

SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING

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VOLUME II

COUNCIL MEMBERS PRESENT:

Sheldon I. Katchatag, Chairman
Grace A. Cross
Edgar Ningeulook
Theodore Katcheak
Fred A. Katchatag, Sr.
Elmer K. Seetot, Jr.
Peter G. Buck
Joe O. Garnie
Abraham Anasogak, Sr.

P R O C E E D I N G S

MR. CHAIRMAN: Hurry up and get started. We're still missing two - well, one of our council members right now, but I'm sure he'll be here shortly. We're going to try to get through as much of - or if we can, all of the remaining agenda this morning so that we can have basically a clear slate for our travel to Teller this afternoon. Right now the schedule is that we're going to be leaving here 1:00 o'clock and hopefully we'll be up there in time to start the meeting at 2:30 and meet till 5:00 and then zoom on back here by 6:30 so those that have jet reservations can make the jet so let's go ahead and get started.

We're back on old business, reports, number 1, National Park Service. Fish and Game has already done their report. Mr. Rabinowitch. And for the record, those of you who weren't here yesterday if you look under item 7, open floor to public comments on the Federal Subsistence Management Program, there's also a note there that says this opportunity continues throughout the meeting, please fill out the lavender testifiers form and had it to the coordinator who is Cliff Edenshaw over here in the corner. And on behalf of the council I'd like to welcome those that weren't here yesterday, Caleb Pungowiyi and the mother of Joe Garnie's baby, so anybody else I've missed.

UNIDENTIFIED VOICE: And the baby.

MR. CHAIRMAN: And the baby, yes, and the baby. Always got to welcome the baby. Anyway, Sandy Rabinowitch will do the National Park Service Report. And as usual everybody that has something to say, please come up and state your name and your affiliation over here at the mic for the record. Thank you. Sandy.

MR. RABINOWITCH: Good morning.

MR. CHAIRMAN: Good morning.

MR. RABINOWITCH: My name is Sandy Rabinowitch and I'm with the National Park Service. I'm here primarily to give a very short presentation on something that I presented at the last meeting so for those of you who were at that meeting

this is a repeat and I know that several of your are new so this will be the first time.

In your binder there's a document that is tabbed 8-A-1. I'll give you a moment to find that. I believe there's some extra copies on the table over here and I have additional copies here should anyone want them.

MR. CHAIRMAN: Everybody find it, 8-A-1? It's entitled Draft Review of Subsistence Law and National Park Service Regulations.

MR. RABINOWITCH: And what I'll do is quickly explain what this document is and why I'm here presenting it to you and then if you have questions I'll be happy to answer them.

The bottom line is that you don't need to do anything today about this document. There's a comment period that we originally established to close in May, this past May. We've extended that forward to January coming up and so what it is, is a document that gets into Park Service view of actually ANILCA and Park Service regulations. And what we're trying to do is share Park Service thinking about what these laws and regulations mean and talk with all the effected parties around the State so it's a State-wide effort. And by the nature of it, it's kind of a long, slow effort, you know, to talk with people throughout the whole State so let me quickly explain the rest.

This paper was put together by five or six people in the Park Service over about a two year period and they finished their work probably in about 1995 so they worked between about 1993 and 1995. And the paper is a collective result of their effort. It's a draft. It's a draft paper, I want to stress that. It's not final. There may be things in here that you agree with and there are probably things in here that you don't agree with, too.

It was originally presented at the winter meetings to all the Councils, to all the Park Service Subsistence Resource Commissions and to a variety of other public meetings, usually small - you know, small ones around the State. It was also mailed quite extensively by each Park Service area to anybody that Park Superintendents thought would be interested in the different areas.

Currently we're asking people that if they have comments to get them to the Park Service by January 31st of 1997. Again, we started out asking for comments by May. This past May. We got very few comments actually. I think we only have three written comments so far so that's not too many and we thought we probably needed to hear from more people and so we're just pushing the comment period out farther in time.

The main point, I think, for me to stress is that this is a very open-ended paper. It's not meant to be a beginning and an ending. It's meant to be a tool for continued dialogue of the many issues revolving around subsistence. And the one things that's different about this, and I'm going hold up three documents just to kind of do show and tell.

I know all of you are familiar with the Federal, you know, hunting and trapping regulations that are in this, you know, purple - this year it's a purple colored book. Regulations that you deal with, you know, as your primary duties here. And I know you're also very familiar with the State regulation book. This year - you know, the blue covered one this year. And as some of you may be familiar, but probably not all of you, the Park Service also has its own

regulation book and the Federal government has stacks and stacks of these things for all the different departments.

Well, in this book the Park Service has regulations that deal with the national parks in Alaska and also there's a small section that deals with subsistence uses in Alaska in this Park Service book. These regulations have been in existence since 1981 and pretty much have stayed the same for those 15 years so one of the questions that we had internally was, you know, are they still okay; do they need some changes, do they need to be updated a little bit and just try to honestly ask questions of ourselves and that's what's in this paper. There's some recommendations about maybe a change needs to be made here, maybe a change needs to be made there. That's the key point.

The other point, I think I have two more and then I'll be done. The other point is that the issues in the paper deal with the following subjects. And I'm just going to mention the headings. They deal with eligibility questions, access questions, cabins, trapping, customary trade and subsistence resource commissions. And as you recognize those are issues that are generally not dealt with by the Federal Subsistence Board. Those issues touch up against many hunting and fishing and trapping regulations, but there are some differences so it's an area of subsistence that is a little different than this council normally deals with and so my only intent is to point that out.

In the paper there are a list of action items that are throughout the paper. There's also a policy statement on the second Page of it. The policy statement might be a place to start with. It's really up to you what you'd like to comment on, but, you know, if you think that statement is on target, it's helpful for us to know that. If you think it's a bad statement and doesn't reflect what you think it should, we'd like to know that too. Anything in the paper is open for comment and, again, this is meant to be a long term on-going dialogue. And I think with that I'll stop.

MR. CHAIRMAN: Thank you, Mr. Rabinowitch, because I have a couple of items that as official comment from me as serving as Chair of our RAC here.

Title VIII of ANILCA which is our statutory mandate from Congress defines subsistence users, but it also uses place of residency as a qualification. In other words, you have to be a resident of a community that is defined by regulation as being rural within - in our case, within Game Management Unit 22 and our Region 7.

Now, the difference between that and the National Park Service regulations just having to look though this is that the Park Service's attitude is that in order to qualify for subsistence use within the CSU which in this case is the Bering Land Bridge National Preserve is that the eligibility requirement is that according to the Regional Subsistence Policy statement on Page 2 is that your local, rural residents and their families or descendants. In other words, you have to prove personal qualification whereas Title VIII blanketly gives residents of communities and that's where I find the difference between our enabling legislation and your draft regulations and it bothers me in two ways.

I don't agree with communities as subsistence users. They just happened to be where these people are living. Just because you live in a community doesn't mean that you practice customary and traditional use. Take Unalakleet, for instance, we have - due to the Bering Straits School District headquarters we have a large, relatively large non-Native population there that doesn't as far as we know practice customs and traditions that we who are indigenous to the

region have practiced since time in memorial. And yet under the Title VIII regulations because of where they live the community itself has qualified and, therefore, because they are 30 day residents they are automatically accorded subsistence preference. That's what bothers me about this. And I wonder how the National Park Service can justify personal qualification based on family and personal family history as far as subsistence uses within the CSU when Title VIII mandates that the determination's based on community.

MR. RABINOWITCH: I hear your comments. Ken Adkisson might be able to help me out here a little bit. A portion of it that I can respond to is that the Park Service has - for quite a number of years now, had a system of what are called resident zones and resident zones have generally been - generally, if not in all cases, I can't think of an exception, where communities have been determined, you know, to customary and traditionally have used an area and there's, you know, a number of criteria that would lead you to that conclusion. And so in regulation, actually in this book that I held up, there are - for parks and monuments, but not preserves, it's an important distinction, have been designated as resident zone communities in regulation. And then, as you say, and I understand, you know, you're not comfortable with that, that if somebody is a resident of a resident zone community then they are eligible and they don't - you know, they don't need to, say, go in as an individual and show the kind of history that you speak of.

It's a little bit different in preserves which, you know, here locally Bering Land Bridge is, it is, I guess, I would say a little more flexible and to some extent it's a little more up to the local Park superintendent's judgment - left to the local Park superintendent's judgment. And I think that's an area where we recognize that there's probably some improvements that could be made and that in effect why they're brought up here. And what we're trying to do is figure out, you know, the best way to do that, so just a partial reply, but I (simultaneous speech).....

MR. CHAIRMAN: Okay. And along that same line if you look on Page 3 under Conclusions/Findings it says, ANILCA intended to provide the opportunity for continued subsistence uses for and the quote is from somewhere. It must be from your Park Service regs. It says; local residents who have or are a member of a family which has an established or historical pattern of subsistence uses within such units.

Now, historical, are you talking the western society sense of the word in that you have to produce a piece of paper that says my grandfather subsistence fished and had permits such and such and so and so for such and such years in this area or is it sufficient to say that my ancestors of which there were five brothers that moved from the Kougarak area down to Unalakleet originally came from this area where you established the Bering Land Bridge National Preserve and, therefore, I can claim that I have a family history because the majority of the indigenous people in Unalakleet through marriage and otherwise are descendants of the five brothers that brought them through some very tough times. And those five brothers originally were from up here, the Mary's Igloo region and the Kougarak people. And that's common knowledge among the Inupiat people here, but as far as western history, you know, they touch on it occasionally, but there is nothing historical that would - I don't know if that's acceptable or what.

MR. RABINOWITCH: Okay. I cannot talk from personal experience of making those decisions. Again, those kinds of permits that are referred to in this paper is Section 1344 permits. It's just the number of the regulation in this book are made by the local superintendents. I guess the best I can say is I would hope

that the Park Service does not always demand the piece of paper, if you will, you know, that you referred to, but I cannot speak from any personal experience of what standard is used.

I'll turn to Ken Adkisson and say that I don't think in Bering Land Bridge there's never been a need or purpose for a 1344 permit as far as you know, am I correct?

MR. ADKISSON: No, (indiscernible - away from microphone).

MR. RABINOWITCH: No, okay. So there's no experience for that need.

MR. ADKISSON: (Indiscernible - away from microphone).

MR. RABINOWITCH: Yeah, so there's no experience for that need in Bering Land Bridge and the best I can do is to - well, we've got the transcript and my notes and I'll try to learn some more about the question and what the answer is for that.

MR. CHAIRMAN: Just for you edification there's a book in the library system called the People of Kougark that I think should be part of the Bering Land Bridge National Preserve archives so that people can say, hey, I am one of these people regardless of where I presently live, I am one of these people.

MR. RABINOWITCH: Okay.

MR. CHAIRMAN: And, you know, it's only been since the establishment of schools within the region that our people have gone from a semi-nomadic lifestyle which was the basis of our resource harvesting. In other words, we went wherever the resource was most plentiful. You know, that's a cultural history that goes beyond anything that even Columbus might think of. And it bothers me that these regulations appear to try to narrow things down.

I know who they're trying to exclude, but I'm worried that in the process they might exclude people that shouldn't be excluded and that's one of the reasons why I think it's imperative that we develop an Alaska Native policy in the tribal management system where you use tribal membership as qualification rather than residence 'cause under the State system 30 days is all it takes to qualify and that does not show customary and traditional use which is supposed to be the basis of all that we do here is not only recognized, but also provide for customary and traditional use. And my understanding of customary and traditional use is that it's multi-generational. In other words, these things are handed down from generation to generation to generation, ad infinido (ph), so that's my concern.

I appreciate that, but, you know, in the absence of any mention of tribal roles as being - I see that there's on Page 5, roster regulations, I would ask that tribal rolls - but I would ask that since these are draft regulations that tribal rolls be added somewhere in here as eligibility 'cause you can't get more indigenous than - in any western sense of the word you can't get any more indigenous and customary and traditional then by being a member of a federally recognized tribe, is that not an accepted definition. You can't get any more customary and traditional under the regulations. And I would ask that tribal rolls be used to - as part of your eligibility. And maybe we can talk about it at length some other time, but we're in kind of a time crunch.

Those are just a couple of things that I saw just looking through this that I was concerned about because I felt that there was a possibility that if, in deed, there was a shortage off the preserve at some future date that I might be excluded based on not having shown a family history and that would concern me as an indigenous person so that's just one concern I had. I don't know if anybody else on the council has other concerns.

MS. CROSS: I have a question.

MR. CHAIRMAN: Ms. Cross.

MS. CROSS: You said that this is a work product from 1993 to 1995 by five or six people. The five or six people were National Park Service employees or were they.....

MR. RABINOWITCH: Yes. Yeah, I could do most of their names even, Steve Martin from - currently the superintendent of Denali, Ralph Tee (ph) who at the time was the superintendent in Kotzebue though is now in Anchorage, Hollis Twitchell a subsistence specialists in Denali, Jay Wells park ranger in Wrangell-St. Elias and there's - oh, and Lou Waller from our Anchorage office. I think - Ken's busy. I think that's all the folks and that's approximately when they wrote it.

But I might just add, what they did was, it was their task to go back through all the written documentation of the legislative history of ANILCA and any documentation of the development of the Park Service regulations. Again, in this thick book here that I held up. And literally just go over every single word that was written down and try to as simply as they could interpret what it all meant and than that - this is the result of their effort. And, again, out goal is to put it out and have people who have been living with - you know, living with it and have to live with the result ultimately to say here's the draft, let's talk about it. Does it seem right, does it not seem right, so on and so forth and then ultimately.....

MS. CROSS: So who will ultimately determine what should be in and out of these?

MR. RABINOWITCH: Well, if, for example.....

MS. CROSS: You have commentary till May, right?

MR. RABINOWITCH: Actually till January now, till the end of January. The answer to who ultimately will determine I'll answer by giving an example. If it were decided and this would be decided by the - sort of the head person of the Park Service in Alaska whose name is Bob Barbee, if after all the public comment came in if he decided that a change in the regulation was needed which he may or may not decide, then the Park Service would go through a typical regulation process so we'd publish a proposal in the Federal register and we'd have to have a hearing and take comments and et cetera, et cetera. And then when that process ran its course and that often takes anywhere from a year to 18 months to do. It's a pretty slow process. Ultimately then the person who has to sign off on it is either Bruce Babbitt or George Frampton from the secretary office - secretary or the assistant secretary will ultimately have to sign their name. So that's a quick answer.

I guess the other thing to add is nothing happens very quickly in terms of change in regulations like this. It's a very slow, deliberate process. I don't know if that will happen or not. I mean, it's - I think it's kind of too early to tell, but that's our - again, our whole point here is to find out what -

you know, what you all think and all of your other fellow council members around the State.

MS. CROSS: You say, this is well distributed now in the areas that are going to be affected, is it State-wide?

MR. RABINOWITCH: Yes.

MS. CROSS: And not very many comments back yet?

MR. RABINOWITCH: Only three written comments that I'm aware of. One from the State - the State of Alaska. In fact, I think they're in your packet.

MR. CHAIRMAN: They are.

MR. RABINOWITCH: And I just had noticed that yesterday and I think the one that is not in your packet we just within a week or so ago got a letter from the Denali National Park Subsistence Resource Commission so that's the third letter that we've just gotten in so obviously it's not too many - not too many written comments yet.

MS. CROSS: Do you normally get a lot of written comments from individuals that are actually going to be affected by a change in regulation or is it more - or do you find it more effective to go to those communities and hold hearings?

MR. RABINOWITCH: In terms of the written comments, I think sometimes we get very few and other times we get thousands and it often has to do, I think, with how much people recognize the issue might affect them. And then the other aspect is if it something that seems to catch the media's attention. And then often, you know, we'll get lots and lots of letters from the Lower 48 because something gets in the newspaper somewhere and it becomes kind of a media issue.

To answer the second part of your question, I think it's much more effective to do what we're doing right here which is talk with people who are affected and get your concerns and your questions and have some dialogue.

MS. CROSS: Is that what you normally do?

MR. RABINOWITCH: I don't want to say that the Park Service has always done that, because I doubt that we've been that good. I believe it's what we're trying to do and I'm happy to sit here and try to do it 'cause I think it's the right thing to do and the right way to do it.

MS. CROSS: Thank you.

MR. RABINOWITCH: Certainly.

MR. CHAIRMAN: Sandy, I notice under some of the correspondence that the State Office of Management and Budget has written you a letter and I would - plus the Sierra Club has written you two letters. And what I'm concerned about is if these are the only correspondence that you receive then apparently they would have greater weight than if there was other correspondence from, say, user groups also. And what bothers me is that just judging from my own experience that even something as noxious looking at this when you look at it, you know, you think, I don't have time for this. And I know if this was sent to all the IRA councils nine times out of 10 they'll look at this and say, oh, this doesn't concern us right now. Let's move onto something that's more pressing. And it

generally if - if it's not acted upon immediately nine times out of 10 it'll go into a file and that's where it will stay and you won't get any comment from that particular council. And that's what worries me because if people were more aware that there's a possibility that they might be excluded from CSU subsistence that, you know, they might say, hey, we should look at this, so that's what worries me.

And it worries me that the State, of course, you know, they had staff available to respond to just about anybody's correspondence and as you can see they've made a pretty detailed response. And the Sierra Club, of course, I'm sure that they have the resources available to say, okay, you know, this Martin Committee came out with a report, somebody willing to provide a Sierra Club answer and you've got one. But those that are most affected, you know, they might look at this and say, well, this doesn't concern us right now, let's deal with our pressing fiscal problem over here and if we remember we'll get back to this so that's what worries me that these so-called conservationists and I'll reserve any comments about the State, that these would as the only correspondence, they would be given all the weight due seeing as how that they're the only correspondence you receive on the draft. That they would negatively impact the final form of the regulation.

MR. RABINOWITCH: I'm actually fairly comfortable suggesting that that won't be the case. And I don't mean to disagree with the possibility of what you say, but because - in part, because there has been so little, you know, written comment or even phone calls, if you will, over about, I guess, 10 months or so that this paper's been out. This paper's been out about 10 months.

One of the things that the Park Service did and I'm trying to think, it was June, it was a Saturday in June, the Park Service convened a working session of the Chairman of the Subsistence Resource Commissions so each park and each monument, though not any of the preserves, like Bering Land Bridge, which have a Subsistence Resource Commission, we had a chairman's meeting, brought them all together and spent an entire day with the chairmen of those subsistence commissions doing nothing but going over this paper, okay. And there were parts that people liked and parts that they didn't like.

And one of the results of that meeting was, in fact, to extend the deadline for comment which is very easy for everybody to agree to. And also an agreement that each and every commission would convene one or two meetings between June and January for the sole purpose of going over this paper. And as I know you know, those commissions are composed of subsistence users, okay, who live in or near the parks or monuments. So I'm pretty comfortable to say that I don't think these two letters will sway.

I think they're just two comments and I think that there's a lot of meetings going on just like this one we're in that don't get an awful lot of attention, but I think are probably very productive, you know, in real terms. And those are going on and will continue to go on. And I'm pretty confident that if some of the meetings, you know, for whatever reason don't happen, I'm pretty confident we'll push the deadline out some more.

There's nothing driving the Park Service except a simple goal of trying to do better and do it right. I mean, that's what I really think is going on here and we'll see. I mean, you get to be the judge.

MR. CHAIRMAN: You know, I think a companion piece to this that would be good that was mentioned earlier and I'm not sure if it's even in this form, was the

- there was mention make that the National Park Service is looking at a Native American policy of their own. And I would think that if that was sent out in conjunction with this that people might say, hey, you know, maybe that's something we should look at.

I would like to see what the Park Service has drafted as far as a Native American policy and specifically if there's anything in that draft Native American polity which is Alaska specific, because that's where the majority of your Park Service lands are is up here in Alaska. And those most impacted supposedly for whom the parks were formed to protect their resources of are the subsistence users. At least that was the impression given to the local people when they were informed during the hearing process that under ANILCA and other enabling legislation which created all these conservation system units that, you know, hey, we're here to protect your subsistence.

And yet, you know, here we are years later and they're talking about eligibility based on family history within a particular unit. And, you know, we were told during the hearing process that, you know, hey, you know, we all know you, we all know you all subsist so you guys would - you know, don't worry about it. And yet here we are years later with draft regulations that speak to eligibility so that's what worries me. And like my comment earlier about tribal rolls as being part of the system, I think speaks to the need of an Alaska Native policy whereby you would ask that the tribal governments maintain current rolls. In other words, those that have died would be taken off, but they would be, you know, as ineligible users because they're dead, but they should be in the archives because they're going to have descendants.

MR. RABINOWITCH: Um-hum.

MR. CHAIRMAN: And it seemed like that would be a logical thing. It amazes me that such a logical thing as far as customary and traditional use would not be used even in the draft regulation. And, you know, there's nothing in here about tribal government in the draft regulations or any interactions of the National Park Service with tribal government. And I know Ken is pretty good about dealing with the IRA and traditional councils, but he's not driven to, he does that because he feels that it's necessary to do his job right so I would - you know, I would like as Chairman of this council to recommend that I - you know, I think I as the chair and probably everybody on the council should see your draft Native American policy and have some input into that also. Thank you.

MR. KATCHEAK: Mr. Chair?

MR. CHAIRMAN: Ted, Mr. Katcheak.

MR. KATCHEAK: I've a question to Sandy. How long will it be before this becomes finalized, this draft regulation?

MR. RABINOWITCH: I actually don't know when this will get done. The goal is to try to get, as I've said, all the comments by the end of January. How long the Park Service will take to, you know, read and think and discuss what those comments say and recommend, there actually just isn't a schedule that's been set yet. And, I think, that what that really - what it tells me and what I suggest that it tells the public is that we're not in a big rush to, you know, finish this thing. That we're just trying to go one step at a time and if it seems like we need more time we'll take it so that's kind of a fuzzy answer, but that's the best I can do.

Let me clarify one thing though, this paper is - how do I say it, it is not really quite draft regulations. If you think of it that way, I don't think that's quite accurate. The action items - there's headings throughout the paper about action items. These are ideas of things that could become draft regulations and the whole point is if you think they're bad we want to know about it. If you think they're good, we want to know about it.

The next step, whenever we get to that, the next step would be to turn these into draft regulations, okay, so we're not quite even to that point yet.

MR. KATCHEAK: So we have time to respond. We have till January so I'd recommend that to the council that we communicate with the villages that are going to be impacted by this regulation that are near the National Park Service that they should look at this very carefully and look at it so- - take care of it soon, because once it becomes the final regulation then it's too late for the village to respond after it becomes finalized. But as someone stated earlier, we should see this would be something that the village, the tribes or the villages that are users, there should be something there in the regulation that will relate to the Native people, the users, subsistence users, so I am glad that we have time to respond to this. I don't have - my village is not anywhere near a National Park area, but the closest we are National Park is we have Yukon Delta Wildlife Refuge and that's something that's different from.....

MR. RABINOWITCH: Right.

MR. KATCHEAK:our National Park, but I'm sure that something will come up from the Yukon Delta National Park or Wildlife Refuge similar, a draft regulation. I'd like to see how people - how well the people will respond to this.

MR. RABINOWITCH: Um-hum, okay. I would add that around the State that the Park Service has tried to make it clear that if anybody wants someone from the Park Service to come talk to any group any where that there's an open invitation, you know, to sort of let us know and we'll come to where you are and, you know, talk some more about it, so if in your village, you know, you want someone from the Park Service to come, you know, to be in touch here in Nome with Dave Sperities (ph) or Ken or Fred Tocktoo (ph) just let 'em know and I'm pretty sure they'll come.

MR. CHAIRMAN: Just to give you an idea of where I'm coming from, Mr. Wheeler handed me a copy of the - it's a memorandum to Assistant Secretary of Fish and Wildlife and Park from Ada Deer Assistant Secretary of Indian Affairs and the subject is Indian Fish and Wildlife policy. On Page 2 of this particular document it has a heading entitled, The Government Relationship/Consultation and under that section on Page 3 and this is where I'm coming from it says, tribes as sovereigns are not subject to State jurisdiction, are not subordinate to State governments and should not be dealt with through a Federal/State processes and arrangements designed to serve the interest of the general public.

With respect to those Federal statutes that inapplicable to tribes of sovereigns, tribal governments must be regarded as separate from the general public for the purpose of conducting agency review and comment gathering processes and related procedures. This is the policy of the Federal - this is the policy of the U. S. Fish and Wildlife Service.

MR. RABINOWITCH: No, you.....

MR. CHAIRMAN: This is - that's what it says, and establish a Native American policy for the U. S. Fish and Wildlife Service.

MR. WHEELER: Right, if it's a directive from the Secretary of Interior's appointee within the Department of Interior.

MS. CROSS: Mr. Chairman?

MR. WHEELER: Designating the principals and guidelines of the policy and they will be adhered to.

MS. CROSS: Mr. Chairman?

MR. CHAIRMAN: Ms. Cross.

MS. CROSS: Can I make a suggestion, please?

MR. CHAIRMAN: Yes.

MS. CROSS: Because we are now two hours before we leave, because I assume we're going to have lunch, maybe what we should do regarding this draft, maybe we should ask to have a special meeting before January 30, '97 so we can go over this thoroughly and perhaps after each of us have a chance to talk to or at least some of us have a chance to talk to those people that are actually going to be affected by these regulations and have a special meeting and then respond to it formally 'cause I don't think we have adequate enough time and.....

