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1 SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL
2 PUBLIC MEETING
3 VOLUME II
4 Sitnasuak Board Room
5 October 9, 1999
6 9:00 a.m. o'clock
7 Nome, Alaska

8
9 COUNCILMEMBERS PRESENT:

- 10 Grace A. Cross, Chairman
- 11 Frances A. Degnan
- 12 Johnson P. Eningowuk
- 13 Leonard Kobuk
- 14 Perry T. Mendenhall
- 15 Preston Rookok
- 16 Elmer K. Seetot
- 17
- 18 Clifford Edenshaw, Regional Coordinator

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P R O C E E D I N G S

(On record - 9:20)

CHAIRMAN CROSS: I'll call the meeting to order at 9:20 in the morning. Fran, would you do a roll call, please?

MS. DEGNAN: Give me one second here. Toby Anungazuk.

MR. MENDENHALL: He's excused.

CHAIRMAN CROSS: Excused.

MS. DEGNAN: Peter Buck.

CHAIRMAN CROSS: Excused.

MS. DEGNAN: Grace Cross.

CHAIRMAN CROSS: Here.

MS. DEGNAN: Leonard Kobuk.

MR. KOBUK: Here.

MS. DEGNAN: Elmer Seetot, Jr.

MR. SEETOT: Here.

MS. DEGNAN: Perry Mendenhall.

MR. MENDENHALL: Here.

MS. DEGNAN: Johnson Eningowuk.

MR. ENINGOWUK: Here.

MS. DEGNAN: Isaac Oglossik (ph)

CHAIRMAN CROSS: Excused absence.

MS. DEGNAN: Preston Rookok.

MR. ROOKOK: Here.

MS. DEGNAN: Frances Degnan. Here.

CHAIRMAN CROSS: And I'll just turn the

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1 meeting over to Mr. Boyd.

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3

MR. BOYD: Good morning, Madame Chair.

4 First of all I want to apologize to you for our inability
5 to get there. I don't know if Cliff's informed you of
6 everything but besides yesterday morning the flight that we
7 were scheduled to go on was cancelled and then as we
8 briefed you yesterday we decided to try to get out this
9 morning and there were no available seats on the flight to
10 Nome, so we went to Plan B and here we are on
11 teleconference to you. But I was glad that everyone was
12 able to get into Nome today and hope everything worked out
13 for you.

14

15 I have Helen Armstrong and Donna Dewhurst and
16 myself here and I presume that you are ready now for the
17 briefings that we were unable to be present to do dealing
18 with customary trade. I think Cliff has already kind of
19 gone over some of this but I'm going to be covering the
20 overview of the fisheries implementation planning to-date
21 and pausing to get your input. And Donna will be covering
22 another issue, state wide and regulatory issue. We're also
23 planning a January orientation for fisheries implementation
24 for all regional councils and Staff, and we're going to
25 touch on the agenda for you today to get your input for
26 that or any observations or comments you may have on that.

27

28 So I guess with that we could start with Helen
29 Armstrong who will cover the -- I'm just trying to think
30 out loud, would it be better if I started and kind of give
31 a broad overview? Okay, I will start with the fisheries
32 presentation, that will give a broader context and then
33 Helen could follow in with the customary trade issues.

34

35 I'll just pause here to see if that's okay with
36 you, Madame Chair?

37

CHAIRMAN CROSS: That's okay with me.

38

39

MR. BOYD: Okay. Let me proceed then.

40 Well, as I think as you most are you aware, October 1 has
41 come and gone without resolutions to the systems impasse.
42 And we are now implementing Federal fisheries management.
43 Preparation and planning for the assumption of this Federal
44 fisheries subsistence fishing management has been ongoing
45 since the Katie John decision in 1995. The years since
46 this decision we have published an Advance Notice of
47 Proposed Rule and then a Proposed Rule and an environmental
48 assessment and then eventually the Final Rule on January
49 8th, 1999. The Final Rule has now taken effect as of

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1 October 1, a week ago. The Advanced Notice of Proposed
2 Rule and the Proposed Rule was a subject of public review
3 and over 40 public meetings and several regional advisory
4 council meetings. Since 1995 implementation was delayed by
5 three Congressional moratorium, and now we are implementing
6 the Katie John decision.

7
8 Since January our planning efforts have
9 intensified. In April we developed an implementation plan
10 outlining 14 major issues or tasks that we needed to
11 address as we moved forward to October 1. So today I want
12 to share our progress on some of the more important tasks
13 in this plan. The topics I'm going to talk about today are
14 the organizational approach, cooperative management with
15 tribes and Native entities, Federal and State cooperation,
16 Regional Advisory Council structures, extraterritorial
17 jurisdiction, customary trade, orientation for the regional
18 councils, the fishery regulatory process, and the fisheries
19 regulations for your region.

20
21 As I touch on each one of these subjects, I'm going
22 to pause, Madame Chair, and allow the Council to comment on
23 or ask questions.

24
25 So I'll begin with the organizational approach.
26 And it's what we call the unified approach for information
27 gathering. One of the more important tasks that we had to
28 do in determining how the five Federal agencies are going
29 to organize and implement the regulations. In developing
30 budgets and staffing plans we needed to define an
31 organizational approach that would facilitate effected
32 coordination between the five agencies. I think to say it
33 another way, although, we are five different agencies we
34 needed a unifying concept that would allow us to work
35 together effectively and efficiently. We've done this by
36 looking first at how we were going to organize to collect
37 and manage the information about fisheries and harvest
38 needed to make sound regulatory decisions. The result of
39 this exercise is what we are calling unified resource
40 monitoring. This approach recognizes the need for the
41 agencies to work together to identify resource monitoring
42 priorities and allocate agency funding and staff to these
43 priorities. While staff will be assigned in each of the
44 five agencies at key field locations. We will also need to
45 establish a functional network for connections between the
46 agencies, streamline resource monitoring and data gathering
47 to ensure that there's a common direction to the program.
48 The Central Office of the Fish and Wildlife Service which
49 is separate from the Office of Subsistence Management,
50 that's the office that I oversee, a separate Central Office

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1 is being created to coordinate the resource monitoring
2 aspects of the fisheries program, that's the data
3 gathering. This office will be required to provide the
4 most up to date information possible in fast moving
5 situations in managing fisheries. The administration of
6 the program will remain primarily in the Office of
7 Subsistence Management, which is the office that I oversee.
8 This Staff will be enlarged with up to four fishery
9 biologists, several council coordinators and additional
10 administrative staff to ensure adequate technical support
11 for the councils and for the Federal Subsistence Board.
12 Field staff will also be identified with responsibilities
13 to delegate its powers for regulating fisheries in-season,
14 if necessary.

15
16 I'm going to pause there. I know I said a lot to
17 try to, at least, summarize how we're organizing. But I'm
18 just going to pause there to see if there are any comments
19 or questions, Madame Chair.

20
21 MR. MENDENHALL: Yeah, this is Nome area
22 here, Perry Mendenhall. I have a concern about subsistence
23 fisheries in the Nome area because we've been shut down to
24 a number of years due to lack of salmon. I'm just
25 wondering how the Federal fishery program will address this
26 on this level in the Nome area?

27
28 MR. BOYD: Mr. Mendenhall, as I proceed
29 through this presentation, I'm just pausing at various
30 junctures to get comments on the specific items that I'm
31 covering and then later on I'm going to talk about the
32 regulations in your area.

33
34 MR. MENDENHALL: Okay.

35
36 MR. BOYD: I would recommend that we hold
37 that question and come back to it and it might provide a
38 better context for answering that question.

39
40 MR. MENDENHALL: All right.

41
42 MR. BOYD: If that would be okay?

43
44 MR. MENDENHALL: Yeah, I didn't see that
45 that's why I asked that, so we'll hold off.

46
47 MR. BOYD: I understand.

48
49 MR. MENDENHALL: Yeah.

50

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1 MR. BOYD: What I'm trying to do, I guess,
2 is as I speak on a given topic under this fisheries
3 planning then I will pause because I know it's a lengthy
4 briefing and I don't want to get ahead of -- I think it
5 would be easier to talk about this subject by subject. And
6 the subject I just approached was how we're organizing the
7 agencies on this. And I know this is probably difficult
8 for everyone to sort of understand all at once, so I'm
9 pausing at each one of these subjects.

10
11 Yeah, Tab H in your booklet steers you to the
12 implementation plan that we have been operating under, and
13 it might help you follow some of the subjects that I am
14 covering. So what I have just done is touched on
15 organizational structure staffing and budgeting, and how
16 we're approaching that.

17
18 MR. MENDENHALL: Is that Page 4 and 5?

19
20 MR. BOYD: Yes.

21
22 MR. ADKISSON: Tom, this is Ken Adkisson.
23 I have a question regarding in-season decisionmaking
24 related to the structure that you just mentioned.

25
26 MR. BOYD: Sure.

27
28 MR. ADKISSON: Do you foresee in-season
29 decisionmaking being delegated down to various field
30 offices in existing agencies or do you envision hiring
31 additional staff that would be somehow placed in these
32 regional clusters to carry that out?

33
34 MR. BOYD: Currently we're reviewing in
35 Federal jurisdiction or in Federal waters, we would have a
36 likelihood of having to make those kinds of decisions. And
37 as a result of that review we're going to be looking at
38 where to place additional staff that we've identified. We
39 haven't -- I mean obviously we still have a lot of work to
40 do in this arena. So there is a possibility that -- well,
41 there are several questions here, number 1, will the
42 Federal Board delegate this decisionmaking authority and
43 the Board has yet to make a determination on that. The
44 Board -- we have put in the regulation the capability for
45 the Board to delegate those decisions but that has yet to
46 be determined. And I think once we get a more detailed
47 review of where those kinds of decisions will be made and
48 how we will coordinate with the Alaska Department of Fish
49 of Game will that determination be made. Clearly the Board
50 will have to have the capability to make decisions for

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1 regulatory matters in-season. Whether that's done on a
2 review basis based on what the State is doing or whether we
3 will have to assert ourselves is another question. And
4 that hasn't been determined yet. So I'm probably not
5 answering your question very clearly because there isn't a
6 clear answer. But in the regulation we have created the
7 capability for the Board to delegate those authorities and
8 we have yet to determine where we are going to place those
9 people if we have to do that for the decisionmaking. I'm
10 not sure I -- did I answer your question, Ken?

11
12 MR. ADKISSON: Yes, you did. I think
13 it.....

14
15 MR. BOYD: In a roundabout way?

16
17 MR. ADKISSON: Yeah, it gives, I think, a
18 good picture of, you know, kind of where we're at in the
19 process at this point in time.

20
21 MR. LEAN: This is Charlie Lean with Alaska
22 Fish and Game. I, too, had a question. In the State
23 there's levels of authority and I'm sure how that's how it
24 will eventually work out with the Federal government. But
25 there's several agencies that control bits and pieces of
26 land here in Norton Sound, and my question is, would there
27 be a management biologist, so to speak, that would have
28 jurisdiction over several different agency's lands or would
29 each agency, the Park Service have a biologist, BLM have
30 another; is there any thoughts on that yet?

31
32 MR. BOYD: Yes. And we haven't identified
33 those positions yet but we are looking at possibly
34 assigning field biologists in each region depending on what
35 our program priorities are. Again, those positions haven't
36 been clearly identified for the Nome area yet -- or for the
37 Seward Peninsular area yet. We may have to combine that
38 one with, say, the Northwest Arctic, but we haven't clearly
39 defined where that position will reside yet. We're looking
40 at, similar to what the State does with the AY-K area, kind
41 of developing an approach that places people in the field
42 to cover, you know, some fairly large areas, depending on
43 where our resource needs and priorities are.

44
45 MR. LEAN: Thank you.

46
47 CHAIRMAN CROSS: I have a question, this is
48 Grace. Will you be having some input from the RACs as to
49 where these people are going to be placed or where the RACs
50 feel the needs are?

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1 MR. BOYD: If you have comments on that I
2 think we'd be happy to hear from you, Madame Chair.

3
4 CHAIRMAN CROSS: Thank you.

5
6 MR. BOYD: Let me move on to the next
7 topic, cooperative management with Native entities and
8 tribes. We've kept in front of us the need to work closely
9 with and to build capacities within the Native communities
10 for local involvement in the management of subsistence
11 fisheries.

12
13 During the summer we completed an inventory of
14 ongoing or recent fisheries projects conducted by Native
15 entities. This will serve as an information source about
16 existing capabilities in the Native community. I think we
17 were pleased to learn that a large number of field projects
18 are already ongoing. What we want to do is build on this
19 existing capability and capacity as we implement the
20 Federal Fisheries Program. Naturally, this will take
21 several months for us to acquire the -- to bring on the
22 necessary staff and begin identifying and designing and
23 then starting field projects with cooperative involvement
24 with Native entities. Our goal is to start several
25 projects during the first fishing season in the summer of
26 2000 and then build a program in future years. Our desires
27 to involve Native entities in field projects based on state
28 wide program needs and priorities for information. The
29 goal is to maintain long-term commitments for funding of
30 meaningful projects that fulfill the broader program needs
31 for information. The types of projects we are considering
32 include conducting village harvest surveys, managing fish
33 monitoring stations to ensure adequate escapements for
34 subsistence and spawning, like fish weirs or counting
35 towers, test fishing, et cetera, and then facilitating
36 management planning effort.

37
38 Let me just pause there on that subject and see if
39 there are any comments at this point.

40
41 MR. MENDENHALL: Yeah, this is Perry. What
42 if there's already data in our region on this for
43 subsistence?

44
45 MR. BOYD: Say that again, Perry?

46
47 MR. MENDENHALL: What if there is data that
48 exists already with the present State information on
49 fisheries?

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1 MR. BOYD: Well, I think that's a good
2 point. I think what we're trying to do is build
3 information in areas where we have information gaps or
4 where we have a lack of knowledge. We certainly want to
5 review where there's ongoing work by the State and others
6 in collecting information. Our desire is not to duplicate
7 what the State or others are doing but to fill in the holes
8 where we have information needs.

9
10 MR. MENDENHALL: And some local villages
11 also question whether, you know, we do feel somewhat
12 comfortable with staffing of some State fishery biologists,
13 so why duplicate them, you know, reinvent the wheel by
14 having new people on the Federal level come down when
15 they're not used to our area?

16
17 MR. BOYD: And that's another good point.

18
19 MR. MENDENHALL: That's been a concern
20 discussed by people in our region. Whether we would
21 utilize some existing State biologists, because they've put
22 years of work, too, into it.

23
24 MR. BOYD: That's a good comment, Perry.

25
26 MS. DEGNAN: This is Frances Degnan --
27 excuse me Perry.

28
29 MR. MENDENHALL: Go ahead.

30
31 MS. DEGNAN: We're dealing with the area of
32 fisheries. We have several user groups in our region and
33 the Coastal Management Program identifies subsistence as
34 the highest priority use of resources in the region, and
35 that's in the Federally accepted Bering Straits Coastal
36 Management Program and that was accepted by the State of
37 Alaska. And I really believe in the area of subsistence
38 that local knowledge that is possessed by each of the
39 tribal entities is the foremost authority on the
40 availability and sighting of any fish species because
41 they're using the species and they're in right on site.

