perhaps from Bill. Is it necessary, Bill Knauer, that the Council approve the charter? They did take action and recommended a change be made to it, but I don't think it's necessary, is it, to --?

MR. KNAUER: I think that will

MR. JAMES: Or should it

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1 MR. KNAUER: suffice that the record shows that
2 the Chair did ask if there were any other recommendations for
3 change, and I believe he got a response that there were no
4 other recommendations. I think the record will show that, and
5 that will be sufficient.

6

7 MR. JAMES: Okay. Mr. Chair, the next item, Council
8 member recruitment is Section B-11. This is the form that Bill
9 was referring to in his discussion. This is what we will be
10 sending around as a minimum to the mailing list, to all the
11 communities and what not. And unless I'm missing something, I
12 think that's been pretty well covered in our discussion. I
13 nothing more to add at this time.

14

15 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative) Do you
16 want to go ahead on that 1994 annual report?

17

18 MR. JAMES: It's Section B-12. Excuse me. It's
19 Section 12. I just have a one-page summary there of guidelines
20 that are provided from the Federal Subsistence Regulations,
21 which are in turn taken from ANILCA, for producing the annual
22 report. And the 1994 annual report will be due at the -- near
23 the end of the year, middle of November is the deadline. If
24 the Council wishes to put together something that's has a lot
25 more information than last year's, we need -- you will probably
26 need lots of time to do it, so that's why it's on the agenda
27 now, is to start thinking about how you want to go about
28 putting together that report.

29

30 MR. HAROLD HUNTINGTON: Phil, you have a question?

31

32 MR. GRAHAM: Well, just a comment. I'm looking at, you
33 know, what we could include in our annual report, and it seems
34 like once we get into the discussion of proposals, you know,
35 that are in this book, it seems like we'll have a -- you know,
36 a base to go on,

37

38 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

39

40 MR. GRAHAM: and it's pretty much, you know, a
41 lot of what we've been doing so far is administrative type
42 work, and it seems like the annual report will have a lot to do
43 with how we feel about what's in this book.

44

45 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative) I think
46 we would probably need about a half a day to work on this alone
47 anyway sometime along the lines. I don't know if we would have
48 enough time during this meeting, or it might be a good idea to

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maybe schedule a meeting for, I don't know, early fall or something, because I know there's a lot of things that we really don't have enough time to address at this meeting here.

3

4

5 One of kind of my recommendations were -- I'd like to try to have three meetings a year, you know, because I think two is not enough to cover everything that we need to discuss. So maybe we could try to work on a schedule for setting up another meeting sometime in, I don't know -- it's up to the Board I guess what dates, but I'd like to get into a schedule of having three meetings a year.

12

13 MR. JAMES: Mr. Chair, the task of putting together an annual report is the kind of justification that you would use to set up that third meeting,

16

17 MR. HAROLD HUNTINGTON: Yeah.

18

19 MR. JAMES: so I think you're right on track.

20

21 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative) Yeah, it would take some time.

23

24 MR. JAMES: It would probably be -- well, it wouldn't probably, it would be helpful if the Council could determine a time and place

27

28 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

29

30 MR. JAMES: for that third meeting, if you wish.

31

32 MR. HAROLD HUNTINGTON: Yeah. Well, maybe before the end of the meeting on Friday, tomorrow, maybe we can come up with a decision by then. Maybe we can give the other Board members a chance to, you know, think about it a little longer, and come up with a possible date for our next meeting. If it's okay with the rest of the Council members.

38

39 MR. JAMES: Oh, Mr. Chair, one other thing I could say, that we do have a small library of past annual reports that have come from councils, you know, the State council system, and they were trying to address the same thing. They were submitting for ANILCA. Those are available. If any of the members of the Council want some of those to go through, just for an idea of what might seem like a good idea, or what may seem like a bad idea, I'm sure it's all in there. So if you like, you know, any of you that want those, let me know and I can ship them to you.

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1 MR. REAKOFF: Yeah, I'd like to see one.

2

3 MR. POLLOCK SIMON, SR: Yeah, if we're going to have
4 another meeting, you know, we have to think about the summer
5 time, in July and August and a lot of people's work.

6

7 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

8

9 MR. POLLOCK SIMON, SR: It's kind of hard to call a
10 meeting during the summertime. We're out there -- many of our
11 most people are fishing for around -- George (ph) Creek,
12 and

13

14 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

15

16 MR. POLLOCK SIMON, SR: more people's actually go
17 to work and fishing or something. A number of committees that
18 sit on would try to have meetings in summertime, but not
19 everybody's available.

20

21 MR. HAROLD HUNTINGTON: Yeah. Either early spring or,
22 you know, sometime in kind of late fall. But I think this
23 stuff that needs to be taken care of, you know, the sooner the
24 better, and maybe the end of May or sometime in June might be a
25 good time for another meeting, or would that be too soon? Would
26 that be too soon for your schedule?

27

28 MR. JAMES: No, not for mine, Mr. Chair.

29

30 MS. DEMIENTIEFF: I have a question for David. David,
31 you said you could make available past reports for review? How
32 thick are those? Are they

33

34 MR. JAMES: Well, the stack that I have is about that
35 thick. There's quite a few. If I could edit, maybe pick out
36 some that look pretty good, rather than just send you the whole
37 bunch.

38

39 MS. DEMIENTIEFF: Oh, okay. And not as a mass

40

41 MR. JAMES: Whatever you want.

42

43 MS. DEMIENTIEFF: Um-hum. (Affirmative) Well, if they
44 could send all the members, you know, your

45

46 MR. JAMES: Sure, if that's what the

47

48 MS. DEMIENTIEFF: condensed version of it.

49

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1 MR. JAMES: If that's what, you know, you all want me
to do, I can just send it to everybody.

3

4 MS. DEMIENTIEFF: So you could -- somebody can start
working with it for the next meeting.

6

7 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

8

9 MR. JAMES: Some of you may not be so enthusiastic,
but

11

12 MR. COLLINS: Mr. Chairman?

13

14 MR. HAROLD HUNTINGTON: Yeah, Ray?

15

16 MR. COLLINS: I was involved in writing one of those
before, or input into it. I think one of the things you come
up with is what kind of data do you need to do it? It's hard
for us to sit down as a group and write this on our whole area
without a certain amount of input. One thing that we might
suggest is requests going out to the Fish and Game advisory
committees: Are you experiencing problems in your area with
meeting your subsistence needs? Or to village councils or
others so that you've got some kind of data. But we have to
define what we're looking for first. We can do some of it just
by our general knowledge of the area, but sometimes you need
some kind of input, too, to put into that. That went into
writing the Interior one before. I know some communities
became quite elaborate. Royce Purinton I remember came in with
a bunch of data that he talked to some of his communities on,
and they prioritized what is your highest priority for
subsistence needs, and how is it being met, and so on. So I
guess we have to do some homework before we sit down to write
one of those and decide what kind of stuff -- or staff reports.
What kind of things do we need?

36

37 MS. DEMIENTIEFF: Um-hum. (Affirmative)

38

39 MR. JAMES: Mr. Chair?

40

41 MR. HAROLD HUNTINGTON: Yeah, David?

42

43 MR. JAMES: Just to remind the Council, too, that in
that area of data needs, the staff for the Subsistence
Management Office is in a position to provide some of that
information, also. I want to remind you of that. The type of
requests that will probably get the best results is a very
assertive request, you know, an adamant request. Make a strong

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one, don't make it wishy-washy, because frankly the staff is very busy in Anchorage. There aren't that many people for the entire State, but if there's some well-defined data needs that would fit into the annual report, that's what all of us folks are getting paid to do is to provide that kind of information. It's always a dangerous thing to say, because there's a temptation to say, well, just send us all your data, but that, of course, is impossible. And that's too general a request, but, you know, if you hit certain areas, certain issues, fish harvest in this particular community, or -- that's probably not a good example. Whatever. Game harvests. Then -- and it would be appropriate for your report, then we can provide that kind of support.

13

14 MS. DEMIENTIEFF: And when you say that, David, like if I just want to know about the chum salmon report, then I would ask you just for the chum salmon report?

17

18 MR. JAMES: If you ask me to help you get that kind of information, I will. I won't commit the rest of the staff, because that's not within our authority right now frankly,

22

23 MS. DEMIENTIEFF: Um-hum. (Affirmative)

24

25 MR. JAMES: you know, but I can sure help, you know. It would be a matter of going through Fish and Game. If you can't find someone in there that you can get that you can get that from easily, I can sure do what I can to find it. I mean, you know, we'll make it work somehow.

30

31 MR. HAROLD HUNTINGTON: Is there any more discussion on our annual report? Oh, I see further on down on the agenda, here's time and place for our next meeting, and maybe we can come to a conclusion on our next meeting date when we get to that.

36

37 Hearing no other questions, we'll move on to the next item on our agenda, Item G, Kenai customary and traditional determination.

40

41 MR. JAMES: Mr. Chair, Section 13 is a copy of the letter that you addressed to the Chair of the Federal Subsistence Board. Also, in the back of your binder there's this green publication. It's a draft customary and traditional determination report for Kenai.

46

47 Lunch is going to be ready until 12:00 o'clock, so we may or may not get through this discussion in the next 15

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minutes, but it's possible that we will. But it's also possible that we won't. But I just want to emphasize that when we -- when it comes to 12 we really need to break whether we're finished or not, okay?

4

5 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

6

7 MR. JAMES: One of our staff members, George Sherrod, is here, and he would be glad to come forward and discuss this one with you.

10

11 MR. SHERROD: I think that I'll try to provide a brief history in relationship to the Kenai C and T process here and to have some opening remarks here, talking about maybe why it's relevant in -- to you, because the Kenai is a bit far away.

15

16 As you know, the subsistence priorities apply basic- -- firstly to rural residents and then under rural residents, those residents have customary and traditional use of certain stocks of wild animals. The criteria by which this is established is laid out in this green book on pages two and three. There's a set of eight criteria that was laid out, factors that would be considered in making a determination by the Board as to whether a community or group of communities had customary and traditional use of a resource, and therefore would be afforded a priority.

26

27 Unfortunately, before a standard procedure has been developed to commence studying and making these determinations, the Board faced with a particular problem on the Kenai Peninsula last year in relationship to caribou. There's a transplanted caribou herd. Actually a couple of caribou were removed from the Peninsula roughly around 1900. Caribou had been brought back in. A couple of these herds have reached levels that they are now harvestable, and there was a request by the Community of Ninilchik to have a subsistence hunt for caribou. Caribou on the Kenai Peninsula have a status of no determination in part because when the Federal Board took over subsistence management, they adopted the existing customary and traditional C and T determinations that the State had, and you'll find actually in this document -- I don't

41

42 David, do they have a copy of this? They probably do some place. The

44

45 MR. JAMES: Those are the regulations?

46

47 MR. SHERROD: Right, the regulations.

48

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MR. JAMES: They may not, but there's a stack in the back there.

2

3 MR. SHERROD: Okay. Well, this is actually not -- this
4s -- but anyway, it was recognized that several of the
5 determinations are probably erroneous, and that they were
6 incomplete, but the problem arose by this no determination on
7 the Kenai Peninsula meant that basically any rural resident
8 around the State would have access to hunting these -- the
9 Kenai Peninsula caribou, and that a priority could not be
10 established for residents of the Kenai Peninsula or in
11 communities that may in fact be qualified subsistence users.

12

13 So our staff was directed to do a rather quick study
14 and come up with customary and traditional use determinations
15 for the Kenai Peninsula. In this study, we basically focused
16 our attention -- there were -- there are a number of ways to do
17 these types of things, by saying we did not have an established
18 procedure. We focused our attention on the game management
19 units, or the management units as opposed to a village. Port
20 Cocham and Seldovia, for example, harvest a fair number of deer
21 on Kodiak Island. Kodiak Island is in a different management
22 unit, and therefore the use of deer on Kodiak Island was not
23 addressed in the context of this stuffy. And I suppose this is
24 the type of question that should be of particular interest to
25 this Board, because it potentially could set policy down the
26 way where you have a community whose use patterns cross one or
27 more GMU's, or management units, that those things have to be
28 considered if in fact C and T determinations are done on a
29 unit-by-unit basis.

30

31 The study that was done was basically about 400 and I
32 think 50 pages long. It focused on large mammals. It relied
33 solely on existing data. And even though it focused on large
34 mammals, if you review some of the criteria set up in those
35 eight on pages two and three again, such as number eight, "a
36 pattern of use which relates to reliance upon a wide diversity
37 of fish and wildlife resources," obviously you can't get
38 answers or collect information on that particular criteria with
39 if you're only focusing on large mammals. So we did look at
40 all animals to some of these -- or all resources to address
41 some of these questions, but primarily we focused on large
42 mammals.

43

44 The green book that you have is a summary to that much
45 larger document. And what it puts forth is a number of options
46 for interpretation. And in sort of a summary, we go from the
47 most liberal option to the most conservative option. The most
48 liberal, basically everyone getting it; the most conservative,

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almost no one receiving the determination. As I say, this is just not a -- the document should not be looked as a conclusion. It's basically a tool, a working tool by which the staff committee and the board can look at the implication of some of their decisions.

5

6 And part of the implications are based on sort of the nature of the data I will say with one -- I mean, and these are questions that haven't been solved, and questions that you at some point in time will have to deliberate on. For example, is simply the documented use of a resource, does that qualify it? Or do you have to go to some sort of more refined level of analysis: Well, yes, we know that Community A harvests beaver, but only 5 percent of the community does it, and they only do it 3 percent of the time, and therefore they're out, as opposed to community B who harvest -- or 75% of the community harvests beaver and they do it 55% of the time. So it becomes sort of a matter of gradation. Do you say, well, they do it, they've got it, or they have to do it so much. Do they have to do it at such a level? Do they have to harvest so many? And do they have to do it in an intensity? And again, too, in delineating areas, use areas, the questions arise, well, does one household qualify? Does the community have to go to a certain area to put it within the boundaries of the C and T? These are the types of decisions that have to be made, and these are the types of decisions to some degree that are illustrated in this document. To say, if the first part is, well, yes, they were there, they've got it, and the last case being, no, they weren't there enough, or there wasn't enough of the community there, or they haven't done it a long enough period of time.

30

31 And, of course, the -- in particular in this case, and we do have other examples, and this is dealing with the problem of introduced or reintroduced species. In this case, we have reintroduced caribou, but the argument can be made that it's been 1900 since anyone hunted naturally occurring caribou in the area. These are animals transplanted. Therefore, they don't qualify.

38

39 And, see, these are the kinds of problems, the issues which the Board will be grappling with later on this year. And I'm afraid that there has been some time changes, and I don't know exactly when they're going to be dealing with this issue, but these are the types of questions and policy decisions that they're going to have to be making, and to some degree these are the same types of questions and policy issues that this Board will have to deal with when C and T determinations are made in this area.

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MR. JAMES: Mr. Chair.

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MR. HAROLD HUNTINGTON: David.

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4

MR. JAMES: I'd like to call the Council's attention, if you haven't already located them, they're on page five, on page 22 and on page 36. I've bent down the corners of mine so I could find those three places. There's the little bold print box on each of those pages that gives a brief description of three alternative policies. As George said, this document was not printed to give those folks down there only three choices. In a sense, each of these boxes is a point along a spectrum of all kinds of choices. Choice A is at one end, C at the other, B naturally is in the middle somewhere. What finally comes out of this document won't be exactly the way it reads here. There will be some changes made, depending on how the Council and the public and so on react to it.

17

18

But again to re-emphasize, the only reason we're telling you about Kenai is because the process that they are using to make the determination down there is going to have a major effect on your area when they make C and T determinations there. And there's a lot of speculation that the actions that the Board takes on this will set some pretty important precedents for how they do business in your area. That's speculation. That's not to say that everything they do is cast in stone or concrete. But there's a strong likelihood that how they decide to act on this is going to influence how they act on C and T's in this region.

29

30

MR. SHERROD: I might add the Eastern Council was very interested in this until they were confronted with their own C and T case, at which time they became very interested in the process, because they have a C and T determination taking place on the Upper Tanacross.

35

36

MR. HAROLD HUNTINGTON: Phil, you had a question?

37

38

MR. GRAHAM: I guess I just -- when does -- Let me get it straight in my head, you know, when they do a customary and additional use determination is when there's a problem with not enough resource?

42

43

MR. SHERROD: No.

44

45

MR. GRAHAM: No?

46

47

MR. SHERROD: No. Let's -- And that's a very good question. No. The way that the law underneath the original

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EIS was developed and interpreted and so on, the implementation, that -- is read that the rural residents -- first of all, if you're an urban resident, you were out. But being rural in and of itself does not guarantee you access to the resource, that to have access to the resource, you must have a demonstrated customary and traditional use of that resource. And then, of course, you see that -- then we immediately get into a monkey wrench about introduced species and so one that hasn't been resolved. Then within that, if you've got a number of community that have established a customary and traditional use of an area, so they have a C and T determination, a positive C and T determination, if in fact the resource declines below the level that those users can be satisfied, then you get into what the State refers to as a Tier I or basically what we call an 804 situation, in which studies must be conducted, or some sort of determination. And there's a separate set of criteria by which you can decide, well, Village A gets it, and Village B doesn't, or another interpretation is we look at -- you don't worry about Village A and B, you look at each resident unit, and each household stands on its own as to whether they have access to those resources or not.

22

23 We're still working on trying to figure out how to do C and T. We haven't even gotten to the process by which we can do an 804. But it is a number of steps. To say that the -- the C and T process is a way of determining which communities have access to given resources within certain areas. And as I say, if you look at the eight criteria, a lot of them are fairly vague, and exactly -- you know, and there is no guideline to say, well, you've got -- you get four of the eight, you qualify, four of the eight, you don't. So do you get it or do you not get it? It's very difficult to move the criteria which are fairly qualitative in nature and do some sort of quantitative type measure that then can be added up and can be decided. And that -- I think that is the important sort of relevance of this Board being aware of what's going on and thinking fairly deeply about this. How would you believe that these things could -- should be carried out, because as I say, the qualitative nature, and in theory that's where your expertise comes into play.

41

42 MR. HAROLD HUNTINGTON: Dave?

43

44 MR. JAMES: Mr. Chair, we have lots of food for thought. How about if we get food for our bellies?

46

47 MR. HAROLD HUNTINGTON: Okay. That sounds good. I'll call for a recess. Lunch time.

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1 (Off record)

2

3 (On record)

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5 MR. HAROLD HUNTINGTON: I'll call the meeting back to
6 order. And I guess we start off where we left off.

7

8 MR. JAMES: Yeah, perhaps.

9

10 MR. HAROLD HUNTINGTON: All right. Is there any
11 announcements or anything

12

13 MR. JAMES: No, I don't have any.

14

15 MR. HAROLD HUNTINGTON: you want to?

16

17 MR. JAMES: If you'd like, George Sherrod come back to
18 the table, if you all wanted to finish that discussion with the
19 Kenai C and T? If you didn't have any -- if the Council
20 doesn't have any questions for George right at this moment, you
21 might want to talk about your letter,

22

23 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

24

25 MR. JAMES: Harold, that I included in here,
26 since it's related to that.

27

28 MR. HAROLD HUNTINGTON: Did it do any good? Did they
29 delay their decision making or they just went ahead and got --
30 went ahead with it, do you know?

31

32 MR. JAMES: The schedule, you mean, when they're?

33

34 MR. HAROLD HUNTINGTON: Yeah.

35

36 MR. JAMES: Well, apparently not. There was -- the
37 last I heard, and George can correct me if I'm wrong, was that
38 the Board was going to meet after their April meeting, perhaps
39 in May sometime, to finish up the C and T in time that regu- --
40 before the regulations are out for the 94/95 regulatory year.

41

42 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

43

44 MR. JAMES: But as I understand it, that might even be
45 delayed now. So they're not sure that they're going to be able
46 to do it

47

48 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

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1 MR. JAMES: when they thought they were going to,
 2 so -- but I'm sorry I can't be more specific. I think, for
 3 instance, the Southcentral Council's meeting right now, and I
 4 don't know, that -- the topic of the time table might well be
 5 on their agenda for this meeting so we'll just have to wait and
 6 see what they decide.

7

8 MR. SHERROD: It might be -- excuse me, Mr. Chairman.
 9 It might be worth mentioning to say there is one other, the
 10 Upper Tanana and the Copper River, there are two other C and T
 11 studies currently in the works for which I don't believe --
 12 have they received any documentation on those, David?

13

14 MR. JAMES: Not that I know of, no.

15

16 MR. COLLINS: Mr. Chairman?

17

18 MR. HAROLD HUNTINGTON: Ray?

19

20 MR. COLLINS: How are they approaching the community
 21 individual issue, like it says -- I know on this fourth
 22 alternative it says that the majority of the community. Is
 23 that true on all of them? They're looking at the majority of
 24 the community when they make the findings, or

25

26 MR. SHERROD: That's

27

28 MR. COLLINS: finding on individuals?

29

30 MR. SHERROD: Yes. That's one of these questions that
 31 hasn't been answered. I mean, I think generally it's safe to
 32 assume that the logic is going to be to look at community by
 33 community, and species by species. And obviously that becomes
 34 a tremendous task, and that's why sort of the prioritizing of
 35 large mammals on the Kenai have taken place. But that's one of
 36 the questions I think that this board and other boards will
 37 have to deal with, are we talking about the majority? How much
 38 of a community does it take before you make a positive
 39 determination? Is it one house-hold? Is it half the
 40 households? And are we talking about harvest as opposed to
 41 use, because as we know in our studies off rural Alaska, the
 42 number of harvester are frequently a much smaller percentage
 43 than the number of users in a community, so are we looking at
 44 just 10% of the households hunt in area A, and harvest black
 45 bear, and no one else does, and then say, well, 75% of the
 46 households in the community consume black bear.

47

48 It's those kinds of questions that, because we haven't

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gone through one of these before, the answers are not there. And I suppose as David has pointed out, that the significance of this body is monitoring that process and seeing the direction it's going. And I suppose if you have thoughts on the matter, forwarding those thoughts onto the Board prior to their deliberation later on this year.

6

7 And, let's see. I wish I knew when the C and T process was going to take place in your area. We're running behind on the ones we've done. It's just that's a large process, and particularly not knowing at this point which information is critical and what is not. We're sort of faced with the task of getting everything which we can possibly amass together and hope it will satisfy the needs, if it's available. I mean, in some cases, like on the Delta, for example, there just aren't the studies there. Fortunately right now there aren't the resource allocation issues that make it a particularly hot area, but those could rapidly change.

18

19 MR. COLLINS: You have access to the State information?
20 Are they making use of that at all, or is?

21

22 MR. SHERROD: Yes, basically this stuff is State information, and early historical accounts on some of the things. We're looking at sharing. If we're looking at transmission of knowledge, which is one of the criteria, frequently we have to go back to the early ethnographic record. But there are data gaps in some of these areas where -- I mean, frequently some of the ADF&G studies, which are quite good, are limited in either temporal scope or subject scope. They may not talk about transmission of knowledge, they may not talk about preparation. And those studies that do talk about transmission of knowledge and preparation, may not talk about quantities of resources used. So it's

34

35 MR. JAMES: Mr. Chair.

36

37 MR. HAROLD HUNTINGTON: Yeah, David?

38

39 MR. JAMES: The Council might want to look at this topic in general about C and T determinations in at least three ways. First of all, as it pertains to your own region. If you have strong feelings about what a priority should be in making C and T determinations, then it would serve you well to make that known to the Board so it can be passed on to the staff. You know, keep hammering away at it is the -- the squeaky wheel gets the grease, literally. So -- and they want to know that. They want to know what you feel the priorities are, and that can influence their decisions. At the fall meeting, one of the

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areas that came up frequently was the Dalton Highway Corridor, for instance, and there may be other examples.

2

3 The other two fall within the realm -- I -- at this point really with the Kenai C and T determination. Because of the lack of firmness of what the Board is expected to do, in other words, nobody knows what they're going to do, because they have no past pattern to judge it by, they haven't done this before, and because the schedule is a little bit loose now it appears, in other words, we've gone through a couple of deadlines, and they've already been set back, that suggests that they are receptive to input from the councils. If you want to make your influence know, this is probably a good time to do it. They're not on a hard and fast track right now. If you want to have any influence, then this is your opportunity to do it.

16

17 One of the things might be schedule, timing in other words. And that's one of the issues that Harold addressed in this letter, which he may want to talk about a little bit later here.

21

22 The other is policy, the kind of -- the example that George just gave you, if the Council has some strong feelings about these issues, get them down, pass them in the form of a recommendation, and send them to the Board, so that you can influence this process. This is, you know, part of the opportunity that you have to determine how they are going to make these C and T determinations.

29

30 So if you want to take any action, those are some suggestions about, you know, how you can direct that action. No action is appropriate, too.

33

34 MR. HAROLD HUNTINGTON: We could put it on our agenda for our next meeting though, couldn't we?

36

37 MR. JAMES: Certainly.

38

39 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative) Jack?

40

41 MR. REAKOFF: I think it would be prudent if we waited to see how the Federal Board deals with this case as to how we might react or state C and T's for this area here. You know, it's kind of hard to second guess what that Board is going to do, how they rule on A, B, or C and those different alternatives and how they might -- I don't

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48 (Telephone -- Conference operator)

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1 MR. REAKOFF: I personally don't want to see any
 2 individual that might not be right within a community fall
 3 through the cracks. There's people who live out in the woods
 4 that, you know, they don't live in a community, but they might
 5 get excluded because they're not named. There's some things I
 6 worry about on these C and T determinations, that individuals
 7 that are living a subsistence lifestyle might fall through the
 8 cracks, and I want to -- I would -- personally I want to see
 9 how the Federal Board deals with those individuals, and how
 10 broad or how narrow they determine C and T. They're dealing
 11 with a real quagmire of different communities down there on the
 12 Kenai Peninsula, and it's -- it will be easier in this country
 13 to make C and T determinations. But I don't want to see just a
 14 community determination. I want to see if it's an individual
 15 there's individuals in there that have to be protected.
 16 Their uses.

17

18 MR. COLLINS: Yeah, Mr. Chairman?

19

20 MR. HAROLD HUNTINGTON: Yeah, Ray?

21

22 MR. COLLINS: Yeah, I agree with Jack, and I think
 23 you've hit a key issue there. The only thing that would
 24 concern me about waiting is they may -- they'll have to
 25 determine that grey thing on the Kenai. There's some long-term
 26 Kenai residents down there that may have dependence,

27

28 MR. REAKOFF: Um-hum. (Affirmative)

29

30 MR. COLLINS: but there's a lot of people that
 31 don't.

32

33 MR. REAKOFF: Um-hum. (Affirmative)

34

35 MR. COLLINS: And if they decide against those
 36 individual or the minority groups down there, then they'll
 37 probably have to use that precedent or else they'd have to go
 38 to do that. So that's

39

40 MR. REAKOFF: Maybe we'll have to address it somehow
 41 with transmittal to the Board.

42

43 MR. COLLINS: Because I'm concerned long-term, if they
 44 start working in terms of majority of community, many of our
 45 communities may change over time. I mean, just like now,
 46 there's fewer people that are trapping like they were in the
 47 past and so on. And as you get fewer -- you know, the people
 48 that are dependent on the resource become smaller in number in
 49

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some communities, they may say, well, the majority of that community's no longer dependent on

2

3 MS. LOLMITZ: David?

4

5 MR. COLLINS: (indiscernible), so they won't have customary and traditional ruling or something.

7

8 MS. LOLMITZ: David, are you there? Is anybody there?

9

10 MR. JAMES: Yes, I'm here. Yes?

11

12 MS. LOLMITZ: Okay. I can't hear -- we can't hear the speaker here.

14

15 MR. JAMES: Okay. We'll work on the sound system.

16

17 (Off record discussions)

18

19 MR. REAKOFF: Mr. Chairman?

20

21 MR. HAROLD HUNTINGTON: Yes, Jack?

22

23 MR. REAKOFF: Maybe Ray is right. Maybe we should make
24 point out some things that we're concerned about. And I
think uses is another point, you know. I know in Anaktuvuk
they did studies there where actually the minority of the
people harvest caribou, but everybody uses caribou. And these
are points, you know. There may be only two people in a
village that harvest wolves, but everybody uses wolf ruffs from
those users. So these I think uses by communities of, you
know, like the black bear example, are -- it's an important
aspect of C and T. And then the individual problem, you know,
how they are going to allow for individuals who don't reside in
communities to retain a C and T. So maybe put transmittal of
35 and if -- does anybody else have any kind of ideas on?

36

37 MR. HAROLD HUNTINGTON: I think we should put -- have
some kind of input on it before it gets too far along the line
80 where we can't really make much, you know, put too much
input in later on.

41

42 MR. REAKOFF: Um-hum. (Affirmative)

43

44 MR. HAROLD HUNTINGTON: I think it's something
important enough to address at our next meeting, you know.
Reserve some time for it on our next meeting.

47

48 MR. JAMES: Mr. Chair, I was just thinking to myself

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that we've heard now several reasons for having this third meeting. In other words, a meeting before next fall, next late fall. And especially if it were to take place late summer -- I mean, excuse me, late spring or early summer, then it's beginning to look like that's still -- that will be before they make a decision on this Kenai thing.

6

7 Now, if there were to be a meeting, say, in May, that would also give you an opportunity individually, for instance, to study this C and T document,

10

11 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

12

13 MR. JAMES: and to get a better feel for what we're talking about here when we policy decisions. You know, what proportion of the community has to be a subsistence user to be called a subsistence community.

17

18 And it -- to talk about these things is awkward, because sometimes it seems like you're just -- you're belaboring the obvious. But, again, think in terms of the Federal subsistence Board that have to sit there, who have, you know, certain experience, and there's certain experience they don't have. But they darn sure don't have your experience for the most part. So what may seem like obvious to you is not obvious to them, and they have to listen to a thousand different interests and points of view coming at them from every direction. So what you say is extremely important.

28

29 But to try to formulate a complete recommendation right now on the spot is probably impossible. Maybe the thing to do is that you need some more time, but time is growing short, you know, it's not like you can wait around another six months or so. I mean, it's

34

35 MR. HAROLD HUNTINGTON: Yeah. What does the rest of the Board think on having some more time for our C and T determination? I think sometime in May or whenever we have a meeting would be a good time to really go through with -- I think we'll need at least half a day anyway for this subject alone.

41

42 MR. GRAHAM: Take up the annual report at the same time.

44

45 MR. HAROLD HUNTINGTON: Yeah. Um-hum. (Affirmative)

46

47 MR. GRAHAM: Maybe some of what we come up with would go in the annual report.

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1 MR. HAROLD HUNTINGTON: Yeah, I think so, it would
 probably fit right in there.

3

4 MR. POLLOCK SIMON, SR: I think we ought to discuss it
 more at the next meeting, because if we take this now, we'll
 run out of time for the rest of the business.

7

8 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative) Yeah,
 I'm pretty sure it's going to take hours to go over it, so --
 Well, if it's okay with the rest of the Council, I'd like to
 maybe table this until the next meeting, would that be proper,
 or --? We need a motion to table?

13

14 MS. STICKMAN: David?

15

16 MR. JAMES: Excuse me, Mr. Chair. Yes? Is that you,
 Lori?

18

19 MS. STICKMAN: Is this David James?

20

21 MR. JAMES: Yes, speaking.

22

23 MS. STICKMAN: Okay. This is Cathleen. One of our
 members wanted to say something.

25

26 MR. JAMES: Sure. Go ahead.

27

28 MS. STICKMAN: Okay.

29

30 MR. BIFELT: Yeah, David, this is Cue. I think the way
 it was in Galena five days earlier, I understood, oh, some
 little problems I guess, you know. There's State land and
 Federal land.

34

35 MR. JAMES: Well, if you can wait

36

37 MR. BIFELT: We need some kind of markers where the
 State land and

39

40 MR. JAMES: Okay. Is your comment about Proposal
 Number 56?

42

43 MR. BIFELT: Yeah.

44

45 MS. STICKMAN: Did you hear everything that Cue told
 you?

47

48 MR. JAMES: Yes, so far. It's not clear to me what

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position. Is this a recommendation to adopt Proposal 56 or to oppose 56?

2

3 Mr. Chair, I recommend just a brief recess, and I'll talk to these and get it straightened out, okay, for the teleconference?