MR. CHAIRMAN: I would entertain such a motion.

MS. CROSS: Okay. I make a motion that we hold a special meeting to review this draft of subsistence law presented by the National Park Service and the regulations in the future?

MR. CHAIRMAN: I think we should get a little bit broader than that seeing as how that Fish and Wildlife was directed to - I really think we should also in the same context not only look at the Native American policy, but the - an Alaska Native policy as well as.....

MS CROSS: Okay.

MR. WHEELER: Absolutely.

MR. F. KATCHATAG: Mr. Chairman?

MR. CHAIRMAN: Mr. Katchatag.

MR. F. KATCHATAG: I'm sure we have not gone far enough to finalized anything yet. This issue contains of not only the Natives, not only the municipalities, it contains the people of Alaska. Until such time that the Natives and the immigrants or the white people that are living in Alaska continue to beginning to work together and look at this thing and solve the people between themselves without government to government because they are living here together and understand each other and start working together, then that time the finalizing of this issue will be (indiscernible). I mean, it will be ready to process to finalize.

We cannot finalize this thing until we start communicating to each other and start working with each other and understanding each other. I don't have no problem with Hawk (ph) - you know, Eric (indiscernible) when he know me and when I knew him then we were friends and that what's we need to do.

MR. CHAIRMAN: Thank you, Mr. Katchatag. We have before us a motion to have a special meeting not only on this draft NPS regulation or this draft review of subsistence law and National Park Service regulation, but also the Department of Interior's Native American policy and a draft Alaska Native policy.

MR. BUCK: Second.

MR. CHAIRMAN: We have a second. Discussion?

MR. KATCHEAK: Question.

MR. RABINOWITCH: Mr. Chairman, excuse me.

MR. CHAIRMAN: Mr. Rabinowitch.

MR. RABINOWITCH: Thank you. I would make the suggestion that - and I'll go out on a limb here a little bit, that this item might be dealt with at your next regular meeting which would be Feb- - generally in February. And the going out on - as opposed to a special meeting and the cost that would be created by that, that.....

MS. CROSS: We got a January 30 deadline.

MR. RABINOWITCH: Well, that's - I'm going to go out on a limb and say that I'm quite comfortable to assure you that your comments would be timely. That I can go back and make sure the Park Service does close the gate or the door on this at all. That's close enough that that won't happen.

MR. CHAIRMAN: Mr. Rabinowitch, I appreciate your willingness to endanger yourself by climbing out on a limb, but when it comes to subsistence I don't want it hanging on somebody's ass out on a limb. And not only that, but I think I as chair meeting with the Federal Subsistence Board both formally and informally would like to have direction from this council with regard to how we proceed not only on this particular document, but on review of a Native American policy and in particular Alaska Native policy which I feel we must have in order to properly do our job.

And I would like to have our council not only up to speed on this, but in the - be part of the development of, seeing as how we don't have a document before us which even comes close to saying Alaska Native policy and/or tribal policy. That I think that we should work together to have not only something drafted that is acceptable, but be able to provide me with backup in my dealings with the Federal Subsistence Board. And some direction for how we deal with Federal agencies because, you know, we can't do this haphazardly, it's too important. And if there's no mention in this review of subsistence law regarding eligibility of tribes and their tribal rolls, then that points to the need so I'm well in favor of going along with Grace's motion for a special meeting, but I would like to have it before the November 19th informal meeting with the Board.

MR. WHEELER: Absolutely.

MR. CHAIRMAN: So that is my suggestion to the Council that we convene a special meeting of the Council. We don't need 99 staff along with us.

MS. CROSS: I guess we can have one person designated if we have questions perhaps and the Park Service can designate one person to answer questions if need be that we can call and invite.

MR. CHAIRMAN: Mr. Wheeler.

MR. WHEELER: Yes, Mr. Wheeler, Nome tribe. The memorandum that Ada Deer wrote in '94 speaks to the guidelines and principals of the Native American policy. Okay. Case in point, the Park Service and Fish and Wildlife are managing our resource based on the land program, not on the user, but a land program. How much land we got.

Case in point, they sa 22(C) has no Federal land. It does have Federal land. A very small amount, but it's there. so as a consequence they say we're not going to have a musk ox hunt. You go talk to the State. All right. You go talk to the State and they say, well, we want the road system to support viewers. Well, we're not viewers of game. We're hunters of game (ph).

MR. CHAIRMAN: Mr. Wheeler, we're not talking musk ox right now.

MR. WHEELER: No, but ca- - I want to make my point.

MR. CHAIRMAN: We're on a time crunch so make your point.

MR. WHEELER: The policy does not address Native Americans as such as we say ourselves our Natives of Alaska, Eskimos, Aleuts and Athabascans or whatever other Indians affiliation we be. And the fact that there's only forty some million acres in the entire contiguous United States, but there's over 200 million acres in Alaska, so that policy should be directed straight in your eyes.

MR. CHAIRMAN: I appreciate that. Thank you. We have a motion before us to have a special meeting as outlined. Any further discussion?

MS. CROSS: (Indiscernible) I made that comment about having a National Park Service employee available if we need consultation (simultaneous speech).....

MR. RABINOWITCH: Certainly.

MS. CROSS:(indiscernible) somebody?

MR. RABINOWITCH: Oh, certainly. I was just going to actually ask the question. I think the answer's yes. Would it be helpful if I try to get one of the authors of the paper here which I can attempt to do? I can't guarantee it, but one of the people that helped write it.

MR. CHAIRMAN: Well, the concern is always fiscal and as far as I'm concerned other than presentation of everything that you have on anything to back this up and a Native American policy from the Department of Interior and any kind of draft Alaska Native policy that might be floating around in any of the agencies, I think that would be sufficient as some place to start. We don't need 99 staff to come up here and help us have this meeting. I'm sure we would be satisfied with the coordinator and a representative of the Fish and Wildlife Service, I guess. And National Park Service they have people that work out of here and I

think here, Nome, would be the ideal place to have it unless we want to have it in Unalakleet, but we don't need - you know, we don't need a biologist and an anthropologist and everybody else to be in on this. This is more-or-less policy (ph) so that's where I'm coming from on this. And, I think - Rosa?

MS. MEEHAN: Mr. Chairman, Rosa Meehan as representative from the Office of Subsistence Management. And I appreciate the difficulty in looking at a fairly complex document and the desire to get together and discuss it after a chance to review. I am concerned, however, that the cost of holding another meeting prior to the November board meeting may not be something that the Office of Subsistence Management can cover and so I just would like to put before you that we can certainly help facilitate an opportunity for everyone to discuss the issue, but it might have to be doing - using something like a conference call which is something that we could realistically put together, but I'm concerned that we would not have the resources to pull together a meeting that would bring everybody into a common location.

MR. CHAIRMAN: As maker of the motion what.....

MS. CROSS: I think the cost that the - the cost that the National Park Service would endure is not as costly as the impact of the regulations that have on our people. And I really think that face to face meetings are much better than having to try to talk over telephones and these are very difficult. I've been in many teleconferences and they are difficult, too. I'd rather see people face to face. And it behooves me the National Park Service especially from the Subsistence Department would say, well, the cost of a meeting is more important than the cost of the impact of the regulations that we're proposing. And I think that because you are imposing regulations upon us then they probably will come into being knowing the United States, the way that our Federal government operates, I think it would be - I think it's very important that you do provide for the cost of a meeting. And I don't think we're going to be meeting for days (indiscernible) either.

We're talking about probably just one day where the whole council meets and discuss these and understand them and have somebody available to answer questions so we could know. So we could disseminate to our own people the impact that those imposed regulations would have. I realize that you are under - you have a certain amount of budget, but you may want to just try to see if it's feasible.

I don't know how the rest of you feel about having a teleconference on something that's going to impact us probably for a long time.

MR. BUCK: Question on the floor.

MR. F. KATCHATAG: I think we can forget about that February or March or April meeting and have meeting on our subsistence because the - these regulations that you're imposing on us now if they pass then our families will become shoplifters according to that bag limit system and we don't want that. I care less (ph) about National Park. This issue that we're talking about now will remain with our own (ph) people, with our descendants, my grandchildren. If I don't do my - if I don't do what I want to do now and protect them, why sit here and worry about the National Park which I'm not interested in at all. I'm interested in my own family. Our responsibilities (indiscernible) to pertain (ph) to our - for our descendants, these people, our grandchildren. We need to led these people in the right direction to where they will work together with

the white people for future. We might be fighting now, but in time to come we're not going to be fighting.

MR. KATCHEAK: Mr. Chair?

MR. CHAIRMAN: Mr. Katcheak.

MR. KATCHEAK: I certainly don't feel bad about sacrificing a meeting in the future since we feel that this is a very important issue that we should respond to right away even though for some of us that doesn't - won't be impacted. In the future some of us will be impacted in other ways so I share the same feeling that Grace has stated early to have this special meeting. I think it's important that we respond, find a better language for the regulations.

MR. CHAIRMAN: I appreciate that Mr. Katcheak.
Mr. Garnie.

MR. GARNIE: Yes. You know, I can see where a special meeting is needed, but like anything else everything costs money. And if you don't got it, you can't do it. But I can see where we definitely need to be seeking some funds for some more meetings. It's obviously very important that we need an Alaska Native status or.....

MR. CHAIRMAN: Policy, policy.

MR. GARNIE: Policy, it's - it's an absolute must. And for subsistence it's an absolute most. And I - and in drafting this policy I can see where it will be a very long term process, because we have to be in agreement with a whole - all the rest of the nine.....

MR. CHAIRMAN: Not necessarily. We.....

MR. GARNIE:areas here. It's - we have to have more communication with 'em, don't we. I mean, we can't draft up a policy that's going to effect the whole rest of the State. We have to have (simultaneous speech).....

MR. CHAIRMAN: Well, the idea being that we should draft a policy that - for our regional tribal governments and memberships that is not only acceptable to them, I'm sure that if we do that and it's acceptable to our regional tribal governments, those that live within the region, that this would be acceptable as a model for the other nine regions, but our concern is to provide for our people right now. And I'm sure that if we did that diligently that this would be a perfect model or - there's no such thing as a perfect model, but a good starting place for other regions to look at.

But on this fiscal issue, I think we can probably resolve that and I know that everybody here feels strongly that we need this Alaska Native policy. And I, as chair, would appreciate having not only a draft Alaska Native policy, but also approval of the draft tribal subsistence management.

In other words, that our tribal governments would be responsible to us as tribal members to protect our subsistence resources and our use of those resources. My - see my understanding of a tribal government is it should be our umbrella to protect us as individual indigenous people from the entire outside world whether they be State, whether they be Federal, whether they be agency people. If anybody in any of the Federal agencies want's to speak to me about my subsistence they should go first to my tribal government. And that my access

and my use of that resource be protected not by me individually or a council like this, it should be protected by the tribal government.

MR. GARNIE: Yeah, there's no doubt it's needed. You know, just one prime example would be the subject - the topic you hit on here about rural residents being qualified. This is really just too loose 'cause, you know, I lived in Unit 4 for about five years and I lived next to a military base that consisted of at least 200. And they came periodically and they were there long enough to qualify to kill five caribou and they - believe me they were there and they were changing groups out unbelievably and every - and each and everyone of 'em, I mean, we needed protection from all the gun fire there from all the subsistence military hunters. It's one prime example of misuse of the rural area (ph).

MR. CHAIRMAN: If the concern is cost I would be willing to sacrifice our winter meeting and have that one by teleconference because we will have already drafted our regulation change proposal here and have done the majority of our discussion here on these - on our regulation change proposes. And Sandy has said that if we don't get all our proposals done this morning before we go to Teller, he's willing to stay and we could have a meeting tonight to finish our change proposals, but we could do our change proposals here, do all the discussion and the approval that we want to and understand those things here when we draft these items that - the winter meeting is more-or-less just our putting our final rubber stand on those - our having those hearings on those things, but that might fly in the face of public comment on those things, but, you know, I'd be willing to sacrifice that winter meeting and have that one by teleconference and have this face-to-face meeting on this important issue, on Alaska Native policy/tribal government management of subsistence. If we could hammer that nail properly into our framework then I think we're well on our way.

MS. CROSS: (Indiscernible) especially before your regional - what is that now, the Federal Subsistence Board meeting. I think it's really important because you're going to be discussing this with the other individuals that are (simultaneous speech).....

MR. CHAIRMAN: And if we have something that we as a counsel agree on that we feel will be acceptable to our tribal governments, this is something that I could bring to them and say this is what we're working on and give them that seed and say, hey, you know, if you really want to protect our people those that's longest customary and traditional use, this is the way to do it so I don't know, Staff.

MR. BUCK: Question on the motion.

MR. CHAIRMAN: I asked Staff, let me see if they have any more to say before. Peter has called for the question. Let me just hear what Rosa has to say and maybe Cliff.....

MS. MEEHAN: The Council is obviously free to make any request that you want of the office and my purpose in bringing up the fiscal aspect of it is just to let you know that there is a concern about the cost of meetings and the ability of - you know, we just don't have the ability to pay for special meetings, but we do want to facilitate the opportunity for the Council to work effectively. And so what I can leave you with is you're free to make any request you want and just mark the concern that we will not necessarily be able to pay for all the face-to-face meetings, but we can cert- - the one thing that I know that we can do is set up conference calls.

MS. CROSS: And what about the suggestion of our winter meeting being a conference call and have a face-to-face meeting - another face-to-face meeting before the Federal Subsistence Board meeting?

MS. MEEHAN: It certainly a request that the Council could make and I can't - I don't know how the program will respond to it, but if that's what you all want to do, then go ahead and make the request.

MR. CHAIRMAN: And our charter says that as far as meetings go the Council shall meet at least twice. Now it bothers me that the lead agency for implementation of subsistence management apparently is budgeted twice period.

MS. MEEHAN: Unfortunately that's something that comes from Congress. We don't have the control over that.

MS. CROSS: It's almost like we are handcuffed to something. It's almost (simultaneous speech).....

MR. CHAIRMAN: Anyway, we'll go ahead and deal with this. Cliff.

MR. EDENSHAW: Yes, Mr. Chair, I just have a couple of comments regarding - I was looking through the - when Sandy was reading, on Page 5 I believe the issue you're talking about. When subsistence comes to eligibility, before anyone can go out on Federal public lands you have to be eligible. On Page 5 from what I was reading it says for resident zone communities that can no longer meet their significant conservation tests the National Park Service should develop an alternate method for determining user eligibility within the community and the option of a roster system for determining eligibility using an appropriate tool for managing subsistence eligibility and I believe subtlety (ph).

In Southeast Alaska the Regional Councils in Southeast, the Regional Council has been examining this very issue in terms of rural and non-rural status because in Sitka where I come from there's over 8,000 people that live there. And when I was growing up there was probably 2,000 people so when I go back home why should I be excluded from going out fishing and hunting based on people that are coming in to the community. And so, I believe, the people in the - the Council in Sitka has been examining the very issue of tribal rosters because before anyone can go out on any Federal public lands to subsist you have to meet certain eligibility requirements and I believe what the Park Service has in these draft regulations is a subtle way of saying, yes, I think that's a way.

MR. CHAIRMAN: Right, but see, that's what bothers me about this whole system is that we're accomplishing the same thing piece meal and we're not dealing within the so-called government to government relationship which we should. And we're not dealing with a coherent policy that says, okay, you will deal with tribes on a certain way.

You know, I appreciate where you're coming from as an option, but that still doesn't mean that we're doing this properly if we accept that. If we're going to do this we should have a policy that guides us and says, okay, this is how you will deal with Alaska Native tribes. This is how you will deal with their membership. You will take the tribal role. The tribe will maintain that role current and if, in fact, it comes to eligibility for use with the CSU then the tribal role will be used as one form of eligibility. And that all others that are not tribal would then qualify under a roster system, but I don't like the idea of saying, okay, this option provides for using tribal roles, but there is

no policy that says that you should or you must use these things. See where I'm coming from?

MR. EDENSHAW: Yes, I understand where you're coming from, Mr. Chair. At the same time I get tired of hearing the rhetoric where the - you know, for instance, right here on the Seward Peninsula, I'm not familiar with the land ownership out here, which Federal agency aside from the Park Service, but from my experience from going through here whenever there's issues they refer to the agency that is in those areas. And I see, you know, and I understand that where there isn't any sound policy regarding the four agencies, the four Federal agencies anyway that administer regulations pertaining to subsistence, you know, with Fish and Wildlife, BLM, Park Service and the Bureau of Indian Affairs. And then the only one outside of that is the Forest Service and they're under the Department of Agriculture so in the Southeast we have to adhere to the Department of Agriculture policy when they're formulating regulations pertaining to subsistence.

And I see - and I would like the same where they would have one policy pertaining to Alaska Natives, but whenever issues come up they say refer to the agency that administers that public land. And I would fully support having a meeting for this Council if they want to address with the Park Service a policy that would be uniform that would address Native issues in this area.

MS. CROSS: Mr. Chair? Mr. Chairman?

MR. CHAIRMAN: Before I get to you Grace, you know, for this special meeting I would ask that we have a National Park Service rep which they are here anyway and the only other Federal public land is BLM. I would ask that they be at this meeting because we're talking about BLM lands over here in the eastern Norton Sound area and other than that, you know, that's where I'm coming from. Grace?

MS. CROSS: Mr. Chair, before this meeting ends I would like to have an answer whether we will have a face-to-face meeting because I don't want to be hanging in a string. This is a very important issue. We're just kind of left with there may or may not be a meeting. We'll let you know. I would like to know before the end of the day that we will have a face-to-face meeting because they're talking about, well, maybe you will, maybe you won't. They're just kind of, like, hanging on a string. We have a - they're asking us to ask them. Do you know what I mean? I don't want to be hanging on a string a month from now and you're going to be going to the meeting and we still haven't had an answer. I think this issue is important enough - these issues are important enough to have an answer by today.

MR. KATCHEAK: Mr. Chair?

MR. CHAIRMAN: Mr. Katcheak.

MR. KATCHEAK: Just a brief comment on - I'm a Post Master in Stebbins and I'm also the secretary/treasury of the IRA Council. Now, I feel very strong about me being a member of this Seward Peninsula Federal Advisory Council that much. I sacrificed four days of this week, leave without pay to come here to make decisions so I'm kind of ticked off right now about well, we going to meet or we probably won't. You have to request all this. Now, I sacrifice a lot of things and this is one of 'em, this week was one of 'em so that's where I'm coming from.

MR. CHAIRMAN: Thank you, Ted. Any further comment on the motion before us?
Sandy.

MR. RABINOWITCH: At risk of repeating something, which I will and I'll try to add, one thing I can do, but at this moment I can make no guarantees, is I can see whether or not the Park Service is able to contribute some funding for travel and per diem. I can check on that. I'll try to do it today, but I don't know what the answer is. I control not one penny of a budget so all I can do is ask and assuming that you'd like me to do that, I will. And whatever I find out I'll, of course, share with you.

The other thing and now I'm going back, before I offered to go out on a limb and I heard your answer and I haven't forgotten what you said, to go back to that I am quite comfortable to ensure that that limb would not break which I would do with a phone call, that I could probably accomplish in the next 30 minutes or so. And I would be further comfortable that assuming that I'm told verbally that this January deadline can move out there past your winter meeting so there is no missed deadline. I'd be further quite comfortable to put that in writing from the head of the Park Service that the opportunity is not missed or lost or anything like that.

I'm not pushing. I'm just trying to present alternatives because clearly there's a struggle here about paying for, you know, an additional meeting.

My goal is to have the discussion, just like yours is, that's a shared goal and so I'm just trying to think out loud about ways to accomplish that also.

MR. CHAIRMAN: Thank you, Mr. Rabinowitch. Any further - Mr. Anasogak.

MR. Anasogak: Yes, Your Honor, I could go for that face-to-face meeting 'cause we need to hammer that nail and get the structure. And I'm trying to familiarize the language of Fish and Wildlife, I'm familiar with military language, Department of Education, now I'm trying to get into this language myself so I thought maybe a face-to-face meeting would be the best way to get everything structured.

MR. CHAIRMAN: Thank you, Mr. Anasogak. Any further comment then from the Council on the motion before us to have a special meeting?

MR. F. KATCHATAG: We really need to have a special meeting. This is very important to our grandchildren.

MR. CHAIRMAN: Thank you, Mr. Katchatag. Before I - a while ago Mr. Buck has asked for the question and I had pushed it back due to comments. Are you still calling for the question?

MR. BUCK: Yes.

MR. CHAIRMAN: Question's been called. All those in favor of the motion before us to have a special meeting regarding all those things that were part of the motion signify by saying aye?

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed, nay. Motion passes unanimously. I'll work with Rosa on the Park Service to see when and where this will come about if at all and we'll try to find out by the end of the day if possible and if not,

well, we'll see where this goes, but as the action of the Council has shown, this is felt to be a priority of the Council and I would request that Staff convey that immediacy of need. Thank you. And any further questions for Mr. Rabinowitch on the National Park Service? Do you have any more, anybody in the Park Service?

MR. RABINOWITCH: No, no, sir, we're done.

MR. CHAIRMAN: Thank you. Let's take about a five minute break and try to hold it to five minutes and then we'll get to the Federal Subsistence Board meeting.

(Off Record)

(On Record)

MR. CHAIRMAN: Calling meeting to order and move on down to our agenda as fast as we can and try to get on some sort of schedule here. We now move on to Item 4 of old business, Federal Subsistence Board meeting, April 30, May 3. If you look at the very end of tab 8-A-1 there's a piece of correspondence from the Subsistence Management office addressed to me as Chair of our Council here and it outlines what the Board did with regard to our proposals that we had passed at our fall meeting last year.

Just for the record we had passed a lot more proposals than are shown here, but we were asked by Staff to prioritize and they eventually cut back our proposals to these ones here plus this proposal 1 was proposed by the Fish and Wildlife Service and it was passed. If you have any questions about any of these as we go through, please, feel free to interrupt me.

Proposal 1 was requesting the relaxing of regulations relating to use of motorized vehicles statewide. And as long as you're not harassing or driving animals you can use motorized vehicles, boats and snow machines, but I think there's still one on the regulation that accepts moose in 22 as far as boats, but I'm not sure, I'd have to check on that.

Any questions on Proposal number 1 that was passed by the Federal Subsistence Board? Is everybody on the same Page? It's this document at the end of tab A-1 just in front of tab A-7.

Moving on to it, Proposal 48. By the way, these numbers were the numbers given by Staff to these proposals in the order that they were given throughout the State so these proposals were numbered by Staff. These were the numbers that the Federal Subsistence Board referred to as they went through their deliberations April 30, May 3.

Proposal number 48 was a request made by the Seward Peninsula Council to increase the harvest limit of brown bear in Unit 22 from one every four years to one every year. And with my concurrence and at our Council meeting we had agreed that this was only necessary in 22(A) and (B). And that's what the Board eventually adopted was that 22(A) and (B) only are one bear every year on Federal public lands by residents of Unit 22(A) and 22(B) in their respective subunit. In other words, you can't be from 22(C) or (D) or (E) and go to 22(A) or (B) and get a brown bear every year. You have to be a resident of that particular subunit. Any questions on Proposal 48?

Proposal 49 was, again, made by our Council to recognize customary and traditional use of caribou in Unit 22. And the reason that we did this was it

looked kind of ambiguous that not only residents of Unit 22 were eligible, but that everybody else in the State was eligible as customary and traditional users of the Western Arctic Caribou herd within Unit 22. So in discussions and in deference to our Yup'ik relatives to the south I agreed on behalf of the Council to include those residents of the Yukon-Kuskokwim Delta that have customary and traditionally used the Western Arctic caribou herd even if they have had to travel all the way up past Shaktoolik to hunt them because, you know, I have personal experience that they do on occasion make that long of a trip to get caribou so.....

MR. ANASOGAK: Mr. Chair, some years ago.....

MR. CHAIRMAN: Abraham.

MR. ANASOGAK:there was some - they went all the way to Koyuk, too, to hunt caribou.

MR. CHAIRMAN: Yeah, I appreciate that. But, anyway, this is how it was approved to - it was changed, the customary and traditional use determination to the residents of Unit 22 and to eliminate currently included residents of Unit 22(D), 23, 24 and 26(A). Any questions on Proposal 49?

Proposal 50 was made by our Council also to shorten the moose season and to close public lands.

MR. GARNIE: Mr. Chair?

MR. CHAIRMAN: Mr. Garnie.

MR. GARNIE: Just to back up just a step. The one bear a year per resident so that means anybody coming in there's really, you know, wants to get a bear every year can come in there and stay for 30 days and then hunt bear once a year under the current?

MR. CHAIRMAN: Unfortunately both Federal and State regulations I believe go by that definition of resident and Steve can probably clarify if I'm wrong, but technically, yes 30 day residents, 30 day wonders do qualify, but Title VIII recognizes customary and traditional use as subsistence, all others are sport. And their definition of customary and traditional use in the Legislative history is multi-generational so I personally would doubt that a 30 day resident would qualify for subsistence use, but, you know, that's up for further debate. Maybe we could add that to our special meeting questions.