42
43 So I would like to see the tribal entities be the
44 management regime in our region and to work directly with
45 the biologists and to have a program that really identifies
46 subsistence in the manner that is defined by the indigenous
47 people in the region, that is, to ensure success since you
48 will be spending Federal monies and you will hopefully
49 getting State support for the effort. And in all fairness
50 to all parties, in my own opinion, I do not believe that

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1 subsistence, as defined by the State and Federal is not the
2 same issue as seen by the indigenous people. The people
3 that I represent have told me this, that it's food on their
4 table, it's their way of life and that following our
5 ancestral practices in continuing ensurement of harvest,
6 that we are not going to destroy our resource. And I think
7 that since it's a cultural way of life and it's practiced
8 and will continue to be practiced, that it's recognized as
9 the basic economy of the Seward Peninsula, the Bering
10 Strait region, that if we're truly going to make this a
11 subsistence management program, that the local indigenous
12 people be given a good valid section of the program.

13

14 Thank you.

15

16 MR. BOYD: Ms. Degnan, I agree with what
17 you just said, and that's really the foundation and the
18 goal that we're trying to strive for. I think you said it
19 much better than I do.

20

21 CHAIRMAN CROSS: I have a question, this is
22 Grace. You were talking about involvement of Native
23 entities with the management planning efforts. What has
24 been done, to-date, with Native entities within our region?
25 What efforts have been made?

26

27 MR. BOYD: I'm not sure that I can answer
28 that question, Madame Chair. On a state wide -- I'm not
29 sure what's gone on in your region, there's been a number
30 of efforts state wide. We have provided funds over the
31 years in the wildlife program and the game program. We've
32 provided funds to say -- one that comes to mind is the
33 Tanana Chief's Conference, so we've had a number of
34 resource issues and conflicts and the needs bring the
35 various parties -- interested parties together to resolve
36 these issues. We've done this by funding the Tanana
37 Chief's Conference to allow them to facilitate planning
38 efforts to resolve resource use conflicts. I'm trying to
39 think of a specific example for you. We also funded AVCP,
40 there's been some efforts there. I'm not sure I can come
41 up with an example from your region.

42

43 CHAIRMAN CROSS: Are there any plans in the
44 future to have something different to what you did with
45 Tanana Chiefs and AVCP region for our region?

46

47 MR. BOYD: We don't have specific plans but
48 as those issues arise and they're identified, I think
49 certainly funds could be made available to do that sort of
50 thing.

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1 CHAIRMAN CROSS: Thank you.

2
3 MS. ARMSTRONG: Maybe I could interject?

4
5 MR. BOYD: Go ahead, Helen.

6
7 MS. ARMSTRONG: Grace, what's happened in
8 the past is the tribal entities have come to us with a
9 proposal for something they wanted to do, management
10 planning, more what happened in the AVCP area, but there's
11 also been studies that Council of Athabaskan Tribal
12 Government.....

13
14 CHAIRMAN CROSS: We can't hear you very
15 well, at least I can't; repeat what you said a little bit
16 louder.

17
18 MS. ARMSTRONG: I'll move the phone closer
19 to me, sorry. What's happened in the past is the tribal --
20 or the Native entities have come to us with proposals of
21 what they wanted to do rather than it really being the
22 other way around. It hasn't been something we've gone out
23 and solicited because we've not -- we don't always know
24 what the needs are of the people in the region but that's
25 been the way it's proceeded, people have come to us.

26
27 MR. BOYD: Let me cite another example
28 because I just thought of one. More recently, and Donna
29 may be able to help me on this because she's familiar with
30 the region. But more recently, in the Bristol Bay region
31 we've had some resource issues arise as a result of
32 declining populations of caribou and moose in the Alaska
33 Peninsula area. These are issues that have been sort of in
34 front of us as we've proceeded every year in the annual
35 regulatory cycle, we've identified these issues as being
36 needed to be addressed. During the past year or so we've
37 had a need to bring all resource users together and that's
38 from the local people to the guides and outfitters in the
39 area to the local management biologists from State and
40 Federal, the Refuge people and the State people, and I
41 can't -- there must be others as well, together at the
42 table to take a hard look at the information surrounding
43 these resource use issues and then to make some
44 recommendations on how to proceed in managing those issues
45 and fulfilling our mandate for providing a subsistence
46 priority. And as we looked at these issues, we realized
47 that we needed some local involvement in sort of bringing
48 all of this about so we did this by providing funds to the
49 Bristol Bay Native Association to facilitate several
50 meetings to develop a consensus around how to proceed on

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1 some of these difficult issues.

2

3 So that's the kind of thing that I'm talking about
4 when I say facilitate management planning efforts. There
5 may be issues that are evolving in your region that need
6 that sort of attention. And it may be that the best way to
7 bring that about is to use local people to facilitate
8 bringing all the interest groups together to have these
9 discussions and move forward with resolutions or
10 recommendations of how to resolve these issues.

11

12 That's an example of what I'm talking about. And
13 these things come up, you know, as we implement the
14 program. And you know, you may know of some already. I'm
15 not as -- I try to step back and deal with this on a state
16 wide basis so I'm not as familiar with some areas as other
17 areas. But for example, I think a good issue in your
18 region may be the muskox issue that has been resolved
19 through other means, such as, working through the Muskox
20 Cooperator's Group that you have already established in the
21 region.

22

23 MR. MENDENHALL: Madame Chair.

24

25 CHAIRMAN CROSS: Yes.

26

27 MR. MENDENHALL: The other concern I have
28 from our region to the other regions is how we interrelate
29 to one another like Area M, Bristol Bay to AY-K to Norton
30 Sound. And I think that should not be overlooked at this
31 stage either. Because in the past it seemed to be if
32 you're just a Norton Sound region and that's it, that's all
33 you're going to deal with, you're not going to deal with
34 the high sea fisheries or things like that. So I'm -- you
35 know, our people are somewhat concerned about what happens
36 outside Norton Sound with the chums. And that's a great --
37 it's always been discussion from year to year, as far as I
38 know from '86 on, since I've been involved with fisheries
39 -- for subsistence not commercial.

40

41 MR. BOYD: I hear what you're saying Mr.
42 Mendenhall. I'm going to be addressing what we call the
43 extraterritorial jurisdiction question which may touch on
44 some of what you're saying in your comments.

45

46 MR. MENDENHALL: Yeah, I'm just trying to
47 figure out how the Federal's going to look at it.

48

49 MR. BOYD: Okay.

50

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1 CHAIRMAN CROSS: Jake.

2

3 MR. OLANNA: Thank you, Madame Chair. This
4 is Jake Olanna from Kawerak. When you were talking about
5 facilitation, I want to express that Kawerak does have a
6 fisheries program, and that program is overseen the Kawerak
7 Natural Resources Committee which is a make up of a board
8 member from Kawerak. And Kawerak has 22 members, the
9 members being the chairman of each village IRA or
10 traditional councils, so it's -- I mean it'd be an ideal
11 place to start because currently we have a program that
12 we're utilizing local people to manage counting towers in
13 Unalakleet and some of our rivers here in Nome. And we've
14 worked well with the State. So I just wanted to bring that
15 as a suggestion that if you need someone to facilitate any
16 fisheries meetings, we do have a specialist at Kawerak that
17 is a former -- well, he still is a subsistence fisherman
18 but he also has commercial interests.

19
20 So like I said, Kawerak would be willing to
21 participate or assist in any way, I believe.

22
23 Thank you.

24
25 MR. BOYD: That's good to know, Mr. Olanna.

26
27 MR. OLANNA: Thank you.

28
29 CHAIRMAN CROSS: I have a question. In
30 Kotzebue, when they had that user conflict meeting that was
31 funded by you, right?

32
33 MR. BOYD: I believe so. I'm getting Donna
34 to shake her head, that's right. Actually Donna's telling
35 me that there was both State and Federal funding for that.
36 I remember -- I think we paid the transportation of some of
37 the members of that meeting and I think the State also
38 chipped in. I don't have the details in front of me of
39 that. But I think that was jointly funded.

40
41 MS. MEYERS: Could I say something, this is
42 Randi Meyers from Kotzebue?

43
44 MR. BOYD: Yes.

45
46 MS. MEYERS: Randi Meyers from Kotzebue.
47 And I attended three of the four user conflict meetings and
48 basically it was State monies with some assistance from the
49 Federal agencies that brought -- Fish and Wildlife Service
50 as the Federal agency, that brought people there. But

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1 basically the State had requested some years in advance to
2 get some annual funding each year to address this ongoing
3 problem. So I just wanted to make the point that it was
4 State funded.

5

6 CHAIRMAN CROSS: Thank you, Randi.

7

8 MR. BOYD: Madame Chair, I can move on to
9 the next topic whenever you're ready.

10

11 CHAIRMAN CROSS: Was there any more
12 questions or comments on the topic that we were on? I
13 guess not, you can move on.

14

15 MR. BOYD: Okay. Let me touch on now
16 another aspect of fisheries planning, we're labeling this
17 Federal/State Cooperative Management Strategy, and that's
18 on Page 8 and 9 under Tab H.

19

20 Just as with managing wildlife, I think, an
21 effective Federal subsistence fisheries program will
22 require close cooperation of the Alaska Department of Fish
23 and Game. This is necessary because the State will
24 continue to have management authority over fisheries
25 throughout the state. With mixed State and Federal
26 jurisdiction, close cooperation and coordination of
27 management activities between State and Federal management
28 -- managers is extremely important. Three meetings have
29 taken place since last September -- or September of '98, I
30 should say, between chairs of the Alaska Board of Game and
31 Fish, the commissioner and deputy commissioner of the
32 Alaska Department of Fish and Game, and the Federal
33 Subsistence Board. Most recent meeting on June 28th, we
34 had Dan O'Hara and Willie Goodwin of the Bristol Bay and
35 Northwest Regional Councils present. If you'll recall,
36 Madame Chair, these two individuals were selected last May
37 at the Chair's meeting in Anchorage to attend those
38 meetings. These interactions that I'm talking about
39 between the State and Federal boards and the commissioners
40 have resulted in the identification and some deliberations
41 of joint management problems, I think, in a mutual
42 understanding of positions. In deliberating with the
43 State, the Federal position that the Federal Subsistence
44 Board will not relinquish its statutory mandate and make
45 subsistence fishing regulations has been made very clear.

46

47 Moreover, the Federal Board will maintain its
48 existing relationship with the regional advisory councils
49 as we implement the Fisheries Program. Just as with
50 wildlife, we will have a separate Federal fisheries

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1 regulatory process. When I mean separate, I mean separate
2 from the State regulatory process, it won't be an
3 integrated process. However, even though we will be a
4 separate -- it will be a separate process, we must have a
5 high level of coordination and cooperation between the
6 State and Federal fisheries programs to be successful. We
7 have recently established at the Staff level, a work group,
8 made up of State and Federal Staff to begin defining how
9 the two programs will coordinate. And topics under
10 consideration include how information and data will be
11 shared and managed, how fisheries management planning
12 efforts will be coordinated, fisheries will be managed or
13 how we will coordinate pre-season, in-season and post-
14 season, how to coordinate our respective regulatory
15 processes, and how to strengthen the interaction of the
16 regional advisory councils and the local advisory
17 committees. I think your thoughts and comments on these
18 topics are welcome today. I think also as the process
19 moves forward, you and the other councils will be kept
20 informed through mailouts and reports at future meetings.
21 You may also provide comments to your coordinator, Cliff,
22 or through Dan O'Hara and Willie Goodwin. Dan and Willie
23 will continue to be involved at the Federal Subsistence
24 Board meetings for these items we've discussed as the
25 planning effort continues.

26
27 I think our goal is to have a draft agreement, and
28 a draft agreement between the State and Federal agencies in
29 time ready for your review and comment both at -- and I'll
30 talk about this in a minute, by the January orientation
31 session of the regional council and the winter regional
32 advisory council meetings next February and March. Our
33 goal is to have an agreement with the State in place during
34 the first year of the fisheries program.

35
36 I'll just stop there and see if there are comments
37 or questions.

38
39 CHAIRMAN CROSS: Is there any plans for
40 local RACs to meet with the Board of Fish regional advisory
41 councils?

42
43 MR. BOYD: Let me see if I understand the
44 question. Is there any plans for your Council, for
45 example, to meet with the Board of Fisheries; is that what
46 you're asking, Madame Chair?

47
48 CHAIRMAN CROSS: With the local Board of
49 Fish councils, advisory councils?

50

00103

1 MR. BOYD: Oh, the local advisory councils.
2 We don't have specific plans but I think our goal is where
3 there are issues to be resolved and we have identified
4 those issues through our interaction with, for example,
5 with -- in a regional advisory council forum, and if we've
6 identified the need to bring local Fish and Game advisory
7 committees together we want to do that. And a good example
8 of that are some recent issues that we had in the Bristol
9 Bay region where we funded the travel of the -- through the
10 State of the local Fish and Game advisory committee chair
11 person or other representatives. They traveled to the
12 Bristol Bay Regional Advisory Council meeting to dialogue
13 on resource issues. So it can be done. And we're starting
14 to do a better job of that even now in the wildlife
15 program. I think we want to emphasize that more in the
16 fisheries program.

17
18 CHAIRMAN CROSS: Charlie.

19
20 MR. LEAN: This is.....

21
22 MR. BOYD: I'm not sure I answered your
23 question, Madame Chair. I was interpreting your question
24 to mean, will we facilitate bringing local advisory
25 committees and regional advisory councils together, and the
26 answer is yes.

27
28 CHAIRMAN CROSS: Charlie Lean.

29
30 MR. LEAN: Yeah, this is Charlie Lean with
31 Fish and Game. One of the -- a little bit of confusion
32 here, maybe, there are many members of this advisory
33 council that are members of the Fish and Game advisory
34 committees seated here today or past members so there is
35 some continuity. But there's kind of a historical record
36 here that at one time Fish and Game advisory committees had
37 another layer between them and the Board of Fish and Game,
38 and that was, advisory councils. And those advisory
39 councils are composed of the chairs of the advisory
40 committees. In places like Bristol Bay and some of the
41 more populace parts of the state, the local advisory
42 council or RAC has replaced what was the Fish and Game
43 advisory council. Here in northwest Alaska and northern
44 Alaska towns are really sparse and we had one advisory
45 council that encompassed the whole North Slope, the NANA
46 region, the Norton Sound region and some of the Yukon has
47 had advisory councils. So the idea then was to develop a
48 regional policy with the council. Currently your regional
49 council includes only two advisory committee zones of
50 influence. And so in some ways there's less continuity in

00104

1 northern Alaska than there once was.