6

7 MR. HAROLD HUNTINGTON: Okay. We'll recess for five minutes.

9

10 (Off record)

11

12 (On record)

13

14 MR. HAROLD HUNTINGTON: Call the meeting back to order. We're still on the Kenai customary and traditional determination. Well, like I mentioned earlier, I'd like to see it placed on the agenda for our next meeting, if there's no objections from the rest of the Board?

19

20 MR. GRAHAM: Is there a motion?

21

22 MR. HAROLD HUNTINGTON: Is there a motion?

23

24 MR. GRAHAM: I'll make a motion that we take up the customary and traditional use problem, and the annual report at our next meeting, which we'll try to have in late spring or early summer.

28

29 MR. HAROLD HUNTINGTON: There's a motion on the floor. Is there a second?

31

32 MR. POLLOCK SIMON, SR: I second the motion.

33

34 MR. HAROLD HUNTINGTON: It's been moved and second to table our Kenai customary and traditional determination until next meeting. All in favor signify 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. We're getting on to our next item on the agenda.

46

47 MR. JAMES: Mr. Chair, a suggestion. The Council may want to skip down to the item number three, with the time of

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1:20 beside it. That one and the next one are specifically the two proposals that our conference folks wanted to listen in on and provide some testimony for. That means we'd skip a couple, three items above it, but perhaps if we could finish that, then we could terminate this conference hook up, if they wish to.

5

6 MR. HAROLD HUNTINGTON: Yeah, if there's no objection from the Board. We'll move our schedule around a little bit here and move on down to Proposal 56.

9

10 MR. JAMES: Mr. Chair, we'll have one of our staff members join this discussion, Sue Detwiler.

12

13 MS. DETWILER: This is Sue Detwiler, and for the people who are on the teleconference on the other end of the phone here, I work for the Fish and Wildlife Service in Anchorage in the Subsistence Office, and I'll be giving just a brief summary of the proposal and the comments that we've received on the proposal.

19

20 Proposal 56 deals with the fall moose season in the Three-Day Slough area. The proposal asks to shorten the Federal season to four days -- or shorten the Federal subsistence season by four days so that the Federal season will align with the State season, which currently is from September 15th to the 25th. The Federal season was extended by four days last year to begin on September 1st at the request of subsistence users and the Fish and Wildlife Service.

28

29 Last fall there were very few -- well, let me back up for a second. Much of the fall hunting for moose is done on lands that aren't under Federal jurisdiction, and it's difficult to identify Federal lands from State lands. There were very few people who hunted last year in this hunt, and one hunter from Huslia was cited for hunting on State lands. So given the low participation in the hunt, as well as the confusion from not knowing which lands are Federal and which lands are State, it appeared that the extra four days under the Federal subsistence season didn't really provide much of a practical or meaningful opportunity for subsistence users. So the Fish and Wildlife Service proposed this year to shorten the season by those four days, so that the State and Federal seasons would be aligned.

43

44 We've gotten comments from several people and groups. We got one comment from a member of the Yukon River Drainage Fisheries Association, who supported shortening the Federal season, and his reasoning was that it would provide consistency with the State regulations, and therefore reduce the confusion.

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ADF&G supports reducing the Federal season. Two archery associations also support reducing the season for the reason that it makes it -- makes Federal and State seasons consistence.

4

5 And Royce Purinton from Nulato opposed the proposal. He recommends retaining the extra four days, unless there's strong support from local hunters that they want to shorten it by four days. And the comments that he made were that it takes 9- there's low participation -- there was low participation this year, but it takes a while for information about the hunt to filter out to hunters, so there might be a little bit more participation next year. And he also recommended that the Kiyuk Flats area, the upper Innoko Refuge, also be included in the area that has the extra four-day season.

15

16 That's all, Mr. Chair.

17

18 MR. HAROLD HUNTINGTON: Thank you.

19

20 MS. LOLMITZ: David, this is Lori Lolmitz in Koyukuk.

21

22 MR. HAROLD HUNTINGTON: Yeah, go ahead, Lori.

23

24 MS. LOLMITZ: For once I have to agree with Royce Purinton on keeping that four days, because if I remember correctly last year, it was broadcast very late in August on the radio, and it was a poor broadcast by Tim Osborne on our KOYU radio station that we listen to, and a lot of people misunderstood the message, and -- because it came out so late. It really wasn't effective. And if you just go by one year's count of moose take, I don't think that's being -- trying to be effective at all.

33

34 MR. HAROLD HUNTINGTON: Anybody have any questions for me on Proposal 56.

36

37 MR. GRAHAM: Was there somebody else that wanted to speak? I mean

39

40 MS. DEMIENTIEFF: Cue Bifelt.

41

42 MR. HAROLD HUNTINGTON: Yeah, I think -- Cue, are you still on the line? Cue Bifelt?

44

45 MS. STICKMAN: Yeah. Oh.

46

47 MR. HAROLD HUNTINGTON: Is Cue on the line? He wanted to speak on Proposal 56. I guess not.

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1 MR. COLLINS: Mr. Chairman, I have one question. Was
2 that Lori that was testifying?

3

4 MR. HAROLD HUNTINGTON: Yeah.

5

6 MR. COLLINS: Lori, if you can hear me, I have a
7 question. Could you comment, were there local people that were
8 not able to get the moose they needed last fall? I know not
9 too many took part in the early, so most went out in the later.
10 Were there very many people that were unable to get a moose
11 then during the season that they did have, or took part in?

12

13 MS. LOLMITZ: You mean from the September 1st on, or
14 from the 5th on?

15

16 MR. COLLINS: Well, obviously there weren't very many
17 that went out in the first period, so I guess I'm talking about
18 the second period. Those that choose to go out during the
19 second. Were there a lot of people in your area that did not
20 get moose, is what I'm asking I guess, that needed it or wanted
21 it?

22

23 MS. LOLMITZ: There were a few people that were not
24 able to get a moose. But that's not the point I'm trying to
25 make here. The point is that you opened up a subsistence four-
26 day moose season, and had it broadcasted very poorly, very
27 late, and with a lot of misunderstanding with -- from the local
28 area. And they're trying to use that as a statement saying
29 that it was an ineffective moose season, those four days, and I
30 don't think that's a fair effective way to use that. I think
31 that you should try it again, and maybe start a little earlier.
32 Get the local people to understand that this is for them, and
33 maybe it will work better. You can't just use one four-day
34 season and say, "Oh, oh, it's not working."

35

36 MR. GRAHAM: I don't know anything about the country,
37 but I think she's making a good point that one year is kind of
38 a short time to get people used to this new season.

39

40 MR. JAMES: Mr. Chair, I'd remind the Council, we do
41 have a couple of representatives here from the Koyukuk National
42 Wildlife Refuge. And this proposal was submitted by the
43 Refuge, if you wish to have -- you know, ask them questions
44 specifically, or get any more information, they could help you.

45

46 MR. HAROLD HUNTINGTON: Well, maybe I'll go ahead and
47 just call up one of the guys I know that's been involved with
48 the issues. Pete? Pete maybe knows. I've talked to him on

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the issue a few times.

1

2 MR. DeMATTEO: My name is Pete DeMatteo. I'm with the
Refuge Office of the Fish and Wildlife Service here in Galena.

4

5 I think I need to start by reviewing what we discussed
6 on the McGrath meeting this past fall. And for the benefit of
7 the people in Koyukuk, let's start by saying that in 1992 when
8 Stanley Huntington put the proposal into the Federal Board, it
9 was the best intention to give local people four days head
10 start in moose hunting, without competition from the outside.
11 At the time Stanley and also the Federal Board, no one
12 understood the complexities of what this pertain as far as the
13 mean high water mark, which me or no one else at this point can
14 tell you where it is, or show you on a map.

15

16 The Federal Board past the four days. And last year
17 the first time around for the hunt, it was fairly confusing for
18 everyone. We had a fair number of people come into the Refuge
19 Office and call us over the phone and ask us where can they
20 hunt. In other words, where is the legal hunt area, or where
21 is the Federal land. And unfortunately the only way I can
22 describe it is it's above the mean high water mark within the
23 controlled use area of the Koyukuk Refuge. I can't show you on
24 a map where that is. And it's hard to describe, because we
25 don't have a definition yet that normal people can understand.
26 So here lies the confusion. And I don't mean to turn this
27 into a discussion about navigability, but that also pertains to
28 this proposal.

29

30 So the original intention of the proposal was to offer
31 an increased subsistence opportunity of four days, and that was
32 not realized. That wasn't met because simply people did not
33 know where they could legally hunt. And we had a fair number
34 of people say -- in frustration say that they wouldn't hunt
35 until the fifth, the second period, simply because it was too
36 confusing. So in order to work through the confusion, or
37 eliminate the confusion, we proposed that we realign the two
38 seasons, and eliminate the first four days. Maybe in the
39 future things will be changed and it will be a lot easier to
40 understand. But for now, if we keep it as it is, next
41 September we'll have the same confusing situation we had last
42 year.

43

44 So to answer Lori's question in Koyukuk, she said let's
45 work through this another year and give it another chance. I
46 can describe for you where the controlled use area is, but I
47 can't describe for you where the ordinary high water mark is,
48 where it starts and where it ends.

49

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1 MR. HAROLD HUNTINGTON: Yeah, I talked to a lot

2

3 MS. LOLMITZ: This is Lori Lolmitz. I think if you do
4 decide to -- 11 days, that four days, I think you start to --
5 you need to start looking into ways to start correcting the
6 mistakes that came about because of the last one. Try to make
7 it -- if you're going to try to -- if somebody going to push to
8 open it back up again, then I think you need to make it so
9 effective we aren't going to run into these problems. Of
10 course, we're going to run into problems, but I think part of
11 the problems were just a big mass confusion to the local
12 people.

13

14 MR. DeMATTEO: I guess I would just like to add that
15 I'd like to suggest for the Council that when you go back to
16 your respective villages, that you talk to people and see how
17 they feel about it, so that in April when the Chairman here, or
18 whoever he delegates to go to the Federal Board meeting, will
19 go with -- go with everyone's opinions in his pocket, and see
20 how they feel about it. The Federal Board is not going to call
21 me up and ask me what I think about this. They're not going to
22 do that. But you, as a body, have the ability to talk to through
23 that meeting that's going to take place in April.

24

25 So I guess Harold and Franklin and Sharon, I think you
26 need to solicit comments from your respective villages, and see
27 how they feel about it. I can only offer you technical
28 assistance as far as information, but you do represent the
29 people as villages, and it all comes down to what they want.
30 If they want to leave it ride, leave the season as it is or put
31 it back the way it used to be, and that is realign the two
32 seasons, and do away with the first four days.

33

34 MR. REAKOFF: Mr.

35

36 MR. HAROLD HUNTINGTON: Yeah, Jack?

37

38 MR. REAKOFF: Mr. Chairman, it's my understanding that
39 this is a well-intentioned subsistence preference hunt, and the
40 Federal Refuge people don't know where the mean high water
41 mark, and the only one that's going to write out tickets is the
42 State of Alaska, so I think it's the State's position to draw
43 the line, and where's this line at? The State has to -- if
44 they wrote tickets last fall, what was their definition when
45 they were writing tickets?

46

47 MR. DeMATTEO: Maybe I can just shed a little light on
48 that. Since it was a Federal season, the Federal Government

49

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opened up that season, it's our obligation to define where that legal hunt area exists. Okay? We can't look to the State to do that.

3

4 MR. REAKOFF: But the State wrote tickets?

5

6 MR. DeMATTEO: Only pertaining to their jurisdiction.

7

8 MR. REAKOFF: But where's -- where is their definition?
9 We want to see their definition. We know who's going to write
10 tickets, and we want to know where they're going to start
11 writing the tickets at. It's the State's position to write
12 tickets, where's their line? They -- they're the one drawing
13 the line, we want to know where this line is. I mean, they're
14 they want to write tickets, where's the line? And what was
15 their definition when they started writing tickets last year?

16

17 MR. DeMATTEO: I'm not really in a position to answer
18 for the State. You'd

19

20 MR. REAKOFF: We have

21

22 MR. DeMATTEO: have to ask the State.

23

24 MR. REAKOFF: a lawyer, Mr. Caldwell, here.
25 What's -- what was their line there? Did they

26

27 MR. CALDWELL: I'm not well informed

28

29 MR. REAKOFF: You're not familiar with that one? But I
30 think the quandary is the State.

31

32 MS. ATTLA: David James, this is Huslia, Katherine
33 Attla.

34

35 MR. HAROLD HUNTINGTON: Yeah, go ahead, Katherine.

36

37 MS. ATTLA: Okay. I have comments about 56, Proposal
38 56, that we'd like to support that proposal, and five of them
39 are here, and there's others. It wouldn't affect our people
40 doing the hunting unless Eek (ph), Allshilren (ph), mark your
41 borderline of this wherein hunt. But most of all, we wanted to
42 support Proposal 59.

43

44 MR. COLLINS: Could that be clarified? Does she mean,
45 she wants it reduced or she wants -- she's supporting the
46 reason to keep it?

47

48 MR. HAROLD HUNTINGTON: It sounds like she's supporting

49

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it.

1

2 MS. GURTLE-STRICK: But she wants it marked, the
border

4

5 MR. HAROLD HUNTINGTON: Oh, the high water?

6

7 MS. GURTLE-STRICK: Didn't she say she wanted
the

9

10 MR. FRANKLIN SIMON: Yeah, that's the way it sounds to
me. Just like earlier -- excuse me. Cue was asking about
borderline between the State and the Federal. When I brought
that up in McGrath last year as well, the discussion, there
wasn't five miles until I got in trouble. Went in five miles.
There's no water around or nothing. You're in Unit 21 or 24,
nobody's -- people doesn't understand that is what they're
trying to get at right now. If you had some kind of marker or
something like that, you know, unless it's just coming around,
but somebody was five miles or ten miles earlier (ph) where
there's no line, and that's what they're after right now.
That's the way it sounds to me.

22

23 MR. JAMES: Mr. Chair?

24

25 MR. HAROLD HUNTINGTON: Yeah, Dave?

26

27 MR. JAMES: If they want the boundaries, these lines
well defined, that's only useful if the subsistence season
early opening remains in effect. Right? Because if they're
the same, it doesn't matter. But as I understood it, they
support Proposal 56, or did I misunderstand that? See, this is
contradictory. Is that not the way you heard it? I just want
to get the public record straight here on what they're
commendation is.

35

36 MR. HAROLD HUNTINGTON: I think she stated she
supported leaving it the way it was.

38

39 MS. GURTLE-STRICK: Yeah. That's the way I understood

40.

41

42 MR. HAROLD HUNTINGTON: Yeah.

43

44 MR. JAMES: Okay. So it's in opposition to the
proposal.

46

47 MR. HAROLD HUNTINGTON: Yeah.

48

49

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MS. GURTLER-STRICK: So it -- yeah.

1

MR. COLLINS: Could we ask Katherine that? See if
what's their understanding?

4

MR. HAROLD HUNTINGTON: Katherine, are you still there?
Katherine Attla, are you still on the line? I guess not. But
it sounded like she opposes 56.

8

MS. GURTLER-STRICK: Um-hum. (Affirmative)

10

MR. HAROLD HUNTINGTON: The way it is.

12

MR. JAMES: Excuse me, Mr. Chair, are we talking with
Katherine or Cathleen?

15

MS. DEMIENTIEFF: Katherine Attla.

17

MS. GURTLER-STRICK: Katherine.

19

MR. JAMES: Katherine.

20

MR. HAROLD HUNTINGTON: Katherine Attla.

22

MR. POLLOCK SIMON, SR: Mr. Chairman?

24

MR. HAROLD HUNTINGTON: Yeah, Pollock?

26

MR. POLLOCK SIMON, SR: This -- since we started having
this, you know, Federal subsistence, you know, and the State
Game regulations, and this four-day season open came up, at
first it was confusion, you know, where -- peoples didn't know
where to hunt, but then some people from Fish and Game and Fish
and Wildlife came to the village and had meetings with the
peoples, and then explained to them where, you know, State
Bands is and where Federal begins, and State, you know, lands
under waterways, and State owns the travelways, that's why we
can't shoot moose on waterway, you have to chase them up the
bank, you know. And then peoples can't be aware (ph) of where
they hunt the first four days. So back home, you know, a of
peoples, you know, want to leave it the way it is, now that
they know where to hunt.

42

MR. HAROLD HUNTINGTON: Um-hum. (Affirmative) Yeah, I
think that's probably what's going to be done probably in the
villages around here, too, you know. Going to have to --
people's going to -- somebody's going to have to come out there
and tell them where to -- where it's legal and, you know,
illegal to hunt, 'cause a lot of the people I've talk to on

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this proposal, it was about split right down the middle, you know. The confusion, it really wasn't worth the -- it really wasn't worth the trouble to get into, I guess, some people liked the proposal, it gave -- well, it gave some people that really wanted to hunt a chance to go out early and hunt. But then for a lot of people, it was pretty confusing as to what was the high water mark, and Federal and State land boundaries.

7

8 MR. COLLINS: Mr. Chairman, when they're talking about marking it, it sounds -- I got the impression that some of them, what they want is a mark on the river where it starts, not the high water mark so much as the main boundary. Is that what's -- where there's confusion? And would it be possible to mark that?

14

15 MR. DeMATTEO: Are you

16

17 MR. COLLINS: In other words, what you're leaving State? Not where the high water mark is, but where it's the

20

21 MR. DeMATTEO: Are you referring to the marker that Franklin mentioned, and Huslia mentioned?

23

24 MR. COLLINS: Yeah, they're saying we want it marked, and

26

27 MR. DeMATTEO: Oh, no. Let me clarify. They're referring to putting a boundary marker between where 21D ends and Unit 24

30

31 MR. COLLINS: Right.

32

33 MR. DeMATTEO: begins, right on the river.

34

35 MR. COLLINS: Right.

36

37 MR. DeMATTEO: That's what they're referring to.

38

39 MR. COLLINS: And so that's doable, isn't it?

40

41 MR. DeMATTEO: I believe that would have to be taken up with the State. I don't know if it's doable or not, but I believe the State would have to make an answer on that.

44

45 MR. JAMES: Mr. Chair?

46

47 MR. HAROLD HUNTINGTON: Yeah, Dave?

48

49

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MR. JAMES: If you've opened it up for public comment, there may be some others in the audience that would like to do that, including representatives from State Fish and Game, if that's appropriate now?

4

MR. HAROLD HUNTINGTON: Thank you, Pete.

6

MR. DeMATTEO: Thank you.

8

MR. HAROLD HUNTINGTON: Is there anyone else in the audience that would like to speak on Proposal 56?

11

MR. TAYLOR: Mr. Chairman, I'm Ken Taylor from Fish and Game.

14

This has been pretty confusing for people, and the State Board took up a proposal very similar to what the Federal Subsistence Board passed last spring. The State Board didn't pass the September 1st opening, but what they did do was extend the February season to February 10th. The February season is one that's taken advantage of primarily by local residents, and we figured that would help provide additional subsistence opportunity. And that is a possibility to do in this proposed regulation as well. If you wish to recommend an amendment to the February season, to extend it to February 10th, that's going to address some of the local need for taking additional moose.

27

As far as the boundary between where the Refuge starts and where it stops, I can't really speak to that.

30

If what the public is interested in is a delineation of where the ordinary high water mark occurs, that's going to be extremely difficult to do every place the Federal Subsistence Board passes a season different from the State. This area is pretty large in and of itself, and there are many other conservation units that the Federal Subsistence Board is passing seasons that would be extremely difficult for us to address.

39

We don't have the problem only with the ordinary high water mark differences. There's also problems of where the Federal lands in an area start and stop. A lot of these seasons are established for areas that have maybe 50 or 60% State and private land, and 30 to 40% Federal land, but it's in a checkerboard pattern, and it's very difficult for hunters to know what kind of land they're on, and that's going to be always a difficulty when we have differences in State and Federal seasons.

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1 And that's all I have to say, unless you have some
 2 questions?

3

4 MR. REAKOFF: Well, lit -- this goes back to my
 5 question what was the State's enforcement going by? What was
 6 their definition of the high water mark when they wrote this
 7 ticket? They -- you're saying they don't have a definition,
 8 but they're writing tickets, so they must have -- maybe the
 9 Department -- Protection Department has a definition somewhere.

10

11 MR. TAYLOR: We do have a definition, we do not have
 12 delineated out there in the woods. The definition of mean --
 13 the ordinary high water mark is the visible mark left, you
 14 know, when you're going up and down a river.

15

16 MR. REAKOFF: Like the grass and willows and so forth?

17

18 MR. TAYLOR: It's very similar to what you were
 19 talking about this morning.

20

21 MR. REAKOFF: Yeah. That's what I'm trying to get at,
 22 what -- is there a physical feature that we're looking for?
 23 You said this morning that it was a real gray area and so
 24 forth, but there's got to -- there some type of an agreement
 25 between the State and the Federal programs, that in the grass
 26 of willows is the line, and if the moose is standing up there,
 27 shoot him. If he's down here, don't shoot him. And it's got
 28 it could be real easy, you know. And

29

30 MR. TAYLOR: Yes. Mr. Chair, I agree. It could be and
 31 that's why I gave you this morning the definition that was
 32 adopted by the Alaska Supreme Court on what the high water mark
 33 is. If you -- if the State and the Federal government will
 34 agree on that definition, then I think taking that to the field
 35 would be much easier. but if we -- if the State has a
 36 definition of what the ordinary high water mark is, and the
 37 Federal Subsistence Board has a different definition of what
 38 the ordinary high water mark is, this is going to get more
 39 confusing rather than clear it up. Thank you.

40

41 MR. HAROLD HUNTINGTON: Thank you. Is there anybody
 42 else in the audience that would like to testify on Proposal 56?
 43 Any of the Board members have any questions on it. Any
 44 commendations or -- would we have to approve or disapprove
 45 some of these proposals now at this meeting?

46

47 MR. JAMES: Mr. Chair, in fact if -- during subsequent
 48 discussions, it might be the best way to introduce the whole

49

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topic. When you come to a proposal, simply someone make a motion to adopt it. Then you can either adopt it or you vote it down, one way or the other. But for right now, yeah, that's what the Board will be looking for, to see what kind of specific action the Council takes on each of these proposals: for, against, or you could table it. Just whatever.

6

7 MR. HAROLD HUNTINGTON: What does the Board feel on this proposal? Would you like a little more time to think about it or do you want to take some action on it now? Any suggestions?

11

12 MR. FRANKLIN SIMON: Yeah, we could take the action now, because we keep putting some stuff off right now, we're going to be that far behind next time.

15

16 MR. HAROLD HUNTINGTON: Yeah. And you

17

18 MR. FRANKLIN SIMON: So it would be a good idea to get some of these done instead of putting them on table.

20

21 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative) Yeah. That's a good point there.

23

24 MR. POLLOCK SIMON, SR: Mr. Chairman?

25

26 MR. HAROLD HUNTINGTON: Yeah, Pollock?

27

28 MR. POLLOCK SIMON, SR: Yeah. So far we might as well read this. We just -- we hear that they want to leave it the way it was before.

31

32 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

33

34 MR. POLLOCK SIMON, SR: I would certainly differ (ph) from theirs yet.

36

37 MR. HAROLD HUNTINGTON: Was there -- did somebody raise their hand out there? Pete?

39

40 MR. DeMATTEO: Mr. Chair, just as a point of clarification, what does the record for Katherine Attla's view of Proposal 56? Do they support or oppose?

43

44 MS. BURLEY: They support. And they -- it sounds like they want the Federal boundary and the State boundary marked.

46

47 MR. HAROLD HUNTINGTON: I think it's -- no, I think it's -- I think they opposed it. They wanted it.

49

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1 MS. BURLEY: She support it. I thought she said she
 2 support it.
 3
 4 MR. DeMATTEO: I thought she said -- Mr. Chair, I
 5 thought she said she supports the proposal. I'd recommend we
 6 call them back on the phone

7
 8 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)
 9
 10 MR. DeMATTEO: and see what they say.
 11
 12 MR. HAROLD HUNTINGTON: Yeah, I think so.
 13
 14 MR. DeMATTEO: To get clarity on this.
 15
 16 MR. HAROLD HUNTINGTON: Dave, could you get ahold of
 17 Bushi (ph) office?
 18
 19 MR. JAMES: Do you want to -- Mr. Chair, do you want to
 20 take a brief break?
 21
 22 MR. HAROLD HUNTINGTON: Okay. Well, we'll take a brief
 23 recess.
 24
 25 (Off record)
 26
 27 (On record)
 28
 29 MR. HAROLD HUNTINGTON: Call the meeting back to order.
 30 Back to Proposal 56. After some discussion, I guess it was --
 31 see what the Board thinks on whether we should approve it or
 32 disapprove it. Is there a motion on the floor to that effect?
 33
 34 MR. COLLINS: Mr. Chairman, I'll move to adopt, to get
 35 on the floor.
 36
 37 MS. GURTLER-STRICK: I'll second.
 38
 39 MR. HAROLD HUNTINGTON: It's been moved and second to
 40 adopt Proposal 56. Questions?
 41
 42 MR. GRAHAM: I have one question.
 43
 44 MR. HAROLD HUNTINGTON: Yeah, Phil?
 45
 46 MR. GRAHAM: If we vote to adopt it, we are shortening
 47 we're cutting off that four-day moose season at the start,
 48 -- in early September, is that right?
 49
 50

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1 MR. HAROLD HUNTINGTON: That's the way it sounds. It's
2 been moved and second to adopt Proposal 56. All in favor
3 signify by saying aye.

4
5 (Six ayes respond)

6
7 MR. HAROLD HUNTINGTON: All opposed, same sign?

8
9 (Two opposing votes)

10
11 MR. HAROLD HUNTINGTON: Two? There's two nays and six
12 ayes. Is that it? The motion passed.

13
14 Do you want to just keep on going down to -- the other
15 proposals, or do you want to go back to any certain proposal
16 you want to discuss now?

17
18 MR. JAMES: Mr. Chair, the stations, if they're still
19 with us, also were interested in 59 and 61.

20
21 MR. HAROLD HUNTINGTON: Proposals 59 and 61?

22
23 MR. JAMES: Yes.

24
25 MR. HAROLD HUNTINGTON: Is open for discussion.

26
27 MS. LOLMITZ: Herman (sic), this is Lori.

28
29 MR. HAROLD HUNTINGTON: Yeah, go ahead, Lori.

30
31 MS. LOLMITZ: I would neither oppose nor go for that
32 proposal 56, but I need to get off here, and wanted to make
33 that known, want to make a note of that. And then the other
34 comment I had before I get off for -- off of this meeting was
35 that I appreciate being on the teleconference, but at your end,
36 it was really hard to hear some of your group's comments, and I
37 don't know (indiscernible) microphone, but I would like to
38 commend that next time you have -- you invite comments, maybe
39 (indiscernible). That's all I have to say. And thanks for
40 letting me be in on the meeting.

41
42 MR. HAROLD HUNTINGTON: Thank you for your
43 participation. We've had a lot of problems on our
44 teleconference here, but maybe next time we can iron out some
45 of the problems here. Thank you.

46
47 We have Proposal 59. State your name and?

48
49
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MR. GUENTHER: Mr. Chair, I'm Conrad Guenther. I'm with the U.S. Fish and Wildlife Service. I'm a biologist representing the Subsistence Division for the Western Interior.

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Proposals 59 and 61 both deal with moose harvest in Unit 24. There are two maps in the map packet that I gave you. This first map that's on the flip chart right now deals with 59, and the second map deals with 61. There's a lot of similarities in these two proposals, so I'll give my presentation generally dealing with both proposals, and then split off and talk about the individual differences between the two proposals.

Initially, both Proposals 59 and 61 were proposed by the State. They would align both the State and Federal moose seasons in the northern portion of Unit 24. And the other proposals dealing with an area in 24 identified as the remainder. And if we look at this map, it's numbered 61 in the corner, the remainder is all that area that's in the shade, in the shaded area. The area to the north talked about in Number 59 is the area north of the Koyukuk River, up to the upper boundary of 24, and I'll talk more specifically about that in a few minutes.

Both proposals alter the existing season opening dates from August 21st -- or 25th, excuse me, the date would be changed to September 1st. So both proposals have that same effect of changing the opening date from August 25th to September 1. The residents that now have customary and additional use of four moose in Unit 24, are all residents of 24, and the communities of Anaktuvuk Pass, Koyukuk, and Galena.

Current information on the moose population through that area, first the information -- there's not a lot of really good information throughout the area, but in general, the moose population appears to be growing slightly, or stable. It does not appear that the current levels of harvest are having a significant impact on the moose population; therefore, as far as the opening dates, we do not anticipate that there would be any significant biological consequences to this adoption, as to whether the opening date is changed, is adopted as it is in the proposal, or it remains the same.

Some of the State's concerns is as it's been expressed earlier, is the problem of confusion and inadvertent violation of regulations because of the confusion of what is and what is not State and Federal land.

You'll have to excuse me. I'm trying to follow my

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notes through several different documents here.

1

2 Well, let's talk about the 29 (sic), which would
 3 actually change an area specific. Proposal 59, excuse me, that
 4 would change the area. If you'll look at this map, the
 5 existing Federal area, the existing area includes a line that
 6 runs across the northern boundary of 24, cuts down across the
 7 John River, includes the north -- or the Hunt Fork of the John
 8 River, back up to Unit 24 boundary on the north, and then runs
 9 down and cuts across several miles above the Koyukuk River and
 10 above Bettles.

11

12 One of the problems with this area as it's described in
 13 the current regulations is this line is very difficult to
 14 identify. In fact, in order to identify that line, I had to
 15 sit down and spend quite a bit of time with a topo map just to
 16 identify that line across the area, because it cuts across
 17 drainages, over ridge lines, and it would be a very difficult
 18 boundary to identify in the field.

19

20 So the State has proposed that this lower boundary be
 21 dropped down to the Koyukuk River, and then it would include a
 22 small drainage, and I don't have the river name down, and I
 23 can't remember if it comes in above all that, but it's a
 24 clearly defined area based on a drainage.

25

26 The northern boundary in the proposed State proposed
 27 area would drop down and exclude the Hunt Fork drainage of the
 28 John River, so this area in this stipple pattern would be
 29 excluded from the area. Apparently there was a
 30 miscommunication between the National Park Service and the
 31 State at the time that this was done, and there was apparently
 32 a feeling that the Park was not in favor of including that area
 33 within the existing area. Well, my understanding at this point
 34 given by the Park, the Park feels that that -- the area should
 35 remain as it originally was, and not be dropped down further on
 36 the John River. Now, if there's additional information that
 37 someone has in the audience, they can present that when I'm
 38 done, and I'll appreciate hearing that.

39

40 What we're proposing, and what we feel is legitimate,
 41 is to accept this lower boundary along the Koyukuk River,
 42 because it's a good, clean boundary. It's easy to identify in
 43 the field. And then to modify the State's proposal to also add
 44 this portion of the Hunt Fork Drainage that was excluded in
 45 the proposal. It's in the existing right now, but it's
 46 excluded in the report -- in the proposal. So we would suggest
 47 that this area be retained within the boundary.

48

49

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I have significantly -- a significant amount of biological information, and other information relative to this, but I think the key points are the moose population appears to be stable and doing well and that. From a biological perspective, we do not have a strong point of view as to -- we do not feel that it will affect the season dates whether the proposal is adopted or not. It boils down to the point of is it legitimate to align State seasons with Federal seasons, because of a possibility of confusion of land ownership, or in some cases the definite reality of confusion.

10

As far as the area description as I've described, we agree with the State. The new area description is much better, but we would like to include that north portion.

14

If you have any questions, I'll be glad to try to answer them for you. That's all I have at this point. Thank you.

18

MR. HAROLD HUNTINGTON: Thank you. Dave?

20

MR. JAMES: Mr. Chair, I'll just add this on to what Conrad said. I talked with Steve Ulvi, a staff member with the Gates National Park, about that issue at the top of the map. I asked Steve specifically about this, and he -- what he said important -- what I thought was important anyway, is that he is not aware of any desire or agitation or dissatisfaction by the people who live in Anaktuvuk about this area here. They apparently as best as he was aware, and he works with the subsistence -- he's the subsistence coordinator for them, that that boundary is entirely satisfactory with them. So that goes to support what Conrad said, is that it appears that leaving this boundary as it is, rather than to let it drop down, would be the most logical thing to do. So that was Steve speaking, not just that the Park Service wants this, but he was saying based on what public input has been, that that boundary appears to be satisfactory.