It bothers me that they recognize customary and traditional use, but they do not recognize customary and traditional uses. In other words, in order to share or to hunt for somebody else you still have to jump through all the hoops and everything else even though that's a recognized custom and tradition of our people, but that's another story. Any questions on Proposal 49 or 50?

Proposal 50 was made by our Council to more or less make sure that the RFR hadn't arbitrarily and capriciously limited our subsistence harvest of moose especially in 22(A). This was because they had closed under the RFR 95-11 that they refer to, they had by emergency order closed 22(A) which is the Unalakleet area.

They had closed it on September 30th instead of allowing the extension which we had approved in the previous year to keep moose open till October 10 so that

those people that go up on the river and trout during this time of the year whenever they run across a suitable moose they'd be allowed to harvest that in October, but due to the high harvest last year they were concerned that there might be a conservation problem so they closed it. And by declaring a conservation concern as a justification for cutting subsistence harvest opportunity by reversing our previous action they had declared a conservation concern on moose as justification for allowing the RFR.

The State had requested a reconsideration of this proposal that had extended the season to October 10th so on the one hand they did one thing and on the other hand they said no so this was kind of ambiguous.

The Federal Subsistence Board said that they had not declared a conservation concern after the fact, but during the teleconference when we discussed the RFR they said, yes, we are declaring a conservation concern and yes, we are closing Federal public lands to non-qualified sub- - to non-subsistence users and that was the justification for this proposal. And yet at the Board meeting itself they turned around and reversed themselves and said no, there is no conservation concern. No, you should not close up Federal public lands to non-subsistence users which basically are the trophy hunters and their guides and that was the only people that had commented against this proposal.

And that's another thing that we have to impress on all our people and all our tribal governments is that we should have as many written comments from those organizations as possible in support of our proposals. So any questions on that one?

Proposal 51 was in response to another RFR that - by an RFR, Request for Reconsideration, the Unit 22(D) musk ox - or the first hunt was cut back from 12 to two which was one for Teller and one for Brevig and I felt that was very capricious and very arbitrary and, you know, I've made my points. I've debated my points with them and based on the Reindeer Herders Association request that the musk - among other things, that the musk ox population be held to its current level and not be allowed to continue to grow and expand, that the Board unanimously adopted our recommendation to increase Unit 22(D) musk oxen to three percent of the surveyed population so as a result that's where it is now. 22(D) is up to eight animals this year, three percent of the surveyed population. They surveyed them this last spring. Any questions on Proposal 51? Hearing none, Proposal 52. We wanted hunting seasons on fur bearers which under the current - at that time regulations, there were no seasons and no bag limits allowed for fur bearers and that's a violation - our argument was that trappers normally if they run across any of these fur bearers in their trapping that they generally will try to take 'em as a matter of habit and that we wanted to make that legal so that one was also adopted. Any questions on that?

Okay. Proposal 65 was customary and traditional use request by the North Slope and the North Slope Regional Council and we supported their recommendation and the Board adopted it.

Any questions regarding the Board? And it was at the informal meeting prior to this that I asked the Board itself whether or not an Alaska Native policy could be developed and he said, no, it's not needed at this time at an informal meeting so that's been the basis for my push toward the development of same 'cause of their attitude.

Not only that, but my letter after this meeting was to push for a restructure of the Federal Subsistence Board to be made up of the 10 Regional Advisory Council Chairs and when we get into changed proposals or before we're done, I would like

the Council to back me up on that. It might never happen, but if you don't ask it'll never happen. Any questions on the Federal Subsistence Board meeting? Any other comments from Staff regarding the past Federal Subsistence Board meeting?

Hearing none let's move on to Item 8-6 - 8-A-6, Federal Subsistence Management Program. Rosa.

MR. KOVAK: Mr. Chair, Rosa is on the telephone and I told her to cut it short and be in here so if you'll give us about a minute she'll be here.

MR. CHAIRMAN: Okay.

MR. KOVAK: In preparation for that though, I've got some handouts I need to grab and prepare for all of the Council here.

MR. CHAIRMAN: Okay.

MS. H. ARMSTRONG: Mr. Chair?

MR. CHAIRMAN: Helen.

MS. H. ARMSTRONG: Maybe in the interest of saving time.....

MR. CHAIRMAN: Could you speak your name for the record.

MS. H. ARMSTRONG: Helen Armstrong, Fish and Wildlife Service Subsistence. Do you want to jump ahead to.....

MR. CHAIRMAN: Sure.

MS. H. ARMSTRONG:something else while.....

MR. CHAIRMAN: Sure.

MS. H. ARMSTRONG:we're waiting for Rosa? We could move on to the new business to the proposals if you wanted to.

MR. CHAIRMAN: Yeah, let's do that and as soon as Rosa comes back we'll go back to Item 8-A-6 and 7. So let's move on to Item 9-A, open the floor to proposals to change Federal subsistence regulations. And the very first thing according to our transcript and our minutes was that I had directed our Staff and their Coordinator to make all those proposals which were deferred from our last meeting to be the first proposals for this meeting so Helen will give us a synopsis of those proposals. Thank you, Helen.

MS. H. ARMSTRONG: Thank you, Mr. Chair. Those were all customary and traditional use determination proposals and they were proposed by this Council for black bear, moose, wolf and fur bearers and I'll just give you a brief, what the request was.

Black bear currently has no determination. And the request was that Unit 22(A) residents of Shaktoolik, Unalakleet, St. Michael and Stebbins have C&T. Unit 22(B): residents of Unit 22(B) and Unit 22(C), (D) and (E) would be no subsistence.

We are working on that analysis and we will have that presented to you at the February meeting. You'll be getting a draft of that in the early winter here.

Moose, the request was - currently it's residents of Unit 22 and their request was to change it to Unit 22(A), would be residents of 22(A) and then the remainder of Unit 22 would be residents of Unit 22. That also will be presented shortly to you in a draft and we'll discuss it in February.

Wolf, the current regulation is for rural residents of Units 6, 9, 10, 11, 13 and residents of Chickaloon and Units 16 through 26. This was sort of a broad range determination that the State had done and the proposed changes that it be for residents of units 21(D) west of the Yukon River, Unit 22 and Unit 23 south of the Arctic Circle. That one also is almost done and will be presented.

The one that we may or may not - I don't know, get done is the fur bearers for Unit 22. And I say that because I've now been pulled off of working on some of this to work on the Environmental Assessment for fish. And we're still waiting right not to hear whether or not - there was language attached to the budget whether or not we'll be actually doing the environmental assessment, but if we do then I'm going to be pretty busy with that as well and they haven't given us extra funds to hire more people so we're in a real crunch in our office right now, but I'm hoping that we'll get that one done as well.

And we did these in what were the order of priorities that were presented so with the exception of fur bearers this region will have all of their customary and traditional use determinations done by February which I'm really quite pleased about. The other regions aren't doing as well so you should be happy.

MR. CHAIRMAN: Any questions or comments from anybody on these proposals? How many are there?

MS. H. ARMSTRONG: There are four.

MR. CHAIRMAN: Four.

MS. H. ARMSTRONG: And we'll have three of them done this year.

MR. CHAIRMAN: So they're '96, 1 through 4-7?

MS. H. ARMSTRONG: Yeah.

MR. CHAIRMAN: One comment I would like to have just as a clarification seeing as how customary and subsistence use is defined as customary and traditional use, I would like those C&T determinations to instead of being residents is that they be tribal members within 22 - within those particular subunits rather than just residents because school administrators don't have customary and traditional use of these resources.

MS. H. ARMSTRONG: Well, I'm sympathetic with your position, but until the law gets changed right now it's for rural residents and there's no distinction made, so my hands are somewhat tied on that, but you can certainly bring that forward to the Board.

MR. CHAIRMAN: I'd like it put that way so that we can, you know, at least get it on the table that that's where we're coming from and.....

MS. H. ARMSTRONG: Okay.

MR. CHAIRMAN:they can explain on the record why or why not that they can or cannot do that.

MS. H. ARMSTRONG: Other than that we are taking proposals for Subpart C which is customary and traditional use determinations if there are any other changes people would like to make and then Subpart D which is the seasons and bags and if you pull out your purple book that Sheldon has.....

MR. CHAIRMAN: This is on the back of your handbook and if you look on Pages 121 it shows Unit 22 and the map is on Page 116 which basically more or less reflects this here except it has the subunits down. And if you have any questions about the subunits it shows on the map on Page 116 what we're talking about and it shows the Federal public lands that are there. And these are the regulations and as you can see starting on Page 121 it shows again.

A clarification, if you look in the front of the book as far as customary and traditional use if you look on Page 4 it says, Do you qualify for customary and traditional use. And then in the middle paragraph of that number 2 it says, if the Board has not made a customary and traditional use determination for a wildlife population or fish stock in the unit, then all rural residents of Alaska regardless of whether or not they live in Unit 22 are eligible for use of that stock or population And I felt that that's too broad a customary and traditional use and that was why we proposed the customary and traditional uses.

And if you look on Page 121, black bear, it says all rural residents. That means all rural residents of the State of Alaska are eligible to hunt black bear in Unit 22.

MS. H. ARMSTRONG: And that is one we're addressing right now that we're writing up.....

MR. CHAIRMAN: Right, right.

MS. H. ARMSTRONG:so it - that will be corrected.

MR. CHAIRMAN: And the one below it, brown bear, has a customary and traditional use to the rural residents of 22. And as you can see it recognizes customary and traditional use for rural residents of Unit 22 under brown bear, but 22(A) under harvest limit it says one bear by residents of Unit 22(A) only and that's one bear a year. And then it shows the seasons. 22(B) is the same way. One bear a year by residents of Unit 22(B) only, but the rest of 'em are one bear. As you can see on the bottom, remainder of Unit 22, one bear every four years except 22(C) which has no Federal open season because they have no Federal public land.

And if you look at the rest of the hunting seasons and bag limits it says caribou and this is the latest one it shows who's eligible to hunt caribou in Unit 22(A) and the rest of Unit 22 which is 22(B). Anyway, those are the - as you can see, again, even in 22(A) it says all rural residents which means everybody in the State can qualify. It says customary and traditional users of musk oxen and I would like to make that number five. I thought we had clarified that because that was part of our proposal change the other year, I believe, that 22(A) should read rural residents of 22(A).

MR. KATCHEAK: Mr. Chairman?

MR. CHAIRMAN: Mr. Katcheak.

MR. T. KATCHEAK: Question on can we make a proposal to insert on rural residents/tribal members?

MR. CHAIRMAN: We could, but as I explained - as she explained earlier they probably will shoot that down, but we could do that. As you can see on all the other species it lists them as all rural residents. And as I explained earlier that means all rural residents of the State of Alaska and we want those changed to rural residents of those particular subunits. And it goes on in the trapping regulations again, I thought we had done a proposal on the trapping regs, too, to change those to rural residents of those particular subunits, because, again, as you can see on Page 121 all those fur bearers they have all rural residents which means everybody in the State that's a rural resident.

MS. H. ARMSTRONG: The customary and traditional use determination for the fur bearers well cover hunting and trapping.

MR. CHAIRMAN: Okay.

MS. H. ARMSTRONG: Okay.

MR. CHAIRMAN: So that will cover all of these.

MS. H. ARMSTRONG: Right.

MR. CHAIRMAN: Are there any other change proposals on any of these seasons, hunting seasons and bag limits and/or customary and traditional use determinations?

MR. EDENSHAW: Mr. Chairman?

MR. CHAIRMAN: Mr. Edenshaw.

MR. EDENSHAW: Just one comment in regards to what Helen was saying that, you know, if you submitted the C&T proposal regarding tribal enrollment, it's 100 percent sure that the Board would shoot it down, but when other issues have come before the Board they deferred those to the lead agency such as out here it would be the Park Service and stuff and inside their proposed regulations or their draft regulations they were mentioning the very thing we've just discussing is tribal enrollment so I'd be inclined to go ahead and do that anyway and, you know, they'd likely refer that to the Park Service.

MR. CHAIRMAN: Appreciate that, Mr. Edenshaw. Yeah, we could do that. Are you going to make that motion?

MR. KATCHEAK: I so move.

MR. CHAIRMAN: We have a motion before us to under the C&T, customary and traditional use determinations on both the hunting and the trapping to have rural residents/tribal members?

MR. KATCHEAK: Yes.

MR. CHAIRMAN: Is that acceptable or.....

MR. KATCHEAK: Do you think we need to discuss that?

MR. CHAIRMAN: Well, we can do it in discussion.

MR. F. KATCHATAG: Well, who is qualified as a tribal member?

MR. CHAIRMAN: Those members - those people that are listed on the tribal rolls of the tribal government in the region.

MR. F. KATCHATAG: I have not yet seen - I guess there is one tribal court down here at Saint Lawrence and another one somewhere in inland, but I haven't seen no tribal court anywhere else.

MR. CHAIRMAN: No, we're not talking about tribal courts. We're talking about tribal rolls, the list of members of each tribe.

MR. F. KATCHATAG: Now when you're talking about that if we're going to be that way I don't know why live in municipalities? How can you be a tribal member and live in municipalities?

MR. CHAIRMAN: Well, you're doing it now.

MR. F. KATCHATAG: But that don't seem right at all because as long as we're talking about tribal and as long as we're talking about municipalities we'll never learn to live amongst ourselves. We got to draw a line somewhere to where we can learn to live together.

MR. KATCHEAK: I think my motion was to get those two together, so to speak, rural residents/tribal members that would be accommodating both the residents and the tribal members. I think that's the motion.....

MR. F. KATCHATAG: Well, maybe you can go ahead and continue with your motion.

MR. CHAIRMAN: Just for clarification, Ted, would you be agreeable to having your motion read customary and traditional use to traditional use determination for tribal members/residents with multi-generational history of customary and traditional use?

MR. KATCHEAK: That's fine, I agree.

MR. CHAIRMAN: And did we ever get a second?

MR. GARNIE: Second.

MR. CHAIRMAN: Seconded. So we're in discussion. Any way this is for all species both under hunting and trapping, right?

MR. KATCHEAK: Yes.

MR. CHAIRMAN: Okay.

MR. BUCK: Question.

MR. CHAIRMAN: No further discussion? Questions been called on the motion before us. All those in favor signify by saying aye?

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay? Motion passes unanimous. Are there any other proposals to change Federal subsistence regulations Subpart C and D, is that correct, Helen?

MS. H. ARMSTRONG: Correct, C and D.

MR. CHAIRMAN: D is the seasons and bag limits and C is the customary and traditional use.

MS. H. ARMSTRONG: Correct.

MR. CHAIRMAN: So we have, what, five proposals?

MS. H. ARMSTRONG: Oh, counting the ones from last year, yeah.

MR. CHAIRMAN: Okay. We now move - if I don't hear any more - any proposals from the public for change of regulations? Mr. Kuqzruk.

MR. KUQZRUK: Thank you, Mr. Chairman, thank you, Council members. I just have a concern. It's not actually a proposal. According to our State statutes it states that there will be boroughs or some type of a unified management, government at some time in the future and that's according to our State statutes. In other words, if groups of communities do not organize a borough themselves, the State will come up and form an unorganized borough.

My concern or it could be a question, too, is that how the management of what you have now in the way of subsistence, how this particular body would deal with another form of government. In this case which may be some time in the future a borough government or a unified government. I think it was only about two - about a month ago where the City of Nome discussed either forming a borough or a unified government. The boundaries in which they talked about is pretty extensive some of which the land are falling into some of our hunting grounds and so forth and I'm wondering how this would - if there is going to be any discussion or anything some times in the future with those types of government? Maybe she has an answer. Thank you.

MR. CHAIRMAN: Thank you, Mr. Kuqzruk.

MS. H. ARMSTRONG: Maybe I can just quickly answer that. We already work with a number of boroughs around the State. The one I work the most closely with is the North Slope Borough and it doesn't change the land - who manages the land at all. That stays in place and those things are somewhat fluid around the State, but - and actually we work quite closely with the North Slope Borough. They have a Fish and Game Advisory Committee that we do joint meetings with once a year so that they get representation from the Council as well as from their Fish and Game Advisory Committee and we work with them so it really hasn't been a problem working with the borough at all.

MR. KUQZRUK: My concern was because I know that in some boroughs within the State of Alaska there is no hunting allowed whatsoever within those boundaries. Now, I'm talking about our - the boundaries of Nome would not necessarily be like the boundaries in Anchorage which are infested with - I shouldn't say infested - which has a big population area within those boundaries. Now boundaries in which - Nome - like, I'm just using Nome as an example. I think some day they'll go to a unified government type of government here which would include maybe two or three cities close by. Now, our boundaries are very - where there's no city or unified government proposed boundary is a pretty

sparsely populated. There's not very much population out there like the ones around Anchorage or Juneau Douglas and so forth.

Now, I know in Anchorage there's no hunting allowed whatsoever within their boundaries which is understandable. Now, they could very well - or any borough or any government can come up with a regulation within their own government that there shall be no hunting in this boundary here.

MS. H. ARMSTRONG: Well, like, if you look at the North Slope Borough and you see that map you can see that red line that goes across there, so that you've got a boundary of the borough, but you still have large sections of Federal public land and so even though there might be a regulation for the borough, on the portions of the borough that are within - that are Federal public lands then our regulations would apply so that's the way it works. And that's true in the Northwest Arctic. They have a borough there, too.

MR. KUQZRUK: Those are organized boroughs, by the way there. What I'm referring to those unorganized boroughs where the State comes in and forms.....

MS. H. ARMSTRONG: Mandates it.

MR. KUQZRUK:those - I don't.....

MR. CHAIRMAN: Mr. Kuqzruk, for your information all of this is covered under the rural/non-rural determination regardless of whether or not there's a municipality or borough there.

MR. KUQZRUK: Yeah, that's true, but I'm thinking about if a borough - like for instance, if the State come up and said, hey, we're going to form a borough. It's going to be called unorganized borough. You have to. This is according to the State law. It's (simultaneous speech).....

MR. CHAIRMAN: It's already there, Mr. Kuqzruk.

MR. KUQZRUK: Now, can they make as part of their State regulatory thing to state that there would be no hunting or fishing within these boundaries here within this unorganized borough? Today I assume that we don't know, but I think that is a valid question that should be asked or pursued anyway to make sure that some things that are protected in Title VIII of ANILCA law and also other laws.

Now, I think a good example is that, like, for instance, the National Park Service here, I'll use them as an example, it's a country wide, United States organ- - it's a government supervised entity. Now, also under Title VIII of ANILCA law they do have some functions somewhat different from the whole span of the National Park Service system. Now, for instance - now, if there was conflict there.....

MR. CHAIRMAN: Mr. Kuqzruk.

MR. KUQZRUK:who would take precedence?

MR. CHAIRMAN: Mr. Kuqzruk, we're in a time crunch here and all of your questions with regard to the unorganized borough and any state lands means that we have no jurisdiction on them. They are State lands. That is not our problem unless it can be proven that impacts within those -.....

MR. KUQZRUK: (Simultaneous speech).....

MR. CHAIRMAN:within those lands are adversely impacting subsistence resources within our jurisdiction and then we have to go through a long drawn out process to bring those within the Federal Subsistence Management System. Federal - our function is on Federal public lands in Alaska. It does not deal with Municipalities. It does not deal with Boroughs that's their business. That's not our concern so if you have questions about the unorganized borough I suggest you get with the State Community and Regional Affairs people and talk to them because that's not our concern. Regardless of form of local government, that's not our concern. Our concern is subsistence on Federal public lands in Alaska and if, in fact, an adverse impact can be shown to be happening on Federal public lands then jurisdiction will be extended to protect those resources that are being adversely impacted, but at the present time that's not our concern.

MR. KUQZRUK: May I approach the map, Mr. Chairman? I just want to show you something here. The State has come up with a plan for unorganized borough, I believe. Somebody might correct me if I'm wrong. I've seen their boundaries which encompass all of the Seward Peninsula near the Bering Land Bridge (indiscernible) all the way down to Emmonak or somewhere down to the western district. Now the borough it can happen. I'm not saying that it's going to happen, but it could happen.

MR. CHAIRMAN: Let me explain something, Mr. Kuqzruk.

MR. KUQZRUK: These Federal lands can be included in there.

MR. CHAIRMAN: We already fall under the unorganized borough of the State. All areas that are not within organized boroughs fall within the unorganized borough of the State. That has been and will continue to be as long as there are Boroughs.

MR. KUQZRUK: Okay, thank you.

MR. CHAIRMAN: You now fall within the unorganized borough which is any area in the State that is not covered by a borough. Here's the Municipality of Anchorage. Here's Fairbanks. All of these other areas that are not within the borough are called unorganized borough of the State so you already are there. You talk to anybody that's familiar with the State system and they'll tell you that. That's neither here nor there. We're talking about Federal public lands in Alaska.

MR. KUQZRUK: Thank you.

MR. CHAIRMAN: Any other proposals to change Federal subsistence regulations? Let's get on - since Rosa's back, let's go back to Item 8-A-6 and 7. Rosa.

MS. MEEHAN: Okay. What I'd like to share with you is where we stand with regards to fisheries management within the subsistence program and as you all know the Title VIII of the Alaska National Interest Lands Conservation Act does provide a priority for subsistence use on Federal lands, that's why we're all here. And in a recent court case that's commonly known as the Katie John Case the Federal Court has instructed the government to include navigable waters as part of public lands. And navigable waters are those waters in which the Federal Government has a reserved water right so basically it's areas within the

conservation units that have - where we've got Federal reserve water rights that this - that the fisheries program is proposed to apply.

We've got maps hanging up back here that - the big map on the left has the rivers - it's behind you, Sheldon, there. It has the rivers marked in red that would be potentially affected by this. The map of Region 7 which is to the right of it shows the land status and it's the rivers that are up on the Bering Land Bridge that would be effected and the rivers down in that little piece of Y-K Delta Refuge that would be effected.

MR. CHAIRMAN: And also the Wild and Scenic Rivers.

MS. MEEHAN: And the Wild and Scenic Rivers are also part of it.

MR. CHAIRMAN: Which is for everybody's information goes from the mouth of the Chirokey River up into the main stem of the Unalakleet River towards headwaters.

MS. MEEHAN: Correct. Now, where we are at with this process is confused and I wish that I knew exactly how we were going to proceed with developing this program. We've had some complications in the budget that was just passed yesterday and signed. There's language which Helen had referred to earlier that gave specific directions to the Department of Interior in terms of developing the program. The lawyers in Washington are trying to figure out what that budget language means, but basically the language in our budget says that no money shall be used to prepare, promulgate or enforce regulations related to Federal Subsistence Fisheries Management Program. So that's a prohibition that we think is going to apply this year to trying to develop this program, but we don't know that for sure because the people in the department need to look at it.

What we do know and what I can assure you is that in preparing this program we will start with the basis of comments that were made in response to an advance notice of public proposed rule making and those meetings were held last spring. And I know, Sheldon, you were here for the meeting May 21st and we took an awful lot of public testimony and we've got those comments summarized. And I was here as well and I remember very clearly the concern about restrictions that had been a part of the State program, concerns about fishing on the beach and access to traditional fishing sites and whether those fishing seasons were open at appropriate time of year.

We've captured those comments and we can use those as a basis for starting to write an environmental document which we have started to write, we've going to wait and see if the directions from Washington will let us continue it, but basically the process will be whenever we can start on it, whether it's tomorrow the lawyers say, okay, go for it or if it's next fiscal year which would be a year from now, but basically the process will be to write an environmental assessment similar to an environmental impact statement that analyses the effects of implementing a Federal fisheries program, subsistence fisheries program and also analyzing the different ways we could set up that program.

In other words, which waters would specifically be effected by it, what's the extent of jurisdiction and also how the seasons would be set up. And so basically the process will be; we'll write an environmental document, we will come back to you as a Council with a draft of the document and ask for your review of it and then after the document is completed we will prepare a rule

similar to the C&D regulations that you have and just went through for the terrestrial wildlife portion of the program.

To help us get from where we are right now which is; we've got the comments from the meeting last spring and we had those compiled, we've started to write this environmental document, just to write the background part of it. What we need and would like to get from you all is some more specific concerns so that we can address those issues in the environmental document, get a chance to put those concerns in it. We'll come back with a draft of that, ask for your review of the draft before we start working on a final regulation.

Some of the specific areas that we really are interested in input on - is one question we've got is this existing Council structure, is this the right number of people to deal with fisheries regulations? I mean, do you need more people? Do you need - can you do it with this group of folks? And, Sheldon, if you're comfortable with this, what I'd like to do is catch what the - you know, the response on the flip chart just so we know we get this for sure.

MR. CHAIRMAN: Okay. For the record I will open it to the Council for their input, but personally I - as Chair, I believe that we as a Council can deal with both fish and game and follow the arrows and then I'll put it up to the Council to decide whether or not we as a Council are sufficient enough to deal with fish also. And I know - Joe even had your hand up. Mr. Garnie?

MR. GARNIE: Yeah, it's hard for me to say right now just being new on the Council not just to say yes and start making decisions because, like I say, I'm from the Teller area and I share the same fishing grounds with like Elmer from Brevig and just here with a quick glance I can see already I don't know what comments were made in the last meeting since this is my first one, but I can already say that this is way out of line as far as our type of fishing goes. It wouldn't even pertain to the way I fish or the way my family and fellow village and tribe members fish. It's just - there's no way you could fish by this regulation.