2

3 MR. MENDENHALL: Are you finished?

4

5 MR. LEAN: Yes.

6

7 CHAIRMAN CROSS: Anyone there? Hello.

8

9 MR. BOYD: Yes, I'm here.

10

11 CHAIRMAN CROSS: We thought we lost you,
12 you're totally silent there.

13

14 MR. BOYD: I was pondering what Charlie was
15 saying and trying to think -- I'm not sure how to respond
16 to it except to say that the situation is as it is and our
17 goal is to try to facilitate better communication between
18 the State advisory committees and the Federal councils to
19 the extent that the issues need to be resolved in each
20 region. And I think that I recognize that what he's saying
21 that in some regions as a result of the Federal takeover
22 back in 1990 and the demise of the State councils, that
23 there's been a loss in continuity in terms of communication
24 between the council and the committee system, so our goal
25 is to try to resolve that to the best we can given the
26 timing constraints and the funding constraints that we
27 have. What we want to do is stay on top of the resource
28 issues as they develop and try to bring people together to
29 resolve them. And we recognize that the State local
30 advisory committees are appropriate -- appropriate entities
31 to be tapping into their information and their knowledge
32 and we want to use them. And we find that that's a good
33 way to work out conflicts between State and Federal
34 regulations as well.

35

36 MR. MENDENHALL: Yes, Tom, Perry. One of
37 your tasks there in number 4, you have Federal and State
38 boards, agencies review work group and regional advisory
39 council recommendations on that. And at this point in time
40 we just got hit like so to speak with subsistence fishery
41 things in our region, and the deadline is -- I mean it's
42 going to happen between now and the end of the year, '99.
43 This has been continuing, so we'll address this more in
44 January, you say?

45

46 MR. BOYD: Yes.

47

48 MR. MENDENHALL: Okay. Being that we'll
49 leave this meeting and digest all this information and come
50 back with recommendations then?

00105

1 MR. BOYD: I think this is an ongoing
2 process, Perry, I think you're absolutely right.

3
4 MR. MENDENHALL: Uh-huh. Because I just
5 know -- that kind of 12/31/99 kind of bothered me.

6
7 MR. BOYD: Yeah, this particular plan is
8 also evolving. I think we're giving you all the
9 information that we can put together, and a lot of these
10 deadlines, I think, have been changing over time so I guess
11 I would caution you about adhering too strictly to the
12 deadlines that we impose on ourselves, which is what you're
13 seeing in these plans. What we're learning is -- you know,
14 we try to put a deadline just sort of help us manage each
15 task, and what we're finding is there's even more or less
16 work to do as we approach each one of these tasks and some
17 of these deadlines are changing even as we speak or have
18 changed over the past as we've gone through this and tried
19 to implement this plan.

20
21 CHAIRMAN CROSS: Tom.

22
23 MR. BOYD: So I think the guidelines are
24 not necessary hard and fast.

25
26 MR. MENDENHALL: Thank you, that helps. I
27 think the other agencies worry about the deadline, it looks
28 imposing.

29
30 MR. BOYD: It does. Yes, Madame Chair.

31
32 CHAIRMAN CROSS: Tom. There's a certain
33 amount of restlessness in the room, can we take a little
34 break, about.....

35
36 MR. BOYD: Great with me.

37
38 CHAIRMAN CROSS:maybe about five
39 minutes or so.

40
41 MR. BOYD: Okay, we'll be standing by.

42
43 CHAIRMAN CROSS: Okay, we'll just leave
44 this thing on, I guess.

45
46 (Off record)
47 (On record)

48
49 MR. DeCICCO: Madame Chair, I have a
50 question for Tom.

00106

1 CHAIRMAN CROSS: There's a question for
2 you, Tom.

3
4 MR. BOYD: Okay.

5
6 MR. DeCICCO: Tom, this Fred DeCicco with
7 Fish and Game. On Page 9 under the Federal Cooperative
8 Management Strategy Paper, Item B, it says that in
9 collaboration with Fish and Game, regional advisory
10 councils, tribal and other Native entities, review
11 available fisheries stock and harvest information and
12 characterize subsistence fisheries in each region and
13 identify information gaps, 7/1/99 as a deadline. I was
14 wondering where you are in this process and if it is, in
15 fact, ongoing at this time?

16
17 MR. BOYD: Give me a minute.

18
19 MR. MENDENHALL: According to that they're
20 done.

21
22 MR. DeCICCO: Yeah, that's my point, I
23 guess.

24
25 MR. BOYD: This was an attempt to try to
26 get some general handle on -- the goal here is to try to
27 develop a -- hang on a minute, I'm under a different issue.
28 Let me get my thoughts together on your question.

29
30 Let me just answer it this way, Fred, just to be
31 very brief about this. We have a plan that we were trying
32 to implement with regard to Federal and State Cooperative
33 Management Strategy. The tasks outlined under the plan as
34 they currently exist have potentially been thwarted in the
35 timing because as we've moved through this item last summer
36 -- actually earlier than that, spring and summer trying to
37 come to some resolution, we thought that we would have that
38 resolution prior to the regional advisory council meetings
39 on how we were going to cooperate. We still have not
40 reached the goal of this particular task. Simply put, we
41 were unable to reach agreement between the Federal and
42 State entities that I had mentioned earlier, the
43 Commissioner, Deputy Commissioner and the Chairs of the
44 Board of Fish and Game and the Federal Subsistence Board.
45 So that effort is ongoing. So many of the items that you
46 see outline the -- the tasks outlined under this item in
47 the plan have not been achieved yet so many of the dates
48 here are simply not -- won't hold up.

49
50 I guess what I'm telling you is don't pay much

00107

1 attention to these dates because this particular task is
2 evolving now. Our hope was, last summer, that we would
3 have some resolution on how we were going to work together.
4 That has not been achieved to-date. So we're instituting a
5 working group, a Staff level working group to continue this
6 task.

7

8 MR. DeCICCO: Okay, thank you, Tom.

9

10 MR. BOYD: Okay. I think that's one of the
11 dangers of publishing the plan as we had envisioned it a
12 few months ago. I think currently this plan has evolved to
13 -- on different topics. And on this particular one we just
14 simply weren't able to achieve the desired outcomes that we
15 set out to do. We're still working on that and hope to
16 achieve those. So this particular element of the plan has
17 changed.

18

19 CHAIRMAN CROSS: Tom, on Page 9 on E, could
20 you elaborate on that a little bit, develop in-season
21 interagency coordination and information protocols?

22

23 MR. BOYD: Okay, again, we haven't done
24 that yet. But the idea is that in some parts of the state,
25 and I don't think necessarily your region, we recognize
26 that there are overlapping Federal and State jurisdictions
27 where ongoing in-season decisions are being made, such as
28 the Yukon River and the possibly the Kuskokwim River, those
29 are two good examples. So we recognize that there would
30 have to be some mechanism or approach that we are going to
31 have to take to coordinate between Federal and State
32 managers on making those decisions. In a nutshell, that's
33 what that's all about.

34

35 What we're trying to do is coordinate and not make
36 conflicting in-season regulatory decisions where we can
37 avoid that. I think it's primarily targeted in places like
38 the Yukon Kuskokwim Rivers.

39

40 MR. MENDENHALL: So this -- this is
41 Perry.....

42

43 MR. BOYD: You still with me?

44

45 MR. MENDENHALL: Yeah, I think we're with
46 you now. But I think that on the task and everything you
47 have there will always be changing, too, I imagine, and not
48 just A to E, there will probably be F, G and H added as
49 well.

50

00108

1 MR. BOYD: Oh, yes.

2

3 MR. MENDENHALL: Okay. Just so we're not
4 locked in so things can be done for Alaska. So we're just
5 not locked in, that's what I'm saying, that we could add
6 more, I mean you folks could add more to implement what
7 you're supposed to implement.

8

9 (Pause)

10

11 MR. MENDENHALL: Did I speak the right
12 English or Eskimo?

13

14 MR. BOYD: I think what you're saying is
15 we're going to have to be flexible as we implement this
16 plan, and that's really -- that's what this interchange is
17 all about as well. I mean if you can identify areas where
18 we need to be looking that we haven't thought of, we want
19 to hear about it.

20

21 MR. MENDENHALL: So basically these are
22 guidelines right now?

23

24 MR. BOYD: Well, I think initially we had
25 defined them as tasks and desired outcomes for us to
26 achieve and to get ready. We wanted to have something in
27 place, a plan in place to -- so that we're all talking or
28 speaking from the same sheet of music.

29

30 The problem we're running into, as with any plan,
31 as we begin to implement it, you run into difficulties or
32 things that we didn't foresee and the plan has to change.
33 In the case of Federal/State cooperative management
34 strategy, obviously we were unable to fulfill this goal in
35 the times that we had set up in this plan so we're having
36 to start from scratch again -- well, not necessarily start
37 from scratch but we're going to have to basically shift a
38 lot of our timing here as well as into the future. I think
39 it's important to realize that as we began the wildlife
40 program back in 1990, it took us two years plus to really
41 have our business practices and our processes -- our
42 regulatory processes, you know, fully operational. I
43 expect the same will happen with fisheries. You know, we
44 develop this plan hoping that we would have something in
45 place as of October 1 or within a few months thereafter but
46 as we're learning the time horizon continues to move beyond
47 that.

48

49 MR. MENDENHALL: I think that.....

50

00109

1 MR. BOYD: We're having to realize this
2 plan as it's currently written.

3
4 MR. MENDENHALL: We're just hoping that it
5 comes out user friendly.

6
7 MR. BOYD: Okay. We're keeping the mandate
8 in mind.

9
10 MS. DEGNAN: Tom, this is Frances Degnan
11 again. I would just like to go back to the basic
12 definition of what you call -- when Perry said, user
13 friendly. Now, who do we consider as the subsistence user
14 that we're shaping the management strategy to benefit?

15
16 MR. BOYD: Please ask the question again,
17 Ms. Degnan, I.....

18
19 MR. MENDENHALL: What was that again?

20
21 MR. BOYD:didn't understand.

22
23 MS. DEGNAN: Yeah, okay. Now, who are
24 going to be the subsistence users in the state of Alaska
25 that this whole strategy is going to be working to benefit?

26
27 MR. BOYD: Title VIII mandates that we
28 provide a priority for rural residents of the state of
29 Alaska.

30
31 MR. MENDENHALL: ANILCA.

32
33 MR. BOYD: So those are the intended users
34 basically, rural residents of your region or the fisheries
35 in your region.

36
37 MS. DEGNAN: Okay, thank you.

38
39 MR. BOYD: Well, it's basically everybody
40 in your region -- that resides in your region.

41
42 CHAIRMAN CROSS: I have another question,
43 this is Grace. On Page 10, number 3, it says, regional
44 councils teams, tribal and Native entities will work on
45 specific tasks including 2A to E and 5, are there any other
46 tasks that have been identified other than the ones that
47 are listed in there, your booklet or your report? Did you
48 hear me?

49
50 MR. BOYD: I did.

00110

1 CHAIRMAN CROSS: I wanted to know if there
2 are any other tasks that have been identified as yet
3 besides the ones that are mentioned in your report?

4
5 MR. BOYD: No. I'm reading over them now
6 but I don't think so, Madame Chair. We will keep you
7 informed as this moves forward and we have a better fix on
8 what we're doing in terms of State and Federal
9 coordination. So we haven't developed another revision to
10 this particular aspect of our implementation plan yet so
11 this is what we've identified to date.

12
13 CHAIRMAN CROSS: Sounds like there's plenty
14 of work ahead for you.

15
16 MR. BOYD: Oh, yes. Let me move on, if I
17 may, Madame Chair, to some -- some of the answers to some
18 of the other questions that I heard earlier might be
19 resolved if I move forward.

20
21 CHAIRMAN CROSS: Sure.

22
23 MR. BOYD: One of the other areas that I
24 wanted to touch on in our plan was regional advisory
25 council structures. I'm not going to touch on every
26 element of the plan so this one is Issue Paper #5 on Page
27 13. Some -- let me just say that some of the tasks
28 identified on the task lists are internal tasks or tasks
29 that the agencies need to do, it's a sort of preliminary
30 tasks to get to the desired outcome.

31
32 With regard to regional advisory council
33 structures, I only bring this -- this one doesn't
34 necessarily apply to your region, I only bring it up to
35 sort of clarify what this means so that you understand it.
36 We recognize that the boundaries of three of the regional
37 advisory councils overlay a common river drainage, and
38 that's the Eastern Interior, Western Interior and Yukon-
39 Kuskokwim regions, they overlay the Yukon River. The
40 Western Interior and the Kuskokwim regions also overlay the
41 Kuskokwim drainage. So we recognize the need to develop to
42 coordinate fisheries issues between these councils and
43 we're beginning a process this fall, during this round of
44 council meetings, to develop an approach to facilitate
45 ongoing communication and coordination between these
46 councils. These are separate agenda topics for those
47 specific councils. We wanted to get their input on
48 alternatives for addressing how to coordinate between those
49 councils. Again, that does not affect your Council, but I
50 only bring it to your attention so that as you see this

00111

1 topic you know that you won't have to react to it. We're
2 not changing anything in your Regional Council, we're not
3 proposing to change anything in your Regional Advisory
4 Council.

5
6 So I'll pause there on this topic.

7
8 (Pause)

9
10 Since there are no questions I'll go ahead and move
11 on to extraterritorial jurisdictions.

12
13 This is, hopefully, we'll address this question or
14 comment you raised earlier, Perry. Since 1995 we've been
15 acknowledging the Secretary's authority to extend
16 jurisdiction beyond Federal lands and waters, if necessary,
17 to protect subsistence fishing and hunting within Federal
18 jurisdiction. Recognizing that management of migratory
19 species such as salmon may require adjustments in
20 allocations beyond the immediate jurisdiction of public
21 lands if necessary to protect subsistence uses within the
22 Title VIII jurisdiction, the Federal jurisdiction. These
23 powers have been identified in the Federal Fisheries
24 Regulation. This authority, however, has not been
25 delegated to the Federal Subsistence Board. The Board will
26 not be able to make any decisions regarding fisheries
27 outside of the area that are perceived to be effecting the
28 fisheries inside Federal jurisdiction in your area. To
29 supplement this acknowledgement of Secretarial powers,
30 we've recognized the need to identify a process for
31 addressing or handling petitions or requests for extensions
32 of jurisdiction.

33
34 Recently we've prepared some draft procedures for
35 the Secretary of Interior and Agriculture's review. At
36 this point we simply want to communicate a consistent
37 message to the public about how this will work. It's
38 important to note that these powers have seldom or rarely
39 been applied by the Secretaries. If there are -- basically
40 if there are extreme circumstances in which a fisheries
41 resource is being depleted outside of a Federal area to
42 such an extent as to cause a failure in subsistence harvest
43 within a Federal area, the Secretary's can extend
44 jurisdiction to provide a remedy. This process will not
45 follow the normal annual regulatory process. So petitions
46 for extension of Federal jurisdiction will involve
47 consultations with the State of Alaska and other fisheries
48 authorities as well as a thorough analysis of the best
49 available or scientific other information. We will advise
50 the councils when these procedures become available.

00112

1 And I'm not sure, Cliff, did you bring a copy of
2 those draft procedures for extra territorial for everyone?

3
4 MR. EDENSHAW: Yes, Tom, there is a copy
5 here.

6
7 MR. BOYD: Okay. And we can provide those
8 -- I hope everyone has had a chance to see those.