37

MR. HAROLD HUNTINGTON: Is there any more questions on Proposal 59? We have the gentleman back there?

40

MR. FORNER: I'd like to make some comments for Gates of the Arctic. I'm Ed Forner from Gates of the Arctic National Park, and I'd like to speak in regard to Proposal 59. Gates of the Arctic opposes the proposal as written. We do not see any need to eliminate subsistence use in that area as described, the upper northern area there on the John River. We don't feel there's any need to limit subsistence hunting in that area.

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Also, we would not like to see the season shortened, because that again would shorten subsistence use in that area, and we feel that there's no need biological or to our knowledge that -- that would indicate that there's a need to see that season closed, so we'd like to leave -- or oppose this proposal, and leave the dates as it is, and also eliminate -- leave hunting in that northern section.

7

8 MR. HAROLD HUNTINGTON: And that's -- what agency is
9 that?

10

11 MR. FORNER: The Gates of the Arctic National Park.

12

13 MR. HAROLD HUNTINGTON: Gates of the Arctic National
14 Park.

15

16 MR. FORNER: So we oppose

17

18 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

19

20 MR. FORNER: this proposal as written.

21

22 MR. JAMES: Mr. Chair?

23

24 MR. HAROLD HUNTINGTON: Yeah, Dave?

25

26 MR. JAMES: I have a question for Ed. Is it the Park
27 Service's understanding that if the proposed boundary were
28 accepted that medium shaded area then would fall into the
29 remainder of the unit definition with the regulation? The
30 reason I ask is because the way I read the proposal, I would
31 assume that that shaded area, it would simply be included with
32 that Anaktuvuk area, and that actually makes a very long
33 season. But there's disagreement over that. Steve said that's
34 not the way you all read that, but, you know, I just was
35 wondering if you had any comments on that?

36

37 MR. FORNER: Yeah, I don't -- as we read it, we don't
38 see it as saying that. We -- Our main goal is not to see the
39 subsistence season shortened or elimination of subsistence use
40 in that area, so that is our objection. And we think that this
41 proposal will shorten the -- or eliminate subsistence in that
42 northern section, that semi-shaded section.

43

44 MR. JAMES: The proposal itself doesn't address the
45 entire regulation for Unit 24 as I read it. It does not. It
46 addresses parts of the total regulation for 24. The season for
47 that little northern area is August 1st to December 31st. What
48 does then would eliminate the March season that exists now.

49

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And I think that's specifically what you mean by

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MR. FORNER: Right.

MR. JAMES: reducing subsistence opportunity?

MR. FORNER: Exactly, yeah.

MR. JAMES: Yeah. Okay. Thank you.

MR. GUENTHER: Mr. Chair, one thing that I did not mention that just came up now is Proposal 59 would create a March 1st to March 10th season for everything included within that area that's not there now. So March 10th -- March (sic) 5th (sic) Could be included in this area, and if this was retained in the area, it would also have a March 1 through 10, I'm sorry, March 1 through 10 season. So that would be the additional season as a result of 59. So that would not be included -- it would depend on how the modification was made, if a modification was made to that upper portion whether March 20 through 10 was a part of that.

MR. HAROLD HUNTINGTON: You have a question, Ted?

MR. OSBORNE: Yeah.

MR. HAROLD HUNTINGTON: Come on up.

MR. OSBORNE: Perhaps I could clarify, if you'd like for you a little bit. What the Board of Game passed last year was the Board of Game passed some new regulations, new boundaries for Unit 24, because like you the old one here is very complicated. It went from the Helpmejack Creek drainage across the Malemute Fork of the John River, and then went across to the John River here to the Death (ph) Valley, and then it cross over to Michigan Creek and then down and included all of North Fork. And that original boundary was done because the Park Service in 1982 objected to Fish and Game establishing the Park as a boundary. Originally that area that had the -- a season that went from the 5th -- or the 25th of August to the 25th September, and a March 1 through 10 season that we proposed, we used the Gates of the Arctic boundary as a boundary, and they objected to that, so they -- we then pushed the boundary down to this thing.

There was a court case Allakaket and Alatna a couple of years ago, because a hunter was up in this area, and really didn't know where he was, and was able to -- the judge and the prosecutor and everybody were very confused, so last year I

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proposed to the Board, which they passed, a new boundary which basically this encompasses here, which says all drainages north of the Koyukuk River, including the Alatna, and this little creek down here, Sinik River you were talking about. The Henshaw, the John, the Wild and North Fork drainages would be in this area.

6

7 At the same time, the people at Anaktuvuk suggested to me that they would like to see that their season up here, which is the 1st of August to December 31st, expanded down into this other area here, and so this boundary description was simply written to come down, further down in here. They had an opportunity at the Game Board last year to comment on that expansion, and they commented, and they accepted that. They did not object to that.

15

16 This morning I phoned up Paul Hugo from the Village of Anaktuvuk Pass to ask him, I think he's the chief up there, to ask him about the -- this proposal here, and he said that they liked the way the State season is now, which is what we're requesting the Federal Board to adopt.

21

22 One of the problems with this area down here is that part of this Proposal 59 is the fact that in this area here, if you go hunting for first 30, 40 miles up in this area now, you're allowed to shoot a cow the last five days of September. You're also allowed any sex for the ten days in March. You cannot do that on Federal land. You have to be on state land in this area, because of the differences in the season dates. And that's why we've asked for the season date change, because the regulation now is actually -- in this area is more liberal for -- on State land than it is on Federal land. And we've attached that. That's the reason it was in that.

33

34 Any other questions?

35

36 MR. JAMES: Mr. Chair?

37

38 MR. HAROLD HUNTINGTON: Yeah, Dave?

39

40 MR. JAMES: Thanks, Tim, very much for that information. I found it interesting that exactly contradicts the information that I was given, as I can tell from the expression on Ray's fact, because I just told you that, you know, what the information told me was that there was no desire to have that extended down. Tim has just said, you know, and he's talked to people directly, that in fact there is. I have 47 I can't -- I don't know what to say at this point, you know. 48 It's up to the Council to sort through that one.

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1 MR. HAROLD HUNTINGTON: Yeah?

2

3 MR. GUENTHER: Mr. Chair, another contribution. And
4 I'm sorry I don't have -- I didn't make this map up, so I don't
5 have copies for everybody.

6

7 The yellow area here indicates Federal lands, the blue
8 outline is the proposed area. The existing area is on this
9 map, and again it's -- the blue outline is the existing area,
10 and the yellow is the Federal lands within that area, so it
11 gives you some idea of the relationship of Federal lands in the
12 area. If you'd like to pass those around so you get a better
13 look at them.

14

15 MR. COLLINS: Okay. And how -- what does -- the
16 proposal

17

18 MR. GUENTHER: Okay. The proposed area would be --
19 I'll put a Number 1 on this. Number 1 is the proposed area.
20 This is the map with the Number 2 is the existing area.

21

22 And, Mr. Chair, again, people can still hunt under
23 State regulations, and if the State regulations on this
24 situation are longer than Federal regulations, they still have
25 the opportunity to hunt under the State regulations when the
26 Federal season is closed. When the Federal season is open for
27 a longer period than the State season, they also have the
28 opportunity on Federal lands to hunt under Federal regulations
29 during the Federal season. So this is -- I'm not sure it's
30 complex, but it's -- that's something you have to be aware of.

31

32 MR. COLLINS: And how does adopting this proposal,
33 which goes to the number one map, affect the question about the
34 longer season for Anaktuvuk residents? Wasn't that -- that was
35 confusing to me. You were saying that you were -- the Park was
36 opposing 59 because it would shorten the season in -- for
37 Anaktuvuk? Did you

38

39 MR. OSBORNE: Can I explain for Ray?

40

41 MR. GUENTHER: Go ahead.

42

43 MR. OSBORNE: Okay. This area right here that's white
44 how?

45

46 MR. COLLINS: Um-hum. (Affirmative)

47

48 MR. OSBORNE: It currently has a season that's August

49

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1st to December 31st.

1

2 MR. COLLINS: Okay.

3

4 MR. OSBORNE: That's five months long. The area up
here is available to it, Unit 26.

6

7 MR. COLLINS: Um-hum. (Affirmative)

8

9 MR. OSBORNE: The people who -- Anaktuvuk Pass is
actually in Unit 24, this map needs to come up here a tinch
(ph), but it's -- the graveyard is in Unit 26, but the village
is in 24. So those people to prevent confusion of when the
hose season is, we carved this area out for them two years ago
that

15

16 MR. COLLINS: Right.

17

18 MR. OSBORNE: they could hunt either side of the
boundary without worrying about whether the season was open or
closed because they were different dates.

21

22 This new area down here now is open the same, August
1st to December 31st. In the process of doing that, they have
1st December 1 to -- the March 1 to 10 season, but the season
down here was only the 25th of August to the 25th of September.
And they could not get down during that fall time of the
season usually because there's not snow on the ground yet,
and

29

30 MR. COLLINS: Oh, I see. So adopting Number 1 actually
gives them greater opportunity but it's in an area they can't
reach?

33

34 MR. OSBORNE: No, it gives them greater opportunity for
35 this area use now would be five months long instead of being
26 days in September and ten days in March.

37

38 MR. COLLINS: Okay.

39

40 MR. OSBORNE: So the difference between these two is
one is five months, and one is 30 days. It's just -- and this
one is split 20 days and 10 days. This one is five continuous
months.

44

45 MR. COLLINS: Right. And then

46

47 MR. GUENTHER: Yeah, could

48

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1 MR. COLLINS: five continuous months moves into a
2 new boundary once

3 MR. OSBORNE: Correct.

4 MR. COLLINS: this is adopted,

5 MR. OSBORNE: Correct.

6 MR. COLLINS: so it increases their opportunity
7
8

9 MR. OSBORNE: Correct.

10 MR. COLLINS: not decreases it?

11 MR. GUENTHER: Mr. Chair?

12 MR. HAROLD HUNTINGTON: Yeah.

13 MR. GUENTHER: Tim, for my clarification, because I
14 don't understand this now, the State regulation if it's passed,
15 what is now -- it will be in effect this next hunting season?
16

17 MR. OSBORNE: This past hunting season.

18 MR. GUENTHER: Okay. It's in effect. So now this area
19 is open under State regulations Aug

20 MR. OSBORNE: First.

21 MR. GUENTHER: 1st through December 31st,
22 correct?

23 MR. OSBORNE: That's correct.

24 MR. GUENTHER: So it's open under State regulations,
25 but not

26 MR. OSBORNE: It's closed

27 MR. GUENTHER: but closed under Federal
28 regulations?

29 MR. OSBORNE: Federal regulations.

30 MR. GUENTHER: Correct.

31 MR. OSBORNE: It's all Federal land, that area right
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there.

1

2 MR. GUENTHER: Um-hum. (Affirmative)

3

4 MR. OSBORNE: There are a few private allotments in
5 here, within the -- subject to State regulation.

6

7 MR. GUENTHER: So by adopting that area, it would make
8 concurrent State and Federal regulations?

9

10 MR. OSBORNE: Correct.

11

12 MR. GUENTHER: Even though now a person from Anaktuvuk
13 Pass could hunt down there under State regulations from the
14 August through December period, under Federal regulations could
15 only hunt August 25 to September 25th, and March 1 to March 10?

16

17 MR. OSBORNE: Correct.

18

19 MR. GUENTHER: So in reality, keeping it under the
20 current Federal regulations would all an August 1 through
21 December 31st season plus a March 1 through March 10th season,
22 so you actually are losing 10 days by making it consistent
23 with State regulations, as I understand it, because you no
24 longer could hunt that period, the March season during -- under
25 Federal regulations.

26

27 MR. OSBORNE: Provided you were on Federal land all the
28 time.

29

30 MR. GUENTHER: Right. But that is all Federal land,
31 correct?

32

33 MR. OSBORNE: Other than the allotments.

34

35 MR. GUENTHER: Okay. Thank you.

36

37 MR. HAROLD HUNTINGTON: Thank you. Is there any more
38 questions from the Board or from the audience? Testimony?

39

40 MR. REAKOFF: Mr. Chairman?

41

42 MR. HAROLD HUNTINGTON: Jack?

43

44 MR. REAKOFF: This proposal was brought before the
45 Koyukuk River Advisory Committee last spring to have this
46 boundary changed. This was discussed and approved by the
47 Koyukuk River Advisory Committee last spring.

48

49

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MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

1

2 MR. REAKOFF: And the people were in favor of this
3 extension down to the River to simplify -- would extend the
4 hunting area closer to Allakaket and Bettles for the winter
5 hunt. And when this was discussed, this upper area was
6 discussed, on bringing the boundary down to the Park boundary,
7 because people from Anaktuvuk quite regularly go down to the
8 Hunts Fork drainage, which is inside of that shaded area there.
9 And that's, you know, it would be an even season then. They
10 would have it all the same season, and that's what the people
11 that I've talked to were in favor of that boundary extension up
12 there, too, but I can't speak for them. That's just the people
13 that I talked to. They were in favor of that boundary.

14

15 The season shortening from August 25th to September 1
16 was passed by the Koyukuk River Advisory Committee for the
17 general season. And as far as the people in the area that I
18 live in, we don't usually hunt in August, but I know people in
19 Bettles that like to get moose early for dry meat while it's
20 next to them. People down there. And they at other meetings,
21 they talked about retaining the August 25th season, because
22 it's better to make dry meat that part of the year. But the
23 State wanted to align a lot of different seasons to September
24 you know, which I guess they -- well, actually the proposal
25 was for September 5th, but the Board didn't take it, and
26 that

27

28 They were -- the Board -- wasn't the Game Board going
29 to align Unit 25A and Unit -- this other part of Unit 24?

30

31 MR. OSBORNE: Correct, but it ended up -- actually Unit
32 24 used to have September 5th opening around Huslia and it was
33 the 25th of August in other areas, and so they just made it all
34 the first of September for the whole Unit.

35

36 MR. REAKOFF: So there parts of this -- most of this
37 proposal I like. This boundary extension to the south, and the
38 this part of the Upper John River area extension. It aligns
39 the seasons for people in Anaktuvuk. It won't be as confusing.
40 But I can't speak for those people over there, if they would
41 want to lose their March season. There's -- I know people in
42 Bettles that want -- would like to retain the March 20 -- or
43 August 25th part of that season for there, but as far as in our
44 village, we don't kill a moose until it gets cool, so that's
45 just my perspective.

46

47 MR. HAROLD HUNTINGTON: Thank you, Jack. You have a
48 question?

49

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1 MR. GUENTHER: Mr. Chair, one other thing I just
2 realized. If the Board decides to accept the proposal as it
3 is, it would also -- in order to maintain -- to have a season
4 that -- in that small area north there, maintained for
5 Anaktuvuk Pass, the checkered area, they would also have to
6 recommend to the Board that what's written as Unit 24, that
7 portion that includes the Jack River Drainage upstream from,
8 but including the Hunt Fork Drainage, that small area up there,
9 it would have to be recommended to the Board that it extends
10 down and does include the Hunt Fork Drainage, because if they
11 if you do not do that, and pass this season, that stippled
12 area will not get an August 1 to December 1st season, but would
13 automatically fall into the remainder of Unit 24, which has an
14 August 25th to September 25th season. So actually what you
15 would do is reduce the season in this area significantly. It
16 would end September -- in September rather than go through
17 December. So there has to be -- there would have to be a
18 recommendation to make a change to include area with that more
19 northern area where Anaktuvuk Pass has the longer season now.

20

21 MR. HAROLD HUNTINGTON: Tim, you've got a question?

22

23 MR. OSBORNE: How do you -- excuse me, I don't want to
24 argue with you or anything, but

25

26 MR. GUENTHER: Okay.

27

28 MR. OSBORNE: according to the proposed change in
29 the regulation right here on 59, it says all those drainages
30 north, except that portion of the John River within the Gates
31 of the Arctic.

32

33 MR. GUENTHER: Okay. I'm sorry. He's correct. The
34 proposal would take care of that.

35

36 MR. COLLINS: Mr. Chairman, I move to adopt Proposal
37 59.

38

39 MR. HAROLD HUNTINGTON: It's been moved to adopt 59.
40 Are there a second?

41

42 MS. GURTNER-STRICK: I'll second it.

43

44 MR. HAROLD HUNTINGTON: A second. Questions?

45

46 MR. POLLOCK SIMON, SR: Yeah, I have some comments on
47 this. My people in Allakaket, you had a town meeting one time
48 and brought this up. And they are happy with August 25 moose

49

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season hunting, because around that time sometimes, you know, peoples are hunting for meat and we can get moose that early and apparently this reason for changing it is just that meat might spoil, but in the village like my home, meat never gets spoiled, you know. We either make dry meat or pass it around to our peoples. The meat never gets spoiled in the village. And in Allakaket we have no problems with the boundaries of Federal or State lands, because the river separate them. One side of the river is -- up the bank is Federal and the other side is State, so -- and everybody knows that the State owns the waterway, so you don't kill moose on the far end the first, you know, August 25. And it says here that some grass (ph) lake might be navigable waters, but currently the high water mark determination, you know. A high water mark might not be that high, and at the time you had town meeting everybody was for leaving it the way it is, so I have to go with that, and I have to go with my people as well.

17

18 MR. REAKOFF: So you want to amend the adoption
with

20

21 MR. POLLOCK SIMON, SR: They just want to leave it the
way it was, you know. They were happy with the

23

24 MR. REAKOFF: That season?

25

26 MR. POLLOCK SIMON, SR: That season.

27

28 MR. REAKOFF: Um-hum. (Affirmative)

29

30 MR. POLLOCK SIMON, SR: Yeah. The early open. You
know, they let them get the early opening.

32

33 MR. HAROLD HUNTINGTON: yeah, go ahead, Jack.

34

35 MR. REAKOFF: I'd like to amend the motion to take the
boundary extension but retain the August 25th opening. Is that
pretty possible to --? Is the Board -- can we change these
proposals like that?

39

40 MR. JAMES: Mr. Chair, yes, you can. You can amend
proposals. Amend it, vote on it and then go ahead and take
action on the proposal itself as amended.

43

44 MR. HAROLD HUNTINGTON: Could we have the motion
withdraw for -- until we get the

46

47 MR. COLLINS: No, the motion to adopt, you can amend
that.

49

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1 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)
2
3 MR. COLLINS: It's on the table, and he's talking about
4 amending

5
6 MR. HAROLD HUNTINGTON: Oh, okay.
7
8 MR. COLLINS: the -- isn't that right?
9
10 MR. HAROLD HUNTINGTON: What?
11
12 MR. REAKOFF: Um-hum. (Affirmative) Yeah.
13
14 MR. COLLINS: Yeah. So it's in order.
15
16 MR. HAROLD HUNTINGTON: Okay.
17
18 MR. COLLINS: Yeah. Yeah. We want to adopt this
19 proposal, but we want to amend it to allow the August 25th
20 opening.
21
22 MR. HAROLD HUNTINGTON: Well, shouldn't we amend it
23 first, before we adopt it?
24
25 MR. REAKOFF: Yeah, I guess so.
26
27 MR. HAROLD HUNTINGTON: It just sounds reasonable to
28 me.
29
30 MR. COLLINS: Yeah, his order to amend right now is in
31 order.
32
33 MR. HAROLD HUNTINGTON: Okay.
34
35 MR. COLLINS: That would come first before you deal
36 with the main motion.
37
38 MR. HAROLD HUNTINGTON: There was a motion already on
39 the floor that -- for adoption of the

40
41 MR. COLLINS: But he's amending that motion, and that's
42 proper.
43
44 MR. HAROLD HUNTINGTON: Okay.
45
46 MR. COLLINS: See, the amendment was to adopt the
47 proposal as is. That just moves it to the table.
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MR. HAROLD HUNTINGTON: Yeah.

1
2 MR. COLLINS: And now you're moving to amend the
motion.

4
5 MR. HAROLD HUNTINGTON: Oh, okay.
6

7 MR. POLLOCK SIMON, SR: So I second the -- I second his
motion to amend.

9
10 MR. HAROLD HUNTINGTON: Okay. It's been moved and
second to amend the proposal from a September 1st back to
August 25th. Is there any questions on that? Dave?

13
14 MR. JAMES: Mr. Chair, I would recommend that the
Council make an amended proposal that's comprehensive for the
entire unit. I would need to question that little section up
by Anaktuvuk. You need to define boundary the boundary you
want and the season that you want for that entire area. If you
just go by the State regulations, you may think it's taken
care, but if you look at the Federal regulations, I think
there's some question in there, because in the Federal
regulations it's broken down into five different seasons for
the entire unit of 24. So I'm just exercising caution, take it
one step at a time and get it the way you want it. And don't
assume that it's what you think it is. But carry on. Go
ahead. You've got one part of your amendment, but all I'm
suggesting is make sure that you know what your season and you
boundary is up north.

29
30 MR. HAROLD HUNTINGTON: Jack, go ahead.
31

32 MR. REAKOFF: I'll take David's caution and make a
motion to amend that portion of the John River drainage of the
Unit 24 to be included in that Northern Anaktuvuk hunt area.
Whatever -- what are they calling that?

36
37 MR. JAMES: Well, it's -- they're talking about the
portion of the John River within the Gates of the Arctic
National Park, which in effect includes the Hunt River Fork of
the John. Is that what you want?

41
42 MR. REAKOFF: Well, let's see the Federal
43

44 MR. GUENTHER: Mr. Chair?

45
46 MR. HAROLD HUNTINGTON: Yeah?
47

48 MR. GUENTHER: It's just -- if the recommendation was
49
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to change the word "excluding" to "including"

1

2 MR. REAKOFF: All right.

3

4 MR. GUENTHER: in the existing regulation.

5

6 MR. REAKOFF: That would be this one.

7

8 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

9

10 MR. GUENTHER: Then that would correct what the problem
is. Tim and I just discussed it. We are in agreement, that
has to be changed in order to

13

14 MS. STICKMAN: David are you there? This is Cathleen
Stickman.

16

17 MR. JAMES: Harold?

18

19 MR. OSBORNE: You know, Jack, would not make it the
same as the State regulation. The State regulation is as is in
the proposal, and that's the John River within Gates of the
Arctic.

23

24 COURT REPORTER: Can't hear you.

25

26 MR. OSBORNE: Okay. I mean, if you're adopting it to
match the State boundary description, which

28

29 MR. REAKOFF: Um-hum. (Affirmative)

30

31 MR. OSBORNE: is this description here,

32

33 MR. REAKOFF: Yeah.

34

35 MR. OSBORNE: and this description here, this
point here is the John River within the Gates of the Arctic.

37

38 MR. REAKOFF: Um-hum. (Affirmative)

39

40 MR. OSBORNE: So all drainages from here up. Hunt Fork
would put

42

43 MS. STICKMAN: David, are you there? This is Cathleen
Huslia.

45

46 MR. OSBORNE: the -- these were all additional
areas (indiscernible, simultaneous speech)

48

49

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1 MR. REAKOFF: Yeah. Yeah. No, I'm not saying that's
2 what

3 MR. OSBORNE: suggest be a smaller area here.
4

5 MR. REAKOFF: I'm saying amend to include that portion
6 of the John River within the Gates of the Arctic within this
7 John River Hunt. It has its own hunt in this

8
9 MR. OSBORNE: Correct.
10

11 MR. REAKOFF: in the Federal and State books.
12

13 MR. JAMES: Mr. Chair, excuse me, could you acknowledge
14 the Huslia station? I think that was Cathleen Stickman that
15 time.
16

17 MR. HAROLD HUNTINGTON: Yeah, Cathleen, we could hear
18 you. We're under heavy discussion right now. Could you hold
19 off a few minutes? Thank you.
20

21 MS. STICKMAN: You're welcome.
22

23 MR. REAKOFF: Does that sound all right, Tim?
24

25 MR. OSBORNE: Huh?
26

27 MR. REAKOFF: Does that sound all right? That portion
28 of the John River within the Gates of the Arctic

29
30 MR. OSBORNE: Right.
31

32 MR. REAKOFF: north of the Gates of the Arctic
33 rather? I make that motion to amend.
34

35 MR. JAMES: That's the way you want to amend it?
36

37 MR. REAKOFF: Um-hum. (Affirmative)
38

39 MR. JAMES: Okay.
40

41 MR. REAKOFF: I make that motion to amend.
42

43 MR. HAROLD HUNTINGTON: Just for that one area?
44

45 MR. REAKOFF: Yeah. That boundary. It's a
46 clarification.
47

48 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative) It's
49
50

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been moved to amend the dates from September 1st back to August 25th?

2

3 MR. REAKOFF: Um-hum. (Affirmative) And the -- and
~~then~~ I'm also making an amendment to that portion of the John
 River Drainage, that shaded area,

6

7 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

8

9 MR. REAKOFF: be included in the -- they have a
 hunt season up there of the -- in the Federal regulations that
 is August 1st to December 31, and that portion would be
 included in that hunt.

13

14 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

15

16 MR. POLLOCK SIMON, SR: I second the motion.

17

18 MR. HAROLD HUNTINGTON: It's been moved and second to
~~amend~~ the proposal to include -- what is that area? In that
~~area?~~

21

22 MR. REAKOFF: It would be this, this area.

23

24 MR. HAROLD HUNTINGTON: Oh, the Hunt Fork area?

25

26 MR. REAKOFF: That would be the -- well, that's
~~actually~~ the case, the Arctic boundary on the John River.

28

29 MR. HAROLD HUNTINGTON: Okay. Is everybody clear on
~~that?~~ Not too clear I guess?

31

32 MR. COLLINS: I think so.

33

34 MR. HAROLD HUNTINGTON: You think so. It's getting a
 little confusing now.

36

37 MR. JAMES: So, Mr. Chair, if

38

39 MR. COLLINS: If we could separate the boundaries and
~~the~~ seasons, I think that's what causing the problem, because
~~there's~~ more than one season applies to different parts of that
~~area,~~ isn't that right? That's -- I guess that's what's --
~~this~~ was attempting to do it all in one, and it's kind of
~~confusing.~~ It seems like there's consensus that the boundaries
~~should~~ be change. I haven't heard any dissention on that. If
~~we~~ could just adopt a proposal to do that then maybe. And then
~~deal~~ with the seasons. Is that possible? Or does it have to
~~be~~ all inclusive? But I don't know

49

50

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1 MR. JAMES: It's -- no, the Council can do it any way
2 you want. You could put it all into one, or vote on each
3 amendment one at a time. The advantage of getting it all right
4 the first time is you avoid approving or disapproving an
5 amendment and then two moves down the path,

6

7 MR. COLLINS: Right.

8

9 MR. JAMES: you find that you wish you hadn't
10 done the first one. You know what I mean?

11

12 The question here was, as I understand, the Council
13 agrees that it would be appropriate to extend that boundary
14 down, further down on the John River. The question is how do
15 you want to define that? Do you want to leave it the way it is
16 in the Federal regulations, or do you want to change the
17 wording so that it coincides with the State definition of where
18 that precise boundary begins? And as I understand it, it
19 simply -- well, it says right here, "The John River within
20 Gates of the Arctic National Park," so that's everything all
21 the way up to Anaktuvuk.

22

23 And you do -- I think you should specify the season
24 that you want to apply to that area, just so there's no
25 confusion when the Board considers it. And I think, Jack,
26 didn't you include that in your amendment,

27

28 MR. REAKOFF: Um-hum. (Affirmative)

29

30 MR. JAMES: that you -- that that whole area be
31 October -- excuse me, August 1st to December 31st?

32

33 MR. REAKOFF: Um-hum. (Affirmative)

34

35 MR. JAMES: Okay.

36

37 MR. REAKOFF: North of the Gates of the Arctic boundary
38 on the John River will be included in the August 1st through
39 December 31 hunt. Because that has its -- that has its own
40 hunt season up there, and all they're doing is dropping that
41 down and making that hunt area little bit bigger.

42

43 MR. HAROLD HUNTINGTON: Yes, Ray?

44

45 MR. COLLINS: Mr. Chairman, may I ask a question? The
46 proposal is to establish this boundary and this boundary
47 change, is that right? And then the seasons that's in this
48 motion is for this area here, not for that area up there.

49

50

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1 MR. REAKOFF: But that's the unclear part that Dave is
pointing out is that that area should go with the August 1st to
December 31 hunt.

4
5 MR. COLLINS: But changing it to August 25 in this
won't do it, because what you're saying is having an August 25
date down here.

8
9 MR. REAKOFF: Well, the whole -- everything below there
would be August 25.

11
12 MR. COLLINS: Right.

13
14 MR. REAKOFF: Um-hum. (Affirmative)

15
16 MR. COLLINS: Right. And so you've said nothing to
this?

18
19 MR. REAKOFF: That's what we're -- that's what I'm
saying, is that that area north of the Gates of the Arctic
Boundary would drop in with the other.

22
23 MR. JAMES: All you have to do is specify the season
that coincides with that boundary, and what's been suggested is
to make it coincide with the State, okay, which is the John
River within Gates of the Arctic Park, and then specify the
season that you want for that entire area, and that would take
care of the problem. Then it would be clear I think to the
Board. If that's what you want to do.

30
31 MR. REAKOFF: That's what I said.

32
33 MR. JAMES: Okay.

34
35 MR. HAROLD HUNTINGTON: Could we have a written
amendment? An amendment written on paper so maybe I can read
it.

38
39 MR. REAKOFF: That was the two amendments.

40
41 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

42
43 MR. REAKOFF: Is what's written right up there.

44
45 MR. GUENTHER: Mr. Chair,

46
47 MR. HAROLD HUNTINGTON: Yeah?

48
49
50

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MR. GUENTHER: if I may? Okay. The amendment --
 for the proposed area, would now make all of this area here, and
 give it an August 25 to September 1, March 1 to March 10
 season. This area, because it's not described, the change
 needs to be amended so that this August 1 to December 31st
 season, if I understand you correctly,

6

MR. REAKOFF: Um-hum. (Affirmative)

8

MR. GUENTHER: would extend out and include this
 area. If that does not happen, then this will defer to what is
 the remainder of Unit 24 season, which then an August 25 to
 September 25 season.

13

MR. HAROLD HUNTINGTON: Is there any more questions on
 that before we make the amendment? Vote on the amendment?

16

MR. GRAHAM: So how does that amendment read now?

18

MR. HAROLD HUNTINGTON: Your guess is as good as mine
 right now. That's why I kind of wanted it written on paper so
 I could find what I'm -- we're voting on really.

22

MR. GRAHAM: That made it clear to me. I mean, now I
 understand it.

25

MR. HAROLD HUNTINGTON: Yeah.

27

MR. POLLOCK SIMON, SR: The first amendment is that one
 that retains that early date -- or early season. Now you want
 to vote

31

MR. REAKOFF: Do you want to vote on that one first?

33

UNIDENTIFIED: Yes.

35

MR. POLLOCK SIMON, SR: We might do one at a time, you
 know.

38

MR. REAKOFF: Um-hum. (Affirmative)

40

MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

42

MR. REAKOFF: So I made a motion to adopt that --
 to retain that August 25th to September 25th and March 1 to March
 15th. Pollock seconded it. We could vote on that one.

46

MR. HAROLD HUNTINGTON: Okay. We could do that.