MS. MEEHAN: Um-hum. Okay.

MR. GARNIE: It's - but I would have to say.....

MR. CHAIRMAN: Are you talking about (simultaneous speech).....

MR. GARNIE: Yeah, we would have to go back to work to -.....

MS. MEEHAN: Yeah. Let me explain these.

MR. GARNIE:for me to say - answer this question is this the Council structure we want. I mean, the question you were asking, I think we'd have to have more correspondence with each village 'cause each.....

MS. MEEHAN: Um-hum.

MR. GARNIE:village has a different little fishery and times that they can fish, like, for instance, this one here, at one time you can fish and you can't fish as to what day in fresh water you're nets could be out, nobody is fishing right during that rainy period anyway and we fish a little later when the rain period has ended.

MS. MEEHAN: Um-hum.

MR. GARNIE: We need to be fishing a little longer in fresh water. And as far as the time goes, you've got here for what times the net is in and out of the water, I think, during really short period when we have 24 hours of daylight and the fish are running because after that water is so dirty that you can't fish so much you can't put a net in and it's only clear for a couple hours and then it's useless.

MS. MEEHAN: Um-hum. One thing I'd like to explain and that we handed out. We did hand out the subsistence regulations. These are the current State regulations. They come out of this book.

MR. CHAIRMAN: These ones that were handed out are the current subsistence fisheries regulations from the State?

MS. MEEHAN: Yeah, mine are formatted a different way, but yes.

MR. CHAIRMAN: If you look it says 5 AAC, that's five Alaska Administrative Code so that's a State regulation.

MS. MEEHAN: Yeah. And I don't want to put any confusion on this. The reason that we passed out the State regulations is as folks that have been in the program since we started, Sheldon, and some of the rest of you may remember that when the Terrestrial Program was started we used the State regulations as a basis for then drawing up the Federal regulations. And so one thing that would really help us in preparing the regulations for subsistence fishing on Federal lands is to - for you all to take these State regulations and just mark on 'em, write on 'em with a pen or whatever what would work, what doesn't work on the State regulations. If you could do that and mail them to us then we would have that input as we go ahead and write up the Federal regulation.

MR. CHAIRMAN: I don't know where it went and maybe Cliff has it over there, but I had a paper done by.....

MS. MEEHAN: I've got.....

MR. CHAIRMAN:Phillip Mundy.

MS. MEEHAN:copies of this.....

MR. CHAIRMAN: Yeah.

MS. MEEHAN:paper. There were copies of it that looked like this. There were on the table over there. We did make nine copies. For anybody who did not get a copy - I've got two copies left right here. We'll make extra copies for everyone.

MR. CHAIRMAN: I would like my original back by the way.

MS. MEEHAN: I wanted to wave it around a little bit, Sheldon, to see if you got it.

MR. CHAIRMAN: You can wave it around, that's fine, but let me explain this is a paper by.....

MS. MEEHAN: Yes, this is Sheldon's.

MR. CHAIRMAN:a person who used to - according to Charlie used to be with ADF&G, is that not correct?

MR. LEAN: That's correct.

MR. CHAIRMAN: He used to have the same position that Mr. Doug Eggers (ph) had, is that not correct?

MR. LEAN: (Indiscernible - away from microphone).

MR. CHAIRMAN: And what was that official position? Charlie, could you come up here, please?

MS. MEEHAN: You've got to some speak to the mic.

MR. CHAIRMAN: Just so that I don't misstate who this man is and what his task is. Why don't you give us what you know. Please state your name and affiliation for the record and give us what you know about this man?

MR. LEAN: Okay. I'm Charles Lean. I'm the area management biologist for commercial fisheries Norton Sound, Kotzebue. Dr. Eggers and Dr. Mundy whose title was when they were with the State was chief fisheries scientists and that's with the Division of Commercial Fisheries. Currently Dr. Eggers holds that position. Prior to him it was Dr. Phil Mundy.

MR. CHAIRMAN: Okay. Thank you, Mr. Lean, I appreciate that. Mr. Mundy has presented his paper for what he calls informed fisheries management and I would like that made a part of our public record. And I would like each and everyone of our Council members to be given a copy for their reading.

The reason that I would like to do this and I would ask that the Council would back me up on this is that this provides one of the most logical, scientific resource, conservative. In other words, if it's going to make a mistake, it makes the mistake on the side of the resource. This is the most logical "informed" fisheries management plan that I have seen and that I would like this particular document to serve as a basis for the Federal Subsistence Fisheries Management Plan for the entire State and not just Unit 22. So I would like each and every one of us to look this over, read it. And I went over it one good time and I'll go over it again as time goes by, but I have yet to find anything I didn't like in it. So this is a very well thought out piece.

This man, as Charlie has told us has a doctorate in fisheries management, I believe, some sort of resource management, so this guy has spent a lot of time not only studying the science of resource management, but also participating of management studies and stuff with ADF&G and he makes a very, very strong case for proper management and if you're going to make mistakes on the resource then you should make 'em on the side of the resource so that they're there.

And one thing that is in there that is not in any of the paper work presented by the Federal staff is the concept of sustained yield. And that is the basis of the State's mandate, I believe, under the Constitution that they must provide a sustained yield resource management. And I would like everybody to look it over and I would entertain a motion from our Council to make this particular document the basis of subsistence fisheries management not only within this game management unit, Unit 22, but also the basis of the overall Federal Subsistence Fisheries Management Plan for the State. So is anybody willing?

MR. SEETOT: So moved.

MR. CHAIRMAN: We have a motion before us.

MS. CROSS: I said I'd like to read it first.

MR. CHAIRMAN: Sure. Would you like to take about two minutes? No, I'm just teasing. But it is a - you don't have a copy?

MS. CROSS: I don't think so.

MS. MEEHAN: We'll make sure that everybody gets copies.

MR. CHAIRMAN: Okay. It's not in the book. I gave it to Staff on the first day we got here.

UNIDENTIFIED VOICE: Yeah.

MR. CHAIRMAN: And.....

MS. MEEHAN: We made copies, they were picked up off the table so we don't know.....

MR. CHAIRMAN: Oh, they were all picked up.

MS. MEEHAN: Don't know who picked them up. Sheldon, if we could, with your indulgence, work through the.....

MR. CHAIRMAN: Oh, excuse me, we have a motion before the body.

MS. MEEHAN: I'm sorry.

MR. CHAIRMAN: We can't leave it hanging so is there a second to the motion by Elmer to make Mr. Mundy's paper the basis.....

MS. CROSS: I got it.

MR. CHAIRMAN: Okay.

MR. KATCHEAK: Second.

MR. CHAIRMAN: We have a second. Discussion?

MR. KATCHEAK: Question.

MR. CHAIRMAN: Question's been called. All those in favor of the motion before us to make Mr. Mundy's paper the basis of our Regional and State fisheries Federal Subsistence Fisheries Management Plan signify by saying aye?

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay? Motion passes unanimously. Ms. Meehan.

MS. MEEHAN: Thank you, Sheldon. Is there any more comments on the current Regional Council structure? You had suggested that this Council could handle it and Mr. Garnie suggested that he might need to wait and see a little bit?

MR. CHAIRMAN: Yeah, let's open it to discussion among the Council before we move off of that so that we cover all bases.

MS. MEEHAN: Yeah.

MR. CHAIRMAN: How does the Council feel? Do you think that this particular Council at its present size and membership or any changes in membership, do you think that we would be able to properly manage subsistence fisheries within Unit 22 which is all the way from just east of the Pas- or - I don't know which river that is. Ted, which river is this little one east of Kotlik?

MR. KATCHEAK: Pastolik.

MR. CHAIRMAN: Huh?

MR. KATCHEAK: Pastolik.

MR. CHAIRMAN: Okay. The Pastolik River. It encompasses all waters all the way up to just east of - or just west of the Good Hope River in the Bering Land Bridge National Preserve. That as you can see is from just east of the Pastolik River to just west of the - or just east of Ungalik River is 22(A) from there all the way to it looks like Topkok is 22(B). From there all the way to Tisuk River just west of there is 22(C) and from there I don't know to what headland that is, is 22(D) and from there all the way around to 22(E).

Do you think that our Council of nine members is sufficient to - Mr. Buck?

MR. BUCK: Yes. When I first came on the Federal Subsistence Board I was surprised that we were dealing only with land and I was confused because when we subsistence hunt we don't stop at the water and say this is where it stops. And my first thought was that I was surprised that we didn't cover the water base area too. And I feel confident that this Board can do both water management and the land management.

MR. CHAIRMAN: So you have no problem with us managing fish?

MR. BUCK: No.

MR. CHAIRMAN: Subsistence fish?

MR. BUCK: No.

MR. CHAIRMAN: Anybody else? Mr. Seetot?

MR. SEETOT: Mr. Chair, this is on Federal lands pretty much and then State regulations up by - on all the water?

MR. CHAIRMAN: Yes.

MS. MEEHAN: Yes.

MR. CHAIRMAN: Unless it can be proven that there are adverse impacts to fisheries within those waters elsewhere. Is that not the way the language is written now?

MS. MEEHAN: That's correct. I do want to make one more clarification. We are talking about waters - terrestrial waters and so what we're referring to are really salmon and fin fish. This does not apply to crab fisheries or the marines - the herring fisheries so just that one clarification. That is the waters on Federal lands within the conversation units.

MR. CHAIRMAN: Do you know that there are maritime refuges within the region?

MS. MEEHAN: Yes, I'm aware of that. The waters, however, are not part of these regions. I looked at the land status. After the meeting in May I did go back and check and the adjacent waters are not part of the - it's the Alaska Maritime Refuge and it's just the islands or the little bits of land.

MR. CHAIRMAN: I think I would beg to differ with you on that because the primary reason that those maritime refuges were created were to protect the rookeries.

MS. MEEHAN: They protect the physical location of the rookeries which are on the rocks, but the adjacent marine waters are not part of it. I - but, Sheldon, I'd be glad to send you a map that shows the detail of those areas and provide it to anyone else. I did make a point of looking it up, because the question had come up last May. I'd be glad to provide the map from our Realty Division.

MR. CHAIRMAN: But anyway for matters of discussion the rookeries are there because that is where the sea birds reproduce and raise their young.

MS. MEEHAN: Correct.

MR. CHAIRMAN: And they would not be able to do that without the marine resources in the waters surrounding those refuges.

MS. MEEHAN: Correct, I agree.

MR. CHAIRMAN: So it seems kind of ambiguous that you would protect the rocks on which the activity happens, but not protect the resources which make it happen.

MS. MEEHAN: We do what we can.

MR. CHAIRMAN: Any way, for the refuges - maritime refuges that I'm familiar with is all of Egg Island?

MS. MEEHAN: Yes.

MR. CHAIRMAN: All of Besboro Island, the outer tip of Cape Denbigh?

MS. MEEHAN: Yep.

MR. CHAIRMAN: And the outer tip - might be the whole thing of - maybe Charlie can fill me in on Cape Darby? I don't know where to mark.....

UNIDENTIFIED VOICE: And the bluff area.

MS. MEEHAN: Yeah.

MR. CHAIRMAN: Also on Rock Point and bluff?

MS. MEEHAN: Yes.

MR. CHAIRMAN: And I'm not sure about Glich (ph) Island. Do you have a listing of all the maritime refuges in the region, Charlie?

MR. LEAN: No, I don't have an official list. I believe it also includes the island near the entrance of Safety Sound.

MS. MEEHAN: Yes, it does.

MR. LEAN: And basically from the Safety Bridge is Solomon Bridge (ph) and I.....

MR. CHAIRMAN: Okay. So that would be this entire big split here, huh?

MR. LEAN: Yeah.

MS. MEEHAN: Yes.

MR. LEAN: And I think Shaktoolik has a small two acres on the northern end of Besboro Island. It is not on the map.

MR. CHAIRMAN: I'll be darn. I thought the entire Besboro Island was the whole refuge.

MR. LEAN: Almost.

MR. CHAIRMAN: How did Shaktoolik get two acres and I didn't? I have customary and traditional use of that island that predates statehood for the record. No.

MR. KATCHEAK: Mr. Chair?

MR. CHAIRMAN: Mr. Katcheak.

MR. KATCHEAK: I believe Stuart Island is part of Yukon Delta Wildlife Refuge also.

MR. CHAIRMAN: Oh, yeah. I think - I wonder why it's not shown on this map.

MR. KATCHEAK: It's also a private land owned by (Indiscernible) Native Corporation.

MR. CHAIRMAN: Maybe that's why. Any further discussion on whether or not our particular Council would be able to function as the Subsistence Fisheries Management Regional Advisory Council? Do you think we should add more or is our size sufficient? Do you think we would need more meeting times to be able to do the fish? As you can see this particular meeting has - just on our normal cycle has eaten up all of - it's going to eat up all of two days and we haven't really touched fish.....

MS. MEEHAN: If I could add to what you've brought up. One of the other specific questions I had was what meeting cycle would work for dealing with fish and, you know, we're very much aware that, you know, fishing seasons and

regulatory needs have potential to clash because the fishing season is obviously so intense in the summer. And so one option would be to have a fishery cycle that's not the same as the terrestrial cycle. And, in other words, have a Regional Council review in the fall and take proposals in late winter. So you'd take proposals in February or March, fish proposals, do the review in the fall and then have the Board act on it in late winter.

MR. CHAIRMAN: And then they would be effective the following fishing season?

MS. MEEHAN: Right, so you'd work on a calendar year just about whereas this terrestrial cycle works sort of from mid-year to mid-year, you know, April to April so it just shifts it.

MR. CHAIRMAN: I think that would be a better - you know, just personally right off the top of my head I would think that that would be a better cycle for fish because you don't want especially if you have another neutered (ph) congressional season, you're going to have regulations that go to June 30 and nothing after so I would be amenable to something that like what you suggested so that each fishing season is covered.

MS. MEEHAN: Okay. I just want to remind you all it does mean two more meetings within the year assuming we get money to run all this, but.....

MR. CHAIRMAN: As long as it's not too late in the spring or too early in the fall.....

MS. MEEHAN: Okay.

MR. CHAIRMAN:because not only do you run afoul of subsistence activities by all of us, but you also run afoul of foul weather.

MS. MEEHAN: Okay.

MR. CHAIRMAN: Because as we go from winter to summer the weather can ground all travel for - I mean, air travel for days at a time so you wouldn't want to be scheduling meetings in that part and the same way in the late fall, early winter you won't be able to fly in and out anyway.

MS. MEEHAN: Okay.

MR. CHAIRMAN: And I would have to endanger the lives of my fellow Council members by requiring travel during those times, you know.

MS. MEEHAN: Okay.

MR. CHAIRMAN: And during the summer you're busy fishing anyway.

MS. MEEHAN: Right.

MR. CHAIRMAN: And you've got bird hunting in the spring and you've got big game animal hunting in the fall so, you know, you try not to interfere with those activities. And I think your schedule of November to say April would be fine.

MS. MEEHAN: Okay.

MR. CHAIRMAN: And I think the rest of the Council would agree with me on that. Any objection? Boy, I sure know my Council, don't I? Just teasing. I love to tease. Got to do more of it.

MS. MEEHAN: One other question that I had and that is there is a boundary set up right now for the terrestrial region which is Region 7 as it's outline there and you went up to the map and outlined it. Is that an appropriate boundary to deal with fish for this region? And it's not as much of an issue, but for fisheries in other parts of the State, for instance, the Yukon, anybody related to the Yukon River, that the river goes through three of the Regional Council areas and so that's what this question is geared for, do you see any real cross boundary fishery issues that you think you think would justify changing the border?

MR. CHAIRMAN: I don't think that the border should be changed, but I think you should take your cue from the commercial fisheries management cooperative agreements that have developed along the Yukon if that's a concern.....

MS. MEEHAN: Um-hum.

MR. CHAIRMAN:because they already have a Yukon River - what's the name of that organization, Charlie?

MR. LEAN: Yukon River Hunting Group (ph).

MR. CHAIRMAN: Yeah.

MS. MEEHAN: Yeah.

MR. CHAIRMAN: And it takes in the concerns of all the commercial fisheries.....

MS. MEEHAN: Um-hum.

MR. CHAIRMAN:on the Yukon and I would strongly suggest that you study not only how they did that, but also use that as a model for managing subsistence fisheries under the multi-region system.

MS. MEEHAN: Okay. Which actually fits in with your paper and the.....

MR. CHAIRMAN: Yeah, I - you know, it's - I think all of us should use that as a basis anyway.

MS. MEEHAN: Okay.

MR. KATCHEAK: Mr. Chairman?

MR. CHAIRMAN: Mr. Katcheak.

MR. KATCHEAK: Just a concern I have on the boundary that's the east side of Pastolik River. There are several people that live in Stebbins that go down to Pastolik River to fish for subsistence purpose and that boundary there is somewhat east of that river that is used by people from Stebbins. I don't know.....

MR. CHAIRMAN: Okay. Would you be happier with the boundary being the middle of the river?

MR. KATCHEAK: Right.

MR. CHAIRMAN: Okay.

MR. KATCHEAK: I don't know what - how Yukon - how the people will feel with Yukon Region, but that's my feeling.

MR. CHAIRMAN: So you think your people would be happy with the middle of the river as the boundary.....

MR. KATCHEAK: Right, yes.

MR. CHAIRMAN:between us and them?

MR. KATCHEAK: Um-hum.

MR. CHAIRMAN: (Indiscernible) us and them?

MR. KATCHEAK: Yes.

MR. CHAIRMAN: Mr. Lean.

MR. LEAN: Mr. Chairman, this boundary's come under discussion here at the last Board of Fisheries meeting and within the last several years and the Board of Fish in an attempt to accommodate the people of Stebbins recently moved the commercial fishing boundaries to Point Romanof and that happens to coincide with the game unit boundary as well. So that's that point that you're considering at the moment and I would - that was arrived at by several peoples' testimony indicating that the predominate users north of that were from Stebbins or Saint Michael and predominate south of that from Kotlik and further south. And the Board of Fish was made aware that there was overlap of the two areas and that was the decision they arose - or came to.

MR. CHAIRMAN: So they still have no problem as long as the resources are healthy that you have that overlap.....

MR. LEAN: Yeah.

MR. CHAIRMAN:as far as subsistence fisheries?

MR. LEAN: Right. There was an attempt made to accommodate the most users and I think the truth is that there's always going to be some overlap no matter what boundary you choose. That's how that boundary came to be. But you may disagree with their decision, but they did make an honest attempt at that.

MR. CHAIRMAN: Yeah, that - I appreciate that, Mr. Lean, and I applaud them for doing that because I know the Stebbins people it used to be the Canal Point light, did it not?

MR. LEAN: Yes, that's correct.

MR. CHAIRMAN: Right. That was considerably farther up the coast. The boundary used to be over here and they moved it down to Romanof right here so.....

MR. KATCHEAK: So in light of that, Mr. Chair, I think I'll be happy with whatever - wherever the boundary is lined or written.

MR. CHAIRMAN: Helen made me aware that we also need to discuss whether or not our Council size is big enough to deal with the fisheries. That's on the floor now. Do you think we need more Council members to deal with fish or not? Personally, I think, that, you know, rather than creating a whole bunch of organizations to deal with this, that and the other thing, I think that we should try to consolidate these things as much as possible so that as far as subsistence is concerned we should be consolidating these things and this goes toward the State also.

I think that Title VIII is pretty clear in that it's been said that Title VIII is a plain language statute. That our mandate is to provide the least possible adverse impact on the subsistence user be they fishermen or hunters. And the more organizations you have the less likely that they will participate in the process if, in fact, they say well, I don't have time to deal with John Doe and all of his Councils and, you know, that kind of thing. And I would suggest that we try to consolidate all subsistence related issues into one organization to cover the entire region. And as I've always said, if we're going to do this properly we should be considering all the resources that people subsist on be they marine mammals, migratory birds, land animal or fish.

MS. CROSS: Mr. Chairman, I think we should, you know, leave it open and try it as a group and then just leave it open. If we need to get more membership then we'd be able to ask for more membership.

MR. CHAIRMAN: Will you make that as a motion?

MS. CROSS: Okay. I make a motion that this Council.....

MR. CHAIRMAN: Work through at least one cycle.....

MS. CROSS: Yeah.

MR. CHAIRMAN:of subsistence management and then if we need more we can always ask for more.

MS. CROSS: Ask for more membership at a later date if need be.

MR. CHAIRMAN: We have a motion before us to leave our membership size as it until such time as we have gone through at least one cycle of subsistence fishery management and if need be we will - or we leave open the option of seeking additional membership to our Council. Is there a second?

MR. F. KATCHATAG: Second.

MR. CHAIRMAN: Discussion?

MR. SEETOT: Mr. Chair.

MR. CHAIRMAN: Mr. Seetot.

MR. SEETOT: I think with the fisheries, you know, that are - or with the land that is being effected by the fisheries, I think that, you know, there should be a lot of community involvement because the local people and local elders know exactly where and how and when their fish, you know, are right to get. And that would be a very good place to start is just what's in the community, you know, all the known fish stocks, all the places where the fish are out along with working with the State on their fisheries program.

MR. CHAIRMAN: Let's hold that for the next motion so that we not only incorporate Mr. Mundy's paper as the basis for a subsistence fisheries management plan, but that we also consult with effected customary and traditional use experts, they being the elders within the effected communities so let's make that the next motion.

MR. SEETOT: No, that was my comment on it.

MR. CHAIRMAN: Well, let's make.....

MR. SEETOT: Okay.

MR. CHAIRMAN:that next motion is my suggestion. We're discussing her motion to keep our Council the same size for subsistence fisheries management and if, in fact, we get into that at least one cycle of subsistence fisheries management and if we feel that our membership is not sufficient in size to accommodate that then we can seek additional members. That's the motion before us and that's what we're discussing. Any further discussion on the motion before us?

MR. F. KATCHATAG: Question.

MR. CHAIRMAN: The question's been called out. All those in favor of the motion to keep our Council as the same size that it is now, nine members for subsistence fisheries management signify by saying aye?

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed, nay? Motion passes unanimously. Now you know (ph).

MR. SEETOT: It would be to consult with the local communities, especially the elders and the local user groups and also, you know, to consult maybe with the State because, you know, they have the fisheries program for a number of years.

MR. CHAIRMAN: So we have a motion before us to not only use Mr. Mundy's paper as a basis for subsistence fisheries management in the region and across the State, but that we in our particular region would consult with those experts in customary and traditional use of subsistence fisheries namely the elders of the effected communities as far as the development of subsistence fisheries regulations. Do I hear a second?

MR. BUCK: Second.

MR. CHAIRMAN: Second. Discussion?

MR. KATCHEAK: Question.

MR. CHAIRMAN: Question's been called. All those in favor signify by saying aye?

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay? Motion passes unanimously.

MS. MEEHAN: Sheldon, something that relates to your previous motion is another topic that I wanted to get input on. I have my list here, I'm almost to the bottom of it. But one of the issue that we will need to define in the regulations is customary trade and we're looking for guidance on customary trade and what - how we should define what is real customary trade. What's - do you have a dollar value that makes sense? Is there a volume that makes sense, but some way to define customary trade. And also significant commercial enterprise. Those are two concepts that we need to be clear in the regulations. And I'm not specifically looking for answers today, but I want to bring those concepts to the Council's attention because we need your help in trying to define these terms.

MR. F. KATCHATAG: Could you explain what customary trade is?

MS. MEEHAN: Under the Federal program and this differs from the State program, but under a Federal program a limited amount of subsistence taken resources, in other words, a limited amount of subsistence fish, could be sold and what we need to get a feeling for is how we can regulate that.

MR. CHAIRMAN: Before we get too far let me turn your attention.....

MS. MEEHAN: Back to Title VIII.

MR. CHAIRMAN:to Title VIII of ANILCA, Section 803 under definitions. It says that subsistence uses means customary and traditional uses by rural Alaska residents of wild, renewable resources and then it goes into what it can be used for. And then it also gets into for the making and selling handicraft articles out of non-eatable by-products of fish and wildlife resources taken for personal or family consumption or barter or sharing for personal or family consumption and for customary trade. And that's what she's asking about.

MS. MEEHAN: Yeah.

MR. CHAIRMAN: Now, again, this points us to the need for an Alaska Native policy. We should be asking the tribal governments what to define for that particular community what customary trade is. Now, it doesn't make any sense to say customary trade of king salmon strips in White Mountain should be the norm for the people in Unalakleet.

MS. MEEHAN: Um-hum.

MR. CHAIRMAN: But the people of Unalakleet, the customary and traditional resource users in Unalakleet, should be able to come to some agreement that as long as they are not hurting the resource and nobody is going absolutely banana's trying to sell strips across the State, that that is customary trade. It really burned me during one Board of Fish hearing that somebody mentioned a couple of people in Unalakleet were making 50,000 a year selling strips, king salmon strips. If anybody knew how much work goes into making strips and how many fish it would take to get up to \$50,000, I'm sure that they would realize that that's absurd. But I don't want to put a dollar figure on it. I think we should have hearings within effected communities and discuss these things on a local level because the customs and traditions vary from community-to-community.