9
10 MR. MENDENHALL: It's Perry, can you mail
11 me one?

12
13 CHAIRMAN CROSS: We just need to make
14 copies of it.

15
16 MR. EDENSHAW: There is copies.

17
18 CHAIRMAN CROSS: There's copies? This is
19 the only copy.

20
21 MS. DEGNAN: I have one.

22
23 MR. BOYD: If it would be okay, I'm not
24 sure what you're discussing but it would be okay to hand
25 those out.

26
27 MR. MENDENHALL: Yeah, those procedures I
28 didn't get a copy.

29
30 MS. DEGNAN: Yeah, they were at the
31 meeting.....

32
33 MR. MENDENHALL: I didn't get one.

34
35 MS. DEGNAN:in Shishmaref.

36
37 MR. MENDENHALL: Yeah, but I didn't get
38 one.

39
40 MS. DEGNAN: Oh, they were all gone. Well,
41 we can make copies of that.

42
43 CHAIRMAN CROSS: How many do not have it?

44
45 CHAIRMAN CROSS: One, two, three, four,
46 five, six, seven. So we need at least seven copies made.
47 Fred, can you make.....

48
49 MR. MENDENHALL: Yeah, we're getting those
50 made. So if anybody made any requests for this, Page 15,

00113

1 Petition for Extraterritorial, we would be given the
2 opportunity as a committee to review them?

3

4 MR. BOYD: Yes. I mean if it affects your
5 earlier, clearly, we want all the councils to have
6 involvement in this process. I think I should point out a
7 couple of things, and I'll reemphasize a couple things I've
8 already said. And that is, the Federal Subsistence Board
9 does not have any authority beyond Federal jurisdiction.
10 These authorities that the Secretaries have have not been
11 delegated to the Board. So the Board will not be making
12 any decisions beyond Federal jurisdiction. So any
13 petitions to change, I'll just say, fisheries regulations
14 or allocations beyond Federal jurisdiction would have to be
15 forwarded to Secretary's of Interior and Agriculture. I
16 think clearly we recognize that Staff in Alaska would be
17 tasked with the analytical work or procedural work with
18 regard to these petitions. But procedures -- the draft
19 procedures that we'd forward would require a very high
20 standard or threshold for developing any recommendations or
21 decisions to affect any fisheries outside of Federal
22 jurisdiction. It's not going to be a simple -- simply a
23 request that changes will be made. There will be a lot of
24 work in terms of coordination, consultation with the
25 connected fisheries interests, fisheries authorities like
26 the Alaska Department of Fish and Game, and other users
27 that are being -- potentially being affected, and regional
28 advisory councils so there'll be a fairly expensive open
29 public process as well as a solid analytical basis for any
30 decisions.

31

32 I anticipate that this particular process for any
33 of these things will be a lengthy period of time to
34 dissolve any issues that come out.

35

36 CHAIRMAN CROSS: Tom.

37

38 MR. MENDENHALL: Sounds like fun.

39

40 MR. BOYD: Yes. Yes, Madame Chair.

41

42 CHAIRMAN CROSS: When I went to the Federal
43 Subsistence Board meeting there was a discussion of decline
44 of salmon throughout the state that people were believing
45 to be related to False Pass, and Nome subdistrict was cited
46 as an example of what happened to many communities in
47 Alaska if Federal government does not address the problem.
48 It was my understanding at the time the Federal Subsistence
49 Board directed the solicitors to research the issue of
50 Federal intervention in this area. Was I mistaken or am I

00114

1 -- or is that something that is going to be happening or
2 has happened?

3
4 MR. BOYD: I know that that's the desire of
5 folks but we cannot really respond until we have a petition
6 before us. And until we get direction to do so from, I
7 think, the Secretarys. I don't recall probably the same
8 thing that you recall, but I think at the time that it
9 becomes appropriate as beyond October 1, which is
10 apparently where we are, at the time it becomes
11 appropriate, we will be addressing it.

12
13 CHAIRMAN CROSS: Because I know there was a
14 certain amount of discussion surrounding that issue.

15
16 MR. BOYD: There's been a certain amount of
17 discussion around that issue for several years. And I
18 think we're well aware that that's a concern with many
19 rural residents in western Alaska have. So we're not going
20 to be surprised to see that being raised as an issue. What
21 we're trying to do is develop a procedural approach at this
22 point for addressing this kind of petition.

23
24 CHAIRMAN CROSS: Thank you.

25
26 MR. BOYD: Are there any other comments or
27 questions. I know that this is, I think, an interest of
28 great interest to a number of people and it's one that's
29 fairly controversial and it has some wide-ranging
30 implications so I know there are a lot of people that have
31 concerns about this.

32
33 MR. MENDENHALL: Well, we be.....

34
35 MR. BOYD: And I think we're going to have
36 to be very careful with how we address these issues.

37
38 MR. MENDENHALL: Right.

39
40 MR. BOYD: And what we're trying to do is
41 lay ground work procedure before we entertain those
42 petitions.

43
44 CHAIRMAN CROSS: Thanks, Fred.

45
46 MR. MENDENHALL: Yeah, we just are now
47 looking at the draft that's being handed out.

48
49 MR. BOYD: Okay.

50

00115

1 MR. MENDENHALL: So we'll probably have
2 time to comment on this at the next meeting.

3
4 MR. BOYD: Okay. Yeah, this will be
5 addressed in January at the orientation session as well.

6
7 MR. ROOKOK: Tom, this is Preston, I'm from
8 Savoonga. On Federal lands, on St. Lawrence Island area,
9 our elders had been asking what the boundaries are, how
10 many miles out it is now that that fisheries come in and
11 fish around the island? I'm not sure but I believe it's 12
12 miles now and they were wondering if they can extend that
13 mileage to protect the users on the island because of when
14 it was down to three miles, Pacific cod that they fished
15 this time of the year seems declined in our area, but since
16 they got it out to 12 miles, I believe that 12 miles it's
17 coming back and they still want to protect that and extend
18 that mileage to 20 miles, if that's possible. Which agency
19 can we work with and who would be the contact for that?

20
21 MR. BOYD: I'm pausing now to try and think
22 about your question. With regard to Title VIII of ANILCA
23 in terms of defining Federal jurisdiction, we don't
24 identify any Federal jurisdiction on St. Lawrence Island or
25 around St. Lawrence Island for purposes of administering
26 Title VIII of ANILCA. The National Marine Fisheries
27 Service certainly regulates fisheries in the marine waters
28 beyond state territorial seas and beyond three miles. So
29 for purposes of managing fisheries, commercial fisheries,
30 primarily beyond three miles, it's the National Marine
31 Fisheries Service, and that's certainly Federal
32 jurisdiction in that -- by that definition. And again,
33 I'll reiterate, for purposes of Title VIII, which is what
34 we do, there is no Federal jurisdiction that we've
35 identified on or around St. Lawrence Island.

36
37 MR. OLANNA: Same way with Diomedede, too,
38 right Tom?

39
40 MR. BOYD: Yes.

41
42 MR. OLANNA: Okay.

43
44 MR. ROOKOK: Yeah, but.....

45
46 MR. BOYD: Let me just.....

47
48 MR. ROOKOK: Oh, go ahead.

49
50 MR. BOYD: Let me just touch on

00116

1 jurisdiction within the Norton Sound region more broadly.
2 As far as fisheries go, there's very little fisheries
3 jurisdiction that we will have within the Norton
4 Sound/Seward Peninsula region. And I think I can -- I
5 don't know if there's a map on the wall or anything there --
6 okay, I guess we were carrying it but we didn't get there.
7 But you've seen the distribution of public lands in your
8 region and as we've defined fisheries jurisdiction, it's
9 tied to the Katie John decision in the Appeals Court. And
10 the court directed us to extend jurisdiction to waters in
11 which the Federal government has reserved water rights.
12 And I guess I'll just sum that up by saying that we've
13 identified those waters as the inland -- primarily the
14 inland fresh waters within what we call conservation system
15 units. The only two conservation system units within the
16 Norton Sound or Seward Peninsula region are the Bering Land
17 Bridge National Preserve and Unalakleet Wild and Scenic
18 River. And it's only that portion of the Unalakleet River
19 that's in the Wild and Scenic portion, the upper river.

20
21 CHAIRMAN CROSS: Tom, we're passing out
22 booklets so people can look at the maps in the booklets,
23 and it's at Page 123.

24
25 MR. BOYD: So the Federal jurisdiction for
26 Title VIII purposes for fisheries in the Norton Sound
27 region is very little. The BLM lands -- the waters on the
28 BLM lands do not fit the court's decision because they are
29 not reserved waters on BLM land, only within the National
30 Parks, monuments, preserves, Fish and Wildlife Refuges or
31 other conservation units like the National Forest do these
32 waters apply to our jurisdiction, not the BLM waters except
33 the Wild and Scenic rivers. So again, in Norton Sound it's
34 the Unalakleet Wild and Scenic River portion and that's the
35 upper part of that river and the waters within the Bering
36 Land Bridge National Preserve.

37
38 MR. MENDENHALL: So any individual outside
39 of the RAC can make a petition?

40
41 CHAIRMAN CROSS: The -- on the Kuzitrin
42 River, is just part of Kuzitrin affected or does it go all
43 the way down to the coast?

44
45 MR. BOYD: I'm looking at the map right
46 now, Madame Chair.

47
48 MS. DEWHURST: Only the upper reaches,
49 Grace.

50

00117

1 MR. BOYD: Okay.

2

3 CHAIRMAN CROSS: I didn't hear that?

4

5 MS. DEWHURST: Only upper reaches on that
6 are affected, the part that's actually in Bering Land
7 Bridge.

8

9 CHAIRMAN CROSS: Okay.

10

11 MR. LEAN: This is Charlie Lean with Fish
12 and Game. I think the confusion here is somewhat with fish
13 that migrate, like salmon, that might spawn in those
14 Federally controlled waters, does the Federal government
15 plan to implement control over the range of their migration
16 up the river, say the coast?

17

18 MR. BOYD: The Federal Subsistence Program
19 within Alaska, the regulations that the Federal Board has
20 responsibility to oversee or to make, only -- it only
21 pertains to waters within the boundaries of those land
22 units that I just mentioned. So we would not regulate say
23 down stream of the Kuzitrin, down stream of the Bering Land
24 Bridge National Preserve.

25

26 MR. LEAN: Right.

27

28 MR. BOYD: Again, the regulations are for
29 regulating harvest. So regulated harvest activities within
30 those areas, within those Federal areas. I think you raise
31 a very good point, Charlie, in that, what we have is just
32 of a mixed jurisdiction. The State has part of it and the
33 Feds have part of it. That poses some, not going into a
34 lot of detail, that poses some serious difficulties in how
35 we're going to work together.

36

37 MR. LEAN: This is Charlie again. In
38 another meeting, maybe six months ago, we talked about the
39 possibility of former land holdings -- one was the former
40 village of Unalakleet IRA grant, I believe it was, and that
41 was a several square mile land holding right at the mouth
42 of the Unalakleet and I think there were similar ones at
43 Shaktoolik and other places that might have -- at the time
44 it wasn't clear whether they, too, would be considered
45 Federal controlled zones. I guess that's no longer the
46 case.

47

48 MR. BOYD: Well, those were question marks
49 that we had. We were not sure whether those would be
50 Federal -- legally Federal jurisdiction under Title VIII

00118

1 purposes. We posed those questions to our solicitor's
2 office and have requested -- there are a number of sites
3 like that around the state in your area, I think you
4 pointed to a couple of them, and we have asked those
5 questions to the solicitor to get basically an opinion on
6 that, and we have not yet heard the results of that
7 request. So I can't answer your question.

8
9 MR. LEAN: Okay.

10
11 MR. BOYD: There are a number of sites
12 around the state that were prestatehood withdrawals and
13 some other land designations such as the ones you mentioned
14 where there are a water -- we just don't know about and so
15 we tried to identify those and posed the questions to our
16 legal authority, and we simply haven't received an answer
17 to that question yet.

18
19 MR. LEAN: Thank you.

20
21 MR. BOYD: So what I'm telling you now is
22 what I know. Some of the things are fairly difficult legal
23 questions because they -- when you get into Federal land
24 law you get into real quagmire of issues and some of these
25 are not very easy and clear to sort out.

26
27 MR. MENDENHALL: So anything that looks
28 like BLM allotments or whatever, kind of like out of ANILCA
29 Section VIII?

30
31 MR. BOYD: For waterways, that's correct,
32 because they are not Federal reserved waters and the Katie
33 John decision said we would have to extend jurisdiction to
34 Federal reserved waters.

35
36 MR. MENDENHALL: Thank you.

37
38 MR. BOYD: So BLM land generally do not
39 have those.

40
41 MR. MENDENHALL: We don't do anything on
42 BLM lands, right?

43
44 MR. BOYD: Well, hunting regulations apply
45 on BLM lands.

46
47 MR. DENTON: It's all State waters and
48 State jurisdiction.

49
50 REPORTER: Come on up.

00119

1 MR. DENTON: Yeah, this is Jeff Denton with
2 BLM, and I think it needs to be known that it's State
3 jurisdiction on those waters that occur on BLM lands, it's
4 not.....

5
6 MR. BOYD: That's correct.

7
8 MR. DENTON:just an open book to
9 everything.

10
11 MR. MENDENHALL: Well, I was just trying to
12 wake him up.

13
14 MR. BOYD: Okay. Well, I know that, as
15 we've sorted through these issues we've run into lots of
16 questions and we still don't have them all answered but I'm
17 trying to give you the clearest answer I can on many of
18 these. Let me go on, if I may, to another item which is
19 customary trade. And Helen Armstrong, I know, is going to
20 be talking about this after I do so you might want to
21 reserve your questions on that, and I'll just give you an
22 overview now.

23
24 The definition of subsistence users in Title VIII
25 includes customary trade as a legitimate subsistence
26 practice. And then the Federal regulations customary trade
27 includes the sale of subsistence taken fish, their parts or
28 their eggs, as long as it does not constitute a significant
29 commercial enterprise. The regulations also speak to the
30 limited sale or the sale -- I can't remember the exact
31 sale, but for sale for small amounts -- small amounts of
32 fish for sale or words to that effect. So for this,
33 customary trade regulation is designed to permit the
34 practice of selling small quantities of fish but to keep
35 this practice separate from commercial sales. We recognize
36 a need that there may need to be additional regulations to
37 further define customary trade practices on a regional
38 basis to ensure the separations and abuse of the
39 regulation. We are starting a process to identify those
40 customary trade practices in each region, consultation with
41 each regional advisory council. And this is the subject of
42 the agenda item that Helen is going to address to you later
43 on so I just wanted to provide the overview for you. So
44 maybe it would be good to reserve your questions until
45 Helen presented that.