48

49

50

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1 MR. REAKOFF: And that would be clear in everybody's
2 mind.
3 MR. HAROLD HUNTINGTON: Okay. We'll do that first, and
4- we'll have a vote on this first amendment. All in favor
5 signify by saying aye.
6
7 MR. JAMES: Excuse me, Mr. Chair?
8
9 MR. HAROLD HUNTINGTON: Go ahead, David.
10
11 MR. JAMES: Excuse me. Your amendment is to substitute
12 August 25th for September 1st?
13
14 MR. REAKOFF: Um-hum. (Affirmative)
15
16 MR. POLLOCK SIMON, SR: Yes.
17
18 MR. JAMES: Okay.
19
20 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative) All in
21 favor of the amendment, signify by saying aye.
22
23 (Ayes respond)
24
25 MR. HAROLD HUNTINGTON: All opposed, same sign.
26
27 (No opposing votes)
28
29 MR. HAROLD HUNTINGTON: The motion passed. Amendment
30 number one.
31
32 Now, is there another amendment to it?
33
34 MR. REAKOFF: And I made an additional to Proposal 59
35 that portion of Unit 24 north of the Gates of the Arctic
36 boundary on the John River drainage be included in the August
37 1st to December 31 season for Unit 24.
38
39 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative) Do I
40 hear a second?
41
42 MR. POLLOCK SIMON, SR: Second
43
44 MR. HAROLD HUNTINGTON: It's been moved and second to
45 amend Proposal 59 to change the date from -- well, to have the
46 date coincide with lower unit area there on the map. We'd like
47 to have it open August 1st to December 31st for that area?
48
49
50

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1 MR. REAKOFF: Um-hum. (Affirmative)
2 MR. HAROLD HUNTINGTON: Okay. Questions? All ready to
3 vote on the amendment? 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: The motion passed. The
12 amendment. So there's two amendments to the proposal. So we
13 can get on with approving the proposal now?
14
15 MR. COLLINS: Proposal as amended, yeah.
16
17 MR. HAROLD HUNTINGTON: Yeah. Was there a motion to
18 adopt Proposal 59?
19
20 MR. COLLINS: Yeah, that's already -- it's already on
21 the floor.
22
23 MR. HAROLD HUNTINGTON: Oh, okay.
24
25 MR. COLLINS: You're back to the main motion.
26
27 MR. HAROLD HUNTINGTON: It's been moved and seconded to
28 adopt Proposal 59. Any questions?
29
30 MR. JAMES: Mr. Chair, Proposal 59 as amended?
31
32 MR. HAROLD HUNTINGTON: Yeah. As amended, yeah. All
33 in favor of Proposal 59 with the amendments, signify by saying
34 aye.
35
36 (Ayes respond)
37
38 MR. HAROLD HUNTINGTON: All opposed, same sign.
39
40 (No opposing votes)
41
42 MR. HAROLD HUNTINGTON: Proposal 59 passes.
43
44 MR. JAMES: Mr. Chair, you may want to check in now
45 with the Huslia station in case they're still there.
46
47 MR. HAROLD HUNTINGTON: Cathleen, are you still there?
48
49
50

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MS. STICKMAN: Yes.

1
2 MR. HAROLD HUNTINGTON: Well, sorry about the delay
Here. Do you have a question?

4
5 MS. STICKMAN: Yeah. I was just going to ask, we could
barely hear you guys, and I just wanted to know what was going
with the Proposal 59?

8
9 MR. HAROLD HUNTINGTON: Yeah, we've had two amendments
added onto it.

11
12 MS. STICKMAN: Could you read me those?

13
14 MR. HAROLD HUNTINGTON: The first amendment was to
leave it at the way it was, from August 25th to September 25th
for the region that was -- which region is that, anyway?
Twenty-four?

18
19 MR. FRANKLIN SIMON: Twenty-four.

20
21 MR. HAROLD HUNTINGTON: For 24. And another amendment
was to open -- have the season open from August 1st through
December 31st for the area around Anaktuvuk Pass, including the
Hunt Fork area. And both amendments passed, and the proposal
also passed.

26
27 MR. JAMES: Mr. Chair?

28
29 MS. STICKMAN: Okay.

30
31 MR. JAMES: Cathleen,

32
33 MS. STICKMAN: Is that all I needed to stay on the line
for now, or

35
36 MR. JAMES: Cathleen,

37
38 MS. STICKMAN: stay on for 60 and 61?

39
40 MR. JAMES: Can you hear me?

41
42 MS. STICKMAN: Yeah, I can hear you.

43
44 MR. JAMES: Okay. You may also be interested to know
that this proposal does not change anything in the immediate
area of Huslia, just for the record.

47
48 MS. ATTLA: Okay.

49
50

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1 MR. HAROLD HUNTINGTON: Well, we can get on with
2 Proposal 61 next?

3

4 MR. GUENTHER: Mr. Chair, I'm sorry that I mixed
5 Proposal 59 and 61 together. They were set up that way
6 originally, and I started reading them that way. It would have
7 been much simpler to keep them separate.

8

9 Proposal 61. We changed the opening date of moose
10 season within the area defined in Unit 24 as the remainder of
11 24. On the map, the shaded area on the map is always
12 considered the remainder of 24. And this area on -- above
13 Bettles through here, that was just included in 59, what we
14 just talked about, would now be excluded from that area called
15 "Remainder".

16

17 It would change the moose season in what is considered
18 the remainder from Aug 25 to Sept 1. This would correspond
19 with the opening of the State season.

20

21 In general, the moose population throughout 24 as a
22 general rule tends to be -- to have remained in a stable or
23 slightly growing population, and we do not feel that this
24 modification in date, whether it's adopted or not, would have a
25 significant impact on the moose population.

26

27 I don't have any more on that, unless you have
28 questions.

29

30 MR. COLLINS: Mr. Chairman, the question is, how will
31 this affect the motion we just passed, because didn't we set a
32 recommend an August 25 to September 25, and now it's
33 changing? Or this is a different area? This is outside the
34 area we were just talking about, is that right?

35

36 MR. GUENTHER: Yeah. The area that we were just
37 talking about in 59, not a good color, perhaps.

38

39 MR. COLLINS: Okay. But you can see just as well. And
40 that's all we care about.

41

42 MR. GUENTHER: See, is this area generally here. And
43 how this portion is excluded from the remainder, so now
44 everything else is shaded here. The area east of the Dalton
45 Highway Corridor, stippled land, west of the Dalton Highway
46 Corridor, and then all of Unit 24, excluding this area around
47 Kuslia. So Proposal 61 is dealing with all of this area here.
48 So there's not an overlap with 61, except for that one small

49

50

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area of extension above the Koyukuk River.

1

2 MR. COLLINS: So this one does change the season at
 Allakaket then? This one does impact them? It shortens
 theirs, is that right? I mean, we were just told them that the
 action we took before didn't affect them, but now this one does
 affect them?

7

8 MR. GUENTHER: Um-hum. (Affirmative)

9

10 MR. COLLINS: It reduces?

11

12 MR. GUENTHER: (Nods affirmatively) Mr. Chair, I'd
 also like to mention that in 1992/93 regulatory year, both
 State and Federal regulations and season dates for the areas
 described in -- I'm sorry. I'm reading the wrong information.
 Take that off the record. No comment.

17

18 MR. HAROLD HUNTINGTON: Is there any more questions on
 Proposal Fifty- -- or Proposal 61?

20

21 MR. REAKOFF: What do you -- what do people want in the
 Hughes? Do they want to shorten the season there to August
 25th?

24

25 MR. POLLOCK SIMON, SR: I think the season -- I'm just
 26 Mr. Chairman, on this proposal, and if that covers my area,
 then I should have this -- again, they want to go out there,
 and they'd like it to go from September to August 25 instead of
 September 1st. They want to leave it where it is. Select the
 (Indiscernible) for them.

31

32 MR. HAROLD HUNTINGTON: We'd have to have an amendment
 motion then. Amendment to Proposal 61?

34

35 MR. REAKOFF: Well, why don't we just

36

37 MR. GUENTHER: No, just defeat it.

38

39 MR. REAKOFF: vote it out?

40

41 MR. HAROLD HUNTINGTON: Oh, just leave it like that?

42

43 MR. COLLINS: Is that right? Defeat it would leave the
 season as is?

45

46 MR. REAKOFF: Yeah, defeat it, right.

47

48 MR. HAROLD HUNTINGTON: All ready to vote on it?

49

50

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1 MR. COLLINS: Mr. Chair, I'll move to adopt to get it
 on the table.

3

4 MS. GURTLE-STRICK: Second.

5

6 MR. HAROLD HUNTINGTON: It's been moved to adopt
 Proposal 61, did you say? Is there a second?

8

9 MS. GURTLE-STRICK: Second.

10

11 MR. HAROLD HUNTINGTON: It's been moved and seconded to
 adopt Proposal 61. Any questions?

13

14 MR. GRAHAM: If we adopt it, we're shortening the
 hunting season by five days around Allakaket?

16

17 MR. REAKOFF: Um-hum. (Affirmative)

18

19 MR. HAROLD HUNTINGTON: It sounds like it.

20

21 MR. COLLINS: How do people in Allakaket think about
 that?

23

24 MR. POLLOCK SIMON, SR: Just like the other proposal,
 you know. They want to keep it. They want the early season.
 They want to keep it the way it is.

27

28 MR. COLLINS: August 25th?

29

30 MR. POLLOCK SIMON, SR: Yeah. That's around my area.
 I don't know about these other areas, you know. Talking about
 talking for Allakaket area.

33

34 MR. GRAHAM: You know, well, I'll just say instead of
 the Federal regulations changing to meet the State regulations
 to avoid confusion, you know, couldn't some State regulations
 be changed what the Federal regs say to avoid confusion,
 instead of?

39

40 MR. HAROLD HUNTINGTON: Yeah, Pollock?

41

42 MR. POLLOCK SIMON, SR: Yeah. In Allakaket it is --
 it's not confusing with us. I don't know what you mean when you
 say it's confusing. It's not confusing to people from
 Allakaket. We know the -- we like the first five days open,
 and like I said, the River separates the State and Federal
 lands, and these peoples know where to hunt, and that's why
 they wanted to keep it the way it is. And around that time

49

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everybody wants moose meat, and -- I mean, they feed, for instance, there are big families. We get a moose early and we pass it around to our neighbors, you know. Again, there's no spoilage of meat and keep it -- we just want to keep it the way it is. We don't have no problem with the early day season.

5

6 MR. HAROLD HUNTINGTON: Yeah, Sharon?

7

8 MS. GURTLER-STRICK: Just as -- just a point of order or confusion in my own mind. If we made a motion to -- would we make a motion to approve this and it could be voted down, right?

12

13 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

14

15 MS. GURTLER-STRICK: And then it would stay as the proposed regulation, which gives the people the 25th through the 25th, August/September?

18

19 MR. JAMES: We're -- Mr. Chair?

20

21 MR. HAROLD HUNTINGTON: Yeah, David?

22

23 MR. JAMES: The words -- what you say is correct, but don't get confused. You mean the proposed rule, which is the 25th?

26

27 MS. GURTLER-STRICK: Right.

28

29 MR. JAMES: Yes.

30

31 MS. GURTLER-STRICK: The first -- what

32

33 MR. JAMES: The motion on the floor

34

35 MS. GURTLER-STRICK: Not the proposal to change the regulation,

37

38 MR. JAMES: Right.

39

40 MS. GURTLER-STRICK: I'm talking about the proposed regulation. If we

42

43 MR. JAMES: Which in this

44

45 MS. GURTLER-STRICK: make a motion to approve it, we can vote any way we want. We make a motion to approve it. Okay. And if it is -- if it fails to be approved, then it says the way it is written?

49

50

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1 MR. JAMES: Yes, the way it is now.
2
3 MS. GURTLER-STRICK: Okay.
4
5 MR. JAMES: Yeah.
6
7 MR. COLLINS: Mr. Chairman?
8
9 MS. GURTLER-STRICK: Would it be appropriate at this
10 time for me to make a motion to approve?
11
12 MR. COLLINS: We did that.
13
14 MS. GURTLER-STRICK: Oh, we already did.
15
16 MR. COLLINS: I made that.
17
18 MS. GURTLER-STRICK: And I seconded it.
19
20 MS. DEMIENTIEFF: And you seconded it.
21
22 MR. COLLINS: Right.
23
24 MS. GURTLER-STRICK: No, you made a motion to
25
26 MR. COLLINS: To adopt.
27
28 MS. GURTLER-STRICK: To adopt.
29
30 MS. DEMIENTIEFF: Um-hum. (Affirmative)
31
32 MR. COLLINS: Right.
33
34 MS. GURTLER-STRICK: Is that the same as to approve?
35
36 MS. DEMIENTIEFF: Um-hum. (Affirmative)
37
38 MR. COLLINS: Yeah. And all we have to do is vote it
39 down.
40
41 MS. GURTLER-STRICK: Okay. I just wanted to make that
42 clear in my mind.
43
44 MR. JAMES: No, that's good.
45
46 MR. HAROLD HUNTINGTON: Are we ready to vote on the
47 proposal? Well, I guess so. Well, all in favor of Proposal
48, signify by saying aye.
49
50

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1 (No ayes respond)

2

3 MR. HAROLD HUNTINGTON: All opposed, same sign?

4

5 (Ayes respond)

6

7 MR. HAROLD HUNTINGTON: Proposal 61 fails. And going
8 down to the next thing on the agenda, do you want to have a
9 break for a while, Dave? Go ahead, Phil, one more question.

10

11 MR. GRAHAM: I was wondering if we could -- I think
12 there may be some people standing by in Lime to talk about
13 proposals -- you know, the Lime Village proposals, and maybe
14 after the break, we could try to start with those proposals?

15

16 MR. HAROLD HUNTINGTON: Yeah. That's -- what proposal
17 is that?

18

19 MR. GRAHAM: Proposals 51, 52 and 53.

20

21 MR. HAROLD HUNTINGTON: Oh, okay. Are we ready to
22 recess? I'll call a recess, a 10-minute recess.

23

24 (Off record)

25

26 (On record)

27

28 MR. HAROLD HUNTINGTON: Well, getting back to the
29 agenda, I have a suggestion here. Maybe we can take up
30 proposal 51, 52, and 53. We have some people on the
31 teleconference from Lime Village that would like to provide
32 some input to the proposals that -- from their area.

33

34 (Off record comments -- calling Lime Village)

35

36 MR. BRECKHEIMER: Hello?

37

38 MR. JAMES: Yeah, Rick. Are you guys still there?

39

40 MR. BRECKHEIMER: Yeah, Bimbo and me are here.

41

42 MR. JAMES: Okay. Well, we're just getting back to
43 proposal 51. And if you can't hear, go ahead and give a
44 holler.

45

46 MR. BRECKHEIMER: Okay.

47

48 MR. HAROLD HUNTINGTON: The floor is open for

49

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testimony. Dave?

1

2 MR. JAMES: Mr. Chair, if the Council would like, we
 3 have one of one of our staff members that could introduce this
 4 proposal, and then -- as a lead-in to all the subsequent
 5 discussion.

6

7 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

8

9 MR. JAMES: If that's okay? That would be George
 10 Sherrod.

11

12 MR. HAROLD HUNTINGTON: If there's no objection from
 13 the rest of the Council members to do that? Go ahead, we can
 14 do that.

15

16 MR. BRECKHEIMER: Yeah, we can't hear you guys.

17

18 MS. DEMIENTIEFF: Maybe explain to them over the phone
 19 first.

20

21 MR. HAROLD HUNTINGTON: We're going to have a person
 22 here from the U.S. Fish and Wildlife I guess?

23

24 MR. SHERROD: Yeah.

25

26 MR. HAROLD HUNTINGTON: He's going to provide some
 27 input into the proposal.

28

29 MR. SHERROD: Okay. I'm going to make some
 30 introductory remarks to sort of set the stage for the
 31 discussion of these three proposals. There are a number of
 32 individuals here who I'm sure have a fair amount of information
 33 to provide to you regarding the proposals. At any time,
 34 however, if you have questions and would like to call upon me,
 35 I'll be more than willing to try to step in and, if I can,
 36 possibly clarify what's going on.

37

38 The three proposals are fairly complex. I know you
 39 think that some of that you've dealt with already are complex.
 40 I think you'll find that these are more complex. And they
 41 have certain policy issues also attached to them. I think that
 42 it's safe to say that what has stimulated these proposals is
 43 the changing land status in the Lime Village area due to State
 44 land selections.

45

46 The three proposals question management guidelines.
 47 They question the ability to manage resources given the new
 48 land status, and they -- the ability to manage given sort of

49

50

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the piecemeal status or quiltwork, whatever you'd like to say. And they also question existing harvest limits given the reduction in Federal lands and related carrying capacities of these smaller areas. So in your deliberations, you're going to be looking at a number of issues that are not solely either biological in nature, human use in nature, or somewhat policy in nature.

7

8 Proposal 51 in summary questions existing management policies in regards to Federal management of non-conveyed lands. This is basically a policy question, not a question of biology or human use. It requests the establishment of a management area, restricting the use within this area to Lime Village residents only, and it requests that the status of the current bag limits and seasons be maintained. This proposal comes from Lime Village.

16

17 The next two proposals come from the State of Alaska, Department of Fish and Game. Fifty-two questions basically the ability to manage given the land status, and the carrying capacity of these smaller tracts of land, the ability to identify the land status, the ability to set these bag limits that were proposed based on the reduction in the habitat, Federally-owned habitat. They request establishment of a management area, basically a Tier II type operation. And they establish new harvest limits for caribou. Basically they're increasing the State limit of four to five animals in the -- caribou in the management area.

28

29 Fifty-three questions again the management -- the ability to manage on these tracts of land and the carrying capacity. This is again from ADF&G, and it's relevant to moose. And it requests eliminating the community bag limit, and reduction of the over-all harvest level for the community from 40 to 28 moose.

35

36 Again, as I say, these proposals basically deal with matters of -- some of the proposals we get deal simply with human use questions, some deal simply with biology. Others are more of a policy issue. These three proposals deal with all three of these agendas.

41

42 As I say, there are a number of people here that would like to testify I'm sure. In particular, we have people that can talk about the changing land status, the carrying capacity and the biology. One of your own Board members is from Lime Village, and I'm sure can contribute a lot of information and insight into the human use patterns and areas needed. And we have people that are capable of talking about some of the

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policy issues, about management of lands and so on.

1
2 And as I say, at this point I'd like to turn it over,
3 But if there's any point in time you have a question, I'd be
4 more than happy to try to answer it for you.

5
6 MR. HAROLD HUNTINGTON: Um-hum. (Affirmative) Dave?

7
8 MR. JAMES: Do we have a map, a plain map, that shows
9 the game management units, the location of Lime, the river
10 drainage that it's one? Or would that be part of your
11 presentation, Jeff? Could you lay that foundation?

12
13 MR. DENTON: (Nods affirmative)

14
15 MR. JAMES: Okay.

16
17 MR. SHERROD: So I guess at this point in time, if
18 there's no objection, maybe we should turn it over to Jeff
19 Denton with BLM, who can talk about change land statuses and so
20 on. Mr. Chairman, if?

21
22 MR. HAROLD HUNTINGTON: Okay.

23
24 MR. DENTON: My name is Jeff Denton, I'm the
25 subsistence specialist for the Anchorage District BLM, and also
26 wildlife program leader there.

27
28 As you well know, this is a fairly complicated issue,
29 becoming more complicated by about 18 months ago the State of
30 Alaska made a series of large-scale selections via the
31 Statehood Act. In April of last year, they made another
32 significant amount of selections. Again in January of this
33 year, they made another less significant amount of selections.
34 These selections have very significant impacts on the lands
35 used by Lime Village. If you'll -- and I'll go through this --
36 this is real complicated and it will be difficult to follow, so
37 if you don't follow, you know, hold up your hand and hit me in
38 the side of the head, and we'll go back so you can make sure
39 you understand what's involved.

40
41 Page one of your little handout here -- I don't
42 apologize for the quality. This is just the best we can do,
43 because we're looking at a very large area, and we tried to
44 shrink it down onto a normal sized sheet of paper. I also
45 have it on the wall. I hope I can talk loud enough that you'll
46 be able to hear me, because I'm going to have to go with the
47 pointer to these maps on the walls, so you'll better get a feel
48 for what's going on.

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1 MR. JAMES: Mr. Chair? Excuse me, Jeff.

2

3 MR. HAROLD HUNTINGTON: Yeah, go ahead, Dave.

4

5 MR. JAMES: Do we have extra copies for those in the
6 audience?

7

8 MR. DENTON: I have just a few back there on that
9 chair. I don't have a lot, so

10

11 MR. JAMES: That's probably enough.

12

13 MR. DENTON: share them or whatever.

14

15 MR. JAMES: Thank you.

16

17 MR. DENTON: Okay. If you'll look at the first page,
18 basically what this is to do is give you a perspective of the
19 magnitude of change of Federal subsistence authority in the
20 Lime Village area. As you know, via ANILCA, when lands are
21 selected via the Statehood Act, or via native corporations,
22 they fall out of the definition of Federal public lands for
23 subsistence management by the Federal Government. So they
24 basically come under the authority of State management. In the
25 Lime Village area, Lime Village sets like here, and if you'll
26 look on your page here, also, the very black parts of the map
27 where were the Federal public lands prior to these selections.
28 And that's on this map to give you a perspective, five miles
29 approximately three inches here.

30

31 The Federal public lands prior to the selections were
32 all of this large section up here. This is the Swift River
33 drainage that goes through here. Those are village-selected
34 lands, or corporation-selected lands by the natives. These
35 were also Federal public lands, this large piece in here. This
36 large -- again, large sections of Federal public lands prior to
37 selections are very significant land masses in the Lime Village
38 area. After the selections were completed, the Federal lands
39 that are left, Federal public lands that are left, are these
40 dark pieces here. All of this land though here has been
41 selected. This large block here is selected. This large block
42 here is selected. And this large block here actually extends
43 Bear to McGrath, which is 100 miles to the north. It was all
44 selected. Well, then these are the only public lands left in a
45 50 to 100 mile radius of Lime Village. Lake Clark National
46 Preserve and Park are the nearest public lands after the
47 selections.

48

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And that -- the selections are kind of complicated, so if you have questions, it's very significant, within a 50-mile radius of Lime Village, four out of every five square miles has been selected. That's 80% reduction in Federal lands that are basically under Federal subsistence management, so extremely significant in terms of acreage. You're talking hundreds and hundreds of square miles. You're talking over 1200 square miles, just within a 50-mile radius. There's 300 and I think 23 square miles of public lands left in that area, of Federal public lands for 50 to 100 miles. There's not much left.

10

And it's real important that you understand the significance of the change in authority for management of wildlife resources there, because it's extremely significant. It's not a little deal. It's a very large situation.

15

If you'll read the, you know, the staff analysis of these proposals, it's -- read it fairly carefully, because it's got a lot of the numbers and figures in there that you can -- you know, you can actually look at and read through and kind of process a little bit, because it's -- you're talking very large magnitudes here.

22

Is there any question on the change in status of lands there? No questions? I'm glad everybody understands.

25

MR. HAROLD HUNTINGTON: You've got a question there?

27

MR. CALDWELL: I have one question. Could you explain, the title to these lands that have been selected, still remains in the United States and that the State has over-selected 20 or 25 million acres throughout the State, and these lands could be public lands in the long run, even though the State has tentatively selected them?

34

MR. DENTON: Yes, the State has drastically over-selected as are many of the native corporations in the State as well. There's no sunset date for final selections from the native corporations. The Statehood Act, as I found out here in investigating this, does not lay out a process for relinquishments of their over-selections. And the State strategy is basically to hold onto all of their selections until nearly all of their lands are patented to them, which will probably be beyond many of our lifetimes, because it's dependant -- patent is dependant upon survey. We're still surveying native allotments. We haven't even started on the State conveyances. And we have Cadastral Survey, which is a branch of the BLM, every year there's only so much they can do, it's going to be a very long-term situation we're dealing

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with here. We don't expect to see significant relinquishments for many, many years.

2

3 And this information, basically I've been talking to the State DNR, and also to our Cadastral people and our lands people, and they all share that analysis. It's going to be a very long time before we're going to see any significant relinquishment of lands back to the Federal public land base.

8

9 The title to these lands is -- and for all other uses, BLM is still responsible for minerals, timber, all other activities on these lands. But ANILCA specifically segregates selected lands out of Federal subsistence management by definition. And so that's why the authority change to the State from the Federal management situation.

15

16 So what you have basically in Lime Village, the Federal lands you see on this map, that's all that's left out of once was actually millions of acres that were available.

19

20 Another thing to bear in mind here, we're dealing with moose and caribou, and these lands that are left are uplands, along this are top -- along the tops of the mountains, which are alpine tundra, which are caribou habitat, but they're not moose habitat. We have wet tundra country in some of the low lands again, which is caribou habitat, not good moose habitat. Very little high density moose habitat occurs on BLM lands. Three-point I think six square miles of high density moose habitat, which is darn little. That's 1% of the BLM is remaining here. In the high densities, we did a moose survey here two years ago. The high densities differ from area to area, and we -- and the high density of moose here is only 1.35 moose per square mile, which is thought by many standards -- if you look at over here, you'll see 2.4 and so on moose per square mile on the average. Our average density here is .72 moose per square mile. Not high densities of moose. Much of the BLM is actually on the average lower than that, because they're not the kind of units that were good moose habitat.

38

39 So -- I mean, like I'm saying, it's already getting complicated, okay? Any questions to this point? Everybody's with me? Good.

42

43 MR. JAMES: Excuse me, Mr. Chair? Jeff, do you have data on moose movements within that area? Do the moose stay stationary within those dark areas, or do they move across boundaries in that area?

47

48 MR. DENTON: With any wildlife species, they don't see

49

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the boundaries on the ground. There is movement off moose very definitely. We do not know the extent of those movements. There's never been any radio tagged animals in there to watch what kind of movements that we have. We're all aware there's movements, but we don't have those quantified or -- in any way, shape or form. There's no data. We're not dealing with a lot of animals here, and it's a very expensive operation to be gathering that kind of data. It's pretty hard to justify at this point in time.

9

10 Any other questions to this point.

11

12 Okay. A further -- I'll just go around these maps so you understand when I make references back to them. The State Game and Fish -- Fish and Game Department established several years ago a special Lime Village management area that would basically consist of two of their what they call uniform coding units. The Stony River actually flows through the middle of this one, and the Snake River comes up to Tundra Lake in this one. That's the area we're talking about. I do have the U.S.G.S. topo map over there for your further reference to really -- to the details of that situation.

22

23 And the State has issued -- this is a Tier II area for the State. And the Federal lands within this area, which are now pretty much restricted to an area across through here, has issued 28 Tier II permits last year basically to accommodate the 14 households in Lime Village to as a degree as they can.

28

29 MR. JAMES: Is that the same scale as those maps?

30

31 MR. DENTON: Yes, it is. These -- all these are one this -- this thin paper so you can overlay them. There's so many of them, I just can't tie them all up, and our facilities aren't such that we can do that real well.

35

36 The proposal that Lime Village has submitted to us, this -- it's going to be real difficult for you back that here. There's a thin red line, and they would like to expand that area and close all other hunting in that area down to all other huntings -- hunters except Lime Village hunters. There is an error in the area on that. It's much more than 1750 acres. It's closer to 3000 square miles, not 1750.

43

44 MR. JAMES: Excuse me, Jeff?

45

46 MR. DENTON: It goes from the White Fish

47

48 MR. JAMES: All caribou and moose hunting.

49

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1 MR. DENTON: Yes.

2

3 MR. JAMES: Okay.

4

5 MR. DENTON: Yes. And that's in your, again, the staff
6 analysis in there will kind of summarize that. It's an area
7 roughly twice as big as this green area. The scales of my maps
8 are not large enough to accommodate the entire area. It goes
9 considerably further to the south to the Hoholitna River, to
10 White Fish Lake, to the foothills of the Revelation Mountains
11 over here, and covering basically the Swift River drainage, and
12 the Stink River drainage, and then diverting from the Stink
13 River drainage in a straight line back to the Hoholitna.

14

15 The green line on here is basically the staff
16 recommendation from the Fish and Wildlife Service to expand the
17 special management unit to include those Federal lands,
18 basically there's the chunks of Federal land that are left up
19 here that are currently outside of the Game and Fish's area, it
20 would be these lands up in here by the Swift River, and two
21 pieces of Federal land along the Stony River down here that
22 there's not real good data to indicate contemporary hunting use
23 of those areas, but there's enough data that we felt that it
24 would be okay to try to include those Federal lands within a
25 modified area there, and then add to that what we considered
26 the allowable take in those to be five either sex moose permits
27 when we get to the moose proposal.

28

29 Any questions to this point? It's going to get worse
30 before it gets better.

31

32 MR. GRAHAM: I have one question. You're saying five
33 moose in that -- within that green line on Federal lands?

34

35 MR. DENTON: No, we're saying in addition to the 28
36 Tier II permits, which are taking some moose off of Federal
37 land as well, the additional lands that we've added to that, so
38 you're looking at a total within this green area of 33 moose,
39 28 plus 5. We

40

41 MR. GRAHAM: And right now we're allowed 40 in roughly
42 the same area.

43

44 MR. DENTON: But not the same area of Federal public
45 lands.

46

47 MR. GRAHAM: We -- but including State and Federal -- I
48 mean, if that's -- that's the hunting range and we are allowed

49

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40 in that?

1

2 MR. DENTON: Okay. You've got to bear in mind also
3 available through regular State regulations, all areas around
4 here are still open for Lime Villagers to hunt, also.

5

6 MR. GRAHAM: Yeah.

7

8 MR. DENTON: They're still available. The opportunity
9 is still there. This is your exclusive use. And what -- the
10 moose that was not relative to the special Lime Village
11 management unit. When the Board did that, they were looking at
12 this distribution of Federal lands. They were looking at
13 another -- well, when you look at it compared with what you
14 have now, you're looking at 400 percent more federal lands that
15 those were available on. They are not -- those are under State
16 regulation now, not under Federal. So we -- under Federal
17 management, we can't say with an 80% reduction in Federal
18 lands, in fact the habitat quality and quantity of Federal
19 public lands left in there could never support a 40-moose
20 harvest. It would be impossible. There's hardly that many
21 there to begin with.

22

23 MR. GRAHAM: Yeah I understand that. But within that
24 green line, could you take 40 moose out of there?

25

26 MR. DENTON: No, that's 33. That's 28 plus the five
27 either sex. This area here that we've expanded this to,
28 there's a lot of State land within that that we don't have any
29 jurisdiction over. We only have jurisdiction over those pieces
30 of Federal land that are within there.

31

32 MR. GRAHAM: That's where the five either sex permits
33 can come from.

34

35 MR. DENTON: It's up to that State to -- if they want
36, it's to their discretion if they want to modify or not.
37 We're modifying this basically to add in those pieces of
38 Federal land up there. That's basically all the authority that
39 we have. It's very likely, expanding this up here, 40 moose
40 could come out of there, but it's not our jurisdiction to say
41 how. I mean, we don't have authority over those animals and
42 over those habitats any more, so we can't -- the Federal public
43 lands that are left in that area, all of them, cannot support a
44 40-moose harvest. And so for Federal regulation purposes, we'd
45 be being very irresponsible to say that Federal can produce a
46 village quota of 40 moose.

47

48 MR. GRAHAM: No, what I'm saying with what is left of

49

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the Federal land, plus that State land, could we still have the
40 moose? The State would have to kick in I guess an extra
seven from that

3

4 MR. DENTON: They would have to essentially expand
their area, and that's to their discretion. I mean, we -- I
mean, I can't sit here and force the State to do that. that's
their decision entirely. You know, that's again the problems
with dual management.

9

10 MR. GRAHAM: Now, what if we used the pink boundary?

11

12 MR. DENTON: If you used the pink boundary, there
probably would be no sense in having a boundary, because not
only Lime Village's needs would be met, but probably all the
other hunting needs would be met as well. It would be very
hard to justify a closure of that large of an area, because the
rest of that area is all State land. There's no more Federal
lands. I mean, this -- everything, if you'll look back here, I
didn't say it, but unfortunately the Lime Village area is kind
of an island now. All these lands out here, even prior to the
selections are State temporarily approved lands. They are
essentially patented lands to the State. And these go --
there's actually no Federal public lands going straight south
of here until you get clear down to the Dillingham area, and
Tiamna area. To the east until you get to Lake Clark. To the
west until you get to the Kuskokwim and Oskawalik Rivers. To
the north until you get clear to the Bear Creek Burn out east
of McGrath. Essentially there's a very small island of Federal
land, 323 square miles of Federal land left in, you know,
several thousand square mile region. And that's --
unfortunately, this is the impact of the State selection that
probably were not thought about when they were writing ANILCA
I'm sure. And as a consequence that will be what we have to
deal with.

35

36 MR. GRAHAM: Yeah, I don't want to interrupt you. I
just

38

39 MR. DENTON: Well, please ask your questions, because
if you don't, you'll lose them, and I might be off on totally
another subject, so

42

43 MR. GRAHAM: I guess it's what people in Lime can't
figure out is -- I mean, no matter whose land it is, if we can
take 40 moose now, why can't we still take 40 on -- you know,
and keep track of whether it's on Federal or State land?