MS. MEEHAN: So your recommendation with this is, one, that definition of customary.....

MR. CHAIRMAN: Customary trade.

MS. MEEHAN: Customary trade, I kind of had to look at my words, that the definition be set on a local or regional basis?

MR. CHAIRMAN: Not region.

MS. MEEHAN: Not region, okay, on a local basis.

MR. CHAIRMAN: It should be done on a local basis.

MS. MEEHAN: Okay. And then the second recommendation was that the local IRA's be consulted to help define that. I just want to make sure that we catch your idea.

MR. CHAIRMAN: There's a perception at the local level when you start getting into this. It becomes an us versus them issue.

MS. MEEHAN: Um-hum. (Affirmative)

MR. CHAIRMAN: And when it gets to that point then people say, well, hell with them, they're just trying to keep me broke. But I know that if, in fact, you have a discussion and you decide as to what level should be considered customary trade, that everybody - once they have a say in the discussion and a say in how you're going to arrive at that, that they'd be more willing to live within that definition. But if you arbitrarily and I'm sure that they would say that we were doing this also, if you arbitrarily say, okay, \$2,000 is the limit on customary trade of distribution of resource.

Because each person has to decide when they put away this resource is, you know - you always, if you can, if the resource can handle it and you're not hurting the resource, you always try to make enough for yourself. You always try to make sure that you're immediate family has enough because if they're things that you grew up on, you like to eat them every year. And even then, you know, you don't know if God's going to bless your nets with 40 fish that day or 80 fish that day. So you don't know if you're going to end up with a surplus. And the common practice is everybody takes as much as they can handle, as much as they need for themselves and their family and if they happen to be blessed with a little excess, then they take care of that at the same time and then they look upon that as possible money in the future.

They don't - I don't think most of us go at it with the intent of saying, well, I need a little extra money, I'm going to make X number of pounds of smoke fish this year so that I can make a little extra money. That's generally not the attitude and it shouldn't be the attitude. So I would be more amenable to us having hearings and discussions with not only those that are being affected by these proposed regulations, but also the tribal governments. And this again, points to the need for a policy saying that we should be dealing with the tribal governments in arriving at a consensus of these definitions, rather than saying, by regulation we will arbitrarily say okay, anything over \$5,000 is not customary trade, this is - what was the other word you were looking for?

MS. MEEHAN: Significant commercial enterprise.

MR. CHAIRMAN: A significant commercial enterprise. That's going to vary from community-to-community.

MS. MEEHAN: It's where you draw the boundary between the two. Okay. So the suggestion is to work with the local folks to develop that boundary as well as with the local tribal governments. I just wanted to make sure that everyone is aware that we are going to have to define that boundary and we're just looking for the best way to define it.

MR. F. KATCHATAG: You see the customary trade for an honest family, that's out of the picture. There's a lot of work in making strips. And when you're through with your strips, you don't want to sell none of that, they're not going to give you enough anyway. And not only that, if you start selling something like that, you're going to have to pay taxes on it in this time and age. And why sell that on customary trade when that's your livelihood for long winter days, you see. If you sell it, you're going to pay taxes on it and deprive yourself of what kind - the nutrition that you put away for the winter. It's better to leave it there and not - not trade it, not sell it and you don't pay no taxes on it. It's foolish to sell a whole bunch of strips that you make, you'll lose a lot of sleep on it because you got to keep the flies away and you got to keep the loose dogs away and all these things, they add up. You work a real lot and if you got a big family you're not going to trade it for nothing, you want to put it away because you put the stuff away in subsistence way of life while the weather's good. And if you sell it, and plan to put up that much more you're going to run into a rainy season and at the end of the season you're going to windup with taxes - all the money you make in selling that is gone already. See it don't make sense.

MR. CHAIRMAN: But anyway, I really think that to come to some agreement on customary trade and significant commercial enterprise that we should be discussing these things with the people that are practicing these customs. And that it's - you know, I think it's very arbitrary to say that a dollar value will - that we'll put a dollar value on that. And I know you feel you might have a mandate to try to get some handle on this, but I think that before I would consent to our Council doing something like that that I would, at the very minimum, request that we meet with the effected people that are practicing customary trade.

MS. MEEHAN: Okay.

MR. CHAIRMAN: Because these things happen. Like I said, you might be blessed with a little extra fish and you go to the, as he said, the hard work of putting it away and, you know, you might trade it for muktuk with some of the people out at Gambell, you might trade it with somebody that might be getting she-fish up in Kotzebue, you might be trading it for more muktuk from Barrow or any of the Arctic Slope people or whatever resource they have that you don't have within your region. And sometimes due to the high cost of transportation, it's cheaper to go ahead and convert it to cash so that you sell your surplus for cash and then you buy somebody else's surplus for cash.

MS. MEEHAN: Okay.

MR. CHAIRMAN: Rather than both of you absorbing the cost of transporting resources. That's the whole idea of cash, is it not? That's the whole basis of cash.

MS. MEEHAN: Yeah, so we caught the idea that we need hearings with tribal governments and local users to define these terms?

MR. CHAIRMAN: They have to be locally acceptable.

MS. MEEHAN: Okay.

MR. CHAIRMAN: You know, they - we can't arbitrarily come in and say, okay, anything over \$5,000 a year is - you know, is not acceptable, you know.

MS. MEEHAN: Okay.

MR. CHAIRMAN: If very little is put in one year they might have been blessed to get the only surplus of that particular resource and the demand for it is going to be high, it's going to be, you know, who wants to pay the highest price. And as a result they might - you know, as a holder of the only surplus of that resource, it's like having gold.

MS. MEEHAN: Um-hum. (Affirmative)

MR. CHAIRMAN: When gold is short, people look for it.

MS. MEEHAN: Yeah.

MR. CHAIRMAN: When strips are short, people are going to - they're going to say, I'll pay 20 bucks a pound and then the next guy will think, boy, I sure want strips, heck, I got a lot of extra money, I'll pay \$50 a pound. And before you know it, 10 pounds will be worth \$500.

MS. MEEHAN: Okay.

MR. CHAIRMAN: Whereas in a normal year that same 10 pounds might be worth only 15 bucks a pound.

MS. MEEHAN: Okay.

MR. CHAIRMAN: So, you know, don't.....

MR. GARNIE: Yes, where - we're just kind of agreeing on this, the IRA's being consulted and local governments, would you be doing it or would we be doing it? The Council here contacting the local governments and local IRAs?

MR. CHAIRMAN: I really think that we, as a Council, should be having these hearing and meeting with these councils because, you know, they trust us, they know who we are. And if you send a delegation from the agencies, if you talk to any villager, when you mention Fish & Wildlife, they back up a little bit and say, now, wait a minute.

MS. MEEHAN: Yeah.

MR. GARNIE: So are we going to have just a ball park kind of questionnaire?

MR. CHAIRMAN: Well, like I said, I would prefer that we have some consultation with them first before we get into any kind of official deliberation to try to set any kind of level on this.

MR. GARNIE: And this is something that absolutely must be settled?

MS. MEEHAN: We need to settle it before we write regulations.

MR. GARNIE: Well, when is your regulations due?

MS. MEEHAN: Well, that's the part that Congress - you see, we're between the proverbial rock and hard place. Because we've got a judge, Judge - or the Ninth Circuit court has said, you the Federal government, will implement fisheries management on Federal lands, subsistence fishery management. Congress, who gives us money to do this sort of stuff says, you won't spend any money to do this. And so we've got the judge telling us to do it and Congress telling us not to do it. And what it means is that for this year, for the next 12 months we could not put a rule out on - we cannot put regulations out on the street. But what we will probably do is try and do the background work so that next year we can put a rule out on the street. And I really - I apologize for this being somewhat confusing, we're kind of stuck between these two people telling us what to do.

MR. CHAIRMAN: Yeah, I just read that last night. I got a copy of the Sunday paper out of Anchorage and it showed that those are the only two successions that the Congressional delegation from Alaska claims. That being they got that rider which prohibits them from implementing any fisheries through subsistence regulations statewide. I think that's the language, is it not?

MS. MEEHAN: Yes, it is.

MR. CHAIRMAN: I'm wondering if we could do it region wise?

MS. MEEHAN: It says any - I don't know. It's the - I'd say give Keith a call and ask him. I don't know. The intent is - I mean the judge has said you will do it and at some point we will. But it's just not the final rule out in the Federal Register will not happen this fiscal year, that part's clear. But I'm not interested, personally, in burying my head in the sand, we're going to have to do this. These are issues we're going to have to deal with and if we can't write a final rule, fine, we've got more time to work with you and for you to work with the folks that you represent to get the right information into making the regulation something that will work. And so I'd like to take that approach to it and so that's why I bring these specific issues to you because I know these are ones we're going to get, I know there's others. You know, we're just on the other end of a phone. If you've got questions or issues that need to be addressed, we'll try and do that.

In terms of a questionnaire that you asked about, we had prepared a questionnaire that we were going to give to people who couldn't make it to meetings, you know, other folks that are interested in this, we've held off mailing it because we didn't know what the language was going to be. But if we can, we will provide that to you as something to use when you talk to people, just it explains the program and it's got some questions that we have, but also just to spark thinking about what other questions there might be. So we can try and get that out to you.

MR. BRELSFORD: It actually was sent to the Regional Council members.

MS. MEEHAN: Okay, you've got it. So it's in your packet and we're sort of on hold for distributing it out to the public because we're waiting on the Congressional language.

MR. CHAIRMAN: The Chair will entertain a motion that we direct staff to distribute the Patrick or Philip Mundy paper to the other 10 Regional Advisory Councils, the other nine Regional Advisory Councils.

MS. MEEHAN: Well, just do it Sheldon.

MR. CHAIRMAN: Okay, appreciate it.

MS. MEEHAN: That's fine. We appreciate you finding it and we'll make sure it gets distributed.

MR. CHAIRMAN: Good, appreciate it. Anything else on either the subsistence management program or the subsistence fisheries?

MR. EDENSHAW: Mr. Chair?

MR. CHAIRMAN: Mr. Edenshaw.

MR. EDENSHAW: I have one comment. The Kodiak Aleutians, you know, just to - I want to share - anytime I have information to share with what the other Council is doing since I work with them closely, is they agreed on the same issue about putting a dollar figure on it. They said, we need to consult with our IRA Councils. And at meetings with the other coordinators, we felt, you know, when the Board meets - when you come up to meet with the next Board meeting, we felt it was - we strongly recommended the Council chairs remain in town to - you know, such issues as this so that we can work more closely together on important issues that effect, not only, people in certain regions, but Natives as a whole in the State.

MR. CHAIRMAN: Thank you, Mr. Edenshaw.

MR. KATCHEAK: Question for Rosa.

MR. CHAIRMAN: Go ahead Katcheak.

MR. KATCHEAK: On this questionnaire you will have definitions for certain questions you raised earlier about customary trade or some other phrase that is being used. You will show an example of definition, what it means or what?

MS. MEEHAN: The definition that is with it is that with customary trade and significant commercial enterprise is simply that under the Federal program, a limited amount of subsistence taken resources could be sold. So that's customary trade. And the question is, how should we regulate this amount to provide opportunity for the subsistence user, but still protect the resource.

MR. KATCHEAK: Okay, thank you.

MS. MEEHAN: Will that work?

MR. KATCHEAK: Yes.

MS. MEEHAN: Okay.

MR. CHAIRMAN: Any other discussion or comments on the Federal subsistence management program and/or the implementation of Federal subsistence fisheries management? Any other comments from staff regarding same? Hearing none, thank you, Rosa.

MS. MEEHAN: Thank you very much.

MR. CHAIRMAN: We now move on. Any other proposals? Hearing none, we now move on to Item 9(B), any other new business? In light of all the discussion we have had over the last two days, the Chair would entertain a motion for a special meeting - oh, we already worked on that one, so that's already done.

The Chair would entertain a motion to restructure the Federal Subsistence Board to be made up of the 10 Regional Advisory Council Chairs with a Chair to be elected from their ranks. The 10 Regional Advisory Council Chairs had discussed this and we felt that, as chairs, that we would be able to do a better job of being the Federal Subsistence Board than the Board that now sits. And I think if we could continue to push that, maybe eventually some day we might get it.

MR. KATCHEAK: Mr. Chairman, I so move.

MR. CHAIRMAN: We have a motion before us to recommend that the Federal Subsistence Board be restructured to be made up of the 10 Regional Advisory Council Chairs with a chair elected from their ranks. Is there a second?

MR. F. KATCHATAG: Seconded.

MR. CHAIRMAN: Seconded, discussion?

MR. BUCK: Question.

MR. CHAIRMAN: Question's been called, all those in favor of the motion before us signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay. Motion passes unanimously.

The Chair would also entertain a motion that an Alaska Native policy be developed recognizing and abiding by the special government-to-government relationship of tribal members with the Federal government on a political basis as the basis for the development of a tribal subsistence management program.

MR. F. KATCHATAG: Mr. Chair?

MR. CHAIRMAN: Mr. Katchatag.

MR. F. KATCHATAG: I think the IRA Councils have already working on a government-to-government basis with Kawerak.

MR. CHAIRMAN: Right. But what I'm aiming at is for us to develop a tribal subsistence management program so that the tribes would be in charge of the subsistence of their memberships. In other words, the Unalakleet IRA would be managing the subsistence activities of the membership of the Unalakleet IRA. That's the basis of that.

MR. BUCK: So moved.

MR. CHAIRMAN: We have a motion before us, do I hear a second?

MR. NINGEULOOK: Second.

MR. CHAIRMAN: We have a second, discussion?

MR. F. KATCHATAG: What form of advertisement would you notify the IRA?

MR. CHAIRMAN: Well, I had originally sent a letter to Barb to be sent to all the tribes within the region regarding this, but through misunderstanding this was not done again. I'll be working with Cliff, I believe, oh, by the way, that's the next order of business under (2) would be, change of regional coordinator.

But anyway, I would like to consult with the tribes by any means possible to have them endorse a tribal subsistence management and/or co-management plan whereby we would enter an agreement with them on tribal co-management plan under the Federal subsistence system. Any further discussion?

MR. F. KATCHATAG: Question.

MR. CHAIRMAN: Question's been called, all those in favor of the motion before us to consult with the tribes on the development of a tribal subsistence management/co-management plan signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay. Motion passes unanimously.

One last item that I would request would be the Council's endorsement of the Chair's request for independent legal counsel for the Councils and/or the Chairs.

MR. BUCK: So moved.

MR. CHAIRMAN: We have a motion before us to request independent legal counsel for the Regional Advisory Councils and/or the Chairs, do I hear a second?

MR. KATCHEAK: Second.

MS. CROSS: Second.

MR. CHAIRMAN: Seconded, discussion?

MR. GARNIE: Mr. Chair?

MR. CHAIRMAN: Mr. Garnie.

MR. GARNIE: Yeah, I'm all for it, but affordability is another.

MR. CHAIRMAN: Well, that's - you know, they have said time and time again that we're not in charge of finance. But Title VIII mandates adequate technical staff. If you look on Page 2 of this Title VIII document, under Section 805(B), the Secretary shall assign adequate qualified staff. And if we need legal advice, then the only qualified people to give that legally are attorneys, counsels, right.

MR. GARNIE: Okay.

MR. CHAIRMAN: And we have demonstrated at this Council that we do need legal advice because we're talking about protection of habitat on lands other than Federal - to protect subsistence uses.

Any further discussion on the motion before us to request independent legal counsel for the Regional Advisory Councils and/or Chairs?

MS. CROSS: Question?

MR. CHAIRMAN: Question's been called, all those in favor of the motion before us signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay. Motion passes unanimously. Any other items under new business (1)?

Hearing none, let us move on to new business (B) (2), change of regional coordinator. Barb has asked me repeatedly over this past year that she be excused from being the regional coordinator for Region 7 based on the fact that she's the only coordinator that has three Regional Advisory Councils. I have given it long thought and I deferred making that decision and I wanted the concurrence of the Council on this issue. Cliff has proven by being here that he is, not only willing, but also able to assume Barb's duties with regard to coordinating our Council activities and I find him more than acceptable to do that important job. And I would ask that, by motion, that we go ahead and accept Barb's recommendation that she be excused from serving as our regional coordinator and that we accept Mr. Cliff Edenshaw as regional coordinator for Region 7, our Seward Peninsula Subsistence Regional Advisory Council.

MR. GARNIE: So moved.

MR. CHAIRMAN: We have a motion before us.....

MR. BUCK: Seconded.

MR. CHAIRMAN:seconded, discussion?

MR. NINGEULOOK: Question.

MR. CHAIRMAN: Question's been called, all those in favor of the motion before us to change our regional coordinator from Ms. Barb Armstrong to Mr. Cliff Edenshaw signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay. Congratulations, Mr. Edenshaw, welcome aboard.

MR. EDENSHAW: Thank you.

MR. CHAIRMAN: And for the record I would move as Chair and ask unanimous consent from the Council that, not only a plaque, but also a letter be drafted by staff to Ms. Barb Armstrong concerning her past work and diligence as Region 7 coordinator. And that her work has been excellent and that we would expect that all appropriate rewards for excellent work be given her for her service as regional coordinator for Region 7. Hearing no decent, so moved.

Mr. Brelsford.

MR. BRELSFORD: Thank you, Mr. Chairman. In Rosa's absence I wanted to express appreciation for your concurrence in a proposal regarding employment within the office of Subsistence Management. I thought we were very fortunate to have Cliff come to work with the Regional Council program in July. We've had under discussion some efforts to balance workloads between regions and I want to say that I'm personally extremely pleased to see that the Council concurs in this suggestion. It's obviously one where we can move forward with an energetic new coordinator. I think, you know, hiring and assignments among employees in the Federal service are governed by the employment practices within the agencies. But I think we're all on a better footing if we move forward with a consensus on matters of this sort. And I think Cliff has demonstrated some of his conviction and energy level that you guys have, a Council coordinator you're going to be happy to work with. I'm glad to see that we've reached a meeting of the minds on this and that we move forward with a consensus on it. And I thank you for that. I think it's been something we've been trying to get right for several months now, maybe even a year on Barbara's part and I'm glad we finally found a solution that's acceptable to everybody in the circle.

MR. CHAIRMAN: Yeah. And for the record, she had asked me to do this as a Chair, but I wanted to make sure that, not only did I have a chance to meet Mr. Edenshaw first, but that I wanted the concurrence of the Council on this real important issue. The backbone of this program is the regional coordinator and I would hate to cripple us by agreeing to something, a product sight unseen. And I'm happy to say that we have had a successful backbone transplant. And I look forward to meeting with Cliff, I'm sure he'll provide me with all the contact information that I might need to be able to stay in contact with him. And I appreciate having such a qualified man on board and I hope that the Federal Subsistence Board and the subsistence management office would go along with our acceptance of Mr. Edenshaw.

Any further business to come before the Council? He just handed out a window of opportunity. When and where shall we have our next meeting?

MR. GARNIE: Wasn't that the special meeting, wasn't it?

MR. CHAIRMAN: Pardon?

MR. GARNIE: Our next meeting was a special meeting we agreed?

MR. CHAIRMAN: Yes.

MR. BUCK: I'll make a motion to have the Chair and the vice chair and the secretary decide on that.

MR. CHAIRMAN: That's generally not the way we do things. We, generally as a Council, like to agree on when and where we're going to have our next meeting. As far as the special meeting, that will have to be worked out with staff if it's going to happen at all.

As far as the when, the window, as shown by this particular sheet of paper, the window for our meeting opens on January 27th, a Monday. The North Slope Borough is meeting, January 28th and 29th, while that's neither here nor there. Cliff, do.....

MR. EDENSHAW: Yes.

MR. CHAIRMAN:do you know when the Kodiak Aleutian Council is holding their winter meeting?

MR. EDENSHAW: The end of the month, the 25th and 26th tentatively.

MR. CHAIRMAN: Of February?

MR. EDENSHAW: Yes, sir.

MR. CHAIRMAN: Okay. So any time in the previous four weeks would be fine with you?

MR. EDENSHAW: Yes.

MR. CHAIRMAN: So our window of opportunity goes from January 27th to February 21st.

MS. CROSS: How about the second level here, February 2nd through the 8th, somewhere in there. So Cliff would have a chance to have two weeks - at least two weeks to prepare for his next - give him kind of like two weeks in between so he can go from one region to the next and he still has a chance to work things out for both. Somewhere between February 2nd to the 15th.

MR. CHAIRMAN: How about during the week of February 10th and February 14th.

MS. CROSS: Um-hum. (Affirmative)

MR. BUCK: I prefer the week of February 8th to February 2nd. (sic) White Mountain has a Valentine children thing that we have every - a lot of people are traveling to that area at that time.

MR. CHAIRMAN: Okay. We have one suggestion for the week of February 3rd to February 7th. Any other suggestions?

MS. CROSS: It looks like everything starts on a Tuesday, um?

MR. CHAIRMAN: Should be.

MS. CROSS: Is that a standard.....

MR. CHAIRMAN: That's been our more or less unwritten agreement between Barb and I that that gives us the Sunday and the Monday to travel and you try to minimize the weekend travel as much as possible, so that either Tuesday or Wednesday or Wednesday or Thursday would be good. I try to keep it at that, you know, because on Monday's there's a - you know, if people miss travel over the weekend they generally pack the planes both coming and/or going on the Mondays, so I try to keep us mid-week as much as possible.

MS. CROSS: How about 4th and 5th?

MR. CHAIRMAN: We have a proposal for the 4th and 5th of February.

MR. BUCK: Second.

MR. CHAIRMAN: Seconded, discussion?

MR. F. KATCHATAG: Question.

MR. CHAIRMAN: Question's been called, all those in favor of having our winter meeting February 4th and 5th signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay. Motion passes unanimously. Now, the question of where. Where would we like to hold our next meeting?

MR. F. KATCHATAG: You want to meet where the accommodations are good.

MR. CHAIRMAN: What better place for my uncle to meet than in Unalakleet.

MR. BUCK: I'll make a motion to have it in Unalakleet.

MR. CHAIRMAN: We have a motion before us to have our next meeting in Unalakleet, is there a second?

MS. CROSS: I second.

MR. CHAIRMAN: Seconded, discussion?

MR. NINGEULOOK: Question.

MR. CHAIRMAN: Question's been called, all those in favor of having our winter meeting February 4th and 5th in Unalakleet signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay. Motion passes unanimously. We shall schedule our winter meeting February 4th and 5th in Unalakleet. And I will work with staff on the special meeting that we have requested.

Any other items to come before our - we can't do that - we will recess to the scheduled meeting in Teller and reconvene at 2:30 or as soon as we can, either before or slightly after. Stand in recess until we reach Teller.

(Off record)

(On record)

MR. CHAIRMAN: Good afternoon, ladies and gentlemen. My name is Sheldon Katchatag. I'm the newly reelected chairman of the Seward Peninsula Subsistence Regional Advisory Council. We are reconvening our fall meeting of our Council. We have covered everything on our agenda except Item 8 of old business which is a musk ox update and it's to be presented by staff.

Before we get into that, I would like to have our Council introduce ourselves. And I would like to start on my far left over here, Mr. Abraham Anasogak and we'll work this way. Abraham.

MR. ANASOGAK: Abraham Anasogak from Koyuk. And I'm newly elected to the Council.

MR. F. KATCHATAG: Fred Katchatag from Unalakleet.

MR. SEETOT: Elmer Seetot, Jr., Brevig Mission.

MS. CROSS: Grace Cross from Nome.

MR. CHAIRMAN: Sheldon Katchatag, Elim.

MR. KATCHEAK: Theodore Katcheak from Stebbins.

MR. BUCK: Peter Buck from White Mountain.

MR. NINGEULOOK: Edgar Ningeulook, Shishmaref.

MR. CHAIRMAN: Thank you. And also before we continue, I would like to apologize to the people of Teller for the change of our meeting place to Nome. I won't get into the how's and the wherefore's, but basically we were told that there weren't enough accommodations for people here in Teller and therefore, staff requested that we go ahead and reschedule to another place and we picked the Nome Eskimo Community in Nome. And we've been meeting yesterday and today and we're just about ready to finish up our deliberations. Before the staff introduces themselves, I would like to ask the people of Teller to introduce themselves, beginning with her, please.

(Introductions - away from mike)

MR. WHEELER: Chuck Wheeler, Nome Tribe.

MR. BLODGETT: Rick Blodgett, Teller.

MR. CHAIRMAN: And we'll go ahead and have staff introduce themselves, Rosa, you're in charge, I believe.

MS. MEEHAN: Rosa Meehan, Office of Subsistence Management in Anchorage.

MR. KOVAK: Steve Kovak. I'm a staff biologist assigned to support the Council.

MR. EDENSHAW: Cliff Edenshaw, the regional coordinator for Seward Peninsula as well as the Kodiak Aleutians.

MS. H. ARMSTRONG: Helen Armstrong, Fish & Wildlife Subsistence staff anthropologist assigned to the Seward Peninsula.

MR. OLANNA: Jake Olanna, Kawerak Subsistence.

MR. RABINOWITCH: Sandy Rabinowitch of the National Park Service and the Federal Subsistence Board.

MR. MACIDA: Steve Macida, area wildlife biologist for Fish & Game.