46
47 And I can go on to the orientation session. We've
48 recognized the need to further -- for further training and
49 orientation to new Federal Fisheries Program. Last month
50 you received a notice that we would be conducting an

00120

1 orientation session in the fall, councilmembers as well as
2 agency field personnel in November. Recently we decided to
3 postpone the session until January, and we did this for
4 several reasons. And simply we just didn't feel we could
5 do a good job with a program of this magnitude in November
6 and we needed more time for adequate planning. And also
7 some of the details of our Federal Fisheries Program is
8 still trying to be worked out as you heard earlier. So we
9 wanted to postpone this until we have a better fix on some
10 of these questions. So we'll be notifying you fairly soon
11 of the dates of that January meeting. And hopefully, it
12 will be a better time to explore and answer questions --
13 ask questions and answer questions about what we're doing.
14

15 MS. DEGNAN: Tom, this is Frances Degnan.
16 I've been really thinking about that orientation and how it
17 would benefit our Regional Council and also the program. I
18 think what would really be helpful is that every year it
19 seems that we get new members and so I'm looking in terms
20 of continuity, and we rely on the members that have been on
21 the Council the longest, but we just get reams of paper and
22 I think what would really be helpful is to have a -- just a
23 historical time line, what we've accomplished and what has
24 gone on to this point where both the fisheries and game
25 management for subsistence is concerned. And that would be
26 helpful to me since this is -- in November it will be one
27 year for me on this Council, and we have so much paper, you
28 know, that we're accumulating and trying to read and then
29 if you read all the minutes, we have an idea of what we've
30 done but at the same time when we're discussing the issues
31 it may not be relevant because that issue or program
32 doesn't conform to the law that's on the books today. So
33 that's a request on my part as a councilmember so it would
34 help me to be a better council person.
35

36 Thank you.
37

38 MR. BOYD: Thank you, Fran.
39

40 MR. OLANNA: Tom, this is Jake Olanna. I
41 was given something by Caleb before I left my office to go
42 to Shishmaref but it's a draft agenda of the November
43 Federal Fisheries Conference, is this the conference that
44 you said is going to be in January, you say?
45

46 MR. BOYD: I didn't hear what you said.
47

48 MR. OLANNA: The November.....
49

50 MR. BOYD: But let me clarify what you said

00121

1 -- say that again, I didn't hear every word clearly.

2

3 MR. OLANNA: Okay, the November Federal
4 Fisheries Conference, is that your office that's putting it
5 together?

6

7 MR. BOYD: And that's what I was just
8 speaking to just then, we've moved that to January.

9

10 MR. OLANNA: Okay, January, what's the
11 dates now?

12

13 MR. BOYD: I don't have a specific date
14 yet. I heard just this week that the committee that's
15 working on them is looking at the last week in January but
16 I think we're trying to nail down a meeting location and
17 some other details. We'll be getting a letter out to all
18 the councilmembers as soon as possible.

19

20 MR. OLANNA: Thank you.

21

22 MR. BOYD: And again, Jake, we are
23 specifically inviting the councilmembers and we'll have
24 very limited -- we'll have limited space to councilmembers
25 and Federal Staff and some State Staff to try to get
26 everyone that's currently focused on the Federal program up
27 to speed on where we are. So there'll be limited space to
28 non-councilmembers. We're getting a number of requests for
29 other people that want to attend and we simply won't be
30 able to accommodate everyone in the State that wants to
31 participate. So I'll just caution you on that.

32

33 MR. OLANNA: Okay.

34

35 MR. BOYD: I understand that there's a lot
36 of interest but we're going to be limited on space, and we
37 really want the primary players of the program to get the
38 benefit of this orientation.

39

40 MR. EDENSHAW: Hey Tom.

41

42 MR. BOYD: And what we want to do is make
43 sure the public is invited to all the council meetings and
44 any other public meetings we have. And we're also putting
45 out a lot of information through the media and other
46 outlets to try to get the public informed.

47

48 MR. OLANNA: Tom, yeah, this is Jake again.
49 Well, Kawerak, like I said earlier, has a Federal -- not a
50 Federal fish program, but we do have a fisheries division.

00122

1 And I know Caleb was sent this agenda and are you talking
2 about not having space available because I'm sure Kawerak
3 would be willing to take care of a representative from our
4 region to be present at your presentation? Are you talking
5 about meeting space or -- I'm not -- you know we can take
6 care of the expenses of our representative.

7
8 MR. BOYD: I think that's generally what
9 we're talking about is meeting space.

10
11 MR. OLANNA: Okay.

12
13 MR. BOYD: And I know Kawerak would be
14 willing to send people and I -- it's not clear to me that
15 others would, but clearly it's meeting space is the issue.

16
17 MR. OLANNA: Okay.

18
19 MR. BOYD: We've had a number of requests
20 already and I think we're just going to have to be very
21 careful with this. We could have easily several hundred
22 people there if we created enough space for it. I think
23 our intent was that if we get that many people we may not
24 be able to have the desired outcome of having, you know,
25 good dialogue between councilmembers and Staff. And it
26 might dampen the ability to have, you know, good exchange
27 of information.

28
29 MR. OLANNA: No, Tom, I'm just concerned
30 because you know, Kawerak, in the past, have always been
31 concerned about meetings that happen that address certain
32 issues that affect our region. And a lot of times when you
33 have a closed meeting then Kawerak gets offended in a
34 fashion that some board members will get upset. And if we
35 could, you know, we'd certainly like to be invited. But
36 like I said, it would probably just be one individual if
37 that was the case, but as far as expenses, Kawerak would be
38 willing to take care of the travel and per diem for
39 whichever individual that wished to go down there.

40
41 MR. BOYD: If there is an opportunity to
42 provide limited space, I think we'd try to get an
43 invitation out.

44
45 MR. OLANNA: Okay.

46
47 MR. BOYD: And we'll evaluate that within
48 our planning procedures.

49
50 MR. OLANNA: Well, this is something.....

00123

1 MR. BOYD: I'm going to make a note of that
2 now.

3
4 MR. OLANNA: Yeah, Tom, this is just what
5 I'm relating to from the information I got from my boss,
6 Caleb.

7
8 MR. BOYD: Sure.

9
10 MR. OLANNA: Okay.

11
12 MR. BOYD: Let me offer an alternative. I
13 think we are open to attending -- and we have been for
14 various organizations around the state, and I think we just
15 recently had someone at the Kawerak board meeting.

16
17 MR. OLANNA: Uh-huh. (Affirmative)

18
19 MR. BOYD: Cliff and Bill Knauer?

20
21 MR. OLANNA: Yes.

22
23 MR. BOYD: And we'd be willing to do that
24 again, too, in the future. So that's an alternative if we
25 can't accommodate individuals from other agencies and
26 organizations around the state at the orientation session.

27
28 MS. ARMSTRONG: Madame Chair, this is
29 Helen, I just had a comment I wanted to add. I thought the
30 Seward Peninsula Council should be aware that it was
31 because of their request to have a joint -- you had
32 originally asked for a joint council meeting this fall with
33 all the councils and that was tossed around and then what
34 came out of it was the decision to do this state wide
35 training. But I think the Seward Peninsula Council should
36 be proud of the fact that it was their suggestion that
37 really led to this. I think it's going to be a real
38 worthwhile exercise for the councilmembers in the state.
39 So good job.

40
41 MR. EDENSHAW: Helen, perhaps if you have a
42 calendar, I didn't have one but I know that Ida Hildebrand,
43 Jerry Berg and Sandy Rabinowitch are on this training
44 committee, and the Kodiak/Aleutians at their meeting in
45 King Cove said that they would like to hold the training
46 January 18th through the 20th. Now, I don't have a
47 calendar in front of me but the word I received from Sandy
48 and them from that committee is that the last two weeks in
49 January and the first week in February is the window that
50 they're looking at to hold that meeting in Anchorage, so

00124

1 that's something that the Council should consider before
2 they close shop, is to make a recommendation that we can
3 take back to Anchorage for what dates they would like to
4 meet in Anchorage. And after the committee goes through
5 those recommendations from all 10 councils then they'll set
6 up their time frames appropriately.

7
8 MR. BOYD: Okay, good point, Cliff, thank
9 you. If you could be sure to -- I don't know when we want
10 to discuss that, we may want to discuss it right now or
11 maybe later in your meeting today.

12
13 MR. MENDENHALL: Will you be here this
14 afternoon?

15
16 MR. BOYD: You have to do your meeting
17 calendar for next winter as well. There is a handout,
18 Cliff, did you -- on the sort of draft agenda that they're
19 working on right now for the training, for the orientation
20 session?

21
22 MR. EDENSHAW: Yes, they have that.

23
24 MR. BOYD: And I think we would also
25 entertain any comments on that that you might have. And
26 instead of taking a lot of time now you might pass those on
27 to Cliff before you leave your meeting today or send them
28 in later if you haven't had a chance to look it over. I
29 know we're handing you folks a lot of written information
30 and I know it's probably overwhelming. It's overwhelms me,
31 believe it or not, when I'm dealing with this stuff and I
32 do it daily. So if you have any comments on the sessions
33 that we're planning and content of those sessions, you may
34 pass those through Cliff and Cliff will ensure that they
35 get to the committee that's planning this event.

36
37 Let me go on then and talk about the regulatory
38 process. Current fisheries regulations that we have in
39 place now that were in effect on October 1st will cover the
40 2000 fishing season next summer. We will be commencing
41 fishing regulatory process similar to the wildlife process
42 that we have now in place that will end in new regulations --
43 fisheries regulations for the 2001 fishing season, and
44 that process will begin later this winter. I think Cliff
45 has handed you out or it's either in the booklet or handed
46 out a fisheries regulatory schedule, so you can see what
47 we're looking at. Cliff, is that out there?

48
49 MR. EDENSHAW: They have that.

50

00125

1 MR. BOYD: Does everyone have a copy of
2 that?

3
4 CHAIRMAN CROSS: Yes, we have copies.

5
6 MR. BOYD: Green paper, but I'm not sure.

7
8 CHAIRMAN CROSS: We have it.

9
10 MR. BOYD: Okay. This is what I'm really
11 talking about of what we're thinking about, we want to
12 start where we solicit comments, proposals in January --
13 January 4th. And then in our winter regional council
14 meetings, February and March, next year, we want to solicit
15 input and changes to fish regulations. And then the
16 councils -- again, I skipped a couple of steps, but the
17 councils will meet in the fall again to deliberate
18 proposals and similar to what we do with wildlife. The
19 Federal Board will meet in December to decide on fishery
20 regulations for the 2001 fishing season. So anyway, that's
21 kind of the general overview of the fisheries schedule for
22 the regulatory year 2001.

23
24 So I'll just pause there to see if there are any
25 questions on that. What we're trying to do is use the
26 existing council schedule to do both fish and wildlife
27 proposals. And you'll notice that we basically will be
28 entertaining proposals for fisheries in the winter and
29 wildlife in the fall and we'll be evaluating proposals for
30 fisheries in the fall and in the winter for wildlife. So
31 it's essentially a little bit different schedules that uses
32 the same council meeting windows that we currently have.
33 If we also are talking about a regulatory process schedule
34 with the State, so as we move through that process you may
35 see an advantage of changing the schedule but that would
36 then go into effect for the next round beyond 2001.

37
38 If there are questions on that I will take them or
39 comments on that I will take them.

40
41 (Pause)

42
43 MR. EDENSHAW: Tom, this is Cliff again.
44 Probably just one comment for the Council, when you were
45 talking about proposals in our council book at the previous
46 meetings I included the Proposed Rule and that's a good
47 starting point for the Council or anyone here to, you know,
48 specifically, Jake or members of the public for changing
49 those regulations that were in the Final Rule. So that's a
50 good starting point for the Council if they so choose to in

00126

1 January, when the proposal period opens up, that would be a
2 good starting point for them to look through those under
3 subpart C and D, which are customarily and traditional use
4 determinations.

5
6 MR. BOYD: Right.

7
8 MR. EDENSHAW: And subpart D, seasons and
9 bag limits.

10
11 MR. BOYD: Right. Let me go on and just
12 briefly touch on the current regulations. The 2000 fish
13 regulations for your region. Cliff, I'm presuming that the
14 notice that's dated January 8th, 1999 has been passed out;
15 is that correct?

16
17 MR. EDENSHAW: Those were passed out in
18 Shishmaref.

19
20 MR. BOYD: Okay. I'm not going to go into
21 great deal here except to say on Page 1305 of that
22 document, it focuses you on the Norton Sound/Port Clarence
23 area. In previous briefings that we've given you we said
24 that we've essentially adopted the State -- adapted the
25 State subsistence fishing regulations into the Federal
26 regulation and the goal has been to try to apply that we
27 only adopt those regulations that apply on Federal lands
28 within your region -- or Federal waters within your region.
29 So the regulations appear for your region on 1305, that's
30 the harvest regulations. And essentially, they're the same
31 regulations as the State currently has so there's really no
32 difference in Federal regulations in the Seward Peninsula
33 area right now. I only point that out so you know that
34 there's no change -- no changes in your area with the
35 current regulations -- the State regulations.

36
37 There is one change, one difference that is more or
38 less a state wide difference, that is, harvest methods for
39 Federal regulations have been expanded to rod and reel, and
40 the State does not allow rod and reel, I believe, as a
41 method of subsistence harvest.

42
43 CHAIRMAN CROSS: Excuse me, Tom, we don't
44 have whatever paperwork -- whatever you're.....

45
46 MR. BOYD: Okay. Well, Cliff, mentioned
47 that he passed this out in Shishmaref. And it's the
48 Federal Register -- a copy of the Federal Register that
49 contains the Federal Subsistence Regulations. The point
50 I'm making is that they're not different from the State

00127

1 regulations now.

2

3 MR. DENTON: Page 161 of the regulation
4 booklet here.

5

6 MS. DEGNAN: I have a question for you.
7 When you say they're not different from the State
8 regulations and so what you're saying is that the State
9 recognizes that the subsistence user is a rural resident
10 under your Title VIII?

11

12 MR. BOYD: No, I'm not -- Fran -- is this
13 Fran?

14

15 MS. DEGNAN: Yes, this is Fran.

16

17 MR. BOYD: Okay. This is similar to what
18 we did in 1990 when we took over the hunting program. We
19 had to start somewhere. And we didn't want to go out with
20 a lot of change initially, recognizing that it could create
21 some confusion to users, so we started with the existing
22 State regulations and made them Federal regulations. We're
23 not saying that the State is in compliance with Title VIII
24 of ANILCA. We just wanted a place to start with our
25 regulations. We wanted to implement a regulatory process
26 that could make changes to those regulations in future
27 years. So that's really all I'm saying, is that -- does
28 that answer your question?

29

30 MS. DEGNAN: Yeah, partially. But what I'm
31 saying is that if we are going to give due respect to the
32 subsistence users that we should not cause -- keep causing
33 confusion because the perception of the subsistence --
34 indigenous subsistence user is this, is the State is not
35 recognizing the subsistence use patterns of the rural
36 residents and refuses to do so and it turns around that the
37 Feds have -- the Federal government has decided to continue
38 with ANILCA, Title VIII, and that would protect the
39 subsistence usage by indigenous -- or rural residents. And
40 now we're adopting what the State has put out, that causes
41 further perception -- what do you call, confusion.