47

48 MR. DENTON: Because we've got to make the proper

49

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regulation modifications that allow that. We don't have authority over most of the land you're probably taking

2

3 MR. GRAHAM: Okay.

4

5 MR. DENTON: moose of. We don't -- you know, the majority of harvest, you know, and we have very little -- we have the one year of pretty good harvest data from '89 and '90, and actually only half of the Lime Village management unit accounted for 92% of the harvest. One moose was killed here. Another moose was killed over here. And they were outside that 92%. Actually this area is getting hit pretty hard. And that's the limit of our harvest data, other than the work that Kari did in '83, and hers is mostly a verbal description of distance from the village that harvest would take. And she mentioned Shenda Lake here, mostly the water-related, waterway-related harvests, and she basically put -- said 20 miles within the village is where the majority of the harvest is occurring. So we really have fairly weak long-term or even short-term harvest information on distribution of the harvest.

20

21 MR. GUENTHER: Mr. Chair? Jeff, could you point out on our -- on the existing BLM lands, where that harvest -- where those harvest would be occurring?

24

25 MR. DENTON: Basically that area lies roughly through here, across through here, down here, and then back over into here.

28

29 MR. GUENTHER: So 90-plus percent of the harvest would be in what general area there?

31

32 MR. DENTON: The 90% happens right in here. Basically related to river system. That's where the majority of it's coming in, and basically the Stony River drainage is side-by-side and it -- the distribution within that area, we don't know. And that's -- of course, that's only one year's data, and, you know, that's as good as we have. Unfortunately there's not really enough to make decisions on. It probably should be something that's evaluated every five years as use patterns change and that sort of thing, but

41

42 Is everybody with me to this point? It is complex.

43

44 MR. REAKOFF: What's the priority of the State selections there? Do they have a priority list, and what's

47

48 MR. DENTON: We won't know -- The State has told me,

49

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and I talked to DNR on this just last week. He said hopefully by July 1st they will have their first run of priorities for selections submitted to BLM. I really suspect these are very low priority. These are not -- oil and gas is their main interest for their selections. And they have a lot bigger fish to fry in the highly mineralized areas, the big timber areas. Their priorities, their initial priority is going to be based on those sorts of things, so it will be probably a long period of time before these come up for priority consideration. Does that answer your question?

10

11 MR. REAKOFF: Um-hum. (Affirmative) Yeah.

12

13 MR. DENTON: We don't know, of course, exactly, but I can only give you my best shot at what's going on there.

15

16 MR. JAMES: Jeff, are you going to include at some point the discussion of caribou,

18

19 MR. DENTON: Yes.

20

21 MR. JAMES: or you're just not to that? Okay.

22

23 MR. DENTON: Yeah. I'd like to -- once people understand this land thing, okay, that's critical, okay? It's the start of it. Then I could go back to the actual proposals and discuss why we came up with what we did.

27

28 MS. GURTLER-STRICK: Yes. Where on this handout show do show the red line that you've drawn?

30

31 MR. DENTON: It won't fit on that piece of paper. I couldn't get it

33

34 MS. GURTLER-STRICK: Okay. What

35

36 MR. DENTON: same old story (ph).

37

38 MS. GURTLER-STRICK: does the red line indicate? I missed that.

40

41 MR. DENTON: That indicated the -- Lime Village's proposal I think, via Bill Caldwell is the one -- you submitted it, didn't you? Is their proposal of the area that needs to be exclusively for Lime Village's use for both moose and caribou.

45

46 MS. GURTLER-STRICK: Oh. Within that area?

47

48 MR. DENTON: Yeah. They would

49

50

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1 MS. GURTLER-STRICK: Spiralling out from Lime Village?
2
3 MR. DENTON: Yeah, it goes to the foot of the
4 Revelation Mountains here, White Fish Lake, the Hoholitna River
5 here, and back up to the Stink River, and across the Swift
6 River. If -- you need to look at the topo maps over there to
7 get an idea of what that really means.
8
9 MR. JAMES: Jeff, excuse me, does that coincide, the
10 pink line coincide in any way with this traditional use area
11 that's?
12
13 MR. DENTON: Yes.
14
15 MR. JAMES: That's it?
16
17 MR. DENTON: Yes.
18
19 MR. JAMES: Well, that's number five.
20
21 MR. DENTON: Page number five, and that's not the same
22 scale as all your other pages. And it's actually -- I guess
23 you would say -- now, this is generalized, but it gives you the
24 idea of the
25
26 MS. GURTLER-STRICK: So the red line is the traditional
27 use area?
28
29 MR. DENTON: It's the proposed area
30
31 MS. GURTLER-STRICK: Proposed traditional
32
33 MR. DENTON: by Lime Village for exclusive use
34 for subsistence purposes.
35
36 MR. GRAHAM: But that's amendable, and that was taken
37 from Pricilla Kari's study, and, you know, that could be --
38 right now, Lime Village has a proposal into the State Board for
39 a controlled use area that's smaller than either of these.
40
41 MR. DENTON: Okay. Now, controlled use is different
42 from
43
44 MR. GRAHAM: Yeah, I know it's different, but I mean,
45 what's the largest area that Lime Village is
46
47 MR. DENTON: Okay. Well, all we have is what was
48 submitted, and so -- or at least that's all I've, you know, in
49
50

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talking to the fellows down on the subsistence staff at Fish and Wildlife, this is the only materials I've received, so -- and we sat and had discussions with those fellows, so if there's amended proposals or something, that would be -- maybe this is the appropriate time or whatever. Okay.

5

6 MR. GRAHAM: Not yet.

7

8 MR. DENTON: Everything is negotiable I guess.

9

10 Okay. Going back to -- we can start on caribou now if you would like for this area. Have a very large number of caribou in that area. Caribou are not -- the opportunity to kill caribou is not -- it's not at all limited in that area there. It's -- in the last several years, there's been anywhere from 15 to 40,000 caribou in there, well distributed all through all of the land ownerships here. The big flats, Hungry Creek, which goes to the south towards Tundra Lake, the big flats on this side of Tundra Lake. There's some wet tundra country in here that has large numbers of caribou in it in the wintertime. The year we did the moose survey, there was probably 40,000 caribou in an area like this. It was -- you know, an extremely large numbers of caribou at certain times, and there's large numbers there fairly consistently.

24

25 It's my assumption that most of these caribou are mostly accessible during the wintertime except along the waterways in the summertime, is that correct? It's fairly hard to get on the uplands?

29

30 MR. GRAHAM: If so, we'll climb a mountain for a caribou.

32

33 MR. DENTON: And cross the swamps

34

35 MR. GRAHAM: Yeah.

36

37 MR. DENTON: in the summer?

38

39 MR. GRAHAM: Um-hum. (Affirmative)

40

41 MR. DENTON: Okay.

42

43 MR. GRAHAM: When they're not on the river.

44

45 MR. DENTON: Okay. And that's -- the accessibility of BLM lands is, you know, requires that kind of an effort in the summer. And because of the reduction in the -- some large areas of caribou use, but in the fact that caribou still

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heavily use these areas, instead of the 200 caribou current village quota from a BLM standpoint, in view of massive reductions in land, but still large -- fairly large numbers of caribou, we're looking at, from the staff standpoint, reducing the 200 to 150, because there's quite a bit more limited land base, Federal land base, on which to hunt caribou. And they're relatively -- there's a lot of caribou that are more readily accessible actually on State administered lands and on native -- the village corporate lands, especially up Hungry Creek and around Tundra Lake and that area, which are all -- have all been selected away from the Federal land base. But we still feel there's, you know, the Federal lands that are left there could sustain 150 harvest if there were no caribou taken anywhere else without a lot of problem. Which is probably not the case. A lot of those caribou are harvested fairly close to the village than the BLM lands are.

16

17 MR. JAMES: Excuse me, Jeff, a question. Were any other considerations used to come to that reduction of 200 to 150? Or is it strictly a land based decision?

20

21 MR. DENTON: It's not strictly land -- if it was strictly land based, it would probably have gone from 200 to 25, if it was commensurate 80% reduction. No, quality of habitat and quantity of habitat, and nearness to Lime Village were all taken into account, therefore we only looked at a 25% reduction in numbers that could be taken, in spite of an 80% reduction in land base, because it's -- there's quite a bit of concentration of caribou in this area. Caribou are quite numerous. And biologically we're not going to hurt them even on Federal lands there if we would take 150 out of there. And if they were exclusively to come off Federal lands, because they move around so much, and there's large numbers, and take that. But we also know that a lot of those caribou don't come off of Federal land. It's not as economical actually to hunt some of the Federal land as it is village and State lands.

36

37 MR. POLLOCK SIMON, SR: Since the State selected these lands a year ago, but they're not conveyed to the State yet?

39

40 MR. DENTON: That's correct. That's correct.

41

42 MR. POLLOCK SIMON, SR: But the State select these lands, then they have control and management on these lands?

44

45 MR. DENTON: They have control as soon as they're selected, over -- only over wildlife management in terms of subsistence. The Federal subsistence authority is lost upon selection.

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1 MR. POLLOCK SIMON, SR: Okay.

2

3 MR. DENTON: Any questions? Comments? Okay. Can we
4 leave caribou at that? Does everybody understand what we've
5 said? By the way, can you folks in Lime Village hear me okay?

6

7 MR. BRECKHEIMER: Yeah, we can hear you real good.
8 There's only one of us left here right now.

9

10 MR. DENTON: Wore you down, huh? Sorry about that.

11

12 MR. HAROLD HUNTINGTON: There's one left and one here.

13

14 MR. DENTON: Okay. With that then, we'll -- I'll try
15 to move into moose and again we've met with the Federal Fish
16 and Wildlife Service Subsistence Office also, and it would
17 behoove you to read the staff analysis there to get all the
18 facts and figures in one spot there.

19

20 And again, I've kind of covered it a little bit before.
21 Our recommendation especially in terms of moose is to include
22 those pieces of Federal land which are essentially this area
23 right here, which is currently outside the Lime -- the State's
24 Lime Village special management area. Include these areas here
25 that are alongside the Stony River, which, you know, within a
26 half a mile's walk a person can harvest moose off of Federal
27 lands there. We would expand the Lime Village management unit
28 in terms of Federal lands to include those two and those three
29 tracts of land, which have -- at least we have some information
30 that indicates there harvest that does come off of those. It
31 may be fairly infrequent, but I think we have enough -- in
32 talking to Phil and some of the folks there, that there's
33 enough harvest that probably comes out of there, even if it's
34 not every year, to justify putting that in there. Those areas
35 can support in addition to the 28 Tier II permits that are in
36 this area here, another five either sex permits to allow for
37 some female harvest, which there's been an indication that
38 folks in Lime Village want, and it also -- those are year-long
39 season type permits, which also conforms with their year-long
40 additional uses there. And those do differ from the State
41 regulations. They have two season hunts with their Tier II
42 here.

43

44 Any questions on that?

45

46 MR. JAMES: What you just said pertains to this green
47 map here? This

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MR. DENTON: The green area

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MR. JAMES: green boundary?

2

3

MR. DENTON: and basically the extension of this
in terms of Federal public lands includes those tracts. Only
the only real lands that are affected in terms of Federal
management are this, this and this.

8

MR. JAMES: So the additional five moose is on Federal
lands within the green that are not already in the existing
Lime Village management area?

12

MR. DENTON: That's correct. These are not highly
productive moose habitats. In fact, they're pretty poor. And
production rates on moose here are low. We're looking at 18 to
10 calves per 100 cows in March. There's really not enough
moose in concentrations to justify doing fall classification
counts in there to get an adequate sample size even. So

19

MR. JAMES: Where did the green boundary come from?
What was the justification for that?

22

MR. DENTON: The green boundary here was basically, if
you'll look at the staff analysis, I sat down with the
Subsistence Office staff in Anchorage and we looked at what
data there was on contemporary use patterns, and where the
Federal lands lied (sic) that would be maybe falling within
contemporary use patterns, even though it's pretty iffy data.
I was basically striking a compromise to include some of these
areas that we, you know, on the margin can justify as being use
areas for Lime Village.

32

MR. JAMES: Was other information used from other
people, i.e., Lime Village, in determining what this current
use pattern is?

36

MR. DENTON: Taylor Brelesford, who's not here,
actually was the team leader in developing this, so -- and that
was -- basically he's the cultural specialist that gathered
that material together. And it's also in the staff -- what
they gathered and used there is in the staff analysis there.
-- in fact Taylor wrote up the staff analysis.

43

MR. CALDWELL: May I ask a question, Mr. Chairman?
Thanks. You referred to the -- to a March moose census. That
was March 1992?

47

MR. DENTON: Yes.

48

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1 MR. CALDWELL: And that's the only moose census that's
2 ever been conducted of

3
4 MR. DENTON: That's right.

5
6 MR. CALDWELL: this moose population, correct?

7
8 MR. DENTON: That's right. There are sample areas for
9 fall classification counts just to the south of this area, on
10 Hohlitna. Also, the Upper Stony, Game and Fish also has
11 another one, where they're in areas where they can get an
12 adequate sample size with a reasonable amount in cost of
13 flying. This area just doesn't have the moose densities to
14 pack up the kinds of sample sizes you really need, and, you
15 know,

16
17 MR. CALDWELL: Yeah. I think

18
19 MR. DENTON: I agree it's needed, but you're
20 starting -- when you're looking -- the census that we did there
21 cost \$25,000.00. Most of us -- this is a -- you know, I'm
22 looking at 323 square miles and I deal with 17 million acres.
23 It's real difficult to throw a lot of dollars every year at
24 these kind of situations. It's just a constraint we're going
25 to have to deal with.

26
27 We're looking at doing this hopefully every five years,
28 this census type thing, so in 1997 we will revisit this area,
29 and do the same thing again. That's about all we can -- that's
30 the frequency that we can afford. Put it that way.

31
32 With that, that was real short and simple. If there's
33 any questions, holler. Please go over the staff analysis
34 here, mull it around a little bit, and I'd be glad to revisit
35 anything, or any questions you might have. There's a lot here
36 kind of -- to try to process here, and make decisions on.

37
38 MR. GRAHAM: Thank you.

39
40 MR. HAROLD HUNTINGTON: Think the Lime Village guy
41 would like to speak? I forgot his name.

42
43 MR. GRAHAM: Yeah, Rick.

44
45 MR. BRECKHEIMER: Yeah.

46
47 MR. GRAHAM: You still there, anybody there?

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1 MR. BRECKHEIMER: No, they had to go get wood.
2 MR. GRAHAM: Oh. Could he make his comment?
3
4 MR. HAROLD HUNTINGTON: Yeah.
5
6 MR. GRAHAM: Go ahead and you can make public comment
7 for Lime, anybody have anything to say what you feel
8 about

9
10 MR. BRECKHEIMER: Yeah, the only think I got to say is,
11 you know, I've been here a long time now and I never seen so
12 many moose as there is this year. And I didn't catch exactly
13 what your cow and calf count was, but it was very low and I
14 don't think that was accurate. I think the people here in the
15 village, pretty much, would go along with that, support that
16 proposal 51. There's a lot of cows and calves here, there have
17 never been so many moose around, even have them coming into our
18 dog yard and I've never had them do that before. That would
19 make me think that we're doing something right with our game
20 management here.

21
22 MR. GRAHAM: Thank you, Rick.
23
24 MR. BRECKHEIMER: Yeah.
25
26 MR. HAROLD HUNTINGTON: Is there any more questions
27 from the audience? Caldwell.
28
29 MR. CALDWELL: Mr. Chairman, my name is Bill Caldwell,
30 I'm a lawyer with Alaska Legal Service in Fairbanks and I've
31 been representing or at least trying to represent the people
32 out in Lime Village for the past 10 years on their subsistence
33 hunting rights. And I just want to mention a few things by way
34 of some background about this controversy.

35
36 When George spoke he said that what had stimulated
37 these proposal were the State land selections and how the land
38 status was changing in the Lime Village area as a result of the
39 State's selections. And I guess in one sense that's correct,
40 but Lime Village was content with the Federal regulations that
41 the Federal Subsistence Board adopted in April 1992. And I
42 have a transcript of that Board meeting, that Federal
43 Subsistence Board Meeting and they based their 40 moose quota
44 on the March census that was just taken at that time.

45
46 And the state's representative at that meeting, a guy
47 named Greg Boz (ph) with the Department of Fish and Game
48 informed the Federal Board that in the larger red area, which
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I'll come back to in a minute, there was something like 905 moose of which, at least, 55 moose could be taken within that larger area. Now, it was based on that information that the Federal Board selected 40 as the number of moose and, of course, the Federal Board also had before them the 1989/'90 Harvest reports that had been submitted to the State Department of Fish and Game pursuant to a system that had been worked out which showed that the people took 36 moose that year.

8

9 So in order to accommodate, more or less, of what the Village had taken in the one year in which we had adequate data, they selected the 40 moose. But, you know, knowing that the moose, you know, were in this general area and there were sufficient numbers to accommodate that number.

14

15 Now, going back to the red area, which is what the area is that was proposed in Proposal 51. This is an area that was recommended to the State Board of Game in 1985 and it was on Page 5 of the handout that Jeff gave you. That is the area that the Department of Fish and Game recommended to the State Board of Game as an appropriate management area in 1955 (sic) and they were trying to manage in the wake of the Madison decision back then which created legal complications and they wanted to do something special to try and help Lime Village out. So this was the recommendation.

25

26 Now, the reason we have a smaller Lime Village Management Area that's show on the map there behind the Chairman is because in 1985 only in Game Management Unit 19(A) was antlerless moose hunting permitted. Because it hadn't been through the advisory committee process and gotten adopted and the all round this area here, 19(B) (C) and (D) is a part of this larger area. And so they could only give an antlerless moose season within that small area. So that's the genesis of the Lime Village Management Area under State law. It has nothing to do with biology or even politics, it just happen to have to do with the fact that that's the only boundary they could draw and allow them to take antlerless moose. So the Board didn't adopt this larger area at that time.

39

40 Now, back to what stimulated Proposal 51. Last summer the State filed with the Federal Subsistence Board petitions for reconsideration and those petitions are not before you in the form of Proposal 52 and 53, which are the State proposals. Instead of dealing with it as petitions for reconsideration the Federal Board has published them as proposals. So the State was firing at us from that side, they wanted the Federal Board its ruling.

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Then at the end of October we had a meeting in Lime Village with the Federal side of this situation, with the BLM and Federal Subsistence staff representatives as well as State Fish and Game Subsistence Division. And BLM informed the people that they were going to make a proposal to the Federal Board on Monday, November 1st. So our proposal came more as a matter of defense than it did as a matter of being dissatisfied with anything the way it was. And so I just want you to understand the context of that. It wasn't like there was some problem that the people were trying to fix, they were caught in this cross fire between land managers and fish and game managers. So there's nothing in Proposal 51 that anybody couldn't live without as long as nothing else changes.

13

14 I just want to reemphasize this one. The 40 moose, it's clear the Federal Subsistence Board did not, at the time, believe that those 40 moose were all going to come off of Federal land. They knew that they would come off the village's customary and traditional hunting grounds and, you know, the Federal Board is kind of new at this now and maybe they need to be more precise now, but what we would like to see is to keep the same regulation, the same moose regulation, for Lime Village and put aside the management area concept for a minute. Keep the same moose regulation, but with the understand that that's the total moose, that when that many moose are taken by any system, whether State or Federal, then the moose season is over.

27

28 The village is working out with BLM a harvest reporting system, a harvest reporting map that BLM prefers over the State system and I want to emphasize this also, the people in Lime Village have been keeping harvest reports, even though nobody seemed particularly interested in it until the BLM came along, but they have been keeping harvest reports and keeping a tab on their community harvest since they first started this system in 1989 in a cooperative agreement with the State, which at that time was managing under ANILCA.

37

38 Keep the 40 moose limit, don't worry about where these moose come from because they come from all over the place out there and we can then find out as time goes by where these moose really are coming from and how important Federal lands are to remain Federal lands.

43

44 Now, as to Federal land, our position is that these new State selections are still Federal public lands because the ANILCA definition talks about -- and there are some more complications that are being litigated in Federal Courts, but for the moment just let me explain this one theory and I won't

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burden you with legal arguments. But ANILCA says that validly selected State lands would be excluded from public lands. Our position is that these lands are not validly selected public lands because the State has greatly exceeded its entitlement to land under the Statehood Act and these are low priority lands. We'll know more in July when they do give us their list of priorities, just what the likelihood is that these are going to end up in State hands. And if they do make them a high priority it'll be a different argument, but for the moment I share Jeff's view that this is a low priority for the State. So we think these lands ought to continue to be managed as Federal public lands.

12

13 But in any event, we don't need a permit system for which land you're talking about. Incidentally, they haven't included the Native allotments in the Lime Village area of which are also Federal public lands and even though it's not a vast amount of acreage, these Native allotments were selected because their subsistence value either as fish camps or hunting camps or, you know, access to subsistence resources. Those lands are important lands and they range in size from 40 to 160 acres, but people under Federal law are entitled to take moose on their Federal allotment.

23

24 MR. REAKOFF: Under Federal regulation?

25

26 MR. CALDWELL: Right, they have the legal protection of ANILCA on their Native allotment. Now, that's another legal issue that'll eventually get sorted out in the courts because they way the Feds construe it right now, although I've never seen this in the Federal Register or anything, but they take the position that once the Native allotment has been certified. Once the Native receives a certificate of allotment, it says this land is your land under the Native Allotment Act, but that's no longer Federal public land. But the definition of Federal public land or Federal land is lands, waters and interest area in the title which is the United States.

37

38 Every Native allotment is basically Federal trust land, held in trust for Alaska Natives. And even though the Native gets a certificate of allotment the land is non-taxable by operation of the statute of Congress. And the land cannot be sold or leased or encumbered in anyway without the permission of the Secretary of the Interior. So our belief is that that is an interest in land to which the United States holds title. Because if they can prevent you from selling your land, that's a pretty powerful interest that they have. And so these lands should be managed as Federal public lands as well.

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Okay, the management area. Here's what the real concern is on behalf of the people in Lime Village. They have had a control use area proposal in before the State Board of Game which has been there before and been received not well, but it's there again. And the main concern is to protect the lakes that are around the village area from fly in hunters. The people out there have been complaining since the first flight that ever went out there that there's people flying in on these lake, back over away from the village and across the river from the village and committing wanton waste and killing animals and cutting off their heads and wasting these animals and they've been complaining about this for years and they've complained to the Board of Game and that's what they really want here is some restriction on those fly in hunters. And if you can figure out a way to do that that would solve the management area issue as far as they're concerned.

16

17 As Phil said earlier, nobody is particularly hung up on any of these boundaries that are being proposed, but the control of use area proposal that they have before the State Board of Game is the one that they've all agreed on, they would like to see some restriction on the outside competition on fly hunting, basically, in that control use area. So maybe that's something that proposal could be amended to deal with, I don't know. Well, I'm a lawyer, Mr. Chairman, sorry to be so long winded.

26

27 MR. JAMES: Mr. Chair.

28

29 MR. HAROLD HUNTINGTON: Dave.

30

31 MR. JAMES: Bill, could you re-explain to me what you mean by the genesis of the Lime Village Management Area statement. You made the statement that there wasn't really a biological issue, what was it?

35

36 MR. CALDWELL: The State Lime Village Management Area basically exists at the eastern corner of Game Management Unit 19 and if we had the Game Management Units -- you asked that question earlier and I never did see a map, you would see that the four Subunits in Game Management Unit 19 all come together right here in the

42

43 MR. JAMES: There's a map in the regulation book that would show that very clearly.

45

46 MR. CALDWELL: Yes, on Page 76 of the regulation book and you can see where Lime Village is right down there where Units 19(B), 19(A), 19(C) and 19(D) all come together at a

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common boundary just up -- that's at Can Creek, I believe that's right. Is that right, Phil?

2

3 MR. GRAHAM: Yeah.

4

5 MR. CALDWELL: Can Creek is the boundary line there. And so in 1985 when the Board of Game first developed that management area antlerless moose hunting was not permitted in Units 19(B), 19(C) and 19(D). And since they had already adopted a proposal to let Lime Village hunt either sex moose they then felt restrained by the antlerless moose statute to just limit to that part of the area that in Unit 19(A). I don't know if I did any better that time, but that is the genesis.

14

15 MR. HAROLD HUNTINGTON: Any more questions for Mr. Caldwell?

17

18 MR. JAMES: One more question, Bill. You made another statement when you were talking about sort of the general distribution of moose harvest by people in Lime Village. I think you used the term all over the place.

22

23 MR. CALDWELL: I said the moose come from all over the place.

25

26 MR. JAMES: Not the moose harvest.

27

28 MR. CALDWELL: You know, you heard Rick's testimony earlier when he said he seen more moose around the village than ever before. That's where they catch most of the moose is around the village, you know, so they must come from somewhere. This idea that moose kind of grow on a little patch of Federal land somewhere and you can take five of those and ignore the best of it doesn't make any sense to me. I mean, it's the total moose population of that are to be concerned about and overall health of it and that's the only point I'm making. I'm not biologist and I'm not capable of arguing this point, but that's the point I was trying to argue.

39

40 MR. COLLINS: Mr. Chairman.

41

42 MR. HAROLD HUNTINGTON: Yeah, Ray.

43

44 MR. COLLINS: The three proposal before us, what, then, would your recommendation be on those three proposals? What are they 51, 52 and 53.

47

48 MR. CALDWELL: The reason we were concerned in the

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first place was the State's petitions for reconsideration, so we're opposed to those proposals. And they couldn't legally be adopted under the Federal system because those proposal would allow all Alaskans to be priority subsistence users in the Lime Village hunting grounds and that is just not permissible under ANILCA, under Section 808 of ANILCA.

6

7 MR. COLLINS: And so you're

8

9 MR. CALDWELL: And then there's a lot of other -- I'm sorry, Ray, I didn't mean to cut you off.

11

12 MR. COLLINS: Opposed to all three of those, then, 51 through 53?

14

15 MR. CALDWELL: No, 51 was our proposal. I was just trying to explain we were trying to fend off the wolves here a little bit with our proposal. We weren't dissatisfied with anything that existed already, but we were getting shot at from both the State and the Federal side of things.

20

21 MR. GRAHAM: Mr. Chair.

22

23 MR. HAROLD HUNTINGTON: Yeah, go ahead, Phil.

24

25 MR. GRAHAM: I would just add to that that, yeah, our proposal is asking that thing stay pretty much the same, which is what one of the guys wanted to say, he had to leave, was keep it the way it is. We have a village quota of moose and caribou, 40 moose, 200 caribou and so it's not the individual bag limit that the State is asking for in Proposal 52 and 53. The State is asking that each hunter take four caribou or two moose and the people in Lime like the system the way it is, where we just keep track of how many moose are killed in the village. I have an example of a calendar we kept a few years ago which shows what's killed on what date, if you guys want to look at that.

37

38 MR. CALDWELL: And you're still keeping that kind of calendar?

40

41 MR. GRAHAM: Yeah, since last June. And then people don't have to fill out the tickets and they don't have to do the card and all of that, it's taken care of on one calendar for the whole village. Because everybody knows when something is killed and it gets reported and marked on the calendar.

46

47 MR. HAROLD HUNTINGTON: You have a question, Jeff?

48

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MR. DENTON: Mr. Chairman, I'd like to maybe clarify a couple of things that, you know, this seems so complicated (ph). Reporting for this quota was based on count area that we did which was considerable larger than this area, it included lands clear up into here. So 40 moose for this area would constitute over harvest because that count area included a whole nother (sic) unit here also.

7

8 And also the proposal, as I understand it, would be closure of all Federal lands and State and Native lands to all other forms of hunting in your proposed area. And the Feds don't have jurisdiction to close anything but Federal lands.

12

13 MR. CALDWELL: I understand. In 1989 and '90, we know the people in Lime Village took, at least, 36 moose out that area.

16

17 MR. DENTON: Thirty-four of them come right out of here.

19

20 MR. CALDWELL: And then when you conducted your moose census in 1992, was there any evidence that that alleged over harvest had harmed the moose population?

23

24 MR. DENTON: A one time only survey is not going to tell us.

26

27 MR. CALDWELL: Amen.

28

29 MR. DENTON: And, secondly, a March is not going to tell us that because we need -- of harvest you have to have age structure of that harvest. Are they young or old, what's the distribution of age of those animals that are harvested? And secondly you probably need full classification counts in terms of your bull age structure, which we do not have at this time.

35

36 What was used for what modeling I did to come up with these was the adjacent area here that they do full classification counts and the closest areas that we could use. And I used other mortality figures that are basically the average for area 19 in terms of wolf kill, disease, winter kill, these sorts of things. And that's by age class and by sex as well.

43

44 MR. GRAHAM: Just two years after your survey people are seeing more moose in the same area where a third of them were taken a few years ago and they're big, I mean, big moose.

47

48 MR. DENTON: Well, again

49

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1 MR. GRAHAM: I mean, all kinds of moose.

2

3 MR. DENTON: Again, in biology we have to deal with
4 hard facts because I know animals for various reason, various
5 climatic conditions that change distribution from year to year
6 slightly and make movements through different areas and those
7 things -- again, to really evaluate that we have to do another
8 survey because we might find the same amount or less moose in
9 there that actually having them be distributed with this (ph).

10

11 MR. HAROLD HUNTINGTON: Dave, go ahead.

12

13 MR. JAMES: Question, probably for Phil. Was the
14 intention -- with the current harvest limit, is the intention
15 that that 40 moose village harvest quota also include moose
16 that are harvest on a State tear two permit?

17

18 MR. GRAHAM: Yes.

19

20 MR. JAMES: The reason I ask is because that's not
21 clear in the way the regulation is written right now. It just
22 doesn't

23

24 MR. GRAHAM: That's what we want is just 40 moose out
25 of this -- it doesn't have to -- you know, that hunting ground.

26

27 MR. DENTON: See, under the Federal we have to look at
28 Federal public lands. Are you seeing more moose on Federal
29 public lands or are you seeing them right in the vicinity of
30 Nome Village on State and Native lands? I mean, those are the
31 things we have to deal with. And we realize moose make major
32 movements, but in healthy populations which come up every time
33 when you look at these regulations, movements of moose in and
34 out of given areas and a healthy population are equal.
35 Immigration and emigration are equal, you have healthy
36 populations. If you have non-balance, if it's all incoming
37 moose and none outgoing, it's really not a healthy population
38 situation, that's actually a forerunner of a problem. And if
39 you have healthy moose populations -- moose that are on Federal
40 lands during any given season, movements in or out should be
41 equal, if you have truly healthy population.

42

43 MR. CALDWELL: Gave me a chance to make a legal
44 argument, Mr. Chairman. Section 804 of ANILCA doesn't talk
45 about healthy populations, it says restrictions on subsistence
46 users are not permissible unless necessary to maintain the
47 viability of the populations, not to maintain some abstract
48 concept of healthy populations.

49

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1 MR. JAMES: Mr. Chair.

2

3 MR. HAROLD HUNTINGTON: Go ahead, Dave.

4

5 MR. JAMES: Mr. Chair, supper is going to be served at
6:30 and we're less than 15 minutes away from that, so the
Council needs to decide when they want to break for supper.

8

9 MR. HAROLD HUNTINGTON: Is there any more questions on
this Proposal 51?

11

12 MR. KNAUER: You need always to remember to ask if
there are other people in the audience, particularly in the
same region to provide testimony.

15

16 MR. HAROLD HUNTINGTON: Is there anybody that wants to
provide some more testimony?

18

19 MR. TAYLOR: Mr. Chair, I'm not sure I want to provide
any testimony, I could probably clarify a couple of things for
you that might help you in your deliberations.

22

23 MR. HAROLD HUNTINGTON: Yeah, feel free to come on up
and speak.

25

26 MR. TAYLOR: Last year when we submitted our request
for reconsideration all we were trying to do was reduce
confusion between the State and the Federal system. We have
two primary concerns in the Lime Village area. One is that
under the State system where you're allowed to take 28 moose
under tear two permit, we don't want that to be additive to the
40 moose that are allowed under the Federal system. Right now
there is no provision to keep those, you know, into on pot. If
there were that would reduce our concerns considerably.

35

36 And the second concern is that there is no reporting
requirement for caribou harvest. And should the populations go
up and down over long periods -- right now that population is
doing terrific. We're not very concerned, really, with how
many caribou Lime Village takes, frankly. I'm sure that they
could meet their needs and not hurt that population a bit.