MR. BRELSFORD: I'm Taylor Brelsford. I work with the Federal Subsistence Board and Regional Councils.

MR. ADKISSON: Ken Adkisson, Bering Land Bridge National Preserve, Subsistence Coordinator.

MS. ANDREWS: Elizabeth Andrews, State of Alaska, Department of Fish & Game Subsistence Program.

MR. CHAIRMAN: And I'm sorry, I forgot her name, but this is our Court Reporter here who's taking transcripts of all of our proceedings. Is there anybody else

who has not been introduced? This is Rob Stapleton of the Bering Straight Record. Anybody else?

We'll be having the Brevig Mission IRA, the Wales IRA and the Shishmaref IRA joining us by teleconference as soon as the teleconference site out of Anchorage has them hooked up. And as soon as they do, then we'll go ahead and proceed.

Maybe staff can go ahead with the introduction of their parts.

MS. MEEHAN: Mr. Chairman, we've got a few items remaining that primarily pertain to musk ox, but there's six or seven different discreet topics and I'd just like to run through them in the way of perhaps an agenda so we get through it this afternoon.

The first thing is very briefly we wanted to cover a management handbook that is in draft form. We'd like to discuss it just briefly with you all. The '95 hunt, musk ox hunt and then the '96 hunt, the census, musk ox ecology. The Wales/Shishmaref request. And finally we've received an RFR from the State and we wanted to just apprise you of that.

MR. CHAIRMAN: What was the fourth one, please?

MS. MEEHAN: Census.

MR. CHAIRMAN: Okay. Are you going to go ahead and do that?

MS. MEEHAN: If that order looks good to you, we'll just march on through it.

MR. CHAIRMAN: That's fine with me. Are there any parts that you want to save for the teleconference?

MS. MEEHAN: The handbook is the one thing that doesn't need to go on teleconference, so that's a good one to start with.

MR. CHAIRMAN: Okay.

MS. MEEHAN: And I'll pass it over to Steve.

MR. KOVAK: Mr. Chair, what is being passed out now to you is a very preliminary rough draft of a wildlife management handbook. The staff has been kicking around this idea for a number of years. Due to just a fluke in scheduling, most of the staff biologists in Anchorage had time to sit down and give this some very serious consideration and start thinking about what it should look like and so on. there was a number of internal discussions as to what should be contained and so on and so forth. What you have is a very preliminary rough draft. The basic idea behind this document is to provide each of the Councils in their Council member handbooks eventually, basically some background material on wildlife management practices. And then descriptions of the various large mammals that are taken for subsistence purposes in the State.

You'll see on the second Page of this document that you have, it explains that we have five different chapters in here. They're written by three different authors. The species chapters are written in different styles with different levels of detail. What we would - you can see there is 10 questions on there, basically we would like people, whenever they can, to go through this material, think about these 10 questions, provide us feedback. Is this something that you feel is useful? Is it written in a manner that you feel is appropriate? Do you

want more information, less information? Things like this. This is not a real burning issue with a fast turnaround. It's whenever Council members have an opportunity to take a look at and provide feedback to us in Anchorage. This is being presented to all the Councils this fall. So if there's any questions I'll be happy to answer them at this time, but this is mostly for later kind of thing.

MR. BRELSFORD: Walter, are you able to hear me?

MR. SEETOT, SR: Yes.

MR. BRELSFORD: Okay, Walter, thanks, in Brevig Mission. And in Shishmaref, who do we have?

MS. LUCY: Lucy.

MR. BRELSFORD: Okay, hi, Lucy. Thanks for joining us. Sheldon, it turns out we were not able to reach Wales. They weren't able to get the right people involved, so we have on-line, Shishmaref and Brevig Mission. And I think as long as we keep the microphones right, we should be able to get a loud enough sound signal and so on. So with that, I'll turn the teleconference portion back to you.

MR. CHAIRMAN: Okay. Can you hear us, Brevig Mission and Shishmaref?

MR. SEETOT, SR: Yes.

MS. LUCY: Yes.

MR. CHAIRMAN: Okay. We have just introduced all of our Council. Everyone of our Council members are here except Joe Garnie. He apparently had some kind of vehicle problems and returned to Nome. We are now being updated on the musk ox issue here. That's the only issue remaining on our agenda. We went through our agenda in Nome at the Nome Eskimo Community and we're now proceeding through the musk ox and I'm going to turn it over to Mr. Steve Kovak, staff biologist, to continue with his report. If you have any questions, please feel free to interrupt us.

MR. SEETOT, SR: Okay.

MR. KOVAK: But on this topic of the handbook, Mr. Chair, that's all we have at this time. So any Council members have any questions I'll answer them to the best of my ability at this time, otherwise we'll just move on.

MR. CHAIRMAN: One question I have about the handbook, Mr. Kovak, I don't know if it's a requirement with the Federal system, but I know that the State system is required to manage for sustained yield and I see no mention of it in the handbook. Is that for future amendment or is it covered under a different chapter that I'm not aware of?

MR. KOVAK: Well, that might be covered in a chapter to be prepared yet. The Federal government isn't required to manage on a sustained yield basis. Under ANILCA we're required to manage for healthy populations and whatnot. Sustained yield is just a different form of management is all.

MR. CHAIRMAN: Thank you, Mr. Kovak. Any other questions from the Council for Mr. Kovak on the handbook at this time? Hearing none, we're going to go ahead

and move as quickly as we can. Staff is going to update us on the '95 hunt and then give us some more information on the '96 hunt and then we're going to get an update on the '96 census of the musk oxen and then we'll come to the Shishmaref/Wales request for an increase in quota, and lastly, we will consider the State's request for reconsideration. I think it's on the 22(D) musk ox allocation for this year. So Steve.

MR. KOVAK: Thank you, Mr. Chair. As you know, last year was the first hunt. There was a total of 15 permits issued. The end result was a harvest of 14 musk ox. For the current hunt that began September 1st of this year, a total of 24 permits were issued. As of Monday morning, two permits from successful people were returned, both of those from this area, from Unit 22(B). One successful taking was by a hunter from Brevig Mission and another one from here in Teller. And that's what we know of the hunt in progress at this point in time.

As has been reported to you yesterday, there was a cooperative effort between the Alaska Department of Fish & Game, National Park Service and Bureau of Land Management to conduct a pre-calving census last spring. That census occurred basically in the middle two weeks of April of last year. And the basic results by subunit were reported to you yesterday by Peter Bente of Alaska Department of Fish & Game. The survey results were brought into Anchorage on the first day of the Board meeting. I was queried by Board members on the distribution of animals, not only by subunit, but by those residing on Federal public lands because several of the Board members remembered the initiation of the hunt from the previous year and the request for reconsideration that was heard in August of last year.

I contacted Steve Macida in Nome with the Alaska Department of Fish & Game and asked if he had a breakout at that point in time of animals found on Federal public lands versus off, he did not. We attempted to take the locational information of the musk ox census, all groups found were - their location was recorded on topographic maps and translated into longitude and latitude coordinates. We fed those into the same computer that produces the area maps that you see in the regulations booklet and the wall maps that we had up in the meeting room in Nome. Through a computer error which we didn't realize at the time, the points got shifted, the numbers that I reported by subunit to the Board and the numbers likely residing on Federal public lands were in error. There's a subtle difference in those numbers. If you compare the numbers, Mr. Chair, I believe you got a handout from that meeting that shows a breakdown of animals by subunit between the three censuses occurring in the '90s. So that's going to play a little bit of a part when we get down to the request from Wales and Shishmaref and I just wanted to apprise the Council of these computer errors that we have had.

Is there any other questions with regards to the census at this time?

MR. CHAIRMAN: For the record, Mr. Kovak, will you explain to everyone here what the harvest rate is for 22(D) and (E) and what it's based on.

MR. KOVAK: Okay, the current harvest rate as established by the Federal Subsistence Board is three percent of the population residing in that subunit from the latest census. That value three percent is derived from the Seward Peninsula musk ox management plan which is a management plan that was signed off in the summer of 1994. There was nine - I believe it was nine parties signing on to that plan. A number of local entities, as well as, land managers, State Department of Fish & Game.

MR. CHAIRMAN: So for 22(D), how many animals are we looking at for the '96 hunt?

MR. KOVAK: We have eight animals in 22(D) for the '96 hunt.

MR. CHAIRMAN: And 22(E)?

MR. KOVAK: Seven. And nine in 23.

MR. CHAIRMAN: Any questions regarding anything that Mr. Kovak has reported with regard to the '95 hunt, the '96 hunt census and/or anything he's covered so far?

MS. LUCY: This is Lucy in Shishmaref. I didn't quite get what Mr. Macida was talking about in reference to numbers and errors in 1990s. If he can reiterate it it would be good.

MR. CHAIRMAN: Mr. Kovak.

MR. KOVAK: Certainly, Mr. Chair. For Unit 22(E), specifically for benefit of those in Shishmaref, the computer that I used when plotting out animals gave me a number of 229 found in Unit 22(E), the correct value is 256 and it's from the census that occurred in April of this year.

MS. LUCY: Thank you.

MR. CHAIRMAN: Did that in any way change the allocation?

MR. KOVAK: Well, that's what we'll be getting into when we take up the request from Wales and Shishmaref, Mr. Chair.

MR. CHAIRMAN: Thank you. Any other questions for Mr. Kovak? Was there an error in 22(D) also or just in 22(E)?

MR. KOVAK: No, there was errors in all five ares. Some of them were minor and some of them were significant. In 22(D) I reported to the Board 273 musk ox, the correct number is 347, that is the largest of the errors.

MR. CHAIRMAN: Will that come into play in the allocation?

MR. KOVAK: What we have discussed so far, Mr. Chair, internally among staff is that because permits have already been issued, the total number of permits is again reflected of that three percent guideline from the Federal Subsistence Board that we don't really want to do any significant changes to the allocation of those permits this year because we already have permits in the field and hunters in the field. But we'll make corrections before permits are issued for the '97 hunt.

MR. CHAIRMAN: My figures show three percent of 347 is 10.41, three percent of 273 is 8.19. So we're talking about 2.2 animal or approximately 25 percent of the allocation for 22(D) as it stands now. So for this years hunt, since it's already in progress and permits have been issued, you're going to keep the allocation at eight?

MR. KOVAK: Correct, Mr. Chair. Because the other large error occurred for the values for 23. And at the spring Board meeting I reported 306 musk ox and the correct value is 210.

MR. CHAIRMAN: 210?

MR. KOVAK: 210. That's basically a reduction of two permits there. And like I said, we got permits in the field and it was best felt to not upset the apple cart right in the middle of the hunt.

MR. CHAIRMAN: So in actuality we're looking at 23 harvesting nine animals?

MR. KOVAK: For this year you mean?

MR. CHAIRMAN: Yes.

MR. KOVAK: Yes.

MR. CHAIRMAN: Which is in excess of four percent?

MR. KOVAK: Correct.

MR. CHAIRMAN: Mr. Adkisson do you have something?

MR. ADKISSON: Not at this time.

MR. CHAIRMAN: So now let us move on to the Shishmaref/Wales increase in musk ox allocation request. Mr. Kovak, could you give us some background material on that, please?

MR. KOVAK: Okay, Mr. Chair. When preparing for this meeting with musk ox being such a different kind of a critter and we have four new members on this Council who have not been privy to many of the previous discussions and background information on musk ox ecology, we felt it would be best to spend a few minutes giving the Council a quick overview on the ecology of introduced musk ox populations. There is a handout that will be coming around to the Council for you and I'll just basically be working on this handout.

What this is is a synthesis of basically our current state of knowledge of musk ox from the scientific literature. I pulled information from studies of musk ox, not only here on the Seward Peninsula, but up in northeast portions of Alaska, up on the North Slope and the Arctic National Wildlife Refuge were completed in Canada, Greenland and an island off of Sweden. And this is pretty much all encompassing of the world distribution of musk ox. By way of general introduction, all large mammals when they are moved from their initial home area via transplant exhibit a behavior that we term exploiter behavior. What introduced animals do is they attempt to find their original home range. Failing that they start exploring their new environment in an effort to locate some suitable sites. This behavior results in a number wide ranging movements of animals that are basically more random than they are organized or typified of a seasonal kind of a movement. If newly transplanted animals encounter others of their own kind, their movements can be reduced, but it is still not unusual for adults to continue this exploiter behavior. When musk ox were first transplanted here to the Seward Peninsula, specifically Unit 22(D) here in 1970 they did exhibit this typical exploiter behavior as evidenced by the wide dispersal of reported sightings by the residents in the area. There was a supplemental transplant in 1981. These animals undoubtedly encountered musk ox from the original transplant, but again, many of the animals exhibited some type of exploiter behaviors, again, evidenced by the wide dispersal of sightings that were reported by the residents here. These sightings by the residents were very

important to our early understanding of the musk ox here on the Seward Peninsula.

By 1983, the majority of the musk ox had pretty much settled into the central portions of Unit 22(D) here and this settlement basically became the core of the population that exists today. During the 1980s, adult females were in their prime as far as their reproduction and productivity of the herd was high, as has been demonstrated with the growth rates, in some years exceeding 20 percent. Due to its geographic positioning, this population grew at a faster initial rate than those populations introduced up on the Arctic National Wildlife Refuge in northeast Alaska, but at a slower rate than the population down on Nelson and Nunavak Islands in Unit 18. This population here has now aged and productivity is reduced somewhat from that in the early part of the 1980s.

Musk ox are very social animals. They are typically found in groups. Collection of groups is what comprises a herd or a population of musk ox. Typically there are two types of groups, mix age and sex groups are composed of both, males and females of a variety of ages ranging from calves to adults. Bachelor groups are composed of both sub-adult and adult males and musk ox groups are not necessarily comprised of related individuals, but can be. Musk ox form their largest groups in winter and their smallest groups during the summer. Solitary males are quite common in spring and summer and during the rut. Solitary females are rarely encountered at anytime of the year. Mixed sex and age musk ox groups have very complex social structures. There is evidence to indicate that females display a high degree of selectivity during a rut with only the largest bulls being allowed to breed. While sub-adult and young adult males are, in fact, actively shunned by cows. Studies of seasonal movements of musk ox indicate that it is not uncommon for breeding bulls to winter in bull only groups away from the mix sex and age groups that they were associated with during the rut. Studies in northeast Alaska indicate that the proximity of other musk ox groups has a significant influence on overall group dynamics. In areas where other groups are likely to be encountered intermixing of individuals from different groups is likely to occur particularly during the winter time.

The rut on Seward Peninsula occurs approximately from mid-August through mid-September. The peak, based upon calving dates apparently occurs from the last week of August through the second week of September. Musk ox form into breeding groups during the rut. These groups can be quite large. In these large breeding groups, it is not unusual for the lead bull to change through time as they're not physically capable of withstanding the continual challenges of other adult bulls as well as being able to service the cows. The behavior of bulls changes as the rut approaches as well as throughout the rut. Bulls become very aggressive, interactions with people are not uncommon as has been evidenced by the numerous reports received. Musk ox bulls chasing berry pickers from the community of Shishmaref. Observations from Canada indicate the breeding groups are very sensitive to disturbance by hunters. Breeding groups are subject to significant disruption of hunting activities and remove the dominate bull from the group. Severe reactions to this kind of disturbance has included the breaking up of the group and reduced rates of pregnancy. These impacts have led Canada and Greenland, both to prohibit all hunting during the rut.

Musk ox digestive system is largely designed to take in large quantities of low quality forage and work on it for extended time so as to extract the maximum amount of nutrition. During the summer, musk ox consume very large quantities of high quality forage. This allows animals to regain weight that they lost over the winter and build up their fat stores. As the season progresses and

forage becomes cured, dried, frozen, things like that, they continue to search out sedges and willows and low laying areas until they're basically covered by snow. The onset of winter, principally accumulation of snow is when this searching out of sedges and willows occurs. Once snow accumulation starts to build up, musk ox then search out sights that are free of snow, the snow has been blown away or the snow is very shallow. The sites that are containing are preferred forage. During this time, musk ox primarily consume dried grasses, forbes and willows. The nutrition extracted is below that what is required for a musk ox to survive. To make up the difference they have to burn their fat stores. This is what we term a negative energy balance. This balance is so great, in fact, that one of the strategies of musk ox have devised to survive the winter is reduce their movements to only those that are necessary. If musk ox require to make movements in response to disturbances, then additional energy is utilized from their fat reserves. Success of disturbances during the winter have been shown to have accumulative effect on the individuals involved.

Musk ox do have seasonal movements from wintering sights to a summering - to a spring site or calving area to summering sights to winter ranges and so on. These movements are generally on a relatively small scale and are generally not classified as seasonal migrations. Due to the lack of migrations, musk ox generally have the smallest of the home ranges of any of the ungulates in the Arctic area. In contrast to moose, caribou, dall sheep, things like this. The home range is an area where an individual animal moves throughout the year basically and I have an example of that on the last Page of the handout. Once established, an adult musk ox has very stable home ranges. In other words, once established, it's very unusual for the home range to change significantly in succeeding years. Generally the home range is comprised of a wintering area, spring use area or calving area in the case of females, a summer use area and a rutting area. For males, the wintering area is the smallest. For females it is a toss up whether the wintering area is smaller or the calving area is smaller. Generally females exhibit their least amount of movements during the calving season. Summer use areas are largest for both males and females. This is due to the fact that animals wander extensively during the summer. Daily movements up on the Arctic National Wildlife Refuge have averaged six or more miles a day during the months of June and July. These comparatively large movements during the summer are again driven by that need for animals to search out forage to recover from the winter time.

Areas used during the rut can also be quite large, but are generally smaller than the summer use areas. Males do move extensively during the rut in search of groups that contain adult females during the rut. Generally the time period between the end of the rut and the onset of winter is characterized by animals moving back towards their wintering areas. Wintering areas are generally found in higher elevations within the home range as this is where musk ox can find those areas where the wind has blown the snow free. Once those wintering areas musk ox become very sedentary. Wintering areas may contain a number of wintering sites that either can or are used by musk throughout a single winter.

In northeast Alaska, daily movements were generally less than a half a mile a day. Movements for the entire winter were generally less than five and a half mile, you can see they rely on a fairly small compact area. Movements during in winter do occur in response to disturbances, whether it be aircraft or predators or human activity, weather, snow depth, forage quality and availability, and other environmental parameters. Wintering sites, as I said, are generally characterized by their lack of snow. It is not unusual for animals to forage up on a barren ridge top and then drop down below the ridge top to get out of the wind and that's where they spend a good portion of the day.

It is not unusual in some areas from studies reported that optimum sites for wintering are separated by a rather significant distance. Musk ox, with their short legs have poor abilities to travel through deep snow, much less dig through snow, which is contrast to caribou which are very good at traveling through snow and digging through snow. Therefore, the winter survival of musk ox is highly depended upon staying located on suitable sites or forages available and they can minimize their movements.

Musk ox are interesting, in that, they display a very high degree of fidelity to their wintering and calving sites. And this is another strategy of survival by musk ox. Groups of sub-adult males generally do not have a high fidelity to any particular site during the winter time. It's generally because sub-adult males are still trying to find their way around or they may, in fact, be pioneering some new areas. Musk ox respond to disturbances two different ways. The most common association that people have musk ox is what is called the huddle formation. When approached by predators, musk ox form a circle or a semi-circle or a crescent shape facing the threat. Adult males and females are found on the outside. The other response, which is quite common, especially in response to humans is a fleeing or a retreat from the disturbance. Many disturbances are generally a short distance sprint, you know, a quarter mile or more. Some retreats, however, are fairly excessive. Some recorded retreats have been in excess of six miles. These are all values derived from ox during the winter time. One group of musk ox in northeast Alaska moved more than nine miles in response to a hunter taking a single bull from that group.

The number of studies and musk ox biologists I have talked with have discussed the problem of calves being separated from their mothers, particularly during the winter time. Calves can become separated from their group when the group is disturbed and there is a retreat, a retreat in response to that disturbance. If the retreat is a sudden running movement, the probability the calves are separated is reasonably high. If this movement occurs during the winter time, calves are even more likely to become separated because they cannot move through snow very well and cows put very little effort into attempting to relocate their missing calves. During the winter, in particular, the need to conserve energy to survive is greater than the need to relocate that missing calf.

Taking a single bull from a mix sex group is highly unlikely to have no real impact assuming the group is not significantly disturbed by the hunter. However, taking several bulls from a single group, whether it be a mix sex age group or a bull only group is likely to lead to a significant disturbance of that group. Such disturbance is highly likely to cause abandonment of the site by the musk ox group. If the disturbance is great enough, musk ox have been known to abandon a favored site all together. Re-use of abandon sites, based upon observations in Canada, does generally occur in the short term, but apparently does over the long term of 10 or more years. This overall phenomena is poorly studied and understood and many people are attempting to get more information on this.

There has been some discussions in literature that the lead male in a mix sex and age group is responsible for leading the group during the winter time and is ultimately responsible for that group's survival of the winter. And there's been speculation raised that the impacts to the group and the ultimate survivability of that group should the lead male be removed.

Musk ox calves stay with their mothers throughout their first year of life as long as forage resources are not limited. Similar to a situation that we had

here in the early part of the '80s, it's not unusual for female calves to establish a home range that's very similar to that of their mothers. Male calves generally continue to associate with their mothers until after they become a yearling, but are often displaced by adult bulls during the rut in subsequent years. As these displaced sub-adult, young adult males that form many of the bachelor groups and these are very distinct groups, especially during the rut. When resources become limited, whether it be forage or wintering sites or whatever, sub-adult males are displaced from their mother's home range. These individuals wander extensively during the summer and further displaced during the rut. Displacement of sub-adult males and their subsequent wanderings is how new areas are discovered and colonized by musk ox. As habitat becomes full, sub-adult females are also displaced. Sub-adult females discover the habitat that's been colonized by the males create those groups and that's how mix sex and age groups in new areas are formed. This process has been happening on the Seward Peninsula ever since the middle part of the '80s.

The last quick thing on musk ox is population dynamics. Musk ox has been reported to live 20 or more years in the wild. Males become reproductively active at five years of age, while females can breed at two years of age. They apparently do not readily participate in the rut until they're about four. Younger females are less productive than the middle age females who are more productive than old aged females. Generally in the literature, reports of breeding by two year old females has been recorded as occurring primarily in rapidly growing populations. Breeding by a large occurring of three year old females has also been reported primarily from rapidly growing populations, but in stable populations only a small proportion of three year olds participate in the rut. A unique phenomena of musk ox is that females are not in their proper physical and physiologic condition going into the rut, they do not even come into estrus and this is another survival strategy of the species. Typically all you see is a single calf, even in captive populations, but twinning has been observed, but it is incredibly rare. Generally musk ox calves are not fully weaned until they're about 12 months or so of age.

In long established populations we have what we refer to as a stable age distribution. The majority of that population is comprised of middle aged individuals who are the prime breeding age individuals. As you move into the older age classes, you have fewer and fewer individuals. You also generally have a large number of young animals within these kinds of population or at least these large number of young are born during the spring time. Many of those die before they become yearlings. Musk ox are a little bit different, in that, survival rate of calves is generally very high, but the mortality rate of yearlings is extremely high. So generally you have a lot of calves surviving to become a yearling, but once they lose protection of their mother, that's when mortality starts to kick in on those animals.

Generally the number of young that survive to a breeding age and a stable population is equal to the number of breeding age individuals that are dying each year. However, transplanted populations are quite different. You begin with a very unstable age distribution, generally you got many holes, you got very few age classes available. Musk ox brought to the Seward Peninsular were a variety of ages, but were primarily sub-adults and young adults. This kind of an age structure, coupled with the habitat that was empty as far as the musk ox were concerned resulted in the high growth rates that we observed during the 1980s. Now, during the 1990s, the mean age of the corp of our population here in 22(D) is increasing. This is due to the fact that the original animals are getting older. Their first offspring are now middle aged, but typically we would expect to find very few young animals within this population because those

are the ones that were first pushed out and those are the ones that began going and colonizing the other areas, such as in 22(E), 22(C) and 22(B).

In other words, basically the age structure has a hole in it of which there is some stylized graphs on the last Page there to give you kind of an indication of what it is I'm talking about. This hole in the age structure will result and reduce productivity of the core population in the near term future, but does allow for higher survival rates of youngsters. It is not uncommon in reintroduced populations or introduced populations to take two generations or more for that population to stabilize. In the case of musk ox, who live 20 or more years, that means a generation time of 20 years or more, we really wouldn't expect the population to be truly stable in 22(D) for 40 or more years.

The spring census we just completed showed a reduction in the population in Unit 22(D) here from two years prior, it was 405 in 1994 and then it dropped to 347 in '96. We do not know the exact cause of this decline. We can speculate as to many of the likely causes. The winter of '94 and '95 was quite severe. Heavy snows and icing conditions are known in other locations to result in extreme over winter mortality rates of musk ox. We know that this population does contain a higher proportion of older individuals than what you would normally expect. These individuals are more prone to over winter mortality in these severe winters than are prime aged individuals. The animals that survive the winter enter the spring in a poor physiologic condition than normal. We likely had a poor calf production as a result of that winter and ultimately probably calf survival was reduced. Undoubtedly some proportion of adult females entered the rut last fall in a reduced physiologic state that may have actually prevented them from coming into anestrus. Additionally, it is not unreasonable to assume that some musk ox may have immigrated out of 22(D) in a continuing move of sub-adults being displaced.