42

43 MR. BOYD: I understand what you're saying.

44

45

46 MS. DEGNAN: And.....

47

48 MR. BOYD: What I.....

49

50 MS. DEGNAN:so it's really tough for

00128

1 me, as a councilmember, to say, you know, to try to
2 explain. So what I would do is I'd have them call Charlie
3 Lean in Nome and have them call the Federal Subsistence
4 Board if they want clarification.

5
6 MR. BOYD: Sure. So again, what the
7 difference is now is you have a Federal system in place
8 that will entertain proposals to change those regulations.
9 We did not have that process in place before October 1, so
10 we simply had no mechanism in place, no process to try to
11 identify what those regulation might be under other --
12 based on concerns by local users. We now have that process
13 in place, and that's the big difference here.

14
15 MS. DEGNAN: Okay.

16
17 MR. BOYD: We needed a place to start and
18 so we just started with what's current and existing.

19
20 MS. DEGNAN: Okay, that answers it.

21
22 MR. KOBUK: This is Leonard Kobuk. On that
23 booklet it says on the Yukon area regulations, it lists it
24 as far as Stebbins and St. Michael is on that same island
25 as Stebbins is and does that -- is that how far the Yukon
26 area regulations go?

27
28 MR. BOYD: Are you talking about the
29 description of the area?

30
31 MR. KOBUK: Yes. I'm talking about in this
32 booklet on Page 161 on the Subsistence Management
33 Regulation book.

34
35 MR. BOYD: Okay. Let me get a copy of that
36 and look at it.

37
38 MR. KOBUK: It says here on there Yukon
39 River fall chum salmon residents of the Yukon drainage
40 including the communities of Stebbins, Scammon Bay, Hooper
41 Bay and Chevak.

42
43 MR. BOYD: Yes.

44
45 MR. KOBUK: So in other words, what
46 happened to St. Michael?

47
48 MR. BOYD: Yeah, I'm going to have to check
49 on that.

50

00129

1 MR. KOBUK: In other words.....

2

3 MR. BOYD: The regulations that you're
4 looking.....

5

6 MR. KOBUK:in other words.....

7

8 MR. BOYD:at Mr. Kobuk are the
9 regulations that we printed last June or July. And those
10 regulations are no longer in effect, the new fisheries
11 regulations became effective October 1. The regulations
12 that you're currently looking at are not in effect, I'm
13 going to turn to the page in the new regulations to see if
14 I can find out what -- whether or not St. Michael's is
15 included in that.

16

17 MR. KOBUK: I don't see why we weren't
18 because we're on the same island as Stebbins and St.
19 Michaels was there before Stebbins.

20

21 MR. BOYD: I think you raise a good point.
22 And it's also not included in the new regulations so it
23 says the same thing as you just read. So I think that's
24 something that needs attention.

25

26 MR. KOBUK: In other words, this does not
27 pertain to St. Michaels since we're not in there?

28

29 MR. BOYD: That's what it says. I think
30 what we did was we basically took the customary -- these
31 are -- what you're pointing to are the customary and
32 traditional use determinations.

33

34 MR. KOBUK: Right now in St. Michael and
35 Stebbins we're only allowed to do subsistence fishing, we
36 don't do any commercial fishing. We tried to open up one,
37 in St. Michaels and Stebbins but we've always run into a
38 roadblock with the Yukon drainage system.

39

40 CHAIRMAN CROSS: Was that an oversight or
41 -- this is Grace?

42

43 MR. BOYD: I don't know, Madame Chair, I
44 need to check on that. Do you have anything to add, Helen?

45

46 MS. ARMSTRONG: This is Helen Armstrong. I
47 don't have anything to add, we'll have to check to see.
48 That's something, I'm assuming, came from the State but it
49 can easily be fixed, you know, when we look at proposals
50 this winter.

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1 CHAIRMAN CROSS: We can barely hear you
2 again.

3
4 MS. ARMSTRONG: Sorry, I have to turn the
5 phone around so you can hear me.

6
7 CHAIRMAN CROSS: Yes.

8
9 MS. ARMSTRONG: I believe that's something
10 that's come from the regs from the State that we've
11 adopted; is that correct, Tom?

12
13 MR. BOYD: That's correct.

14
15 MS. ARMSTRONG: And we'll just have to have
16 your Council make a proposal to change it and it's easily
17 fixable.

18
19 MR. KOBUK: Okay, I just couldn't
20 understand how we can be missed since we've had an IRA many
21 years ago and was recognized by the guy that was in
22 Washington, D.C., that was -- I can't remember his name
23 right off hand.

24
25 MS. ARMSTRONG: I'm going out to Bethel
26 next week and I can talk with Mike Coffeen who's there
27 subsistence person out there and find out some history
28 behind it and see what happened. I wouldn't worry too much
29 about it, I think it's easily fixable.

30
31 MR. KOBUK: Okay, thank you.

32
33 MS. ARMSTRONG: Yeah.

34
35 MR. LEAN: This is Charlie Lean and.....

36
37 MR. BOYD: I've made note of that also,
38 Leonard.

39
40 MR. LEAN: This is Charlie Lean. I
41 probably have more history than Mike on this subject and so
42 I'd be glad to talk to you if you'd like. But at one time
43 Stebbins was included in the Yukon district and that was
44 1962 when the change was made that Stebbins no longer
45 became part of the Yukon district and the line was moved to
46 Canal Point, which is the southern limit of the St. Michael
47 Canal. And then three years ago the line was moved further
48 south to Point Romanof, and so that subsistence fisheries
49 to the north of Point Romanof today, under State
50 regulation, are managed as Norton Sound subsistence,

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1 separate from the Yukon subsistence issue. Point Romanof
2 was determined to be the appropriate boundary by State
3 regulation due to the composition of the subsistence effort
4 north and south of that point, south of that point was the
5 Yukon Delta residents who fished that area, although a few
6 St. Michael/Stebbins residents do, and then north of that
7 line it's predominately St. Michael/Stebbins residents
8 fishing rather than Yukon residents. Although there is
9 kind of a tradition in between and I'd be glad to talk to
10 you. Mary Peat's also well versed on that subject if you'd
11 care to talk to someone else.

12
13 MR. BOYD: Thanks, Charlie. I think that'd
14 be most appropriate.

15
16 MR. MENDENHALL: This is Perry. I showed
17 that rod and reel thin on Page 161 and he said that the
18 State doesn't have that rod and reel?

19
20 MS. DEGNAN: They don't.

21
22 MR. BOYD: To the best of my knowledge
23 that's correct, Perry. This was a regulation that the
24 Federal Subsistence Board passed, actually a long time ago.

25
26 MR. MENDENHALL: I know. I.....

27
28 MR. BOYD: We had limited jurisdiction back
29 in the early '90s.

30
31 MR. MENDENHALL: I remember I was on the
32 Kawerak board then when we promoted rod and reel.

33
34 MR. BOYD: Again, Perry?

35
36 MR. MENDENHALL: Yeah, so I think that it's
37 good that it was there because we did have fish hooks for
38 salmon, too.

39
40 MR. BOYD: I didn't hear everything.

41
42 MR. KOBUK: This is Leonard. In St.
43 Michaels and Stebbins, we do use rod and reel for
44 subsistence fishing. Like we run over to Pikmikatalik and
45 that's near Romanof Point but it's north of it. And I
46 can't understand why rod and reel would not be classified
47 as being used for subsistence because we do it.

48
49 MR. BOYD: The Federal program does
50 recognize rod and reel as a method of subsistence harvest.

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1 MS. DEGNAN: The Federal line is right
2 there.

3
4 MR. KOBUK: Right. Okay, sorry, my
5 misunderstanding.

6
7 MR. MENDENHALL: I was just pointing that
8 out, if you're following State regs they don't have it.

9
10 MR. BOYD: Right.

11
12 MS. DEGNAN: This is Frances. When you
13 look at the area that the State encompasses for the Norton
14 Sound fishery, part of it includes the Yukon-Delta National
15 Wildlife Refuge so that would fall into Federal
16 jurisdiction. So if we amend the line to go further south
17 of Stebbins to conform with the State boundaries for the
18 unit for Norton Sound, then that would be a wildlife area.

19
20 MR. BOYD: Norton Sound area, the Seward
21 Penn area does cover the northern -- a very small portion
22 of a northern portion of the Yukon-Delta Refuge, you're
23 right, Fran.

24
25 MS. DEGNAN: Yeah.

26
27 MR. BOYD: Madame Chair, that's -- I know
28 this has been lengthy, that concludes my overview of the
29 Federal Implementation -- Fisheries Implementation today.
30 I know there's more to come when we have our orientation
31 session. I know this has been a lot of information and
32 I'll -- I appreciate your sitting through it and asking
33 some really thoughtful questions.

34
35 CHAIRMAN CROSS: You're welcome. Does
36 anybody have any further comments or questions for Mr.
37 Boyd? I don't see any hands rising.

38
39 MR. BOYD: Okay. I apologize for the
40 length and depth of this, and I hope that you're able to
41 understand a little better what's going on and hopefully
42 this will help prepare us for the orientation session in
43 January.

44
45 CHAIRMAN CROSS: Should we have lunch now?

46
47 MR. BOYD: If you have other questions or
48 comments, we're open at any time to receive those.

49
50 MS. DEGNAN: Yeah.

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1 MR. BOYD: Feel free to call Cliff or even
2 me or any member of my Staff or your regional team, Helen
3 or Donna, about these questions.

4
5 CHAIRMAN CROSS: Tom, it's.....
6

7 MR. BOYD: Helen, I think, is going to
8 touch on the customary trade issue right now and that will
9 conclude the fisheries information.

10
11 CHAIRMAN CROSS: How long is Helen's
12 presentation, do you know?
13

14 MS. ARMSTRONG: It depends on how long you
15 want to talk. I don't.....
16

17 CHAIRMAN CROSS: I think that because it's
18 really close to lunch maybe we should break for lunch to
19 12:30 and return at 12:30.
20

21 MS. ARMSTRONG: That sounds fine with me.
22

23 MS. DEGNAN: Yes.
24

25 CHAIRMAN CROSS: How about the rest of the
26 Council?
27

28 MS. ARMSTRONG: I think it will take me
29 about a half hour but I know you all have to deal with
30 going out for lunch and if breaking now is better, it's
31 fine with me.
32

33 MR. MENDENHALL: Give her a deadline to
34 Noon.
35

36 CHAIRMAN CROSS: Uh?
37

38 MR. MENDENHALL: Give her a deadline, cut
39 her off at Noon.
40

41 CHAIRMAN CROSS: If we have any questions
42 and stuff like that then.....
43

44 MR. MENDENHALL: We'll come back this
45 afternoon.
46

47 MS. ARMSTRONG: My presentation will only
48 take a few minutes, it's the discussion that will follow
49 that might take longer.
50

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1 CHAIRMAN CROSS: Okay, well, let's get
2 going then.

3
4 MS. ARMSTRONG: Okay, thank you, Madame
5 Chair. As Tom talked about, the issue of customary trade
6 was one of the 14 issues that was addressed in the
7 Fisheries Implementation Plan. The issue is there to
8 characterize the customary trade practices and to determine
9 the need for regulation of allowable levels to protect such
10 practices. As Tom was saying in his presentation, the regs
11 that went into place are to first recognize the importance
12 of customary trade and barter. And these regulations are
13 permissive with regard to customary trade, defining it as
14 the cash sale of fish and wildlife resources regulated in
15 this part, not otherwise prohibited by Federal law or
16 regulation to support personal and family needs and does
17 not include trade which constitutes a significant
18 commercial enterprise.

19
20 So the problem we're facing is the Legislative
21 history and the regulations did not define what significant
22 commercial enterprise is or what the allowable level of
23 customary trade is. We also recognized in working on the
24 plan as well as when we came out to the regional councils
25 asking for their input that there were regional differences
26 in the meanings of the terms associated with customary
27 trade. What the Federal Subsistence Board would like the
28 councils to do is to define what customary trade practices
29 are for your region and then talk about a process for
30 addressing any concerns that you may have identified. What
31 the schedule will be for doing this is that at this meeting
32 in the fall we're going to all the council meetings and
33 gathering information defining their regional customary
34 trade practices and identifying potential areas of
35 concerns. After those meetings, history and contemporary
36 information on the exchange of subsistence caught fish and
37 shellfish will be sought working with the Subsistence
38 Division at ADF&G, and other organizations. Then at the
39 winter meeting of 2000 a progress report will be provided
40 to the councils and we will be seeking your advice as to
41 whether or not we need to do some field interviewing. Then
42 by the fall of 2000, those council meetings, the
43 councilmembers will be given a draft report describing
44 regional and customary -- regional customary trade
45 practices and have you review those and then at that time,
46 also gather your suggestions as to how to address any
47 concerns that we may have come up with.

48
49 So at this point the Board wants council
50 recommendations on what policies may be needed, regulations

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1 developed or whether customary trade practices need to be
2 recognized with region specific regulations. We're trying
3 to find out whether we need to do something state wide or
4 have region regulations.

5
6 What we want you to do today, and I should have
7 started this out, there was a paper that was handed out
8 yesterday that was titled Regional Advisory Council Fall
9 1999 Recognizing Customary Trade Practices, if you have
10 that handout, there are a number of terms in there that
11 were developed by a committee made up of -- these were
12 actually -- mainly the anthropologists but Ida Hildebrand
13 was a pretty strong author in these terms. And what we'd
14 like you to do is look at those terms and then decide
15 whether or not they're appropriate, maybe they're not
16 appropriate and whether the definitions apply in your
17 region. So let's start with, the first one is barter. And
18 that's defined as the exchange of subsistence fish or their
19 parts for other subsistence food or parts of other food, in
20 general, i.e., exchange of salmon strips for beluga.
21 Barter/trade, is the exchange of subsistence fish or their
22 parts for other subsistence foods, cash or other items, for
23 example, the exchange of the salmon strips for beluga as
24 above but with the added sale of all or part of the beluga
25 for cash. Tradesman, is a person who barter or trades
26 subsistence food or parts for barter, trade or cash on a
27 regional basis. He or she does this on a continual basis
28 and is basically a subsistence user. Customary trade, the
29 trade of subsistence fish or parts for cash that does not
30 amount to a significant commercial enterprise that is a
31 subsistence user who sells for cash for part of their
32 subsistence take. And then last is commercial fishing, the
33 catch and sale of fish strictly for the purpose of sale in
34 the commercial fish industry.

35
36 So what I'd like to do is first talk about these
37 definitions and see if you think that they apply in your
38 region or if we even need to be considering them at all,
39 what your opinions are on that and then we can talk about a
40 list of customary trade practices in the region. I also
41 wanted to say that I recognize that there might be
42 something people won't want to talk about, we've already
43 had that at a number of meetings that have been held,
44 because as the regulation exists, under State regulations,
45 they've been doing things that are illegal, and our
46 intention is to gather the information. And if people want
47 to call me by phone, write to me, you can talk to Cliff
48 after the meeting and he can pass it on to me, if you don't
49 want to speak out in the meeting, that's okay, we've had
50 that at a number of other meetings, we're just interested

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1 in gathering information to find out what's really
2 happening.

3
4 So if we could start with barter -- do you all have
5 the paper in front of you?