42

43 What we are concerned about is maintaining good records
of harvest on a population that is going to go up and down, so
that when it does start to go down some day, and it will, we
can say this was the harvest on this population over the course
of time. Those are our two primary concerns. Since this book
has been published we've got additional concerns with proposals

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that are in here, but if you could take care of these two concerns, from the State's standpoint, and still address the Village's needs, it might not be quite as complicated as it appears. Any questions?

4

5 MR. GRAHAM: Say again.

6

7 MR. TAYLOR: I said if you can address these two concerns and still meet your concerns

9

10 MR. GRAHAM: The caribou count?

11

12 MR. TAYLOR: Figure out some way to have a harvest record, you know, a record of the harvest and figure out a mechanism to make sure that the harvest of moose isn't going to jeopardize that population, we figure that with inside the Lime Village Management Area that you have the harvestable surplus is about 28 moose. We actually figured it in 1989 to be about 28 moose. Since then we did the census in 1992 and in an area a little bit larger -- you know, taking in that northeast corner, harvestable surplus was about 40 moose.

21

22 But the 40 moose that is given to you under the Federal regulation doesn't pertain just to that area, there's nothing that says that that includes the 20 moose that are taken under the State system. So if you have a quota for a given area our concern is that that quota does not jeopardize the population.

27

28 MR. GRAHAM: Well, like Jeff was saying, it's not up to BLM, BLM. Can the State give us another (indiscernible) to bring it up to 40?

31

32 MR. TAYLOR: I'll have to talk with the area biologist and it's going to depend on what the Federal system decides is going to be the boundary of the area. I will say that when we settled on 28 moose during the spring Board meeting that was to accommodate the 14 tear two permit system that the Board adopted. It was because there wasn't a majority of Advisory Committees that wanted to have antlerless seasons that we couldn't allow antlerless seasons in that area.

40

41 And if we have a surplus of 25 moose we could, you know 42 it seems to me, and I don't really want to speak for the Area biologist, but I haven't talked to him since he got back Russia, but we could probably accommodate a quota that isn't restricted to bulls only. You know, we could work that out.

46

47 When these things were written it was because of the Board actions last spring and, you know, to clarify things for

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the users that we sent in these requests for reconsideration and said it would be clear to everybody if you'll align these things. We asked for bull only hunt in the Lime Village Management Area or for the residents of Lime Village, so they would know that it was bulls only under the State's system.

5

6 I see that the State Board this spring might be considering antlerless seasons again for the Lime Village area. 8 There's a proposal in there GASH (sic) Committee to have part of 19(A) closed to antlerless take, but part of it, including 10 Lime Village, open to antlerless take. If the Board adopts that you can go back to a two moose limit pretty simply. All 12 we're concerned about is that these limits don't jeopardize the 14 population and that you have some mechanism that ties them together.

15

16 MR. COLLINS: Mr. Chairman.

17

18 MR. HAROLD HUNTINGTON: Yeah, Ray.

19

20 MR. COLLINS: If we wrote this, then, that the Federal 22 bag limit was 40 moose, inclusive of any taken under the State 24 bear two system, or something like that, wouldn't that do it? 26 that they would have to be counting them against the 40?

24

25 MR. TAYLOR: Mr. Chairman, that would go a long way 27 towards alleviating some of our concerns. Right now your 40 29 moose limit is for all of Unit 19(A), it isn't tied to a 31 specific management area. That would help considerably.

29

30 MR. HAROLD HUNTINGTON: Any more -- oh, you got a 32 question back there?

32

33 MR. DENTON: Well, I just add that the small amount of 35 public lands in that area, Federal public lands, plus the 37 Kiyuh (ph) Habitat, at this point in time don't have care and 39 capacity to provide that balanced number of moose from 28 to 41 40. So you would have a hard time justifying it.

38

39 MR. TAYLOR: Mr. Chairman, I'm not all that familiar 41 with the land status for all of Unit 19(A). I know that BLM 43 has looked at these portions of 19(A), but right now the 45 regulation is for the entire unit and if there is no other 47 Federal land in Unit 19(A) then that might be difficult.

44

45 MR. DENTON: That's the case within probably 100 mile 47 radius of Lime Village.

47

48 MR. TAYLOR: From the State's perspective our concern

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isn't so much what your quota is on Federal land, it's more a concern that quotas on Federal land and the State quota, provided by the State Board, wherever that's going to take place are within the care and capacity of that population. And that they're tied together somehow to make sure that that occurs.

6

7 MR. HAROLD HUNTINGTON: Any more questions from the Board or from the audience? David.

9

10 MR. JAMES: Yeah, I understand the cooks over there have meat cleavers in the kitchen and they get real angry if we don't show up on time.

13

14 MR. HAROLD HUNTINGTON: Well, what do you suggest?

15

16 MR. JAMES: That we break for supper.

17

18 MR. HAROLD HUNTINGTON: Okay, we'll take a supper break.

20

21 (Off record)

22

23 (On record)

24

25 MR. HAROLD HUNTINGTON: I call the meeting back to order. I think we're on Proposal 51. Phil.

27

28 MR. GRAHAM: Yeah, I'd like to make a motion to get it on the table, anyway, so there can be further discussion. I move that we adopt Proposal 51 with the following amendments. And if you want to follow along on Page 13 in the proposal, under Proposal to Change Regulation.

33

34 25(k)(19)(ii), talks about the Lime Village Management Area and I'd like to call that the expanded Lime Village Management Area. And the definition of that would be the green line that Jeff has drawn there. So that would be the new or the expanded Lime Village Management Area. We'll have to get a legal description of that.

40

41 MR. HAROLD HUNTINGTON: The green line, huh?

42

43 MR. GRAHAM: Yeah, so we're not talking about the pink line any more, the green line is the one we're talking about for the Lime Village Management Area.

46

47 And then if you go on to Page 14, where it's talking about caribou you'll see expanded would have to be added in the

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-- really expanded would have to be added in Lime Village --
expanded Lime Village Management Area, 200 caribou by community
harvest reporting system. Cows and calves will not be taken
from April 1 to August 9.

4

5 And then drop down a little more to where it talks
6 about moose and again you would have to insert the expanded
7 Lime Village Management Area, 40 moose and we would add 40
8 moose to include those taken in the tear two hunt. And again
9 by community harvest reporting system.

10

11 MR. COLLINS: Would that be State tear two hunt, Phil?

12

13 MR. GRAHAM: The State Lime Village tear two hunt,
14 yeah. And basically we're asking or Lime Village is asking for
15 the same bag limits, but in an expanded area.

16

17 MR. COLLINS: I'll second that.

18

19 MR. HAROLD HUNTINGTON: It's been moved and seconded to
20 amend Proposal 51 to add the word "expanded" to the Lime
21 Village Management Area on Page 13 and again on Page 14, first
22 paragraph, expanded Lime Village Management Area and again the
23 third paragraph down, expanded Lime Village Management of which
24 40 moose to include those taken during the State tear two hunt.
25 there any question on that?

26

27 MR. COLLINS: Mr. Chairman, I have a question for Phil.
28 Phil, the description of the green line that will be inserted
29 here too, what about this; the moose and caribou hunt is closed
30 all public? Does that stay or is that out?

31

32 MR. GRAHAM: Let's see. Moose and caribou hunting is
33 closed on all public lands, all of the lands within the Lime
34 Village -- yes, that Management Area, except to qualified rural
35 residents of the village.

36

37 MR. COLLINS: I guess that I'm saying, I don't think
38 that the Federal can adopt this if it's talking about State
39 lands. And part of the management area is State lands, isn't
40 that?

41 MR. GRAHAM: Right. So close down all Federal public
42 lands, would that?

43

44 MR. COLLINS: I don't know, I'm wondering that too.

45

46 MR. DENTON: That would be correct.

47

48 MR. GRAHAM: That would be correct?

49

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1 MR. DENTON: Yeah, the Federal Subsistence Board has no
2 authority to close down Native corporation lands, selected
3 lands or the State lands, we don't have the authority to close
4 those.

5
6 MR. GRAHAM: So it's back on Page 13 again that we need
7 to insert Federal public land.

8
9 MR. DENTON: Yeah, you should make that Federal public
10 lands also, because actually State lands are public lands.

11
12 MR. COLLINS: And then strike all other lands.

13
14 MR. HAROLD HUNTINGTON: Cross out all other lands?

15
16 MR. GRAHAM: Let me see here. All other lands within
17 the Lime -- yeah.

18
19 MR. COLLINS: In the expanded, I guess.

20
21 MR. GRAHAM: In the expanded Lime Village Management
22 Area.

23
24 MR. HAROLD HUNTINGTON: Okay, is the amendment clear?
25 All in favor of the amendment to the proposal?

26
27 MR. JAMES: Mr. Chair, are you going to have any
28 further discussion? I'd like to suggest, just this. He's not
29 here now, but Ken Taylor expressed the State's concern the
30 cumulative, the total harvest, you know, doesn't go over this
31 40. But what about if somebody hunting from Lime Village with
32 a harvest ticket over on the Swift River, you know, and
33 collects a moose, maybe it's not very likely, but maybe it is.
34 You know, that wouldn't be included because that's not a State
35 bear two, but it is a moose taken by someone in Lime Village
36 from a State harvest system.

37
38 I wish that somebody from the State was here to see if
39 that's -- I'm not sure. Maybe I'm making a mountain out of a
40 mole hill, but, you know, again, speaking the philosophy that
41 he expressed, he just, you know, wants to make sure that the
42 total harvest is within the bounds of that 40. Does that make
43 sense?

44
45 MR. GRAHAM: Well, did I say that when I, you know,
46 added to include those taken in the tear two hunt? Does that
47 satisfy that?

48
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MR. JAMES: Well, that would mean a State tear two hunt applies only to the State Lime Village Management Area, I think. But you all could harvest moose outside that area with a State harvest ticket, you know, during the State season.

4

MR. GRAHAM: Oh, I see.

5

MR. CALDWELL: You can just say those taken under State permits without regard to tear two or not.

6

MR. JAMES: Under State regulations?

7

MR. CALDWELL: Under State regulations. Would that do it?

8

MR. JAMES: Sure.

9

MR. GRAHAM: So instead of taken in a tear two hunt, under State regulations?

10

MR. JAMES: Let's see. The expanded Lime Village Management Area, 40 moose by community harvest reporting system.

11

MR. GRAHAM: To include those taken under State regulations.

12

MR. JAMES: Okay, there you go. To include those taken under State regulations. Let's think about this now. You did define it though within the boundary, the expanded area. Oh, but that's right even within that boundary there's State lands, they're outside the Lime Village Management Area. Okay, all right.

13

MR. GRAHAM: Well, this is the new expanded management area that does have State lands.

14

MR. JAMES: So you can take moose under State regulations both in the Lime Village Management Area, the State Lime Village Management and State areas that are outside of that, but within the boundary.

15

MR. GRAHAM: Um-hum. (Affirmative)

16

MR. JAMES: So simply by say State regulation it's covered?

17

MR. GRAHAM: I think so.

18

19

20

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MR. JAMES: Okay.

1
2 MR. FRANKLIN SIMON: I have a question, Mr. Chairman,
3 for Lime Village. Under my book here, it says population 42
4 and trying to get 41 tickets (ph), that include babies and
5 everybody?

6
7 MR. GRAHAM: Well, part of the reason is there is no
8 electricity in Lime Village and so in the summer time we either
9 eat fast or make dried meat or -- but if you want fresh meat
10 there's -- there's only one freezer in Lime and that's at the
11 school and that's turned off in the summertime. And people do
12 eat a lot more meat then. They send meat to relatives in
13 Anchorage who moved to Anchorage, too.

14
15 MR. FRANKLIN SIMON: How many families live there?

16
17 MR. GRAHAM: There's about 15 households.

18
19 MR. FRANKLIN SIMON: Well, I would think that's a lot
20 of meat there for 42 people, babies and all, to eat 40 moose.

21
22 MR. GRAHAM: Well, it does seem like a lot. People do
23 eat a lot of meat. And the year we counted they took 36 moose.

24
25 MR. HAROLD HUNTINGTON: Well, we're about ready to get
26 on with the amendments.

27
28 MR. GRAHAM: There are no -- excuse me, there are no
29 freezers, there's no store and people depend on meat to a very
30 great extent.

31
32 MR. JAMES: Mr. Chair, we got to think beyond tonight
33 and what the Federal Subsistence Board is going to do when they
34 look at this. And they're going to want to have strong
35 justification. And one of the things that they're going to
36 look at is exactly what Franklin just said, in fact, that's a
37 whole section in this staff analysis that's complete with a
38 table.

39
40 The conclusion that the staff came to is that the
41 consumption rate in Lime Village is extremely high compared to
42 other data. And I think the Board may well look at that very
43 closely, especially if they don't feel comfortable with that
44. I'm just trying to give you a warning what you may be up
45 against at that Board meeting.

46
47 MR. GRAHAM: Well, I would invite them to go into
48 somebody's house and see how people cook meat, great big pots.

49
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1 MR. JAMES: That may be the kind of justification that
2 you want to make sure is part of the record.
3
4 MR. GRAHAM: I'm not sure how to get it in.
5
6 MR. JAMES: It's getting in right now.
7
8 MR. GRAHAM: I will say that there is no store and
9 there's no freezer in Lime Village to keep meat fresh. And
10 that people there, I mean, eat meat like I've never seen people
11 eat meat before.
12
13 MS. DEMIENTIEFF: I have a question on the caribou
14 take.
15
16 MR. HAROLD HUNTINGTON: Is there any more questions?
17
18 MS. DEMIENTIEFF: I have a question, Phil. On the
19 caribou you guys want to take, 200 caribou, every single person
20 in your town is going to eat five caribou by themselves a year,
21 right? That's every single person.
22
23 MR. GRAHAM: Every single person?
24
25 MS. DEMIENTIEFF: In Lime Village.
26
27 MR. GRAHAM: Would take five?
28
29 MS. DEMIENTIEFF: Would have to eat five.
30
31 MR. GRAHAM: Yeah, but

32
33 MS. DEMIENTIEFF: In order to get those 200.
34
35 MR. GRAHAM: They've never taken 200 caribou.
36
37 MS. DEMIENTIEFF: So you're just asking for 200?
38
39 MR. GRAHAM: Well, you know, that's already in the
40 regulations, they gave us 200. They've never killed that many.
41 The count year, I think, was 80 something, but -- well, I
42 don't see any reason to back off from it. The population may
43 grow too. People do send a lot of meat to relatives who moved
44 to Anchorage who still want to eat game meat.
45
46 MR. HAROLD HUNTINGTON: Sharon.
47
48 MS. GURTLER-STRICK: I have another question. Would it
49
50

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be all right to assume that in any given year a person isn't going to be able to harvest their share of moose and may be able to harvest their caribou so that, you know, you wouldn't be harvesting all your moose and all your caribou in one year?

4

5 MR. GRAHAM: Yeah. I'll just add a little more. You know, I mean, I've seen somebody kill a moose and you give everybody a piece, it's gone just like that and then each family will eat for, you know, a few days and it's gone. If you divide it up 15 ways it doesn't take long to finish an animal. And dry meat people can eat, you know, lots of dry meat.

12

13 MR. HAROLD HUNTINGTON: You have a question?

14

15 MR. SHERROD: Phil, it looks like a lot of moose and caribou, ungulates compared to some of the other communities, but some of the other communities take a lot of fish, I mean, thousands of pounds of salmon. What is the salmon consumption?

19

20 MR. GRAHAM: In the summer people like to eat salmon and for a while and then I would guess -- I mean, people put up a lot of dried fish too. But there's no way to freeze fish either.

24

25 MR. SHERROD: Are we talking about thousands of pounds of fish per person or?

27

28 MR. GRAHAM: No, in fact, I would say people kind of get tired of fish pretty quickly. Everybody likes to get fish, you know, for a while and then wants to get back to meat.

31

32 MR. HAROLD HUNTINGTON: There was a motion on the floor and seconded to amend the proposal. Wane me to go ahead and say reading it again. Maybe, Phil, you can help me out on it.

35

36 MR. GRAHAM: I won't read the whole thing, but I'll go through the amendment again. Starting on Page 13, the expanded Lime Village Management Area consists of, and I don't have it, but we'll insert the legal description of that green line up there. And we're crossing out what was the pink line.

41

42 And the highlighted area at the bottom of that paragraph. Moose and caribou hunting is closed on all Federal public lands within the expanded Lime Village Management Area except to qualified rural residents of Lime Village.

46

47 And then it goes into the caribou bag limit, Page 14, the expanded Lime Village Management Area, 200 caribou, by

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community harvest reporting system. Cows and calves may not be taken, April 1 to August 9th.

2

3 And then under moose, expanded Lime Village Management Area, 40 moose, to include those taken under State regulations. 5And, again, by community harvest reporting system.

6

7 MR. HAROLD HUNTINGTON: Are we ready to vote on the amendment?

9

10 MR. COLLINS: Actually we would be adopting it as amended, wouldn't we? You moved the adoption of this with the following amendments.

13

14 MR. GRAHAM: Right.

15

16 MR. COLLINS: So we would be adopting the amended

17

18 MR. HAROLD HUNTINGTON: It's been moved and seconded to adopt Proposal 51 with amendments. All in favor signify by saying aye.

21

22 (Ayes respond)

23

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

25

26 (No opposing votes)

27

28 MR. HAROLD HUNTINGTON: Motion passed, Proposal 51 passes with amendments. You have a question out there?

30

31 MR. KNAUER: Yes, Mr. Chairman, clarification just for the Regional Council. On those sections that have the strike out on Page 14, where it says the rural Alaska residents domiciled in Lime Village only. Those strike outs will probably -- if the Board accepts and passes this, they will probably have to actually appear in regulation just as a matter of formality. Those strike outs there saying rural Alaska residents domiciled in Lime Village, and in each place, will probably have to be in there for clarity. It doesn't change anything that you folks have done or change the meaning. It's just to let you know that that would be the case when we write our regulation.

43

44 MR. JAMES: I am curious about that. That seems extremely redundant to me. If somebody is a resident of Lime Village, it's pretty obvious they're rural. If they're a resident it's pretty obvious they're domiciled. Is there some rule of necessity, legal wise? Maybe Bill can address that.

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1 MR. KNAUER: We can clean it up a little, but it is
going to have to say the residents of Lime Village only.

3
4 MR. JAMES: Okay. All right.

5
6 MR. HAROLD HUNTINGTON: I guess that's it for Proposal
51, huh? Can we go on to 52? Whose got information on 52
Here, anybody? Dave, you know anything about 52?

9
10 MR. JAMES: Excuse me a second, Mr. Chair, I got to get
my head back in, I was

12
13 MR. SHERROD: Fifty-one, 52 and 53 were all done, 52
and 53 are the State's proposal with opposition of 51, so if
you support 51, it would seem natural that you would oppose 52
and 53.

17 MR. KNAUER: But you would need to bring them up and
vote them down.

19
20 MR. COLLINS: Mr. Chairman, I'll move adoption of
Proposal 52.

22
23 MR. HAROLD HUNTINGTON: It's been moved to adopt
Proposal 52.

25
26 MS. GURTLE-STRICK: Second.

27
28 MR. HAROLD HUNTINGTON: It's been moved and seconded to
adopt Proposal 52. Any questions?

30
31 MR. GRAHAM: Yeah, just to clarify it. Proposal 52 is
asking for an individual bag limit of caribou and, you know, in
Proposal 51 we voted for the community bag limit and so, you
know, it wouldn't make much sense to adopt 52.

35
36 MR. HAROLD HUNTINGTON: Ready for a vote? All in favor
of adopting Proposal 52 signify by saying aye.

38
39 (No responses)

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

42
43 (Ayes respond)

44
45 MR. HAROLD HUNTINGTON: Proposal 52 fails. Going on to
56. David, do you have something to add on that? Is that the
same kind of proposal?

48
49
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MR. JAMES: It's the same situation as 52 essentially,
 1 yeah.

2
 3 MR. HAROLD HUNTINGTON: Just take the same action then;
 4 what does the Board think? Any motion?

5
 6 MR. GRAHAM: Yeah, same thing except here they're
 7 asking for moose bag limit, an individual bag limit rather than
 8 a community bag limit, so -- I wish there was some other way to
 9 vote not to -- or I guess we have to make a motion to adopt,
 10 can't make a motion not to.

11
 12 MR. HAROLD HUNTINGTON: Yeah. Is there a motion to
 13 adopt Proposal 53?

14
 15 MS. GURTNER-STRICK: I'll move.

16
 17 MR. HAROLD HUNTINGTON: It's been moved, is there a
 18 second?

19 MR. COLLINS: I'll second.

20
 21 MR. HAROLD HUNTINGTON: It's been moved and seconded to
 22 adopt Proposal 53. Questions? Ready for a vote? All in favor
 23 of adopting Proposal 53 signify by saying aye.

24
 25 (No responses)

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

28
 29 (Ayes respond)

30
 31 MR. HAROLD HUNTINGTON: Proposal 53 fails. I guess
 32 we've been doing some jumping around here and maybe we can go
 33 back to the top of the list or what proposal you want to do
 34 next?

35
 36 MR. JAMES: Mr. Chair, some of these proposals are more
 37 complicated than others. I suggest while you still have some
 38 stamina left that you tackle the more difficult ones first. I
 39 commend Number 68.

40
 41 MR. HAROLD HUNTINGTON: Proposal 68. It's not in the
 42 book.

43
 44 MR. JAMES: We'll have to provide you with that.

45
 46 (Off record comments -- passing out Number 68)

47
 48 MR. JAMES: Mr. Chair, one of the staff members from

49
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BLM, Dave Yokel, would be glad to introduce this proposal.

1

2 MR. HAROLD HUNTINGTON: Dave here?

3

4 MR. YOKEK: Thank you, Mr. Chair, Council. I'm Dave
 5 yokel with the BLM and I would like to present an overhead, if
 6 we can do that for the first time?

7

8 I'll just -- can you hear me if I stand here?

9

10 COURT REPORTER: Yes, thank you.

11

12 MR. YOKEK: I'll just start with this map to let you
 13 know what area we're taking about. This proposal deals with an
 14 area along the Dalton Highway between the Yukon River which
 15 just barely shows up down here, up to the end of Federal lands
 16 north of the Brooks Range, right here. The Dalton goes on to
 17 Prudhoe Bay, but the Federal lands only extend from the river
 18 up to this point. And we're talking about an area five miles
 19 wide on either side of the highway.

20

21 Prior to 1990 State law prohibited hunting with
 22 firearms within this 10 mile wide strip of land. In 1992 the
 23 Federal Subsistence Board lifted that firearm prohibition in
 24 the Federal subsistence regulations. However, there were no
 25 cost determinations for many of the species in each of the game
 26 management units along that area. And since this is connected
 27 to the road system of Alaska, the result was that
 28 unintentionally, we invited rural residents from other portions
 29 of the state to come up and participate in this new rifle hunt.

30

31 The purpose of this proposal is to find a reasonable
 32 solution to that problem that I just mentioned until new and
 33 complete customary and traditional use determinations can be
 34 made by the Federal Subsistence Board, and we don't know how
 35 many years down the line this will be.

36

37 The purpose of the proposal is to limit the use of
 38 firearms to residents of three villages, Anaktuvuk Pass,
 39 Bettles and Stevens Village and to all of the residents of that
 40 mile wide strip of land. And the reason we chose these
 41 people -- we based that on existing studies of customary and
 42 additional use in this area. And these studies showed up four
 43 villages, the three I mentioned, Anaktuvuk Pass, Bettles and
 44 Stevens Village and the village of Wiseman, which is located
 45 within that 10 mile wide strip.

46

47 The proposal further includes all residents of the
 48 corridor in an attempt to meet the needs of all of the local

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residents in the vicinity of the highway. The BLM recognizes that this is an interim solution. The ultimate solution, of course, would be the complete and fair c&t determination. The BLM also recognizes that by limiting our research to existing studies we have available to us, there may be more information out there.

6

7 For instance, in the case of villages of Allakaket and
 8 Alatna the information we had in our studies show their use
 9 areas coming right up to that 10 mile wide limit. If you had
 10 data showing or information showing that the use area of
 11 Allakaket and Alatna actually extends into that 10 mile wide
 12 limit, then you might choose to amend the proposal and try to
 13 include that village.

14

15 That's basically what I had to say to present this
 16 proposal. Do you have any questions?

17

18 MR. COLLINS: Mr. Chairman, why was Wiseman not listed
 19 on that first page?

20

21 MR. YOKE: They're included in the proposal under the
 22 wording all residents of the Corridor.

23

24 MR. COLLINS: Mr. Chairman, I'll move adoption of
 25 proposal 68.

26

27 MR. HAROLD HUNTINGTON: It's been moved to adopt
 28 proposal 68.

29

30 MR. REAKOFF: Second.

31

32 MR. HAROLD HUNTINGTON: It's been moved and seconded to
 33 adopt 68, any questions?

34

35 MR. REAKOFF: I have a question.

36

37 MR. HAROLD HUNTINGTON: Yeah, Jack.

38

39 MR. REAKOFF: For Pollock, the people from Allakaket
 40 get all the way up there by -- like that Old Man Country or up
 41 by

42

43 MR. POLLOCK SIMON, SR: They used to years ago, but you
 44 can't get up there with boat any more. In early days they used
 45 to go up that way, you know, cross over (inaudible) down to Old
 46 Man Valley. I've given up traveling on the road to go hunt
 47 there, we don't travel on the road to hunt. The few times we
 48 go up the South Fork within the Corridor there, not very often.

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Sometimes the South Fork River is too low to travel with an outboard there. If you want to go you would probably use a jet boat. But sometimes that water is high enough for -- we had a rainfall right before hunting season and the river will come up and those guys up that way with a boat, you know, look for moose, but up into the South Fork Valley around, it's quite a road (ph). Cross the South Fork and look for moose around there, but you can't get up there very often.

8

9 MR. REAKOFF: Is any people going up that way trapping?

10

11 MR. POLLOCK SIMON, SR: Yeah, there's some, but I haven't seen anybody trapping this year (ph), but they're down mostly around Fish Creek, trapping beaver. There's beavers around that area.

15

16 MR. REAKOFF: Mr. Chairman.

17

18 MR. HAROLD HUNTINGTON: Yeah, Jack.

19

20 MR. REAKOFF: I think that it would be prudent to amend this proposal to include Allakaket and Alatna for those people who have customary and traditional use. They may not go right up to the road, but I've known of people getting up within that Corridor area, you know, occasionally, and I wouldn't want to exclude their opportunity to go into that country. Because I know when I was a kid, caribou used to winter down there. And if caribou are down there people from Allakaket might want to travel into that edge of that Corridor area by Fish Creek where Pollock is talking about to hunt caribou.

30

31 MR. HAROLD HUNTINGTON: Where's Allakaket on the map here?

33

34 MR. REAKOFF: Right is Allakaket. This is the Kanuti flats and this is the South Fork drainage, this is Jim River and Bonanza Creek and the Fish Creek drainage, so it's not really that far for people that are normally trapping beavers and going out in this country over here. And when the caribou got down in here, again, I keep saying they're going to come back to this country. They used to come down the John River and winter all along in these hills, along the edge of the flats in that Old Man Country.

43

44 And people, I think, will return to using those caribou resources in that area 'cause that's what Old Man Country is is people from Allakaket country would go to those hot springs and stay up there a long time ago. And I would personally feel that people should have that opportunity to utilize that area

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if the caribou get back in there, which I think could be pretty soon.

2

3 MR. POLLOCK SIMON, SR: This winter there wasn't any
4 caribou down by Allakaket, but I heard they wintered right
5 close to that part of it, do you know what I mean?

6

7 MR. REAKOFF: Yeah.

8

9 MR. POLLOCK SIMON, SR: Want to push trapping beaver up
10 that way (indiscernible)

11

12 MR. REAKOFF: So if the caribou keep doing that more
13 regularly people will become accustomed to going back to that
14 country to hunt caribou in that area. See, the caribou in that
15 country there go away for 20 year, 30 year periods and then
16 they come back again. So now it's been 22 years and they're
17 just this year they started to come back into that country
18 again.

19

20 So I would like to amend this proposal to include
21 Allakaket and Alatna in this list right here.

22

23 MR. HAROLD HUNTINGTON: On Page 13, is that

24

25 MR. REAKOFF: Yeah, Page 13, Proposal 68 and it lists
26 Anaktuvuk Pass, Bettles, Stevens Village and other residents
27 within the Corridor and I would like to amend it to include
28 Allakaket/Alatna, the two villages are right next to each
29 other.

30

31 MR. HAROLD HUNTINGTON: Is that a motion?

32

33 MR. REAKOFF: Yes.

34

35 MR. HAROLD HUNTINGTON: It's been moved to amend
36 Proposal 68. Is there a second?

37

38 MR. GRAHAM: I'll second it.

39

40 MR. HAROLD HUNTINGTON: It's been moved and seconded to
41 amend Proposal 68 to include Allakaket and Alatna to Anaktuvuk
42 Pass, Bettles, Stevens and other residents living within the
43 Corridor.

44

45 MR. JAMES: Mr. Chair, the Council needs to be aware of
46 the thing that is a glitch, maybe a minor one in this whole
47 scheme of things. But in some cases there are other
48 communities that have already been given customary and

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traditional use of some of those resources in that area and they're not included in your list.

2

3 For example, the customary and traditional use
4 determination for moose in Unit 24 also includes Koyukuk and
5 Galena. Common sense would suggest that Koyukuk and Galena are
6 not in the habit, perhaps, of going hunting up there and if
7 you're trying to provide for subsistence benefit, i.e., the use
8 of the rifle, in a sense you're excluding a group that's
9 already had a c&t.

10

11 The Board will be well aware of that and I suspect,
12 although in the past -- well, I don't know. They've had
13 trouble with this in the past whether to back up an interim
14 c&t, and this, in effect, is, or whether to not do that and
15 just wait until a full c&t is done. Anyway, I don't mean to
16 make a big issue out of this, I just want the Council to be
17 aware that that's one of the extra issues tacked on to this
18 kind of an action.

19

20 MR. HAROLD HUNTINGTON: Are we ready for a vote. All
21 in favor of Proposal 68 with amendments signify by saying aye.

22

23 (Ayes respond)

24

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

26

27 (No responses)

28

29 MR. HAROLD HUNTINGTON: Proposal 68 passes.

30

31 MR. COLLINS: Mr. Chairman, I think if you go back in
32 the minutes you'll find, though, that we had the first motion
33 moved and then we had an amendment, so we may have to vote
34 twice on that. Isn't that true, wasn't there two different
35 movers? You didn't make the initial motion, did you?

36

37 MR. REAKOFF: No, you did.

38

39 MS. BURLEY: I was just going to ask who seconded this

40.

41

42 MR. COLLINS: Yeah, I think you just passed the
43 amendment, I think now we've got to pass the main motion to
44 catch up.

45

46 MR. HAROLD HUNTINGTON: Oh, okay. So we just go ahead
47 and just pass the main motion now or proposal?

48

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MR. COLLINS: Yeah, as amended.

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2 MR. HAROLD HUNTINGTON: As amended, okay. All in favor
of Proposal 68 with amendments signify by saying aye.

4
5 (Ayes respond)

6
7 MR. HAROLD HUNTINGTON: All opposed, same sign.

8
9 (No responses)

10
11 MR. HAROLD HUNTINGTON: Proposal 68 with amendments
passes. Any other proposal you want to tackle while we're
still fresh?

14
15 MR. COLLINS: Move adoption of Proposal 62. That
brings us back up to the first one.

17
18 MR. HAROLD HUNTINGTON: Proposal 62?

19
20 MS. GURTLER-STRICK: Oh, I'll second it.

21
22 MR. HAROLD HUNTINGTON: Do you have some information on
62?

24
25 MR. GUENTHER: Yes, Mr. Chair. Proposal 62 is a
proposal to establish a season in Unit 24 for the taking of
arctic fox, the bag limit of no limit and season dates of
November 1 through February 28th.

29
30 First, the State does not have a State trapping season
for arctic fox in this area. The arctic fox do occasionally
occur in this area, it appears that there's not an established
population of arctic fox on the south side of the Brooks Range
in Unit 24. Arctic fox that are noted wanderers and in a
normal population situation some arctic fox roam extended
distances.