Is there any questions? Yes.

MR. KATCHEAK: I notice on your report, you didn't - so feeding habits and type of vegetation the musk ox feed on, only saw that they forage on vegetation, but it doesn't tell what type of vegetation they feed on and if there's any damage to vegetation or environment.

MR. KOVAK: Well, all animals cause some impacts to the areas they live, particularly during the rut. But to the best of our knowledge here on the Seward Peninsula, these musk ox are - in the summer time are hitting wet meadow type areas after sedges, particularly hard in the summer time. They also are hitting willows quite hard in the summer time. It's not unusual for bedding activities to trample a fair amount of vegetation. Reports from local residents indicate a fairly substantial impact to sourdock. Whether that's through trampling effects or feeding or both, I'm not real sure. And depending on the area and the availability of different kinds of foraged depends upon how much grasses musk ox don't take in. Musk ox typically take in a lot of grass in the winter time because that's largely what is available for them. But there is the very low growing willows that they can find and things like that during the winter time.

MR. CHAIRMAN: Mr. Kovak, you mentioned that this report is based on published literature mostly; is that correct?

MR. KOVAK: Most of it is published literature as well as notes that I have from conversations from a number of musk ox biologists in North America.

MR. CHAIRMAN: Do you have a bibliography of the literature from which this was taken?

MR. KOVAK: I can put one together and provide that if you so desire.

MR. CHAIRMAN: I would appreciate that.

MR. KOVAK: I can do that.

MR. CHAIRMAN: Do you have information on the most recent publishing date of some of that literature?

MR. KOVAK: Well, some of the literature is less than a year old. And some of it, for example, like the stuff from Seward Peninsular here is 10 years old. It's got quite a range of dates on it. It depends upon the study and where it was done and things like that. But it's mostly my files, virtually everything has been published on musk ox.

MR. CHAIRMAN: How much of it is material published on the Seward Peninsula animals?

MR. KOVAK: Other than the progress reports, there is a final report on the studies that Alaska Department of Fish & Game was conducting during the middle part of the '80s and I believe that report was published in '87 or something like that. But I'm not positive of that publication date, that was by Tim Smith, who was charged of trying to determine the status of the musk ox that was brought to the Seward Peninsula here. And he covered a wide range of topics, distribution, group size, calving dates, productivity, home range size. It was a fair spread of areas that are included within that research.

MR. CHAIRMAN: Any range competition with other ungulates?

MR. KOVAK: On the Seward Peninsula, specifically?

MR. CHAIRMAN: Yes.

MR. KOVAK: Or in general?

MR. CHAIRMAN: On the Seward Peninsula?

MR. KOVAK: I'm not aware of any past studies that have been done on the Seward Peninsula. There is a study currently being conducted up out of Deering, I believe it is, that is a cooperative effort by a number of agencies. There's a graduate student from the University of Alaska Fairbanks who's doing that research for her master's degree and that is looking specifically at interactions and forage relationships of reindeer and musk ox. And that field work will continue through next year and it will be about 18 months of field work by the time she's done.

MR. CHAIRMAN: Have there been any observers that have been devoted to the study of musk ox on the Seward Peninsula?

MR. KOVAK: Tim Smith's work in the middle part of the '80s. That was a large part of his job, he spent a fair amount of time in the field.

MR. CHAIRMAN: You're not aware, other than this woman in Deering, you're not aware of any other official observer type operations going on?

MR. KOVAK: On the Seward Peninsula specifically?

MR. CHAIRMAN: Yes.

MR. KOVAK: I'm not aware of any, but Steve Macida can help me out, I don't know if anything else is going on and he's shaking his head, no.

MR. SEETOT, SR: Excuse me, this is Walter Seetot from Brevig.

MR. CHAIRMAN: Good afternoon, Walter, yes, go ahead.

MR. SEETOT, SR: Yeah, I was just kind of curious, I wonder if there were any sightings like in the Norton Sound area like maybe White Mountain down toward Koyuk?

MR. CHAIRMAN: For the record, the 1996 survey completed in April showed 51 in Unit 22(B), which is Council east to - I don't know if it includes Koyuk or not.

MR. SEETOT, SR: My understanding was that we had about maybe six villages that are eligible to hunt musk ox, will there be any future quota's for the other villages that might be interested?

MR. CHAIRMAN: That depends - I believe under the cooperative management plan there's a certain threshold for - in other words, a population has to reach a certain size in the subunit before they allow a hunt on that. And not only that, but there has to be Federal public land in the area for them to hunt under the Federal system. Mr. Kovak?

MR. SEETOT, SR: What sort of population, what would that be like, the number per village if they have to do some hunt - like over a hundred or more?

MR. CHAIRMAN: I think there has to be at least a hundred because you're talking, at a three percent harvest rate, you know, three percent of 100 is three. But I think the cooperative, if I remember correctly, the cooperative management plan cited somewhere in the neighborhood of 200 as a threshold. I'm not sure, I don't remember the exact number.

MR. KOVAK: Mr. Chair, the cooperative management plan identifies hunting in Subunits 22(D) and (E) only at this time. The threshold value for 22(D) is 350 before a hunt can start. That's the recommendation of the management plan. The threshold value for 22(E) is 200.

MR. CHAIRMAN: 250 or 350?

MR. KOVAK: 350 for 22(D).

MR. CHAIRMAN: And what was the threshold for 22(E)?

MR. KOVAK: 200.

MR. CHAIRMAN: Is there any reason for the difference?

MR. KOVAK: I'm not aware of the history behind how those numbers got created, do you know it?

MR. ADKISSON: You better ask Steve Macida.

MR. CHAIRMAN: The staff people are consulting and Mr. Steve Macida of Alaska Department of Fish & Game is joining them at the table. Mr. Macida.

MR. MACIDA: Yes, my name is Steve Macida, area wildlife biologist for Fish & Game. Those numbers were based on the size of the subunit. Subunit 22(D) is quite a bit larger than 22(E), so that's the basis of it.

MR. CHAIRMAN: Did you catch that Walter?

MR. SEETOT, SR: Yes. Um-hum. (Affirmative)

MR. CHAIRMAN: Okay, thank you, Steve. Any other questions for Mr. Kovak? Mr. Seetot.

MR. SEETOT: I.....

MR. SEETOT, SR: Yes.

MR. CHAIRMAN: I'm talking to Elmer, Jr., Walter.

MR. SEETOT, SR: Okay.

MR. SEETOT: You did mention something about the sourdock, I think that there has been a lot of comments about local sourdock areas, you know, being kind of wiped out. And I guess that - it's going to be some time, you know, before - it will take some time for vegetation to grow back. There have been comments, you know, that they have been nuisances not only by berry pickers, but just by local people and by local hunters. And yet we continually - or I continually say that it should be at the - the harvest rate should be at the threshold and we propose that as the taking of musk ox increases and then once it goes through the Federal Subsistence Board, that they look at it from a scientific approach and then they either reduce their numbers that are being asked, you know, by the local subunits or by the local harvest methods.

A lot of musk ox do die naturally. And then I would think, you know, that they are - they do more destructive things, you know, than what you have or what you have observed either through publication or through reports. Are there any plans, maybe, for, you know, local people to really do some observation. Because I know that I think that they do - you know, eat the same vegetation from actual observation, that they do have the same vegetation as reindeer - as caribou. And then they're taking away, you know, what we had over the years, you know, sourdock. We had to travel over the mountains to get them in a certain place if they kind of are wiped out and we have to look for other areas to get these things that we have had over the years.

I have asked over the years that the State agencies and the Federal agencies work together to, you know, produce a musk ox harvest for a community and for the region. And I think that still needs to be worked on. I think we are duplicating our efforts, one, the Federal agencies have to spend money to get harvest data, two, the State, I would think do the same thing, to get the same effect, you know, for the State. Why can't we, in the communities - we in the communities want a unified subsistence approach, but I think that we will run into obstacles in other places and I guess that's where we, as a community, needs to be unified that we ask for these things, yet they get constantly turned down. And I was talking with a person that one of these days, you know, some

things will just kind of break down. They won't look at the regulations being imposed by Federal and State regulations, they'll use their own regulations as what was defined before the State became - before Alaska became a state and territory. It was that the Native people got enough for the winter, stored and preserved everything and now it's pretty much - where the wildlife stock is pretty much left alone because there are no future people, you know, to really harvest and store these foods for the winter. That harvest - preservation is dying in some communities because there's no one to teach them the gathering and storage of food. So I would say that we just need to work together to get what we, as Native people, have - what we, as communities, have been asking for from these agencies that have been placing restrictions and regulations whenever a park or new land is developed within our area. Thank you.

MR. KOVAK: In response to your first question with regards to what plans there may be for looking at and recording habitat impacts and impacts to preferred species used by subsistence users, I'm going to let Ken from the Park Service answer that. But just as a general comment, Mr. Seetot, with regards to musk ox up here on the Seward Peninsula, it's always been a fairly massive cooperative effort between the Alaska Department of Fish & Game, Bureau of Land Management and the National Park Service to do work on these animals. The census - or all three of the censuses that occurred in this decade have involved people, aircraft, pilots from all three of those agencies in order to do those censuses because it's a fairly large land area to cover, as you know. It takes a lot of time to do it and not any one group has got the resources to pull that off.

I know in the initial introductions, the U.S. Fish & Wildlife Service was involved in the capturing aspect of the animals and getting them ready to come up here. So there's always been a fair amount of cooperation because all the agencies realize that if they don't cooperate and nobody's got the funds or the personnel to do the job right, so there hasn't been any, to my knowledge, duplication of effort between the different groups involved up here.

MR. ADKISSON: Ken Adkisson with the Park Service. Let me just talk about this 1996 count as an example of that. Because it's a good case, I think. We're very aware of the problems, the cost and the duplication and so forth. This year's 1996 census or count basically involved four aircraft, roughly 20 pilots and observers and about 11 days worth of flying time. So I mean it's a major undertaking.

In the observer area, some of those observers were also local area residents who participated in the count. ADF&G, Kotzebue office, and BLM were largely responsible for doing that portion of Unit 23 that's within the hunt area. ADF&G Nome basically did 22(B) and (C), BLM Fairbanks basically did 22(D) and the Park Service was responsible for 22(E). One of the key vehicles to get people working together in the effort is the cooperative management plan which is pointed out was in under development in the mid-1990s basically was signed off on in 1994, I believe. And what that was being formulated, I know Bob Nelson tried to put out a lot of news bulletins and things about it. I know we had public meetings in all of the villages, a number of the cooperators participated in a radio call in show through KNOM to get it out and get feedback into it. Throughout the whole process, to my knowledge, villages were encouraged to participate in that planning process. And I realize it's very difficult and very costly for some of the villages with their small size and so forth to do that and we're looking for ways to improve that input. But efforts were made to get it and we're always looking for better ways to, you know, do it. And probably somehow to focus in on the cooperative management group is one of the surest ways to do that. The difficulty seems to be getting that village

input like Elmer speaks of into that plan. And incorporating more local residents into the research projects might be one of the ways to do that. But it would also help for the cooperative management group to hear from the villages, too, what kind of research they feel are needed on the issues.

MR. BUCK: Mr. Chairman?

MR. CHAIRMAN: Mr. Buck.

MR. BUCK: Yeah, my name is Peter Buck from White Mountain. And I was thinking about Unit 22(B), which I'm from and the number of musk ox there. Has studies been done on what effect the musk ox has on the moose population? Is there any guidelines or anything that generate the relationship between the musk and the moose? And how the populations increase or decrease when the musk ox were introduced? That's what I'd like to know, because now moose harvest for 22(B) in my area is real important for us. We depend on the moose and there has been some talk that when musk ox comes on it looks like a bear and the moose will take off and maybe change their habitat. Is there any scientific data to back this up?

MR. ADKISSON: I have not encountered any literature that talks about an overlap of moose and musk ox. This is probably one of the very few places in the world in which that occurs. I do have a few observations from people from the community of Noatak who have been seeing some musk ox show up occasionally. We believe those are some of the animals from the Point Hope group of animals. That's the only other place I know that musk ox and moose are actually in the same area. So this is kind of a new area of investigation for it. And it's just something we're going to have to try and put some attention to.

MR. KATCHEAK: Mr. Chair?

MR. CHAIRMAN: Mr. Katcheak. Please state your name for the record.

MR. KATCHEAK: My name is Ted Katcheak and I have a question for Steve or probably a suggestion. And that is on your report I would like to see a diet for musk ox and what it feeds on, type of vegetation and with that we'll probably have a better understanding of what type of impact it has on the land out there.

MR. CHAIRMAN: Thank you, Mr. Katcheak. And along the same lines, seeing's how we have just kicked off a hunt a month ago, I would request that either you ask the hunters to make observations or you ask them to bring back samples of what's in their stomachs to give us a better idea, empirical evidence of what these animals are eating. And compare that to what not only the moose eat, but also the caribou and reindeer. And maybe this will give us a baseline on competition between different ungulates, musk versus reindeer and musk ox versus caribou, musk ox versus moose.

MR. BUCK: Mr. Chairman?

MR. CHAIRMAN: Mr. Buck.

MR. BUCK: Yes, I'm Peter Buck again. And I'd like to say that with this experience of musk ox coming in, I think we're trying to change the whole environment, you know. We're introducing something into the ecology to - you know, that's going to make a change in it. Then if we don't like the change, there's nothing we can do, we'll be restricted from hunting the musk ox and

everything like that. So it is a change in the environment that musk ox weren't here before. So that's what my concern is.

MR. CHAIRMAN: Let's not go blanketly state they weren't here before, say they haven't been here recently.

MR. ADKISSON: Mr. Chairman?

MS. CROSS: I have a question, Mr. Chair.

MR. CHAIRMAN: Mr. Adkisson.

MR. ADKISSON: Just a quick response to Mr. Buck, in the cooperative management plan the reason, for example, that Subunit 22(B) was omitted from the provisions of a hunt was that at the time the cooperative management plan was being developed, there were so few animals in 22(B) that it really wasn't worth considering a hunt. At the time that the cooperators put the management plan together, that southern part of Unit 23 was also a threshold. And what the cooperative management plan did was it recognized hunting of the musk ox as a legitimate management objective. But it also set a very conservative harvest limit with the objective in mind of allowing the herd to expand in both numbers and distribution or range. And that when the animals did reach a sufficient number, for example, in 22(B) that quite possibly a hunt could be undertaken. In 1994, for example, only 11 animals were noted in 22(B). This year it's up quite a bit.

MR. CHAIRMAN: Fifty-one.

MR. ADKISSON: And that probably indicates that Unit 22(B) is on the threshold that a lot of those might be sub-adult bulls and so forth that are being forced out of like 22(D), that they're pioneering some new habitat. Later on they'll be joined by some cows and so on and the animals, quite likely, will expand. And the cooperators will be looking at this information and evaluating the possibilities of future hunts.

For those folks who are interested in Nome, hunting around the Nome area was also considered in the plan and after a large number of public meetings, after consideration by the local Fish & Game Advisory committee, it was felt by folks that the general consensus in Nome was that - or the general feeling in Nome was that the animals had more value along the road system, especially from a non-consumptive point of view economically and so hunting was not considered for 22(C) and that's the way the management plan recommended based on public input.

MR. OLANNA: Mr. Chairman?

MR. CHAIRMAN: Mr. Olanna, please state your name for the record and your affiliation.

MR. OLANNA: Jake Olanna with Kawerak Subsistence. I've got a question for Steve. Have you seen the resolution from the Reindeer Herd Association asking that the cap in Game Unit 22 be capped at 1,025 musk ox? Has that been considered?

MR. KOVAK: Mr. Chair, no, I have not seen that resolution. I have heard of it, but I have not seen it, no.

MR. OLANNA: Because, the reindeer herders are signatories in that cooperative agreement, I wanted to point that out.

MR. CHAIRMAN: For the record, I did introduce that resolution to the Federal Subsistence Board during deliberations on 22(D).

MR. OLANNA: Okay.

MR. CHAIRMAN: And it was instrumental in making sure that we increased it from two to three percent.

MR. OLANNA: Okay.

MR. CHAIRMAN: From two animals to three percent of the surveyed population.

MR. OLANNA: I have one more question. With new census figures that you come out with and that you're not proposing to increase the harvest, is there any fact about giving the additional harvestable amount to perhaps the State to consider a hunt in those other game units? Because of all the interest all the way from Unalakleet to Shishmaref, there's other communities that are interested in harvesting musk ox and they feel that they're left out because this harvest is only done on Federal public lands, so what about those communities in other game units that have those numbers of musk ox. Why can't they participate in these hunts by using the State's permitting system?

MR. ADKISSON: Jake, let me take a stab at that briefly. In terms of the cooperative management plan, under that, the only area that there would be a harvestable surplus like you described would be Subunit 22(D). There is always the possibility that the State could conduct a hunt. To the best of my knowledge, they've considered that and chosen not to and you'd really have to talk to the State folks on what their intentions are.

MR. OLANNA: Thank you.

MR. CHAIRMAN: Mr. Olanna, also in that regard you're talking about a subsistence hunt?

MR. OLANNA: Yes, we would - if we would, we'd ask the State to consider a hunt, we would ask for a subsistence Tier II hunt in a formal proposal.

MR. CHAIRMAN: I believe the process that needs to be done was the same process we went through under the Federal system, in that, we requested customary and traditional use determination based on animal husbandry and interacting with the animals on a day-to-day basis. And that was sufficient for the Board under the substantial evidence, principle subsistence need and sound fish and wildlife management principle, so they couldn't basically shoot us down. And that was how we got it under the Federal system.

I don't know when the Board of Game is scheduled to meet again, maybe Ms. Andrews can tell us. And I was wondering if anybody was planning on putting in another request for C&T determination under the State system.

MR. OLANNA: Well, if the State is interested in opening or taking - or opening up a hunt perhaps and they're willing to do that, then Kawerak would definitely be - I would propose to the State board to consider another C&T determination. Because basically the State requests that - in the C&T that you establish a

hunt which is already happening in these game units, so I don't think - I mean it wouldn't hurt to try and propose another C&T with the State.

MR. CHAIRMAN: Yeah, I know that at the last meeting that I had heard of and we got that report in April at the Federal Subsistence Board, that the Board, again, Board of Game had again refused to allow a C&T determination. So Mr. Anasogak.

MR. ANASOGAK: I agree with Jake here. I know some people who are kind of being left out on hunting musk ox. For instance like me this summer or this fall, when I go moose hunting I saw musk ox popping up right and left in the river right here when I'm hunting moose. We have no chance to hunt musk ox. Other than that I would have a chance to get musk ox myself. They were popping out behind me.

MR. CHAIRMAN: Thank you, Mr. Anasogak.

MS. CROSS: Mr. Chair?

MR. CHAIRMAN: Ms. Cross.

MS. CROSS: I have a question. Are there any studies in Nunavak Island regarding the musk ox impact on the island and perhaps in relationship to the reindeer?

MR. KOVAK: Well, there's been a number of studies of the musk ox out on Nunavak with regards to their food habits and impacts of the habitat because that population, unfortunately, did get too high and caused a fair amount of impacts to the habitat out there. They're also in a kind of a typical area for musk ox where the area is heavily dominated by grasses and very few - the sedges and willows and things like that we know that they prefer in other locations.

I believe there was some studies a number of years ago with regards to competition between musk ox and reindeer because there was a concern, there was a limited number of plant species available for animals to graze on and to browse on. And there was concern what the results of those studies were, I cannot tell you off the top of my head. I can look that up and get back to you.

MS. CROSS: Thank you.

MR. NINGEULOOK: Mr. Chairman?

MR. CHAIRMAN: Mr. Ningeulook.

MR. NINGEULOOK: Edgar Ningeulook. I have one comment in regards to musk ox population in the summer and fall. Most of the musk ox population concentrate in 22(E) because they go to the flats, Serpentine Flats, that's why they bother the campers. Last spring we had sought an increase for a quota to 25 because four is not enough for 600 people in Shishmaref. Thank you.

MR. CHAIRMAN: Thank you, Mr. Ningeulook. Ms. Andrews.

MS. ANDREWS: Elizabeth Andrews, Alaska Department of Fish & Game. I just wanted to respond to a few things that Jake Olanna raised questions about which were correctly responded to, in part, by the Chair. And that's true that the Alaska Board of Game made a negative C&T finding on musk ox for Unit 22. There

will be, as some people are aware, a Game Board meeting next fall which will cover Unit 22 as well as other Arctic game management units.

MR. CHAIRMAN: Fall of '97?

MS. ANDREWS: Yes. I don't have the exact dates or location yet. I believe the meeting is going to be in Nome actually. And that would be the meeting for which proposals would be entertained by the Board of Game on seasons and bag limits or revisit the C&T determination.

With regard to the allowable harvest in 22(D), based on the information that was presented yesterday and today by the biologist, the harvestable surplus based on the population, I think, is roughly eight with the three percent. Presently, that entire eight harvestable surplus has been allocated under the Federal system on Federal lands. That's part of the problem that we have with the distribution of the permits in the sense that they're all being allocated to the Federal program right now. And that's the basis of the request for reconsideration that, I think, we'll get to in a little while here. But all of the eight that are the harvestable surplus are presently being allocated to Federal land. We think that the Federal land can only sustain a harvest of two and because the entire unit has the harvestable surplus of eight. So that's some of the issue that we have with what the present regulation is. But that also explains why there's not any other permits available for the rest of 22(D).

MR. CHAIRMAN: Thank you, Ms. Andrews. For the record, in our discussions just a little while ago we found out that a subtle shift, as it was said, the numbers for 22(D) were in error. The population was listed at 273, when in actuality it should have read 347. And so the harvestable surplus at three percent would be 10.41. But as Mr. Kovak pointed out, the hunt is already in progress and the permits have already been issued and it doesn't make sense to try to change horses in mid-stream.

For the record, I would like to welcome our other Board member, Mr. Joe Garnie, to our proceedings. Welcome to Teller, have a seat.

MR. GARNIE: Thank you.

MR. CHAIRMAN: We're in the middle of our musk ox discussions here and we have Shishmaref and Brevig Mission on teleconference by speaker phone. And we've been briefed, here's a copy of the basic ecology of the introduced musk ox presented by Mr. Steve Kovak and we're in discussion right now. We've gone over about five of the six items we were going to talk about on musk ox and they were presented to us as being management handbooks, which is this thing and I think you have a copy in your handbook.

The '95 hunt there were 15 permits issued in 22(D) and (E) and 14 were harvested. The '96 hunt there were 15 permits issued, eight in (D) and seven in (E) and as of last Monday, two had been harvested, one in Brevig Mission and one in Teller. And that's where the '96 hunt stands now.

We're now ready probably, I guess, to consider the Shishmaref/Wales increase and then we're going to be discussing the State's request for reconsideration of the 22(D) allocation. Mr. Kovak - well, before I get to you, do you have any questions?

MR. GARNIE: No.

MR. CHAIRMAN: Mr. Kovak.

MR. KOVAK: Thank you, Mr. Chair. The staff has gone through the basics of the request from communities Wales and Shishmaref. As I explained earlier there was computer errors that resulted in erroneous numbers being reported to the Board last spring. The corrected numbers, the difference is almost 30 individuals - a gain of 30 individuals in Unit 22(E). There's no reason, biologically why we can't authorize, you know, one more permit to be issued for 22(E). We went through the survey data rather closely, we looked at where the survey plane actually flew, the distribution of the animals found. I made note that a resident of Shishmaref, Mr. Clifford Wayawana (ph) called the National Park Service the day after they flew and said, I think you missed some animals, they're over in this area, I think there's 75 of them. The Bureau of Land Management was coming into the area anyway the next day, the flew areas that the Park Service did not fly and they, in fact, did count 68 musk ox that the Park Service did not find. So that increased the count. Because of the Park Services confidence in Mr. Wayawana's observations, even though BLM couldn't find the other 12 animals, they just went ahead and listed an additional 12 animals, relying on the local observations because the locational information was so good. You know, from the air, even with perfect snow conditions like we had for counting these musk ox and good visibility, you're still not going to see everybody just quirks of fate or whatever. We looked at the information and we kind of scratched our head and we looked at the kind of habitat that were not flown. The kinds of habitat that Mr. Wayawana's observations were in and basically concluded - the Park Service staff and I conclude that it is entirely feasible that although much of the area that was not flown is what we would call non-wintering habitat, there are pockets and islands that a musk ox could actually go and winter in. More likely than not, these would probably be the small bachelor groups, the sub-adult and young adult males which tend to winter in unusual places anyway. therefore, we concluded that it is possible, no census is entirely 100 percent, it is possible we probably may, in fact, have missed another 30 individuals. We don't see any problem with going ahead and issuing two additional permits for Unit 22(E) at this time.

MR. CHAIRMAN: And that is the staff recommendation?

MR. KOVAK: Yes, exactly, Mr. Chair.

MR. CHAIRMAN: And for the record, currently for Unit 22(E) we have how many allocated to Wales and how many allocated to Shishmaref?

MR. ADKISSON: Two to Wales and five for Shishmaref. And if there is a request for an increase in two, which we could support at this time, a special action request for that, our recommendation would be one and one.