6
7 MR. ENINGOWUK: Yes.

8
9 MR. KOBUK: Yes.

10
11 MS. ARMSTRONG: Okay. So if we could start
12 with barter, if anyone has any opinions on that definition
13 or is that a satisfactory definition?

14
15 MR. MENDENHALL: Looks good to me except
16 there's hardly any strips to trade for.

17
18 MS. DEGNAN: But how do you know they're
19 strips, you know, it could be caviar.

20
21 MS. ARMSTRONG: You can give examples that
22 are more specific to your region as well.

23
24 MR. KOBUK: Well, this is Leonard Kobuk
25 from St. Michael. We do a lot of bartering with the Yukon
26 because of their oily fish and their strips. And sometimes
27 people from St. Michael or Stebbins would bring some seal
28 or mukluk up the Yukon River to sell or to barter with
29 those up river. So this pretty much applies to the area of
30 St. Michael and Stebbins. It's been going on for as long
31 as I can remember.

32
33 MS. DEGNAN: Well, this is Frances. This
34 trading -- bartering has gone on throughout our entire
35 history. And the Yukon people would come down to the coast
36 to trade for oil and skins and then they'd have whatever,
37 fish or products from the Interior.

38
39 CHAIRMAN CROSS: I have a question. I'm
40 going to jump ahead a little bit. Tradesman: A person who
41 barter or trades subsistence food or parts for barter,
42 trade or cash on a regional basis. Is that definition
43 going to restrict like St. Michael trading from the Yukon?

44
45 MS. ARMSTRONG: No. I think what -- this is
46 something that Ida came up with and I believe what she was
47 really thinking about is something that, I'm not sure it
48 goes on as much anymore, something that might have been
49 more traditional, but somebody that this is what they do
50 all the time. It's a continual basis. Somebody who is a

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1 trader.

2

3 CHAIRMAN CROSS: What is.....

4

5 MS. ARMSTRONG: Going all over the region.

6

7 CHAIRMAN CROSS: What does regional basis
8 mean then? What's the definition of regional basis?

9

10 MR. MENDENHALL: Well, it's just like
11 somebody you know would do it.

12

13 CHAIRMAN CROSS: What is your definition of
14 regional basis?

15

16 MS. ARMSTRONG: Well.....

17

18 CHAIRMAN CROSS: I just don't want it to
19 restrict trade between different regions.

20

21 MS. ARMSTRONG: No, I guess I didn't
22 understand it to mean that it would only be within a
23 region, it could be crossing over regions. We could
24 clarify that in the definition. This is the kind of
25 comments that I'm looking for, that maybe it should say on
26 a regional basis or between regions. Is that what you're
27 looking for Grace, something like that?

28

29 CHAIRMAN CROSS: I just don't want anybody
30 to misunderstand it and say that there's no more trade
31 between regions.

32

33 MS. ARMSTRONG: Okay.

34

35 MS. DEGNAN: And this is Frances. My
36 great-grandfather was a trader and he went into Siberia and
37 St. Lawrence Island, Diomedes Island and down to Kodiak and
38 to Sitka and to California, and he -- and that was his
39 route and that was his business. So it goes way back in
40 history that the Eskimo from our culture is that we are not
41 restricted by boundaries or areas, it's what you can move,
42 and it can be globally.

43

44 CHAIRMAN CROSS: Charlie.

45

46 MR. LEAN: This is Charlie Lean. Would
47 tradesman include a store, like U.S. Merc that used to
48 exist in Nome where they bought and traded subsistence
49 goods of all sorts for resale in the community?

50

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1 MS. DEGNAN: And George's Market in
2 Anchorage.

3
4 MR. LEAN: Yeah, and George's Market in
5 Anchorage currently?

6
7 MR. BOYD: Let me -- this is Tom, Charlie.
8 Currently our regulations, and I don't know the exact words
9 I don't have it in front of me, but basically.....

10
11 CHAIRMAN CROSS: You need to get closer to
12 the mic.

13
14 MR. BOYD:restrictions of local sales
15 and not for resale.....

16
17 CHAIRMAN CROSS: Tom.

18
19 MR. BOYD:so in other words it would
20 be prohibited for a business to acquire subsistence taken
21 resources and resell them for commercial purposes. I think
22 what you're describing would not be allowed under current
23 Federal subsistence fishing regulations.

24
25 MR. MENDENHALL: But that was customary in
26 times of people couldn't go to the village themselves for
27 that trade but they desired that food that they grew up
28 with. And it's not just subsistence, it's a lifestyle, of
29 diet. It's like you can't get along without your hot dog.
30 That's what we're kind of -- some people crave that hot dog
31 or hamburger, our people in Anchorage and elsewhere, they
32 crave muktuk, they crave dry fish, seal oil, and yet
33 they're not able to. There are elders, because of medical
34 reasons they're there or because of economics they're there
35 but they feel healthier with that food. So that is
36 subsistence to us. I think that's an issue that Helen
37 needs to address more. Trades into the urban centers,
38 we're doing a service to the people that are there anyway.
39 And it's being done when they call up and ask us then we
40 would send it in because we know that they can't be without
41 it.....

42
43 MS. DEGNAN: Yes.

44
45 MR. MENDENHALL:or they would not
46 have called us. So it's a subsistence spiritual connection
47 with our foods, our diet is needed in the urban centers.
48 And Nome has a lot of that, too, they trade with the
49 villages because each village has their specialty that they
50 have like herring eggs from Stebbins/St. Mike's, strips

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1 from Unalakleet, black meat from Shishmaref, and also
2 berries, those kind of things. That's an example of what I
3 think tradesmen do. Used to have -- Deering used to come
4 down and give whole sled full of dry fish for people in
5 another village to trade for seals, oogrucks, ivory, because
6 Diomede and Wales they have that ivory over there closer.
7 So there used to be lots of trading going on. Point
8 Clarence was a trading site, Nuke Saftey was a trading
9 site, Moses Point was a trading site, Shishmaref was a --
10 same with Kotzebue. Kotzebue was turned from a trading
11 site to a village.

12

13 MR. KOBUK: St. Michael.

14

15 MR. MENDENHALL: So there was lots of trade
16 in the seasons, when we don't kill each other we have a
17 truce. That allows us to move -- come in together, too, it
18 was a truce for that trade.

19

20 MR. BOYD: Perry, this is Tom again, these
21 are very good comments. What I was speaking to earlier is
22 the way our regulations read right now. I think what we're
23 trying to do is recognize legitimate customary practices.
24 And we don't have a -- this is a work in progress so the
25 comments that you're making now, I think, will help us as
26 we move through identifying what are those customary
27 practices regarding barter and customary trade in your
28 region and in other regions. So I value what you're saying
29 and I think we need to take a hard look at this.

30

31 MR. MENDENHALL: The thing that the

32 people.....

33

34 MR. BOYD: What we probably want to do is
35 recognize these practices but at the same time draw a line
36 between these practices and commercial uses so that we
37 don't have any confusion about what's the difference
38 between customary and traditional trade and sale and
39 commercial practices. I won't elaborate on that but that's
40 why we're inviting your comments, and I think we're going
41 to be working on this over the next several months if not
42 next year. So your comments are very valuable.

43

44 MR. MENDENHALL: I think what we're
45 fearing, too, is that also the regulations, using these
46 terms it would be user friendly to where if somebody is
47 apprehended, they don't have all their hunting equipment
48 confiscated or gear confiscated, it costs, a lot of
49 permanent fund dividends, you know, just to get a boat or
50 equipment to go fishing. So user friendly is what we

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1 should tie in with these terms so we don't have somebody
2 spend two years in jail just because they went one tusk
3 over or one fish over. I think that's a -- user friendly
4 needs to be built in to ensure our people from not losing
5 their gear, fishing equipment and their head of the
6 household that does the hunting or fishing be put in jail
7 so that his family would starve. That's a fear that we
8 have. We fear that -- you know, we seen that happen on
9 Diomede.

10

11 CHAIRMAN CROSS: Charlie.

12

13 MR. LEAN: Yeah, Charlie Lean with Fish and
14 Game, and I very much have my Fish and Game hat on with
15 this statement, but this is to the Regional Councilmembers.
16 You know, I've lived in Alaska my entire life with my
17 father before me and grandfather and so forth, but please
18 think this out before you go all the way. This customary
19 trade is something that's gone on forever, you know, my
20 family several generations back participated in it as well.
21 The difference here is that the regulations stand for
22 everyone. And if, for instance, let's use king salmon, the
23 current commercial harvest of king salmon and Norton Sound
24 is less than 10,000 fish per year on the average. If we
25 were to allow a trade of the -- a high volume trade of king
26 salmon in the subsistence fishery, say a hundred fish per
27 person, it would be the end of the commercial fishery in
28 Norton Sound for king salmon. That means that only a
29 hundred people would have to take advantage of this trade
30 and there were would be -- a hundred additional people and
31 there would be no more commercial fishery because the
32 harvestable surplus is fully utilized as it is and
33 additional subsistence harvest will cut into the commercial
34 fishery.

35

36 Another point I would like to make is that when
37 that occurs or if that occurs even halfway, it will cause
38 management by Federal and State agencies of the subsistence
39 fishery more restrictive than it is now and it will put the
40 elderly person that currently sells 25 fish worth of strips
41 on the same level as the person that sells a hundred fish
42 worth of strips and quite probably that small time sale by
43 that elder is very significant to that person in their
44 livelihood. So the end result may be the removal of
45 opportunity for what we might consider the more legitimate
46 subsistence user.

47

48 So this is a balancing act and major changes are
49 going to cause pain up and down the line. So I'm very
50 concerned about this issue. I think this is probably the

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1 most contentious issue in subsistence management today, be
2 it State or Federal.

3

4 MR. MENDENHALL: I had that -- I think our
5 people have that same concern regarding preserving our
6 resources but we just want user friendly within these terms
7 so that it doesn't take away the main fisherman or provider
8 for that family or that elder.

9

10 CHAIRMAN CROSS: I was going to comment
11 that, you know, we all know that trading has gone between
12 different tribes since lord knows when and then when the
13 European's came, then we started trading with them with our
14 fish and furs. And in today's world there is still trading
15 between individuals with their subsistence food for
16 different clothing with different stores. Is that going to
17 be addressed? Do you understand what I'm talking about?

18

19 MS. ARMSTRONG: I do. I think any comment
20 you would like to make we'll welcome, to receive, and you
21 make the comments and we'll put them into the report. You
22 know, at this point we're just doing information gathering
23 and finding out what your concerns are, so if it's a
24 concern you need to express it.

25

26 CHAIRMAN CROSS: Is there going to be a
27 definition of -- what was that, substantial.....

28

29 MR. BOYD: Significant commercial
30 enterprise.

31

32 CHAIRMAN CROSS: Significant commercial
33 enterprise?

34

35 MS. ARMSTRONG: We're looking to you to see
36 if you want to define it. If you do want to then how would
37 you like to define it. But let's not get into that yet,
38 that will take a little bit of time. If we can go back to
39 our user friendly definition to satisfy Perry. I want to
40 make sure that we make these definitions here
41 understandable and are saying what's happening in your
42 region. If we can go back, before we leave the tradesman
43 definition, what I've heard you say is you want to make it
44 not just on a regional basis but between regions. And I
45 was wondering if the term, tradesman, what I kept hearing
46 people say was, trader, is that a word that may have more
47 meaning to you to say a trader rather than a tradesman?

48

49 MS. DEGNAN: I like the word trader.

50

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1 MS. ARMSTRONG: Okay.

2

3 MS. DEGNAN: That's Frances, my own
4 opinion.

5

6 MS. ARMSTRONG: Do other people agree with
7 that, too? Okay. Let's go back to barter trade, you
8 skipped over that one, any comments on that definition?
9 Does that have some meaning to you?

10

11 MR. MENDENHALL: A lot of that takes place
12 in the region. It looks good.

13

14 MS. ARMSTRONG: Okay. How about customary
15 trade?

16

17 CHAIRMAN CROSS: Can we go back to
18 tradesman?

19

20 MS. ARMSTRONG: Yes.

21

22 CHAIRMAN CROSS: On a regional basis or
23 between regions, I think is what we suggested earlier?

24

25 MS. ARMSTRONG: That's what I added. I did
26 add that. I've got that.

27

28 CHAIRMAN CROSS: Okay, moving on to
29 customary trade.

30

31 MS. ARMSTRONG: Customary trade, any
32 comments on that one?

33

34 MR. ENINGOWUK: This is Johnson from
35 Shishmaref. I think that pretty much covers it because
36 when we do that customary trade, the price of gasoline is,
37 you know, is close to \$3 a gallon in Shishmaref and when we
38 do customary trade we do sometimes trade for cash but if we
39 can afford to pay for that gas we also yearn for other
40 Native foods from different regions.

41

42 MS. DEGNAN: This is Frances. I,
43 personally, can't go whale hunting because I'm not living
44 in a village where you can get whale allotment and I like
45 whale, and I like oogrük hunting and the art, you know, but
46 I can do fishing. So what I do is I do my dry fish and my
47 smoke salmon but not a large quantity because I figure what
48 I can do with it. But what my biggest regulator is the
49 weather. I will not do any fish when the weather is wet
50 and rainy because I do not want to waste anything and I

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1 know a lot of the people feel the same. And we had a very
2 wet season this year so they waited until very late in the
3 year to put up the salmon and it's still really hard to find
4 people who are willing to let salmon out of their own home
5 use because they are looking at a long cold winter. So
6 it's regulated by nature. And from our customary
7 practices, you make sure you have a harvest in the future.

8
9 MS. ARMSTRONG: Any other comments before
10 we move on to commercial fishing? Commercial fishing, I
11 don't know if anybody has anything to add to that one, it's
12 pretty self-explanatory. Okay.

13
14 You've already given me a number of different
15 practices that people have, are there other ones that
16 haven't been mentioned so far that you'd like to add to the
17 list of what people do in terms of customary trade?

18
19 MR. MENDENHALL: I think recognizing where
20 certain resources are and that are not available around to
21 other villages that we trade for, recognizing that. So
22 that we don't become penalized.

23
24 CHAIRMAN CROSS: Charlie.

25
26 MR. LEAN: This is Charlie. The definition
27 of commercial fishing kind of is circular. You know,
28 commercial fishing is fishing for commercial fishing
29 industry, and so it seems like there could be some work
30 there maybe commercial fishing is fishing for resale or for
31 wholesale purposes.

32
33 MS. ARMSTRONG: That's a good comment,
34 thank you, Charlie.

35
36 MS. DEGNAN: Since it's almost noon, maybe
37 we should break.

38
39 CHAIRMAN CROSS: It's almost noon now and I
40 think we would take a break from our meeting until what
41 time?

42
43 MS. ARMSTRONG: Madame Chair, if I could
44 just ask everybody over lunch to be thinking about do you
45 want to set an amount that indicates what significant
46 commercial enterprise means and if so, what would that be?
47 We aren't actually looking for you to set one at this point
48 but you might be thinking about that if you want to revisit
49 that at all. And I'm willing to take a lunch break, too.