37
38 In fact, just as an incidental side note, in one book
on canids (sic) it identified arctic fox as the greatest
wanderer of all land mammals. They have actually done some
enormous long trips. So it's not unusual for arctic fox to
come over the Brooks Range, they've been seen down on the Yukon
flats, they're occasionally found in quite remote areas from
the Arctic. Normally, when numbers of arctic fox show up south
of the Brooks Range in Unit 24, it's due to high densities of
populations on the north side of the Brooks Range. And just
the large population numbers push more fox over the Brooks
Range.

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1 The Park Service did a study in 1989 through 1993.
2 During that time, this was a fur bearer carcass purchase
3 project. During that time trappers from Wiseman and from
4 Anaktuvuk Pass reported six young arctic fox, they were all
5 males, all young animals, that were taken by trappers from
6 those two villages. I do not have the data on how many of the
7 Anaktuvuk animals were taken on the south side of the Range.

8

9 The feeling is that because these animals are there
10 incidently and they are taken incidental to red fox trapping
11 that they should be allowed to be maintained and be legally
12 held and not have to be released under -- legally turned back
13 over to the State as an incidental catch of an animal that's
14 out of season.

15

16 I talked to one individual that felt that it was
17 possible, this was a fox biologist, that could under some
18 circumstances, just so you have a total picture of all the
19 possibilities. Under some circumstances they felt that for
20 short periods of time, a period of several years there may be
21 actual populations of arctic fox on the south side of the
22 Brooks Range that become established, but normally would only
23 last for a short period of time, several years.

24

25 One of the things that happens, it's marginal habitat.
26 In addition to that red fox prey on arctic fox and so if
27 there's a healthy red fox population it tends to push arctic
28 fox out of the area.

29

30 One concern that we had initially when this came up,
31 and we had a lot of discussion about this in our office, is it
32 appropriate to open up a trapping season on a species that only
33 occasionally passes through an area or has such low numbers
34 that any harvest of that animal would preclude its establishing
35 a viable population in the area. From a philosophical point of
36 view we felt that this was something we really had to look at
37 and think about.

38

39 Basically, we concluded that since there's no evidence
40 that arctic fox do become truly established on the south side
41 of the Brooks Range, that we do not anticipate that there could
42 be a healthy, viable and healthy population of arctic fox
43 established. Now, we're making an assumption that arctic fox
44 could never establish a territory on the south side of the
45 Brooks Range.

46

47 Therefore, biologically, we feel that it's not
48 detrimental to the populations to have a season at that point

49

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and it's probably not truly a biological issues. So it's up to you at this point. Do we allow an incidental harvest of animals or do we somehow, I'm not sure how, protect the possibility of future population being established? Which we don't think probably would happen.

5

6 Sorry to make this more complicated than it is, but it's important that you understand. There was quite a lot of discussion that went on concerning this particular issue and probably a fairly simple issue. That's all I have unless you have questions.

11

12 MR. REAKOFF: Mr. Chairman.

13

14 MR. HAROLD HUNTINGTON: Jack.

15

16 MR. REAKOFF: This proposal was submitted by the Park Service in response to our people in Wiseman and Anaktuvuk incidental catch of these arctic foxes. But I obtained the places that I'm trapping from from old timers who trapped there and they told me about catching these arctic foxes. When the foxes get real thick on the north side they come over and, you know, every one that I've ever seen was a male. Unless they're asexual they can't produce a population.

24

25 So they will get killed. I've never see one going north, they're always going south and they must be killed by red foxes or lynx or something will kill them when they go into the Interior, it's totally out of their habitat. Like putting Dall sheep out in the middle of the Yukon Flats, out of their habitat, so it doesn't survey there. But people do catch those foxes and there's speculation here that having a closure on the season would somehow keep us from targeting them.

33

34 Nobody targets them because it sort of a unusual thing that occurs, but it's unusual. You may get two in one year and you may go for 10 years and not get one. It's only when that population expands and they pour out down on to the south slope that we get them. But people want to keep them, they're real nice, real white and clean, they make nice hats and stuff.

40

41 I'm in favor of this proposal, I don't think that it's 42 as being a person who lives in that country and sees those animals and those habits, I've never seen where there were 44 living there, they don't live there, they're always just 45 traveling through. And to keep them out of your traps it's 46 possible. They're dumber than a red fox, you can't hardly 47 keep them out of the trap.

48

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So I make a motion to adopt this Proposal 62.

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MR. COLLINS: We did already.

MR. REAKOFF: Oh, we did?

MR. COLLINS: Sharon did.

MR. HAROLD HUNTINGTON: Okay, it was moved and seconded to adopt Proposal 62. Questions? Ready for a vote? All in favor of adopting Proposal 62 signify by saying aye.

(Ayes respond)

MR. HAROLD HUNTINGTON: All opposed, same sign.

(No opposing votes)

MR. HAROLD HUNTINGTON: Proposal 62 adopted. Did we skip 54 or? Is that the next; Proposal 54?

MR. GRAHAM: Move adoption of Proposal 54.

MR. HAROLD HUNTINGTON: It's been moved to adopt Proposal 54.

MS. GURTNER-STRICK: I'll second it.

MR. HAROLD HUNTINGTON: It's been moved and seconded to adopt 54, is there any questions?

MR. GUENTHER: Yes, Mr. Chair. Proposal Number 54. Adopting Proposal 54 would do several things. First, it would eliminate the January 1 through 10 season. It would extend the February season to February 10th. The February season is currently 1 through 5, it would extend the season from February 6 through 10. And in addition to that it would change the bag limit from one moose, however, antlerless moose maybe taken only from January 1 through February 10th to one bull.

Analysis of this proposal. This proposal -- the regulation as it exists now in the current regulation was adopted by the Board in April of '92, two years ago. It was adopted as a result of an individual -- I hope that I pronounce this right, from Chuathbaluk and he initiated the proposal because he felt that the people in that area would like to be able to harvest a moose for Russian Orthodox holidays.

In the discussion on that proposal the individual felt

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that it would be appropriate to give up the November season for the opportunity to harvest moose January 1 through January 10th and so there was some give and take there. In that discussion the Federal Board decided that it would add the season, allow moose to be taken during the Russian Orthodox holidays in addition it actually ended up getting from the current regulation gave a more extended period of time for moose to be harvested and the November season was eliminated.

8

9 Now, what we found regarding this proposal in Unit 10(A), which the map on the board, it's Map Number 52 in that little package of maps that I gave you so you get an idea of exactly where that area is and who's involved. In 19(A) most of the moose that are harvested in that area are harvested by local hunters, either people living in Unit 18 on the Yikun-Kuskokwim Delta or people from Unit 19.

16

17 In fact, the reported residency harvest during 1990 and 1991 for the Unit 19(A) season was that 48 percent of the hunters came from villages in Unit 18, 21 percent of the hunters came from villages in Unit 19. Nine percent came from other Alaskan locations, 13 percent were non-Alaskan residents and nine percent were unknown residents. And probably some proportion of those were residents also of Unit 18 or 19.

24

25 Approximately somewhere approaching 69 percent of the actual reported harvest and the number of hunters in that area were from Units 18 or 19. So basically local hunters. There's not extremely good moose survey data for that area, there's been a number of surveys done there, but because of variations in time of year and size of areas that have been surveyed there's not really good comparisons. But generally it's felt, from looking through the historical composition and trend surveys, it suggests that there's moderate number of moose in the area and that the moose populations are basically stable populations.

36

37 During a six year reported harvest data period, this is 1987 through 1993, there was a decline in the number of hunters hunting in the area, but the harvest maintained a relatively consistent level. If you look on Page 42 in the proposal book there's a table there that gives you an idea of the number of hunters and the harvest over that period of time.

43

44 One of the interesting things that we discovered looking at harvest data was that approximately 78 percent of the moose that are reported harvested in the area are harvested during September. So almost 80 percent of the moose are harvested in September. Seventeen percent were harvested in

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February and just under two percent were harvested during the November season. Only one moose was reported harvested during the January season, the requested season, from two years ago.

3
4 Now, we also know that harvest reporting is not very good in that area. It's possible that the actual harvest may be as much as twice the reported harvest from that area. Still, harvest figures tend to indicate that the population has not gone down, there's a relatively consistent harvest level.

9
10 The State feels that the inconsistency between State and Federal regulation causes confusion among hunters and creates law enforcement problems. Part of the problem being that hunters are unable to determine land ownership boundaries in that area. The State also feels that there may be a declining moose population in that area and that there needs to be additional conservation of cows to enhance productivity.

17
18 Now, as far as Federal lands in the area, and I'm sorry, again, I did not make up another copy of this map. This is the area the same as the map that on the wall and Map Number 54 that you have and the pink areas are the current Federal land areas. And as you can see for the most part they are not down on the river corridors, they're mostly up. About the only area on the river corridor is this area up here on the George River area there's Federal land down across the river bottom, to give you an idea where the Federal lands are in this.

27
28 Biologically, we concluded after looking at all the data, I did the analysis on this proposal, that the moose population appears relatively healthy and that's based on historical surveys, even though they're very extremely comparable and also based on harvest data. The data does not from my analysis appear to show a declining population and there does not seem to be a compelling biological reason to change season dates or to put additional restriction on harvest of cows at this time.

37
38 That's my analysis. I'll be glad to answer any questions if you have them, I have some additional data here if there's interest in any particular issue. Thank you.

41
42 MR. GRAHAM: So you're saying there's no reason why cows cannot be harvested?

44
45 MR. GUENTHER: The data is not extremely strong, but it does not appear that this population is being damaged by the current level of harvest. And so my conclusion is that the current level of cow harvest is not being detrimental to this

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population. And that, therefore, continuing the seasons as they are would not damage the moose population. The moose population seems to be maintaining itself as a stable population. And, again, I wish there was much better data here, but this is not a very well survey data, it's quite sketchy.

6

7 MR. HAROLD HUNTINGTON: Is there any more questions on Proposal 54? Phil.

9

10 MR. GRAHAM: Yeah, I have another question. Lime Village is in Unit 19(A) also and if this proposal was passed, this is calling for bulls only and our proposal calls for moose without regard to sex. Is that going to affect Lime Village's hunting?

15

16 MR. JAMES: The regulation could be written so that that area is excluded from the rest of 19(A).

18

19 MR. GRAHAM: I have a comment too. In talking to some people from Central Kuskokwim Advisory Committee I guess they were divided on this and I'm not quite sure how wrote it in their meeting last week, but I believe they passed a proposal to the State Board that allows antlerless moose to be taken. And the people in the upper part of that Stony River who I talked to do not want a bulls only season, they would like to be able to hunt cows.

27

28 MR. HAROLD HUNTINGTON: Yeah, Dave.

29

30 MR. JAMES: Mr. Chair, Ken Taylor with Alaska Fish and Game could make some comments here on that.

32

33 MR. TAYLOR: Mr. Chairman, this, again, is a proposal that was submitted as request for reconsideration after the State Board couldn't pass any cow moose seasons last spring because the majority of the committees did not support cow moose season. And I think Phil is correct that the Kuskokwim Advisory Committee did submit a proposal to the State Board to split 19(A) and have the upper portion in the Lime Village area to authorize an antlerless moose season up there.

41

42 But there's some pretty strong feeling that the western portion or the down river portion of 19(A) is getting hit pretty hard. Conrad gave you some figures on harvest, but he gave them to you for the whole Unit 19(A) and what you need to recognize is that two years ago the Board of Game on the State's side established the Holitna/Hoholitna controlled use area which prohibited people from down river, basically the

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people that boats from down river with their big engines, it closed those guys out. They established a 40 horsepower restriction in the Holitna controlled use area so all of those down river hunters had to stop short of that area where they traditionally hunted.

5

6 And the words we're getting from places like Aniak and Sheetmute are that there is an awful lot of pressure on cow moose in there now because those guys aren't going into Holitna/Hoholitna controlled use area. So I guess I'd recommend before you take an action one way or another on this, you check with your different committee chairs and find out how they felt about cow moose throughout different portions of this area rather than just saying yes or no to this particular proposal.

15

16 MR. HAROLD HUNTINGTON: David.

17

18 MR. JAMES: Mr. Chair, I spoke with Herman Morgan on the phone not too many days ago. I think he's the Chair of that Advisory Committee and he told me what Ken just said. But apparently there was a miscommunication because he said that he had talked to you, Phil, at some point, which I'm sure he did. Somehow, I came away with the idea that he had told you where that particular boundary is where Ken just referred that splits 19(A). But the rationale was the same, they're not so worried about the up river part of 19(A), it's the lower part that gets hits by the folks coming up from Unit 18 as far as the cow moose season goes.

29

30 So I apologize, otherwise he told me and the name went in one ear and out the other, and I figure, oh, well he's been talking to Phil so.

33

34 MR. GRAHAM: Yeah, we did talk and this was some time ago before the proposal had been printed and I hadn't seen the proposal. I'm going to make a recommendation that we table this and I can talk to somebody on the Central Kuskokwim Advisory Board tomorrow and find out how they did vote on this.

39

40 MR. GUENTHER: Mr. Chair, one additional point that I apparently didn't make very clear when I showed you the Federal land in the area. Part of the reason for my analysis as it is that there basically is no Federal land on the lower drainages in that area. All the Federal land is up off of the river in the more upland areas.

46

47 In the lower area there's only a small parcel of Federal land that comes down to the Aniak river. And so most

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of the river corridor is protected under State regulations and the Federal regulations would not apply to that area. And so that was part of the rationale behind my analysis of this. And the reason that I felt Federal regulation relative to this would not have a significant impact as they exist with the existing Federal land.

6

7 I can pass this map around so everybody can get a little better look at it. I'm sorry that I don't have copies made of that map.

10

11 MR. COLLINS: So again, Mr. Chairman, it would be the responsibility, I guess, of the hunters to figure out where that Federal land is if we adopt this. It looks like it's a limited area (ph).

15

16 MR. GRAHAM: The Federal land.

17

18 MR. COLLINS: Pink is Federal.

19

20 MR. GUENTHER: Mr. Chair, one other point that George first brought up to me that I probably should mention. Those individuals that have c&t out of Unit 18 for moose in Unit 19 23 Unit 19(A) and 19(B) rural residents of Unit 18 within the Askowim River drainage upstream from and including the Johnson River. I don't have a good map of this, but if you look on Page 72 in the Federal Regulation book.

27

28 (Off record comments -- looking at place)

29

30 MR. GUENTHER: I'm sorry, it's so small I can't point out where it is on here. Can anybody help me with the location of the Johnson River in Unit 18?

33

34 MR. GRAHAM: Down river from Bethel.

35

36 (Off record comments -- still looking at map)

37

38 MR. GUENTHER: Okay, so it's south of Bethel then?

39

40 MR. GRAHAM: Below Bethel.

41

42 MR. GUENTHER: It would be south of Bethel on the river according to Phil. It doesn't show on here.

44

45 MR. GRAHAM: What does it say about the Johnson River again?

47

48 MR. GUENTHER: That's the lower extreme. Up river from

49

50

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that point those people would have c&t in Unit 19(A).

1

2 MR. HAROLD HUNTINGTON: I guess it was moved and
3 seconded to adopt Proposal 54. Want to withdraw that motion
4 and maybe table it or?

5

6 MR. COLLINS: Well, a motion to table would have
7 precedent if somebody wanted to do that till tomorrow.

8

9 MR. GRAHAM: I'll make a motion to table and I might be
10 able to talk to somebody from that area tomorrow. We are
11 meeting tomorrow and get some local input on this.

12

13 MR. HAROLD HUNTINGTON: All right.

14

15 MR. JAMES: Mr. Chair, I'll add to that too. We'll
16 make an attempt to contact the staff in Anchorage and find out
17 if that Advisory Council, perhaps, looked at this. They
18 certainly have an interest in moose hunting in that area. That
19 Council is meeting right now, as I said before, so I'll check
20 and find out if that's even on their agenda. It could have
21 some real importance to what you decide here.

22

23 MR. HAROLD HUNTINGTON: There's a motion on the floor
24 to table Proposal 54.

25

26 MR. POLLOCK SIMON, SR: I second.

27

28 MR. HAROLD HUNTINGTON: It's been moved and seconded to
29 table Proposal 54. Any questions? Ready for a vote? All in
30 favor of tabling Proposal 54 signify by saying aye.

31

32 (Ayes respond)

33

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

35

36 (No opposing votes)

37

38 MR. HAROLD HUNTINGTON: Proposal 54 is tabled. What
39 proposal is next; one?

40

41 MR. JAMES: (Nods affirmatively)

42

43 MR. HAROLD HUNTINGTON: One, okay. Does someone here
44 have some information on this?

45

46 MR. GUENTHER: Yes, Mr. Chair. Proposal Number 1 is
47 dealing with the same-day-airborne taking of wolves, lynx,
48 coyote, red fox and arctic fox. Before I get into this

49

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proposal it's important that you understand the ruling as it's published in this book dealing with the take of those particular species is not the ruling that will exist if no action is taken on this proposal.

4

5 The reason for that is when the Federal Register was published the proposed rule -- every year all of the regulations, actually all of these regulations expire annually. So they have to be published as a proposed rule in the Federal Register. Because of input from a number of parties a proposed rule that was published in the Federal Register this year states that you cannot take wolves, lynx, coyote, red fox or arctic fox the same day that you are airborne unless they're taken from out of a trap. You can shoot a fox or lynx or a wolf that's in a trap, but you cannot shoot an animal that's not in a trap on the same day that you are airborne, except on commercial flight.

17

18 So if no action is taken that will be the rule that will be in place in the next publication of this. This proposal will allow the taking of wolves, lynx, coyote, red fox and arctic fox by a person that lands a plane as long as they move 300 feet from that plane before they shoot the animal. If this regulation is passed it would be identical to the State's trapping regulation for same-day-airborne taking of animals.

25

26 I did not do the analysis on this, but I have a significant amount of information on it. If you have any questions, I probably can answer most of your questions.

29

30 When the analysis was done it was found that same-day-airborne take over 11 units, over a two year period accounted for approximately 40 percent of the wolves that were harvested. Now, this is land your plane, get out of the plane, not be any particular distance, but land the plane, get out of the plane and shoot the wolf, 40 percent.

36

37 Basically, for other than wolf, for lynx, red fox, coyotes and arctic fox, we basically do not feel that it will have a significant biological impact on those animals to land 300 feet from a plane and shoot the animals. With wolves it may have an impact on the amount of harvest to the wolves. And this is a very debatable point. The information that I gave you, the 40 percent in 11 different units over a two year period.

45

46 In general, throughout the State wolf population are low to moderate. There are some areas that have higher wolf populations. I don't have all the specific information for

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area to area because the information is not really complete. There's a lot of casual observation and general information on wolves throughout the area.

3

4 A couple of additional things. One of the things we found is that we felt from the discussions that we had with a number of individuals that aircraft are not used extensively for the harvest of fur bearers and particularly for wolves by subsistence users.

9

10 The individual who did this analysis felt that over a broad basis throughout the State that the adoption of this proposal probably will not have a highly significantly impact on wolf populations. The reason for this is that in some areas it's extremely difficult, in the more treed areas it's more difficult to take wolves, land and shoot and take wolves efficiently. In open areas or areas with a lot of lakes areas where there are good places to land and lot of open country it becomes a more efficient strategy for taking wolves.

19

20 Some of the opposition to this from the Federal side was that we feel that by allowing hunters to be flying and shooting wolves and having to move 300 feet from the plane that we actually encourage people to violate the law. Because you know how difficult it is if you've flown and you've landed and tried to get out of your plane, have to go 300 feet to shoot that wolf. The law enforcement people thought there would be a great temptation to violate the law. Also it would be an extremely difficult law to enforce.

29

30 During 1992 and '93 the Board reviewed three other proposal dealing with same-day-airborne taking of wolves. Basically these resulted in the Board passing a prohibition against the taking of wolves, same-day-airborne. In that Board testimony, and I'll read this directly from your book, it's on page 4. The Board heard testimony during that period that the laws of aircraft hunting would not appreciably affect customary and traditionally uses of wolves since ample opportunity exists for harvest of wolves by other means.

39

40 The State feels that this inconsistency in the law creates some problems since under State trapping regulations you can land 300 feet from your plane and shoot. Under a hunting license that's not the case, this is only under State trapping license.

45

46 That's basically all -- well, one other thing that I do need to mention. This came out of other Board meetings, that's the reason I mention this. Both the State and the Federal

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Government agreed that wolverines should not be included and they are not included in same-day-airborne. We feel it's just too detrimental on wolverine population and particularly in the spring when females are denning and they're moving from a den site to a carcass where you got established routes.

5

6 We know from past experience this has been extremely damaging to wolverine population in some areas. And so wolverine are excluded for that purpose particularly. That's why they're not included in any of this discussion. It came up at both of the other Board meetings that I talked about this. If you have any other questions I'll be glad to answer them. That's basically all I have for now.

13

14 (Pause -- putting up a new overhead)

15

16 MR. JAMES: This is to help you understand what the different options mean. This is the way the current regulations read for these species, both for the hunting and trapping. These are the current Federal regulations, starting with wolf, wolverine, both no. Red fox, white fox, no for hunting, yes for trapping more than 100 feet from the airplane. Coyote and lynx and so on.

23

24 This is what the existing regulation is. This is the proposed rule. Conrad said if you decide to take no action or if you defeat Proposal 1 what you are left with is this and not this. Therefore, for instance, if you wanted to leave it the way it is, you would not only have to defeat this, but you would also have to make sure that you take care of that.

30

31 MR. KNAUER: Excuse me. To clarify what David just said. If you want it to be as it is now, you would just amend the existing proposal to say

34

35 MR. JAMES: Amend the proposed rule.

36

37 MR. KNAUER: No, you could amend the proposal to read the same way.

39

40 MR. JAMES: Oh, I see what you're saying.

41

42 MR. COLLINS: Mr. Chairman, I'll move approval of Proposal 1.

44

45 MR. HAROLD HUNTINGTON: Got a motion on the floor to adopt Proposal 1.

47

48 MS. DEMIENTIEFF: I'll second it.

49

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1 MR. HAROLD HUNTINGTON: It's been moved and seconded to
2 adopt Proposal 1. Any questions?

3

4 MR. FRANKLIN SIMON: Yes, Mr. Chairman. This includes
5 aircraft, but it doesn't include snow machines?

6

7 MR. HAROLD HUNTINGTON: Just aircraft right now. Yeah,
8 Phil.

9

10 MR. GRAHAM: We're not saying anything about hunting in
11 this proposal, this would all be under a trapping license?

12

13 MR. JAMES: No, no, this would affect both, okay? The
14 proposal does not address that section is my understanding. So
15 what that means if you were to adopt Proposal 1 that would
16 change trapping, it's my understanding it would leave hunting
17 like that because that's the proposed rule. If I'm wrong
18 somebody in the audience can straighten me on that.

19

20 MR. GUENTHER: (Nods affirmatively)

21

22 MR. HAROLD HUNTINGTON: Hearing no other questions, are
23 we ready for a vote? Are we ready for a vote on Proposal 1?

24

25 MR. GRAHAM: Just have one other question.

26

27 MR. HAROLD HUNTINGTON: Yeah.

28

29 MR. GRAHAM: I'm wondering why the distance has changed
30 from 100 to 300 feet away from the airplane.

31

32 MR. JAMES: Mr. Chair, I believe Ken Taylor can address
33 that.

34

35 MR. TAYLOR: I'm sorry I didn't hear the question, but
36 I wanted to respond to your earlier question about whether or
37 not this affect hunting. And under the Federal regulations fur
38 bearer is a classification of animal subject to taking with a
39 trapping license. And the way this is worded it only refers to
40 fur bearers, so this is only pertaining to trapping
41 regulations, it's not pertaining to the hunting regulations.

42

43 MR. JAMES: I believe, are there not, fur bearers under
44 hunting regulations, however? I believe there are.

45

46 MR. TAYLOR: There might be, Dave. I know that we have
47 two classifications under the State system where we have wolves
48 listed as big game for hunting and we have them listed as fur

49

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bearers for trapping.

1

2 MR. JAMES: But the Federal system, in fact, this
3 proposed rule has changed that, they've just gone to one
4 designation.

5

6 MR. TAYLOR: I'm sorry what was the question again?

7

8 MR. GRAHAM: Why was the distance changed from 100 feet
9 to 300 feet?

10

11 MR. TAYLOR: The Board originally passed this proposal,
12 believe it was two years ago, the Board of Game, and it only
13 pertained to red fox, lynx, coyotes and I think arctic fox.
14 And the distance set up at that point was 100 feet This was
15 passed during the time when were going through an intensive
16 wolf management planning process and wolves were not included
17 in that first proposal because the Board felt it was really
18 important to make a distinction between land and shoot, which
19 what you'd call same-day-airborne up here and same-day-
20 airborne hunting.

21

22 And the reason for the distinction was, as Conrad said,
23 the years when land and shoot was legal, and that's been a
24 few years now since it has, but when it was legal to land an
25 airplane next to a pack of wolves and shoot under a trapping
26 license or under a hunting license, depending on when you did
27. They took about 40 percent of the animals taken during a
28 seven year. They outlawed land and shoot and said this was not
29 fair chase, should not be a method of hunting, but they felt
30 that there was room for same-day-airborne.

31

32 There are some people that recreationally go out with
33 airplane, there are some people that subsistence hunt with
34 airplane from the village. They may want to go out and go
35 all wolves, I know the people in Huslia call wolves, I don't
36 think too many of them go out to fly, but there are people that
37 do that.

38

39 The Board passed two years ago the regulation with a
40 100 foot distance. Because they -- well, it gets pretty
41 complicated, but last year they decided to add wolves to that
42 regulation and when they added wolves there was concern
43 expressed about violations from people that were just going to
44 come in and land and shoot. And there was a lot of testimony
45 the Board about whether or not you could tell if somebody
46 landed and shot or whether they landed their plane, got out,
47 walked 100 feet.

48

49

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And the upshot of that testimony was the Board felt pretty strongly that if you made them go 100 yards instead of just 100 feet, which is only, you know, 30-35 steps, that if you made them go 100 steps away from the airplane before they shot, you could easily tell flying by what happened there. I mean, the plane leaves tracks, the hunters leave tracks, the wolf leaves tracks, very simple to tell whether somebody just land a plane got out and shot them or whether they actually abided by the law, landed the plane, walked some distance and ambushed some wolves coming up the drainage. Or called them or did whatever. So that's why they extended the distance to 100 yards to take in that fear that there might be some illegal actions incurred by that regulation.

13

14 MR. COLLINS: Mr. Chairman.

15

16 MR. HAROLD HUNTINGTON: Yeah, Ray.

17

18 MR. COLLINS: The regulations on Federal land, then, in compliance with the State, there would basically be one rule that would apply, no matter what the land jurisdiction is, is that right? By adopting this proposal?

22

23 MR. TAYLOR: That's my understanding at this point.

24

25 MR. COLLINS: Until the Federal Board gets done with

26?

27

28 MR. TAYLOR: Or the State Board.

29

30 MR. GUENTHER: Mr. Chair, that would be with the exception of some Park Service land.

32

33 MR. HAROLD HUNTINGTON: Well, I guess the motions still stands on approval of Proposal 1. Any more questions before we make a vote? Well, hearing none. All those in favor of

36

37 MR. JAMES: Excuse me, Mr. Chair, one last question for Ken. Ken, if this is passed, if this is adopted, and this applies for Federal regulation, how does this compare with the State regulations?

41

42 MR. TAYLOR: I'm not familiar with your -- you're talking about your proposed rule?

44

45 MR. JAMES: Yeah.

46

47 MR. TAYLOR: Not your proposed regulation? I haven't seen the proposed rule.

49

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1 MR. JAMES: Bill, would you like to say something?

2

3 MR. KNAUER: Yes, Dave, the listing you have under the
4 proposed Federal regulation on hunting is incorrect. It
5 becomes, for red fox, white fox, coyote and lynx, yeses.

6

7 MR. JAMES: The reason I put nos in there is for this
8 reason. The intention by staff was to make these all nos. I
9 assume that by the time this process gets to the Board that
10 staff position will be reasserted, maybe not. I originally had
11 this blank, but

12

13 MR. KNAUER: Okay, just the way that it is currently
14 written is right, those are yeses.

15

16 MR. JAMES: And that was a mistake I'm told. It was
17 intended to be that way because of the way the proposed rule
18 written. In fact, these all are yeses. I was trying to keep
19 it simple, gang, but it didn't work.

20

21 MR. HAROLD HUNTINGTON: Well, now are we ready for a
22 vote? Okay, we have vote on Proposal 1. All in favor of
23 Proposal Number 1 signify by saying aye.

24

25 (Ayes respond)

26

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

28

29 (No opposing votes)

30

31 MR. HAROLD HUNTINGTON: Motion passed, Proposal 1 is
32 approved. Do we have enough time for one more proposal or do
33 you want to call it a night?

34

35 MR. JAMES: Mr. Chair, at least two members of the
36 Council have to be on a plane and out of here at 11:30 in the
37 morning, which means they'll probably have to break off here
38 not much after 10:15. We might be able to stretch it a little
39 but further if they're all packed and ready to go and have
40 their stuff out in the truck, sort of like reacting to a fire
41 alarm. But time is limited in the morning so you may want to
42 as much as you can tonight or perhaps start a little bit
43 earlier in the morning or a combination of both.

44

45 MR. HAROLD HUNTINGTON: What's the Board's feeling on
46 that? Pollock.

47

48 MR. POLLOCK SIMON, SR: I'm willing to work a little

49

50

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more tonight.

1

2 MR. HAROLD HUNTINGTON: We can do one more, two more,
 3 okay. Well, we'll get on with Proposal 2. The proposal is
 4 submitted by the Alaska Department of Fish and Game, whose got
 5 the information on it?

6

7 MR. GUENTHER: Mr. Chair, basically Proposal 2, and
 8 I'll just deal on how it affects the Western Interior Region,
 9 rather than looking at the whole State proposal, it will keep
 10 much simpler.

11

12 Proposal 2 would modify the wolf hunting and trapping
 13 regulations to make them consistent with State regulations.
 14 The effect that it would have in Unit 19 under hunting the
 15 current limit is 10 wolves, that would be decreased to five
 16 wolves. In Unit 21 there would be no change, the current
 17 harvest limit is five wolves and it would stay at five wolves.
 18 In Unit 24 the current harvest limit under hunting is 10
 19 wolves and it would be reduced to five wolves.

20

21 Under trapping in Units 19, 21 and 24 there is
 22 currently no harvest limit, that would stay the same. The
 23 current open season in all of those areas under Federal
 24 regulation is November 1 through March 31. The change would
 25 increase the season, the closing date, to April 30, so it would
 26 add one month to the season.

27

28 Generally throughout this area it's thought that the
 29 wolf population is relatively stable. There's some areas where
 30 may be a little higher at this point and some area a little
 31 lower, but in general throughout the region it seems to be
 32 relatively stable.

33

34 The reduction for a hunting take will probably have
 35 insignificant impact because most wolves anybody that is taking
 36 number of wolves is taking them under a trapping license
 37 under which there is no limit. So we do not have an opposition
 38 to the decrease in the season bag limit under hunting.

39

40 There's some points of concern on extending the season
 41 to April 30th. One of those point is dealing with the
 42 accidental take of wolverine during that period, which is a
 43 closed period for wolverine on traps set around carcasses. And
 44 the other issue that we feel that may be of concern to
 45 subsistence user is that during the month of April wolves are
 46 going out of prime.

47 In fact, in many cases in March they're starting to go
 48 out of prime. And in April the pelts are generally good as a

49

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salable product and, therefore, it would not be consistent with subsistence users to harvest wolves that were not of use. One point that I might bring up that was mentioned in the Eastern Interior meeting by one of the panel members is that they felt that by harvesting wolves in April that you actually removed wolves from the population that would be available the next fall when the pelts were again prime and so you would be losing an economic opportunity.

8

9 We, basically, do not feel that the extension through April will have a significant impact on wolf population in this area. And what we're basing that on is some comments that were made to me by some trappers and biologist throughout the state when I discussed this proposal with them. They felt that during April most of the other trapping seasons are already closed, so people are not out trapping other things where they would set some wolf sets incidental to lynx trapping or some other trapping activity. So this would be primarily people that were trapping very specifically for wolves and they felt that people were actively trapping for wolves, for the pelts, probably would not trap in April because it's just not worth trapping in most years.