MR. CHAIRMAN: Shishmaref and Brevig Mission, did you hear that?

MR. SEETOT, SR: Yes.

MS. LUCY: Yes.

MR. CHAIRMAN: Well, you know, I know you can't speak for Wales, Lucy, but would you be comfortable with that having the additional two animals be split between Wales and Shishmaref?

MS. LUCY: I don't see any problem with it. I think that - yeah.

MR. CHAIRMAN: I wish we could get Wales on the line because I know that they had wanted to split the animals a little bit more evenly if I remember my correspondence correctly. Mr. Adkisson.

MR. ADKISSON: Yeah, I don't profess to speak for Wales by any means, but in conversations that I have had with a number of individuals, you know, they have talked about a more equitable split and there's some other reasons why that, in their letter and so forth to you, that they went into about the distribution of animals and things. But I feel comfortable that they would be satisfied for now with a one and one split.

MR. CHAIRMAN: So we're talking about an overall split of six and three, six Shishmaref and three Wales?

MR. ADKISSON: That would be correct, Mr. Chair.

MR. CHAIRMAN: Is there any further information from staff on this issue?

MR. ADKISSON: We could go into a lot of detail on the flight paths of the aircraft.

MR. CHAIRMAN: That's not necessary.

MR. ADKISSON: And the numbers, but.....

MR. CHAIRMAN: That's up to you folks to make sure that you do your census properly and we rely on your expertise as professionals to do that properly. Unless and until we are given evidence to the contrary, we'll rely on your professional execution of your duties and leave it at that.

Any further comments from either Brevig Mission or Shishmaref with regard to the basis for the increase in animals for Unit 22(E)?

MR. SEETOT, SR: So what was the quota now for Wales and now Shishmaref?

MR. CHAIRMAN: With the increase of two, that would bring 22(E) to a total of nine musk oxen, with three going to Wales and six going to Shishmaref.

MR. SEETOT, SR: Okay, thanks.

MR. CHAIRMAN: Do you have any further comments, Lucy?

MS. LUCY: No, but I really appreciate you taking care of this issue that we encountered a few months ago. We appreciate it.

MR. CHAIRMAN: Well, just like the sign on the bathroom says, we aim to please. And I sure appreciate you folks taking time out of your busy schedule to take part in this teleconference. We would have liked to have had more of a face-to-face meeting between our Council and the residents of both Brevig and Shishmaref and maybe sometime in the future we'll be able to do that at a later date. But I appreciate you taking your time out. I know that there are only a very few days to get to subsistence activities before freeze-up and that every day is precious and that I appreciate your sacrifice to take part in a teleconference with the Regional Advisory Council and we're going to go ahead and do what we have to do. I believe it's a special action?

MR. ADKISSON: Yes, Mr. Chairman. You might ask Sandy Rabinowitch a little bit about the details of that. He could probably fill that in how that would happen.

MR. CHAIRMAN: Okay.

MR. ADKISSON: And it would take a request from you folks and kind of a joint support of the special action.

MR. CHAIRMAN: And this is an in-season adjustment and this will take effect as soon as what, Mr. Rabinowitch?

MR. RABINOWITCH: This is Sandy Rabinowitch with the National Park Service and I work for the Board member of the National Park Service, Federal Subsistence Board member. Special action is just what you said, it's an in-season adjustment. It's a relatively easy thing to request. The staff could help you and I presume that Cliff would be - well, he's gone, but I presume that Cliff would be the key person to help pull that together if your Council makes a motion and supports doing that.

I would also like to add to the discussion that the Park Service Board member is already supportive of what has just been presented to you. And that if you do choose to make such a motion and vote on it that the Park Service would like to join with you and make that a joint request from the Park Service and your Council to the whole of the Federal Subsistence Board. One way to look at it is, there's one vote already. And it's something that I had some lengthy discussion with my Board member about already, just trying to do our homework. So it's up to you.

How it then works is it's submitted, which can be done pretty promptly and then typically there will be a two or three Page write-up, sort of staff analysis, not unlike done with the proposals for the spring, but a little shorter and then the Board needs to convene, which it can do through a face-to-face meeting, a telephone conversation and sometimes even just a telephone poll of the Board, the Board has to vote and you need a majority of the Board to vote with it. I won't predict the Board, but would think in the case of a Council and one of the agencies jointly submitting, I think that it would be acted on favorably, but I certainly cannot guarantee that. But I'd bet a few dollars of my own that it would be.

MR. CHAIRMAN: Just to make sure that we cross all the T's and dot all the I's, Lucy in Shishmaref, could you have your IRA Council draft up a resolution in support of a special action by the Seward Peninsula Subsistence Regional Advisory Council based on the recommendations of staff to increase the musk ox allocation for the '96/97 hunt from seven animals to nine animals with the two additional animals being divided up equally between Wales and Shishmaref, so that Wales will end up with three musk oxen and Shishmaref will end up with six - correction, Wales will end up with three musk oxen and Shishmaref will end up with six musk oxen if they have a successful hunt.

MS. LUCY: Okay. We'll take care of that.

MR. CHAIRMAN: And I would appreciate that being forwarded to the regional coordinator, her name has changed to his name being Clifford Edenshaw. The last name is spelled, E-D-E-N-S-H-A-W. Is he out of the Anchorage office - out of the Anchorage office of Fish & Wildlife Service, 1011 East Tudor Road,

Anchorage, Alaska 99503. And if you have any questions about any of this, please call their office at 1-800-478-1456. Did you get all that Lucy?

MS. LUCY: Yeah. Clifford Edenshaw, Regional Coordinator Anchorage, 1011 East Tudor Road, Anchorage, 99503, 1-800-478-1456.

MR. CHAIRMAN: My goodness you have a fast pen. So without further ado, if there's no more from staff, the Chair would entertain a motion requesting a special action on the part of the Federal Subsistence Board to increase the Unit 22(E) 1996 musk ox allocation from the present seven animals, which are presently allocated two to Wales, five to Shishmaref and increase it to nine animals, with three musk oxen going to Wales and six musk oxen going to Shishmaref, with a request to please expedite.

MR. BUCK: So moved.

MR. CHAIRMAN: We have a motion before us to.....

MR. NINGEULOOK: Second the motion.

MR. CHAIRMAN: We have a second, discussion?

MS. CROSS: Question.

MR. CHAIRMAN: Question's been called, all those in favor of the motion before us, please signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay. For the record, motion passes unanimously.

Is there any further action on musk oxen?

MR. KOVAK: Yes, Mr. Chair, there is one more item, this is an informational item for the Council only at this time. If the Council wishes to choose to take any action at this time they can, but this is just an information item.

This is a request for reconsideration the subsistence office received on Thursday last week from the Alaska Department of Fish & Game. The request for reconsideration asks the Board to review the quota allocation it gave for musk oxen in Unit 22(D) using basically the same arguments as their request for reconsideration last summer, in which, as you may recall, the Board did vote to reduce the allocation from 12 to two. That is basically the same request that the Board has received. As I mentioned, we received this in our office last Thursday and we have not really had a chance to really digest it at all, but we did want to bring this to the Council, bring it to their attention and make sure they were aware that we have received this request for reconsideration.

In a cover letter to the Chair of the Federal Subsistence Board, the Commissioner of the Alaska Department of Fish & Game requested that the Board put this on their November agenda and currently that is where it is tentatively scheduled to be heard by the Federal Subsistence Board. And that's all that we have right now related to this issue. I can't give you any more about timing as far as when the Board will hear it or anything else.

MR. CHAIRMAN: For the record, my calculation shows that with 22(D) now sitting at eight animals out of adjusted 1996 census of 347 animals, that this works out to 2.3 percent harvest rate. I don't know what the wish of the Council is on this. What is the feeling of the people of Teller, do you want to keep four animals for Teller and four for Brevig or do you want to go to - what did they want to reduce it to?

MR. KOVAK: To two.

MR. CHAIRMAN: Back to two, one each. Ms. Andrews.

MS. ANDREWS: Thank you, Mr. Chair, Elizabeth Andrews, Alaska Department of Fish & Game. I just wanted to briefly explain what we have in this request. I did mention it a few minutes ago. There were errors in the information that had been presented to the Federal Board relative to the number of musk ox on Federal lands. We concurred with the Federal staff biologist regarding disturbance of the groups, information about population, ecology that you heard earlier relative to home ranges and disruption to the animals. The number of animals that we've agreed with the Federal biologists on Federal land is 40, that's where the number two comes from for the harvestable animals on Federal lands.

You're correct in your calculations regarding the new total census information, that would be the number eight to 10, roughly 10 you described earlier for all of 22(D). Relative to the Federal public lands, the number is 40 and we were basically in agreement with the Federal biologist as to that correction. That's why we've submitted this particular request for reconsideration for the Federal Board to look at. And depending on whatever action they may take and what we'd be looking at for subsequent years, we could then consider how to conduct a hunt or how many permits might be available on non-Federal lands in Unit 22(D).

MR. CHAIRMAN: Ms. Andrews, while you're here, has the State made any observations, have they sent out any Fish & Wildlife biologist or anybody to observe how many animals are, in fact, on Federal public lands in 22(D) since the survey?

MS. ANDREWS: Mr. Chairman, I'll ask our area biologist, Steve Macida to provide you with whatever information, he may have the answer to that question.

MR. CHAIRMAN: Mr. Macida.

MR. MACIDA: Mr. Chair, could you state the question again, please?

MR. CHAIRMAN: Yeah. My question is that since the aerial census flown in April of '96, has there been any ADF&G biologist in 22(D) observing where and the behavior patterns of musk oxen within 22(D)?

MR. MACIDA: Yes, Mr. Chairman, we have some collared animals in 22(D) and we try to relocate them every couple of months. But we haven't been doing a survey specifically trying to determine what animals were Federal public lands versus State lands, I mean that really wasn't the purpose. So, you know, I couldn't tell you what was one those Federal parcels at that time if that's what you're trying to get at.

MR. CHAIRMAN: Do you have maps that show where your collared animals have been found according to what their collars have been reporting? In other words, do they move?

MR. MACIDA: Well, I can answer that in a general sense, the bulls move a lot.

MR. CHAIRMAN: Are you talking miles, are you talking yards?

MR. MACIDA: Miles. The cow/calf groups tend to be relatively sedentary. The 40 animals that we're talking about here on Federal public land were primarily these groups consisting of cows and young bulls and they tend to be fairly sedentary. The smaller groups of bulls, usually they're one, two or three animals. They move around quite a bit.

MR. CHAIRMAN: In your observations, either aerially or otherwise and I asked this of Mr. Kovak during the Federal Subsistence Board hearing, are there any fences around Federal public lands?

MR. MACIDA: No.

MR. CHAIRMAN: Other than radio collars, are there any collars with chains of sufficient size to keep these animals either on or off Federal public lands?

MR. MACIDA: I guess I'm not sure I understand the question.

MR. CHAIRMAN: In other words, is there any reason other than the temperament of the animal to keep them from wandering on or off Federal public lands?

MR. MACIDA: Well, I think it's fairly obvious to everyone here that these boundaries are artificial. I mean musk ox can move where they want to. And that explains some of the population shifts that we see between subunits, because musk oxen tend to be on the border of subunits, especially subunit 22(D) and (E) in the mountains there. And, you know, these subunit boundaries follow drainages and musk oxen tend to be on - during the winter time, they tend to be on these ridges on subunit boundaries, so that explains a lot of the population shifting back and forth that we see.

MR. CHAIRMAN: But to your knowledge, there is nothing to keep them on or off Federal public lands?

MR. MACIDA: No.

MR. CHAIRMAN: And my concern is that this RFR, basically to my way of thinking is that it's arbitrarily and capriciously requests that we cut down subsistence opportunity from eight, which is a harvest rate of only 2.3 percent of all animals within Unit 22(D) to two which is less than one percent. And this having given the people of Brevig Mission of a taste of over this last year, I would hope that some of the people would get at least a little bite.

These people, especially in times I've been told in correspondence the marine mammal harvest just last year was below normal due to weather conditions and these musk oxen are a viable alternate source of nutrition. It flies in the face of our mandate as a Regional Advisory Council to follow a request for reconsideration when the Federal Subsistence Board has heard all these arguments requesting that we keep this at two in 22(D) and they went ahead, on the basis of a very strong presentation by us and a resolution by the Reindeers Herders Association, that they wanted the population cap due to competition between musk oxen and reindeer and that was the basis of the Federal Subsistence Board to increase Unit 22(D) from the arbitrary and capricious two of last year to three percent of the aerial census of this last April which we have been told - since told that the Federal Subsistence Board was given the wrong number of 273 when

they should have been told 347. It flies in the face of what we're here for. To provide for subsistence of people that not only need it but want it.

I really wish that the State would quit playing games with subsistence. We're talking about the livelihood of people that don't have the benefit of salaries and/or good paying jobs. And these people need their livelihood off the land to feed their families. And in this area we've been hearing of problems with harvest of other animals which they depend on from the sea and now you want us to say, okay, well, even the Board authorized eight at three percent when they should have allowed 10 at three percent, you want us to cut it back to two again.

MR. MACIDA: Mr. Chair, the reason for this RFR is - it follows a biological reason in that Unit 22 (D) has so little Federal land. If you look at the map in the back, really, the only significant parcels of Federal land is the Bering Land Bridge Preserve on the eastern part and then there's some BLM land that's located in the low lands and in some of the hills in the American Agupuk and the Lower Kuzitrin. And most of that low land country in there isn't very good musk ox habitat and those hills north of Teller, there's some musk ox in there and there's also some musk ox in those parcels to the east. But all those together, that constitutes a very small portion of the land mass of 22(D) and that's the basis for the concern, Mr. Chair.

MS. CROSS: Mr. Chairman?

MR. CHAIRMAN: Ms. Cross.

MS. CROSS: I think subsistence should not be an issue or power struggle between the State and the Federal government at the expense of the very people that live off of it. We have heard today that musk oxen is causing damage to environment and may be causing some of the land animals to be relocating somewhere else and now - there could be a remedy for it if the State and the Federal government worked together instead of struggling with each other. The State and the Federal government has to work together to resolve problems that are causing harm to the environment and causing hardship to the people that live there. So it seems to me that, you know, we realize the Federal lands are very small, but those musk oxen do not know boundaries, they go back and forth. At one point if you have all 200 and something in one area and 100 or something might be, you don't know that because one thing I learned in the past few days is, not that an extensive study has been done on those animals. You're just beginning to, so you're at the learning state, but the people that live in these areas are reporting problems.

MR. MACIDA: Mr. Chairman?

MR. CHAIRMAN: Mr. Macida.

MR. MACIDA: You know, you're correct in stating that this whole issue is complicated because the State and the Federal system aren't working together, that's a correct observation. You know, this dual management system that we're in does create a lot of problems and it's compounded by the fact that there's a lot of politics involved in this whole business. And I, at my level, I can't really do anything about that. I can't do anything about the politics that go on between the State and Federal government and the legal struggle that's going on. The only thing I can say is it's part of my job just to determine what local populations are, you know, what the stocks are, where the animals are located and what's their productivity and what kind of harvest they can sustain.

And issues related to allocation and Federal/State policy and all those sorts of things are out of my control and I'm not even at liberty to comment on them.

MR. CHAIRMAN: Ms. Andrews.

MS. ANDREWS: Yes, thank you, Mr. Chairman. Elizabeth Andrews, Department of Fish & Game. I just wanted to mention again, the RFR is based on what is part of the agreement in the management plan relative to the Seward Peninsula musk ox. We were looking at the three percent as the Federal Board and the biologists were and trying to correct some erroneous information relative to the numbers, not only on Federal lands which was presented to the Federal Board, but also the overall census information and we regret that there was an error with the computer programming that was being used by the agency that presented that to the Board.

The other issue which Ms. Cross discusses has entirely to do with the management plan, which is where the three percent that we're all operating on comes from. And there's certainly opportunity to go back and revisit the plan so that it's consistent with the interests of the people of the area, consistent with what's happening with the population and if there needed to be adjustments made in that plan relative to subunits, harvest rates and so forth, that's the type of process that we would look toward cooperating on with the Federal agencies, the local people, the Council in reviewing that. But presenting we're operating off of what the plan is and the State's mandate is for a sustained yield and a sustained yield with the harvest rate that's defined in that plan is three percent. So that's where we're coming from at this particular time. That's not to say that subsequent amendments to that plan and modifications wouldn't dictate something else, even a year from now, for example. So we'd certainly be willing to participate in any subsequent meetings to revisit that cooperative management plan.

MR. CHAIRMAN: But still the State insists that the number of animals on Federal public lands as of April of '96 and they're assuming that these are going to be the only animals on Federal public lands from now until April of '98, because the cooperative aerial survey is done every two years; is that not correct?

MR. MACIDA: That's correct.

MR. CHAIRMAN: So instead of going by the overall population in the subunit, you're saying that at the time your best guesstimate is that 40 animals were on Federal public lands and as far as you know, that's all that are going to be on Federal public lands now, some six months later and when we do the next hunt there will still be only 40 animals. And on the basis of that, you think that we should keep the harvest at two, one for Teller and one for Brevig Mission.

MS. ANDREWS: Mr. Chairman, just as a clarification, we don't have anything to do with the allocation of how many would go to Brevig or Teller. We're just looking at the overall allowable harvest. I'd ask Steve to comment on the proportion that would be on Federal land and what the current assessment is in terms of what proportion of the population might be on Federal lands.

MR. SEETOT: Mr. Chairman?

MR. CHAIRMAN: Mr. Seetot. For the record, Mr. Seetot is the only one among all the people here that has harvested the animal. And I would guess that his time - oh, I'm sorry, I apologize to you, sir, I was under the impression that there was only one caught in this region.

MR. SEETOT: No.

MR. CHAIRMAN: I'm sorry. I apologize, I did not know that. My ignorance is showing. But, for the record, these are the only two people, for the people that are here, there is only two of us here that have first hand knowledge of these animals. There's only two. Actual, in the field, observations of these animals. And at our meeting, I asked Mr. Seetot what impact his hunt had on the animals in his area. And Mr. Seetot, go ahead.

MR. SEETOT: Thank you, Mr. Chairman. I would like to go back to this request for reconsideration. It stated that the request for reconsideration was published in the Federal Register on July 30, 1996. National Park Service did request information on the permits to the affected communities, Teller, Brevig, Wales, Shishmaref in August and then the Alaska Department of Fish & Game does come out with a request for reconsideration September 25, 1996. Why did they not work in conjunction with the Federal agencies stating that they would want a request for reconsideration? Why is it so late? I would advise the successful permit carriers to carry on their hunt immediately so as not to go back to what was done last year. Last year we had a request for six animals in each place, Teller and Brevig. A request for reconsideration was that it reduce the number from six to one for each community. How does it feel for a person or a community when an agency comes in and says one thing and then does another after looking at our arguments and looking at it from a scientific and biological point of view? Why not do it, you know, when the permits are issued like National Park Service is ready to come to our communities and explain the procedure. There should be more - there should be something going between the State of Alaska and the Federal government in regards to working together or working cooperatively. And I guess that is the issue we will be seeing time in and time out. Why is it that the State of Alaska sees the musk ox as a pet project while we, as Alaska Natives, are the ones that live in the community see them as a source of subsistence? And that is the big difference between the biologists and the State and Federal agency people versus the community wide members of a community. So I guess that's what we really need to look at, you see it as a pet project for yourself and we see it as a source of subsistence. Thank you.

MR. CHAIRMAN: Thank you, Mr. Seetot. For the record, Ms. Andrews and Mr. Macida, if you're so concerned on the impact of these 40 animals - so-called 40 animals that you guesstimate might be on Federal public lands and therefore should be the number which should be multiplied by three percent would determine the number the number of animals that should be harvested in 22(D) subsistence resource users, if you're so concerned, rather than limiting the three percent to these 40 animals, why don't you seek an exception to the State's decision not to participate in the process and say that for purposes of musk ox in Unit 22(D), you will allow those people with Federal permits to hunt, not just on Federal public lands, but on all lands within Unit 22(D) thereby spreading the three percent to all 347 animals instead of the 40. Mr. Macida.

MR. MACIDA: Mr. Chair, I guess I would see that as a solution to the problem. I mean I personally don't have any trouble with that. If the harvest can be distributed throughout the subunit, that would be great. In fact, you can increase it, you could increase it to 10 or whatever, 12, whatever the quota allows. I guess the concern we have is concentrating harvest on that small increment of Federal land. If the harvest could be distributed throughout the subunit then we wouldn't be concerned at all.

MR. CHAIRMAN: Mr. Garnie.

MR. GARNIE: Yes, I'd like to see this hunt increased to all and the whole population of all animals on all the 22(D) lands, to be increased up. If the scientific analysis of three percent won't hurt the population of the herd, I say we do that hunt.

MR. CHAIRMAN: Barring that and I'll leave it up to the State people to see whether or not they, in their wisdom, can work within their system to expand the Federal subsistence hunt to encompass all lands in 22(D). But in the meantime, even the literature presented by Mr. Kovak which is basically gleaning from literature that he said could be 10 years old that these animals concentrate for the rut and disburse afterward. So regardless of how many animals are taken from the population on Federal public lands, they're going to get together and rut anyway.

It continues to disturb me that people take the view that living, breathing wild animals created by God are so fragile in nature that they cannot continue to reproduce themselves at the slightest disturbance by man or anybody else. Free Willy is a good example. I cannot believe that a killer whale of that size would be unable to feed itself if you turned it loose. And the same with these musk ox, I guarantee you if you disturb a group of animals and a female comes in heat, that as long as the wind is blowing there's going to be a bull that's going to find her. They are not fragile animals, they are not created by you and me and therefore, they are not built with human frailty in them and I beg to differ as far as human frailty. We go at great lengths to reproduce ourselves, some of us wait 30 or 40 years, as in my case.

But we're in the middle of a time crunch right now. Rather than debate this here and now, this is going to go to the Federal Subsistence Board anyway. Ms. Meehan.

MS. MEEHAN: Thank you, Mr. Chairman. Rosa Meehan with the Office of Subsistence Management. As you just mentioned, this request for reconsideration will be going to the Federal Board. And something that would help the Board out in that deliberation would be a recommendation on the RFR from you, the Regional Council. And, of course, you as Chairman of the Council, will be asked to participate in the meeting where this request for reconsideration is discussed. And so it would be very helpful if you could come up with a formal motion for the Board.

MR. CHAIRMAN: Thank you, Ms. Meehan, I was coming to that. In the interest of time, I know some of the staff have to catch a jet and we were originally scheduled to be out of here almost an hour ago. The Chair would entertain a motion, depending on how you feel about this, the Chair would entertain a motion that we oppose the State's request for reconsideration on the allocation of eight musk oxen to Unit 22(D) which is 2.3 percent of the overall population of 347 and that we request that the Federal Subsistence Board abide by their determination to provide eight at their April '96 meeting.

MR. SEETOT: So moved.

MR. CHAIRMAN: We have a motion before us, is there a second?

MR. BUCK: Second.

MS. CROSS: Second.

MR. CHAIRMAN: Seconded. Discussion?

MS. CROSS: Question.

MR. CHAIRMAN: Question's been called, all those in favor of the motion before us signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay. For the record, motion passes unanimously. If there is no further discussion, I would like to thank - excuse me, Mr. Kovak.

MR. KOVAK: Mr. Chair, one last item that should take about one minute of your time. I'd like to comment that this is going to be my last meeting with this Council. As of the end of November I'm going to be taking a new job with the Yukon-Delta National Wildlife Refuge in Bethel to be in charge of their large mammal program out there. And I want to thank you for the time, your indulgence in all my many presentations and so on. Thank you very much and I wish you the best of luck in the future.

MR. CHAIRMAN: Okay. Before you move, Mr. Kovak, on behalf of the Regional Advisory Council and as Chair, I would like to thank you for all your diligence and professionalism in all your work for our Regional Advisory Council. And I would request that if Mr. Brelsford is here that we would like, if the funds are available, for a plaque be given to you thanking you on behalf of our Regional Advisory Council and the Subsistence Management System under the Fish & Wildlife Service and that a letter be drafted to that effect thanking you for your excellent service on our behalf.

And I appreciate working with you. I know you and I have bumped a few heads and other things, but I would hope that you know that we both have, not only the resource, but those subsistence users at heart and that we always agreed to disagree. And that hopefully when we leave our deliberations, we both leave with a professional attitude about the whole thing. And I thank you for all your past services. It's been nice knowing you and I wish you luck on your new position. That is the wish of the Council.

Any other items to come before the Council? Hearing none, we stand adjourned until our special meeting at time and place to be forwarded to us at a later date.

(END OF PROCEEDINGS)
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C E R T I F I C A T E

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

I, Salena A. Hile, Notary Public in and for the State of Alaska and Reporter for R&R Court Reporters, Inc., do hereby certify:

THAT the foregoing pages numbered 125 through 242 contain a full, true and correct Transcript of the Seward Peninsula Regional Subsistence Advisory Council

meeting taken electronically by me on the 2nd day of October 1996, beginning at the hour of 9:00 o'clock a.m. at Nome Eskimo Community Hall, Nome, Alaska;

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

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

DATED at Anchorage, Alaska, this 16th day of October 1996.

Notary Public in and for Alaska
My Commission Expires: 11/5/98