22

23 That's, basically, all I have, if you have any additional questions I'll be glad to try to answer them for you.

26

27 MR. REAKOFF: Mr. Chairman.

28

29 MR. HAROLD HUNTINGTON: Yeah, Jack.

30

31 MR. REAKOFF: I know on the Arctic side in Unit 26 their season stems into April 15 and it's cold over there and their wolves stay good. But I'm not personally in favor of extending into late April 'cause that's when bears come out and bears when they come out they like to go around those old wolf kills and if a guy has got wolf traps around old wolf kills you're going to start catching bears. And a lot of wolves are getting rubbed out.

39

40 I think it's pretty tough trapping that time of year, too, the traps get melted out (ph). I don't think this is a real viable proposal in that most wolves in April, that I've seen walking around, are getting pretty rubbed out and it's melting in the daytime and they're freezing down and dripping their guard hair out and I don't personally feel that trapping wolves during that time of year is real good practice.

47

48 It might be necessary for wolf control, but it's not a

49

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good -- if you're trapping for fur, it's -- you can take a \$600.00 wolf and it's not worth 50 bucks by the time all its fur is ribbed out. So personally I don't like this proposal.

3
4 MR. HAROLD HUNTINGTON: I feel the same way, too, I don't think it's -- I don't think the season should extend past March 31st as far as wolves go. I think you would just be wasting fur any way because a lot of the fur around here -- a lot of the wolves right now are beginning to sit in the sun and their fur is getting very raggity (sic) and they're really not worth anything very much after March.

11
12 MR. POLLOCK SIMON, SR: Mr. Chair.

13
14 MR. HAROLD HUNTINGTON: Yeah, Pollock.

15
16 MR. POLLOCK SIMON, SR: I'd like to make a comment on this too. Beginning in March when it starts to warm up a lot of animals are shedding their fur and the wolf would do that too. And if we catch wolf in March then we don't usually use it for ruff, it wouldn't last long. And I don't think a fur buyer would buy it too, unless it's used to put on shading. I personally wouldn't want to hunt or trap wolf in April. It would be useless to get a wolf in April, it's not in prime, it might be good to hang it up in, you know, somebody's living room, but that's about all it would be good for.

26
27 MR. GUENTHER: Mr. Chair, one other comment. It would not be a problem to amend this so that you could accept the hunting part of it and not the trapping. We would, at least, have a consistency in the hunting part of it with the State. That's just as a suggestion.

32
33 MR. HAROLD HUNTINGTON: Sounds like a good suggestion. And that would be for Unit 20 and 22 and 23 and 26 under trapping?

36
37 MR. GUENTHER: In this area it would affect Units 19, 28, and 24, that would be under the auspices of this particular Council.

40
41 MR. HAROLD HUNTINGTON: Well, the way it show, it shows the end in March right now the way it's written.

43
44 MR. GUENTHER: We're looking under trapping not hunting.

46
47 MR. HAROLD HUNTINGTON: Oh, trapping, yeah.

48
49
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MR. GUENTHER: On Page 6 an Page 7 are the

1

MR. HAROLD HUNTINGTON: Oh, yeah, okay. We definitely need to change that to March 31st.

2

MR. JAMES: Mr. Chair, if I understand you, you're concerned with my -- we've only been talking about a small part of the overall proposal. And you're concerned about restricting your actions to the area that you're concerned about and not the rest of the State.

3

MR. HAROLD HUNTINGTON: Just the area that we're in, yeah.

4

MR. JAMES: Yeah.

5

MR. COLLINS: Mr. Chair, I'll move adoption with the amendment that under trapping the April 30 be changed to March 31.

6

MR. GRAHAM: I'll second it.

7

MR. HAROLD HUNTINGTON: That wouldn't affect the hunting though, huh? No? Okay.

8

MR. COLLINS: Not if we did it. Now, I didn't know if we need to do that or not. I don't know whose going to be hunting then.

9

MR. JAMES: Mr. Chair, you could go ahead and take care of that amendment first, if you like, and then go back and look at the hunting.

10

MR. HAROLD HUNTINGTON: Okay. It's been moved and seconded to amend Proposal 2 under trapping, Unit 20(E) seasons from October 1st to March 31st. Any questions?

11

MR. COLLINS: Well, it would be all of these, Unit 19, 20, wouldn't it?

12

(Off record comments -- various voices simultaneously)

13

MR. JAMES: Mr. Chair, it might also be helpful to the Board if you made it clear that you are specifically dealing with the three Units in your region, rather than to give the impression that you're passing some sort of judgment on the other regions, unless that's your intention. But if you don't want to, at least, make some record that that's the case.

14

15

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1 MR. COLLINS: All right, then our units are Units 19
2 and 21 to 26, is that right? Or 21 to 24?

3 MR. GRAHAM: Twenty-one and 24.
4

5 MR. COLLINS: Twenty-one and 24. All right, with the
6 approval of second, then, I'll change that to move to amend
7 that trapping season for Unit 19 and 21 and 24 be changed.

8
9 MS. BURLEY: And not 20 (E)?
10

11 MR. COLLINS: No.
12

13 MR. HAROLD HUNTINGTON: Do you want to state that
14 motion again, Ray?

15
16 MR. COLLINS: Move that we amend Proposal 2 by changing
17 the trapping season in Units 19, 21 and 24 to November 1 to
18 March 31.
19

20 MR. REAKOFF: Do you need a second on that?
21

22 MR. HAROLD HUNTINGTON: Yeah, we need a second on that.
23

24 MR. REAKOFF: I second that.
25

26 MR. HAROLD HUNTINGTON: It's been moved and second to
27 amend Proposal 2 to change the dates from April 30th to March
28 in Units 19, 21 and 24 in the hunting and trapping. Any
29 questions?

30
31 MS. DEMIENTIEFF: Just the trapping.
32

33 MS. GURTNER-STRICK: Just the trapping.
34

35 MR. HAROLD HUNTINGTON: Oh, just the trapping?
36

37 MS. DEMIENTIEFF: Yeah, just the trapping.
38

39 MR. HAROLD HUNTINGTON: Maybe I'll state that again.
40 It's been moved and seconded to amend Proposal 2 to have the
41 dates October 1st to March 31st. Any questions? Ready for a
42 vote on the amendment? All in favor of the amendment signify
43 by saying aye.

44
45 (Ayes respond)
46

47 MR. HAROLD HUNTINGTON: All opposed, same sign.
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(No opposing votes)

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MR. HAROLD HUNTINGTON: Amendment passed.

MR. TAYLOR: Mr. Chairman, point of clarification. It sounded like you were voting on the trapping season?

MR. HAROLD HUNTINGTON: Um-hum. (Affirmative)

MR. TAYLOR: The trapping season that was proposed was not October 1st, it was November 1st. So are you proposing to open the trapping season a month earlier or were you looking at the hunting season?

MR. HAROLD HUNTINGTON: I was looking at the wrong place, I guess. It should have been November 1 through March 31st.

MR. TAYLOR: That's what I thought. Is that clear with everybody?

(Affirmative nods and various um-hum from the Council)

MR. HAROLD HUNTINGTON: Need a motion on the proposal.

MR. JAMES: Mr. Chair, did you want to now consider an amendment to the hunting or not? I thought that you would, but maybe not.

MR. HAROLD HUNTINGTON: Yes, it should be. I think it should fall in line with trapping.

MR. JAMES: Well, if you let it stand the way it proposed then it would be in alignment with the State hunting regulations.

MR. TAYLOR: Mr. Chair, I believe he's talking about the bag limit.

MR. JAMES: Yes, the limit for the hunting part of this proposal. If you do not want it to be changed then you've got to amend it. However, if you don't want it to be changed all you have to do is vote down the proposal. I see some confused looks.

MR. HAROLD HUNTINGTON: Vote down Proposal 2?

MR. JAMES: Yes.

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1 MR. REAKOFF: We just amended it.

2 MR. HAROLD HUNTINGTON: We just amended it.

3
4 MR. REAKOFF: We just amended the trapping part of it.

5
6 MR. JAMES: But if that's all you wanted to accomplish
then all you have to do is vote down the proposal and then
you're left with the regulations as they are. What you're
saying is -- well, you want to leave the trapping regulations
the way they are, so this -- logically, then, you're getting
set to go ahead and accept hunting as the proposal states. If
not there's no purpose of going through the amendments.

13
14 MR. COLLINS: Mr. Chairman, I'll move adoption of
Proposal 2 as amended because I think there is value in lining
this up with the State so a person doesn't have to figure out
what land they're on when they're out there for the hunting
portion. Personally I just think it would be cleaner to do
that. So I'll make that motion that we adopt it as amended.

20
21 MR. HAROLD HUNTINGTON: It's been moved to adopt as
amended Proposal 2.

23
24 MS. GURTNER-STRICK: I second it.

25
26 MR. HAROLD HUNTINGTON: It's been moved and seconded to
adopt Proposal 2 with amendments. Any questions? All in favor
of Proposal 2 with amendments signify by saying aye.

29
30 (Ayes respond)

31
32 MR. HAROLD HUNTINGTON: All opposed, same sign.

33
34 (No opposing votes)

35
36 MR. HAROLD HUNTINGTON: Proposal 2 with amendments
passed. Number 7, is that was we just discussed with same-day-
airborne?

39
40 MR. JAMES: Yes, Mr. Chair, it is related to that. Did
you want to say something about that, Conrad, I just want to
collect my thoughts here.

43
44 MR. GUENTHER: Now, which proposal are we talking about
here, I'm sorry.

46
47 MR. JAMES: We're not talking about a proposal, we're
talking now about the Fish and Wildlife Service, the refuge and

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land and shoot action that's pending.

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2 MR. GUENTHER: Mr. Chair, I can address that. The Fish
and Wildlife Service has propo -- as a proposed rule that's
being put into place, it will probably will not be in effect --
I think the last figure I heard by the time it goes through the
whole process, public comment process, and everything, it would
be approximately a year before it could go into effect.

8

9 The rule that the Fish and Wildlife Service is working
on would eliminate all same-day-airborne for the taking of
wolves on just the Fish and Wildlife Service's lands on
refuges. And this is only dealing with refuge lands. And so
there is a rule that's been proposed, the initial rule has been
published in the Federal Register, it's out for public comment
now, that would eliminate all same-day-airborne taking of
wolves. And correct me if I'm wrong, David, but that excludes
shooting a wolf that is in a trap?

18

19 MR. JAMES: Correct.

20

21 MR. GUENTHER: All right, so that excludes that.

22

23 MR. KNAUER: No, it does not.

24

25 MR. GUENTHER: It does not?

26

27 MR. KNAUER: Correction, it does allow the dispatch of
an animal legally taken in a trap or snare.

29

30 MR. GUENTHER: That's exactly what I said.

31

32 MR. KNAUER: Yes, that's true, okay.

33

34 MR. GUENTHER: Is there anything else that needs to be
mentioned regarding that, Bill?

36

37 MR. KNAUER: It applies to both hunting and trapping.

38

39 MR. GUENTHER: Yes, all take.

40

41 MR. JAMES: And it addresses only wolves and
wolverines. And what that means is that if this proposal
becomes a final rule then the action you just took on Proposal
doesn't matter as far as wolves go, it's going to be illegal
anyway for everybody, subsistence or other.

46

47 MR. KNAUER: On refuges.

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MR. JAMES: On refuges, thank you. Not all Federal lands, but refuges. Not that there's a whole lot that you can do about it tonight, I just wanted to make sure that you were aware of what's going on with that regulation.

4

MR. GUENTHER: And, Mr. Chairman, I think I've already said this, but this regulation, if that would pass, would probably not be in effect until about a year from now or so. So it would not affect this next fall's hunting season, so the regulation as it passed at this April Board meeting that you just voted on that would be in place for this next fall's hunting season.

12

MR. COLLINS: Mr. Chairman, we can take a position on this, is that correct?

15

MR. HAROLD HUNTINGTON: Yes.

17

MR. COLLINS: I would be opposed to that going in because it's going to deny opportunities to subsistence trappers, the few use planes on refuge lands. They should be able to trap on State or Federal the same way and be able to take them by walking 300 feet or whatever, same-day-airborne. I'm not so concerned about the hunting, but I think for the sake of trapping the same rules that apply to the State ought to apply on the Federal Refuge lands.

26

MR. REAKOFF: Mr. Chairman.

28

MR. HAROLD HUNTINGTON: Jack.

30

MR. REAKOFF: What's the U.S. Fish and Wildlife's reason behind with the State's new 300 feet law, why do they want to totally ban same-day-airborne? Is that -- the 300 feet you can't land next to a wolf and walk 300 feet from an airplane. The wolf is going to half a mile away, nobody a kill a wolf landing like that anymore, so what's the reason behind closing the Wildlife Refuge lands to same-day-airborne now that there's this 300 foot law?

39

MR. GUENTHER: My understanding is that this was brought about primarily because of law enforcement concern for land and shoot, people landing and shooting. That it's extremely difficult to enforce, there's been several cases of harassment of wildlife from the airplane. One case where some wolves were actually chased out in an open area with an airplane till they literally couldn't run anymore and there was land and shoot involved in that.

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It primarily dealt with harassment of wolves and other wildlife, relative to same-day-airborne. There may be some additional reasons for it, I'm not really up on that exactly, I wasn't involved in that. It was primarily from a law enforcement standpoint as I understand it.

5

6 For the wolverine, it was from the position of taking females in dens. In the past, same-day-airborne of wolverine was allowed, particularly in the spring, there was a large number of female wolverine taken. You could see the track where she went in and out of the den, land and actually in a lot of cases people that were doing that would land, walk to the den site, trap at the den site and then, of course, had that female the next day. And my understanding was that was the concern of wolverine.

15

16 If Bill or David have anything you could add to that or anybody from Refuge, it would be valuable.

18

19 MR. JAMES: Well. I'll pass along what I heard speculation on, is that additionally one of the reasons for the elimination concerning wolf, land and shoot, it goes beyond the law enforcement problem. I heard it is simply, to use an overused phrase, political pressure. The Fish and Wildlife Service, its constituency extends far beyond Alaska and that kind of harvesting of wolves has been come very unpopular and there's a lot of pressure.

27

28 I can't verify that, you know, I haven't heard anybody admit to it, but I've heard people, you know, who deal with this thing. In these circles, say that that's -- you know, that could be a large part of it. The sad thing about it, if that is true is it's silly that it was not spoken up in the first place because that's a legitimate thing to do for Fish and Wildlife Service if it's true. Why not? Politics affects just about everything we do everyday, you know.

36

37 So if they were responding in a large part to of their constituency, I don't think it needs to be viewed as some dirty underhanded trick necessarily. However, they did make their main case that the law enforcement problem is it's too tempting, it's too easy to violate, it's hard to enforce. In fact, if they didn't have to try to enforce it they could save a lot of money, too, I mean, excuse was also used. It's some thousands of dollars every year, they made some estimate of that.

46

47

48 MR. HAROLD HUNTINGTON: Bill.

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1 MR. KNAUER: Mr. Chairman, the law enforcement thing is
2 just not a speculation, it is based on past experience which
3 showed a very high correlation of violation occurring when
4 same-day-airborne hunting or trapping was allowed. In fact, in
5 this area in March of '89 there was a case on Kanuti National
6 Wildlife Refuge. In March of '90 there was a case on the
7 Koyukuk National Wildlife Refuge and then later in '90 there
8 was a large scale investigation, I believe, also in the
9 Interior. All three of which resulted in citations and
10 convictions and those are just three examples that they cite in
11 their Federal Register publication.

12

13 MR. JAMES: One of the issues that was further
14 discussed at a public meeting in Fairbanks was -- the point was
15 made, "so what?" , is it hurting the wolf populations anywhere?
16 Is this problem at the magnitude that -- you know, we're
17 worried about the resource and the answer that I heard given at
18 the time, I didn't stay for the whole meeting, was well, no,
19 basically. With possibility of a few local exceptions, but
20 overall I didn't hear any strong statements to that effect.
21 And with that I've just about exhausted everything that I
22 remember from that meeting I attended.

23

24 MR. GUENTHER: Mr. Chair, just one additional comment.
25 I haven't been involved in a great many of the discussions
26 dealing with this and we're not sitting where we were sitting in a
27 refuge office or in a region office with the refuge people.
28 Any discussions that I've been involved with the law
29 enforcement issue has always been the issue. And I have
30 personally not had been or overheard any discussions dealing
31 with this being a result of pressure from Outside groups that
32 may feel it's inappropriate to hunt wolves from an airplane.
33 So just from my personal perspective I thought I would forward
34 that view.

35

36 MR. JAMES: I would like to add that I've also talked
37 refuge people with the opposite point of view, just for the
38 record.

39

40 MR. TAYLOR: Mr. Chairman, I'd like to point out that
41 under the Federal Airborne Hunting Act it's illegal to harass,
42 molest, herd any wildlife from the air. The same-day-airborne
43 regulation that the Board passed was for several different
44 species, wolves, foxes, coyotes, but the Fish and Wildlife
45 Service has picked out wolves and said they're going to pass
46 this regulation for wolves only because they're worried about
47 enforcement problems. The same enforcement problems either
48 exists or don't exist for all those other species, but they

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only singled out the wolf.

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2 MR. COLLINS: In any of those cases that you were
3 citing, did they involve rural people that would qualify for
4 rural subsistence and were they doing it under the trapping
5 regs or were they all hunting violations?

6

7 MR. KNAUER: The information that's in the Federal
8 Register does not mention whether it was under the hunting or
9 the trapping. And does not specify whether or not they were
10 rural residents or non-rural residents.

11

12 And to clarify something that Ken just said, the
13 regulation -- and this deals with wolverines in addition to
14 wolves. And the prohibition already exists under State
15 regulation for other big game, except deer, so it was
16 unnecessary.

17

18 MR. HAROLD HUNTINGTON: Ken.

19

20 MR. TAYLOR: Mr. Chairman, I'm a little bit confused
21 now by what Bill just said because under Federal regulations
22 you've got wolves classified as fur animals or fur bearers and
23 when you take them under a hunting license, they're classified
24 as a fur animal. When you take them under a trapping license
25 they're classified as a fur bearer, so where does the big game
26 come in?

27

28 MR. KNAUER: That was last year that -- this particular
29 regulation that your looking at, this proposed regulation
30 that's being discussed is a refuge regulation and not a
31 subsistence regulation. Any recommendation that this Board
32 would make or comment would appropriately go to the individual
33 that is receiving the comments on this who is George
34 Constantino with the Refuges and Wildlife.

35

36 In response to the fur animal, fur bearer, part of the
37 change in the subsistence regulations for next year eliminates
38 that separation.

39

40 MR. REAKOFF: Mr. Chairman.

41

42 MR. HAROLD HUNTINGTON: Yeah, Jack.

43

44 MR. REAKOFF: I'm very unclear about this process, this
45 seems to diverge from the whole Federal Subsistence Board and
46 circumvent the Regional Councils. I don't really understand
47 how the U.S. Fish and Wildlife established a whole process for
48 proposals and so forth and the local knowledge of this Council

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and then they just shoot one around the side and do what they want with it. I don't understand that.

2

3 MR. KNAUER: If I might explain the process. In the
Federal Subsistence Program certain authorities are still
provided to the individual land managers, particularly those
governing the access and some regulations that were in
previous. In fact, on Park Service lands the use of aircraft
is already prohibited, it has been for some period of time,
even before the inception of the Federal Subsistence Program.

10

11 Each agency also has restriction of varying degrees of
the use of off road vehicles. Refuges and Wildlife proposed
this rule making in that vein, that that was an area where they
specifically had regulatory authority. Now, it is addressed in
ANILCA, Section 805, that the Regional Councils may make
recommendations on any matter relating to subsistence,
regulations, management plans, policies.

18

19 And for that reason each of the Councils is being
advised of this situation. And that can choose to make a
recommendation to this section of Fish and Wildlife that is
proposing this rule.

23

24 MR. REAKOFF: But my question is, what section of
ANILCA are they proposing these rules under? I'm not aware of
this part of ANILCA.

27

28 MR. KNAUER: Section, I believe it's, 302 provides for
the management of National Wildlife Refuges. Also under the
National Wildlife Refuge Administration Act of 19 -- I believe
it's '65, it does provide guidelines and directives for the use
of the National Wildlife Refuge system. And under those two
sections is the authority under which the refuges are proposing
this change.

35

36 MR. REAKOFF: Now, 302 is the establishment of the
wildlife refuges and what they were established for.

38

39 MR. KNAUER: I believe if you followed though, it's
either at the end of 302 or 303 or 304, I'm not exactly sure
which one there. It talks about the Secretary, in this case,
Fish and Wildlife Service being able to provide reasonable
regulations for the management -- I don't have my full copy
here, so I can't specifically quote it to you, but I do know
it's in that immediate vicinity.

46

47 And one of things that they saying -- oh, Section 304
ANILCA prohibits the Secretary, subject to valid existing

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rights from permitting any use for any purpose unless such use
 or purpose is compatible with the purposes of the refuge. The
 compatibility issues is much in the forefront as the refuges
 develop various public use management plans across the state.

4

5 MR. COLLINS: Mr. Chairman, I would propose that rural
 subsistence trapper be excluded from the proposed regulation on
 same-day-airborne restrictions related to taking of wolves on
 Federal wildlife refuges because I think under ANILCA one of
 the proposal was that people would be allowed to trap and take
 wolves, that take is consistent. In fact, there's no limit on
 how many they can take and this is a restriction on that.

12

So if there are rural subsistence trapper that choose
 to use a plane and take a wolf on the same day -- I mean, if
 they walking to the trap and see one or something, they should
 be able to take one, because it's -- fair chase doesn't involve
 then and see hunting where you're talking about fair chase, but
 you're not with trapping. We talking about securing that
 animal and using (indiscernible). So that's my motion.

19

20 MS. DEMIENTIEFF: I'll second it.

21

22 MR. REAKOFF: Mr. Chair.

23

24 MR. HAROLD HUNTINGTON: Yeah, Jack.

25

26 MR. REAKOFF: Under Section 304 of the ANILCA law, Part
 D7 it says: the Secretary shall permit within the units of the
 National Wildlife Refuge System designated established or
 enlarged by this act the exercise of a valid commercial fishing
 rights or privileges obtained pursuant to existing law in the
 use of Federal lands, subject to reasonable regulation for camp
 sites, cabins, motorized vehicles and air craft landings
 directly incident to the exercise of such rights or privileges.

34

35

36 I think this addresses what we're talking about here.
 Under the ANILCA law rural residents are afforded the
 opportunity to utilize subsistence resources.

39

40 We took testimony from Roger (sic) Huntington this
 morning and he said that he utilized aircraft in this area.
 And under the 300 foot law there won't be any abuse of land and
 shoot. I mean, he isn't going to be able to land and -- he's
 got to be faster than Tommy Moe to get 300 feet from his
 airplane and shoot a wolf, it just isn't going to happen that
 way. So I'm in concurrence with Ray, the rural subsistence
 trapper should be excluded from this Federal rule and citing
 Section 304, Paragraph D.

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1 MR. HAROLD HUNTINGTON: Yeah, Phil.

2

3 MR. GRAHAM: Yeah, I agree with Jack and Ray also. And
4 I'm just wondering what form the motion would take. Since this
5 is public comment, would we send this -- if it passed we send
6 it on to whoever?

7

8 MR. COLLINS: Yeah, the motion said, I propose that
9 trappers be excluded from the proposed regulation on same-day-
10 airborne restrictions relating to taking of wolves on Federal
11 Wildlife refuges, so we're recommending that they exclude
12 trappers from that.

13

14 MR. JAMES: Ray, did you write that down?

15

16 MR. COLLINS: Yeah.

17

18 MR. JAMES: Okay, good. Mr. Chair, what we could do is
19 put it in a letter form, it would go to George Constantino,
20 U.S. Fish and Wildlife Service, you know. And I'll do that for
21 you.

22

23 MR. HAROLD HUNTINGTON: Okay.

24

25 MR. COLLINS: I personally think it should apply to any
26 trapper, but this Board is a Subsistence Board and that's why I
27 worded it that way. I didn't want to step outside our
28 jurisdiction.

29

30 MR. REAKOFF: I also would like to just express my
31 displeasure with this method of proposing regulations. I feel
32 that these types of regulations should be submitted in the
33 proposal packet through these Regional Councils for comment by
34 the Regional Councils and public comment at this forum. I feel
35 that these type of proposals that deal with subsistence users
36 should go through the public comment period in these rural
37 forums. And I would like to see these type of proposals in the
38 future are routed through the proposal packet. How would we
39 address that?

40

41 MR. KNAUER: Ask for the Secretary or the Coordinator
42 to include those comments in the letter and refer to Section
43 005 where it provides that authority for the Regional Council.

44

45 MR. REAKOFF: I feel that this is diverging from the
46 whole subsistence program. I would like to see everything stay
47 on the right track with -- there was this whole process of
48 developing subsistence programs, the way these proposal were to

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be formulated and I haven't yet to be convinced that's proper for the refuges to start routing things around the Regional Councils. I call that the question of the Board.

3

4 I'd like to make a motion for our Coordinator to transmit that to the Board from this Council. Maybe after we vote on this other one.

7

8 MR. HAROLD HUNTINGTON: All right. Maybe we'll go ahead and vote on this amendment to the same-day-airborne proposal being worked on by U.S. Fish and Wildlife. It's been moved and second to propose that rural subsistence trappers be excluded from the proposed regulation on same-day-airborne restrictions relating to taking of wolves on Federal wildlife refuge. Is there any questions?

15

16 MR. FRANKLIN SIMON: Yeah, I have one question here, Chairman. I think we've been on this thing for almost two hours now and I could go -- I mean, got an airplane that can go out and shoot wolves, what about snowmachines. Jack got an airplane and Rob (ph) and those guys, they got airplane. They have a right to keep them up to 300 feet that we don't have the opportunities. We're down here walking or something and -- just like our flying around, that's the point right there.

24

25 MR. REAKOFF: Mr. Chairman, I never use aircraft for trapping or access, but I take deep consideration of public comment at our meetings and I know individuals that utilize aircraft to access places where they trap and I feel it's appropriate for them to get out of their plane and go snowshoeing down the trail and have the opportunity to shoot a wolf while they're snowshoeing their trail. That's what that regulation would allow us to do.

33

34 MR. FRANKLIN SIMON: Still that's poor people have less chance of set traps and hunt, you know (ph), while somebody's flying around up there. You got an airplane I think you got to watch (indiscernible) people trapping on the ground here. I think that's what it's boiling down to.

39

40 MR. HAROLD HUNTINGTON: Ready to take a vote on the suggestion? Okay. All in favor signify by saying aye.

42

43 (Ayes respond)

44

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

46

47 (No opposing votes)

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MR. HAROLD HUNTINGTON: The suggestion passes.

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2 MR. REAKOFF: Mr. Chairman, I'd like to make that
 motion to direct our Subsistence Coordinator, if that's the
 appropriate line, to transmit our displeasure with this method
 of proposing regulations. That they should be routed in the
 proposal packet through the Regional Councils for the public.
 So if they deal with subsistence methods and means, seasons and
 bag limits, all those parts that the Federal Board deals with,
 then they should be routed through this Regional Council.

10

11 MR. HAROLD HUNTINGTON: There's a motion on the floor.

12

13 MR. GRAHAM: Second it.

14

15 MR. GRAHAM: Seconded, it's been moved and seconded.
 Questions?

17

MR. KNAUER: Just a point of clarification. I think
 what you want or you should want is that for anytime that
 something like that comes out that it be specifically routed to
 all of the Regional Councils requesting their comments. Only
 things that relate and appear in Subpart D would appear in the
 proposal book. And that's not something that would appear in
 Subpart D.

24

25 The way I'm understanding your main point is that
 because it does related to subsistence it should come formally
 to you for comment.

28

29 MR. REAKOFF: Um-hum. (Affirmative)

30

31 MR. JAMES: Excuse me. We might need to clarify this.
 What Bill is saying is different than what you're operating
 under here with these. Now, when you make your recommendations
 to the Board now, there's a process they have to go through,
 they are obligated to consider them. If they decide to refuse
 them they have to go through some steps to justify it.

37

38 What Bill just described they not held to that. What I
 think you wanted, unless I understood improperly, was for those
 kinds of things to be treated just like proposal.

41

42 MR. REAKOFF: Yeah. Who makes the ruling on this
 proposal, but the U.S. Fish and Wildlife -- that's the Federal
 Board?

45

46 MR. KNAUER: No, this will not be the Federal Board, it
 will be -- currently the way the process is going it will be
 signed by the Assistant Secretary for Fish, Wildlife and Parks

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at the urging of the Regional Director of the Fish and Wildlife Service.

2

3 So it is two separate processes, but you may wish to
4 indicate in your letter that you believe that this is a matter
5 that does affect subsistence and that the Regional Director and
6 Assistant Secretary should be bound by the same restraints
7 regarding a recommendation from this Council relative to
8 subsistence. That there are only certain reasons by which they
9 can choose not to follow your recommendations.

10

11 MR. REAKOFF: Um-hum. (Affirmative)

12

13 MR. JAMES: Mr. Chair, I'll take a stab at this.

14

15 MR. HAROLD HUNTINGTON: Yeah, go ahead, Dave.

16

17 MR. JAMES: Make a recommendation that all proposed
18 rules affecting subsistence uses should be routed through the
19 Subpart D process of the Federal Subsistence Board. Would that
20 do it? Pretty close?

21

22 MR. REAKOFF: Yeah. That would bring all of their
23 proposals into a staff analysis and then we would need to look
24 at those and then we would know what's going on. That way we'd
25 stay on top of these things. This is a vague (ph) method that
26 they're circumventing us. And I think this goes along with
27 what Sidney was saying this morning, that we have to be careful
28 because there's factions down in the States that would like to
29 take away hunting, so I think that it's proper for these
30 regulation proposals to go through the local people, Regional
31 Councils and public comments. I don't think that's
32 unreasonable.

33

34 MR. HAROLD HUNTINGTON: Got a question back there?

35

36 MR. CALDWELL: Mr. Chairman, I just want to say
37 something in response to something Bill just said. He inferred
38 that the fact that this proposal didn't go through this
39 process, the Secretary is not obligated to give it the same
40 deference that he gives the other proposals. But I think the
41 recommendation you've adopted he is required to give that under
42 Section 805 of ANILCA even though it didn't come through the
43 process like he wanted to, he still required to accept that
44 recommendation unless he finds that it meets one of the
45 statutory reasons for not accepting a Regional Council
46 recommendation even though it didn't go through this proposal
47 process. That's my opinion.

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MR. REAKOFF: Can I restate my motion clearly?

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MR. HAROLD HUNTINGTON: Yeah, you may as well restate

5 MR. REAKOFF: I make a motion that all Park Service,
6 U.S. Fish and Wildlife and Federal land managers route any
7 policy changes in land uses that affect rural subsistence user
8 be routed through the Subpart D regulation process to be
9 submitted to the Regional Councils for public comments.

10

11 MR. HAROLD HUNTINGTON: We have a motion on the floor,
12 there a second.

13

14 MS. DEMIENTIEFF: I second it.

15

16 MR. HAROLD HUNTINGTON: It's been seconded. Any
17 questions? Ready for a vote? All in favor of the
18 recommendation signify by saying aye.

19

20 (Ayes respond)

21

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

23

24 (No opposing votes)

25

26 MR. HAROLD HUNTINGTON: Recommendation passes. I'd
27 like to call for a recess till tomorrow if that's okay with
28 everybody.

29

30 MR. JAMES: Mr. Chair, breakfast, I think, was served
31 at 7:30 this morning, it will be served at 7:00 tomorrow
32 morning. The purpose of that was in case the case the Council
33 wanted to reconvene in the morning before the scheduled time of
34 9:00. We have two remaining proposals -- I think it's very
35 possible that we could get through those proposals within a
36 short amount of time. We do, however, have some other business
37 to take care of, but that would be the end of the proposals.

38

39 MR. HAROLD HUNTINGTON: Meeting recess till tomorrow --
40 what time; 9:00? Okay, I guess that's it for today, see you
41 tomorrow at 9:00 o'clock.

42

43 (Off record)

44

45 (TO BE CONTINUED)

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