50

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1 MR. MENDENHALL: I don't think that we need
2 -- we would like to see a set amount.

3
4 MS. DEGNAN: No.

5
6 CHAIRMAN CROSS: No, we're all shaking our
7 heads.

8
9 MS. ARMSTRONG: Okay.

10
11 MR. MENDENHALL: Because some seasons are
12 good and some seasons are bad like this summer. The
13 weather never cooperated. I tried to buy fish at Teller
14 and I couldn't. So seasons varies for that trade -- for
15 the trade, I mean, and even from river to river we see
16 that. We understand the cycles and we understand
17 conservation that we try to do. We're not trying to
18 overfish.

19
20 MS. DEGNAN: Or catch the last fish.

21
22 CHAIRMAN CROSS: Okay, everybody ready for
23 lunch? So what time should we come back, any suggestions?

24
25 MR. MENDENHALL: 1:00.

26
27 MS. DEGNAN: 1:00 o'clock.

28
29 CHAIRMAN CROSS: 1:00 o'clock. We'll be
30 back at 1:00 then. We'll bring you back on board, right?

31
32 MR. BOYD: Yes, Madame Chair, we'll be
33 here.

34
35 CHAIRMAN CROSS: Okay. We'll see you at
36 1:00.

37
38 (Off record)
39 (On record)

40
41 CHAIRMAN CROSS: I'll call the meeting back
42 to order, it is now 1:10 in the afternoon. We want people
43 from Anchorage to do what they need to do first.

44
45 MS. ARMSTRONG: Okay. I think I'm just
46 about done with customary trade. We actually don't need to
47 come up with any final conclusions about the question I
48 left with you on is there an amount or a limit on what
49 significant commercial enterprise? That is something that
50 we'll discuss later on and it will come forward. But at

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1 this point my only other question was, do you think we
2 should have a state wide regulation or regional regulation
3 and what sort of process would you suggest that we -- if we
4 were to do that?

5
6 CHAIRMAN CROSS: Well, you're talking
7 about.....

8
9 MS. ARMSTRONG: Any thoughts on that?

10
11 CHAIRMAN CROSS: You're talking about
12 customary trade, right?

13
14 MS. ARMSTRONG: Do you think there's enough
15 regional differences that we would need to have specific
16 regulations for each region?

17
18 CHAIRMAN CROSS: Anybody have any thoughts
19 on that?

20
21 (Pause)

22
23 CHAIRMAN CROSS: I think that it's
24 something that we're all going to need to think about
25 first.

26
27 MS. ARMSTRONG: Okay. All right.

28
29 CHAIRMAN CROSS: At least that's my thought
30 at this point.

31
32 MS. ARMSTRONG: If anybody thinks of
33 something and wants to call the 800 number and talk to me
34 at any time, I'm always open for discussion. I think that
35 then concludes customary trade. The only other thing we
36 need to do is Donna has to talk about Proposal 15, and.....

37
38 CHAIRMAN CROSS: Proposal what?

39
40 MS. ARMSTRONG:I believe that's it as
41 far as our presentations go.

42
43 CHAIRMAN CROSS: Proposal what?

44
45 MS. ARMSTRONG: And here's Donna.

46
47 MS. DEWHURST: One thing before we get to
48 Proposal 15.....

49
50 CHAIRMAN CROSS: Okay.

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1 MS. DEWHURST: We've been in the process of
2 trying to clean up the regulations between the Federal and
3 the State and concentrating on trapping regulations because
4 it became a hot issue this year with the proposed trapping
5 ban on National Wildlife Refuges which didn't pan out but
6 it did make us look at our trapping regulations. This is
7 an old issue. Some of you that have been on the Council
8 for a number of years will probably remember that this came
9 up quite a few years ago back when Sheldon was the Chair.
10 And I wanted to just bring it up again, and if you guys
11 don't want to deal with it again -- at the time when it was
12 brought up, Sheldon and the Council decided not to deal
13 with it, if you want to do that again, that's fine. If you
14 want to take it up this time, it's fine.

15
16 But the issue was on the coyote trapping regs.
17 Under the Federal regulations there is no Federal open
18 season to trap coyotes. And under the State season there
19 is a season of November 1st through April 15th with no
20 limit on the number of coyotes taken. And the question
21 was, whether you wanted us to propose -- if the Council
22 wanted to propose that we just match the State regulation
23 or if you wanted to keep it at no Federal open season?

24
25 If you have your regulation book there it's on Page
26 128.

27
28 CHAIRMAN CROSS: When's anybody seen a
29 coyote anywhere up here?

30
31 MS. DEGNAN: The closest is Fairbanks.

32
33 MR. BOYD: I only saw Wiley Coyote and the
34 Roadrunner got him.

35
36 CHAIRMAN CROSS: Right.

37
38 MS. DEWHURST: From what Helen told me that
39 was way back when, this was taken up a number of years ago
40 when Sheldon decided or urged the Council not to have an
41 open season was because there are very few coyotes in the
42 area. I know in the Northwest Arctic area, north of
43 Kotzebue, coyotes are becoming a problem. They've moved
44 into that area and are taking sheep lambs but I didn't know
45 if they'd moved into your area yet or not so that's why I
46 wanted to just bring this up again and let the Council
47 decide.

48
49 MS. PERSONS: This is Kate. As far as I
50 know, really there haven't been sightings of coyotes in

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1 Unit 22 but they are moving closer, even in the Yukon River
2 drainage but I'm not aware that they've come this far yet.

3

4 CHAIRMAN CROSS: It seems that it would
5 make sense -- this Grace -- make sense to make regulations
6 if we start getting coyote and if we don't have any coyote
7 it don't make any sense to have any open seasons -- or
8 trapping seasons open for something that's not in the
9 region.

10

11 MS. DEWHURST: Well, that's fine, I just
12 wanted to revisit it. I wanted to get an update on the
13 status of coyotes and if you guys wanted to revisit. If
14 you don't want to revisit it and just leave it as is,
15 that's perfectly fine.

16

17 CHAIRMAN CROSS: Johnson Eningowuk will let
18 us know someday when coyotes get to his region and then
19 we'll deal with it or Leonard Kobuk.

20

21 MS. DEWHURST: Okay. Then the next thing
22 is if you can turn to Tab I in the Council book, it is the
23 issue on moose, deferred Proposal 15. It should be Tab I
24 in your books.

25

26 This one was brought up last year by the Copper
27 River Native Association specifically for the southcentral
28 region, Units 11 and 13. Both the State and the Federal
29 regulations right now read that if it is a single sex hunt
30 on moose, then when you're transporting a carcass you must
31 keep some kind of sex still attached to part of the
32 carcass, some part of the external sex organs have to be
33 attached to some piece of meat or some portion of the
34 carcass. Currently that is the regulation on both State
35 and Federal regs. The request of the Southcentral Council
36 was to eliminate that in the Southcentral region for Units
37 11 and 13. When it went to the Board, the Federal Board,
38 they decided to defer this because they thought it might
39 have a broader interest in the state and they wanted more
40 input from other councils to see if this should be a state
41 wide issue or if it should stay a regional issue.

42

43 To give you some background on the councils that
44 have met so far, Kodiak/Aleutians and Bristol Bay, I
45 believe, both didn't feel it was an issue in their area or
46 not hot enough issue to propose to change the regulation.
47 As a matter of fact, Bristol Bay specifically voted not to
48 change the regulation while Eastern Interior said it was an
49 issue for their region and they wanted the regulations
50 changed on a state wide basis. So we've had mixed opinions

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1 so far from the councils that have met thus far.

2

3 The issue on the next page, if you turn the next
4 page, the reason this has been brought up, testimony that
5 we've had in the past is -- probably the biggest argument
6 is that leaving the male sex organs attached to the meat
7 spoils that meat that is attached to it, especially if it's
8 during the rut. It's not a customary and traditional
9 practice in many areas of the state and some people have
10 gone as far as saying it's actually a culturally offensive
11 practice. And then the other issue was there's been talk
12 that with this regulation you don't have to have the
13 antlers so if you don't have any use for the antlers, you
14 don't have to bring them back. But there was testimony
15 that people always bring the antlers back so they didn't
16 feel that was a valid argument. Those have been the
17 arguments on why to get rid of the regulations.

18

19 The arguments of why to keep the regulation has
20 been -- the regulation is in place to protect cows -- cow
21 moose. And it's primarily for populations that are
22 unstable or weak, which several of the moose populations in
23 your region would fall under that category. It does
24 provide the option for subsistence hunters to leave the
25 antlers in the field. It is consistent with State
26 regulations as written right now. And then the other
27 issue, which is probably one of the biggest ones is we have
28 a number of winter antlerless bull seasons on the books,
29 including one in your region in 22(A). And some of you
30 probably remember this was a hot issue, I think it might
31 have been two years ago, it was either last year or the
32 year before. That season was discussed at your council
33 meeting and there were several folks that were very
34 concerned about even keeping that season on the books
35 because they felt that cows were getting shot. And the way
36 we managed to keep the season on the books was because of
37 this regulation, that we were able to justify that because
38 this regulation's in place we could guarantee that cows
39 would be protected. The concern is if we eliminate this
40 regulation, even if it is culturally offensive, if we
41 eliminate this regulation, there's going to be a lot of
42 these winter antlerless seasons that are going to get
43 harder and harder to justify over the years and some of
44 them may end up disappearing because we may not be able to
45 justify them anymore. If we can't guarantee the cows are
46 protected it's going to be hard to keep them on the books
47 and the populations where are cows -- and the populations
48 that are hurting right now, that aren't doing that well.

49

50 So there's good arguments of both sides of the

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1 coin, basically. You know, we understand that it is
2 culturally offensive in a lot of areas and that's perfectly
3 understood but the question is is it kind of a necessary
4 evil, in that, we may or may not need to leave it on the
5 books as far as to guarantee that we can protect cows in
6 certain areas. So the question that we're coming to the
7 Council, if you go on to the next page, the first question
8 that we want each council to answer or offer; can you
9 suggest or can you think of any alternative methods that we
10 could possibly do that would still protect cows under those
11 hunts but might be more culturally suitable or not as
12 offensive? Has anybody thought of anything as you've read
13 this in advance? So that's the first question for the
14 Council to answer if anybody has any comments on that first
15 question. We're looking for alternatives.

16
17 MR. KOBUK: This is Leonard Kobuk.
18 Wouldn't just bringing the horns of a male cow be.....

19
20 CHAIRMAN CROSS: Male.....

21
22 MR. KOBUK: I mean male bull.

23
24 (Laughter)

25
26 MR. KOBUK: Wouldn't this be evidence
27 enough instead of bringing the organs -- I guess that
28 question, too, lie with Charlie Lean.

29
30 MR. LEAN: Kate.

31
32 CHAIRMAN CROSS: Kate. Kate Persons.

33
34 MR. KOBUK: Or Kate. Wouldn't that be
35 enough evidence that they caught a bull?

36
37 MS. PERSONS: Well, actually one would
38 think so. But I just happened to hear that the other day
39 somebody out there on Glacier Creek Road had the fresh
40 antlers of a young moose stolen right out from in front of
41 their cabin, presumably by someone who wanted to hide -- I
42 mean who knows why, except they were small, they weren't,
43 you know, something big that somebody would want for a
44 trophy and it appeared that perhaps somebody took them to
45 disguise the harvest of a cow moose. So there's potential
46 for abuse in that way.

47
48 MS. DEWHURST: And to add to what Kate
49 said, in my prior job, I did Federal Law Enforcement and I
50 was involved in a couple of cases where we had hunters that

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1 took antlers back out to harvest cows. So that was the
2 problem, is they retained the antlers and they would go
3 back out and shoot a cow then they claimed that those
4 antlers went with that animal and it was hard to prove one
5 way or the other whether they were telling the truth. But
6 in those cases they were not subsistence users, I should
7 clarify that, in those specific cases. And that's where we
8 get into an interesting thing where it has also been
9 proposed, not officially, but that we also remove the
10 regulation on the State books or that the State removes the
11 regulations, so that, you know, it does protect your cows
12 not only from other subsistence users but from other sport
13 hunters because the State regulation is also covering the
14 sport hunters. I'm not saying that they're the only ones
15 that ever violate, that was just a particular instance I
16 was involved in with sport hunters.

17
18 MS. DEGNAN: This is Frances. There aren't
19 that many moose and I think that it's the sports hunters
20 that generally go for the moose and when it becomes
21 subsistence only I don't think you need to worry about
22 leaving sex organs on the animal. Because if you have
23 locally compacted management and you have tribal entities
24 managing the species that you want -- if your resource is
25 low you're not going to wipe them out.

26
27 MS. DEWHURST: Yeah, I think I caught most
28 of that. Yeah, that has been a discussion point in other
29 councils, too. And part of that is the ability to do, not
30 so much law enforcement, but for anybody that is in the
31 field to be able to check the carcass and know whether or
32 not somebody did take a cow or a bull. So it isn't so much
33 to catch -- to force the regulation into being. I mean
34 I've always kind of thought of this regulation as a lock,
35 lock on a door. And that we have locks on doors and if
36 somebody's a burglar they can get around any lock you put
37 on your door but it keeps the honest people honest. And
38 that's kind of the way I've always kind of thought of this
39 regulation. Nobody really likes the regulation as far as
40 dealing with it but if you have a dishonest individual in
41 your area it does make them think twice about shooting that
42 cow. But certainly the honest people it wouldn't make any
43 difference, too, and that's the way a lot of laws are. Is
44 they're really designed not for the honest people for the
45 folks that do want to break the law.

46
47 The next question on this is, as you mentioned, if
48 we did get rid of it on the Federal books, how would you
49 feel -- it doesn't sound like the State's very interested
50 in getting rid of it on the State book, would this be a

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1 problem in your area if the Federal regulation was
2 different than the State regulation, since in the past
3 we've always moved to keep them very similar?

4
5 MR. DENTON: Madame Chair, just as an
6 information base -- this is Jeff Denton with BLM. But in
7 22(A), even this kind of activity with subsistence users,
8 is not without precedent. There have been cases on the
9 Unalakleet and several situations reported to me in that
10 country of cow moose being taken in the winter seasons and
11 not necessarily with the antlers, but there are several cow
12 taking violations been taken in the winter season there.
13 Some of those were involved with moose taken in the St.
14 Michael's area by the lower Yukon River people that were
15 indiscriminately taking moose a couple winters and they
16 don't even have C&T for moose there, so there's several
17 problems there. But it's not a problem without precedent
18 in 22(A) for sure. And it's something that would be, to
19 me, of concern in that area with moose populations the way
20 they are and the distribution of subsistence hunting there.

21
22 CHAIRMAN CROSS: There's no other
23 biologically difference item that can be taken from moose
24 that could show the sex of the moose?

25
26 MS. DEWHURST: You can tell the sex of the
27 moose by the pelvic bones.....

28
29 CHAIRMAN CROSS: Besides antlers and sexual
30 organs?

31
32 MS. DEWHURST:but that means cutting
33 down the meat off the carcass. And a lot of hunters
34 object, if you're a law enforcement officer starts cutting
35 the carcass down. So that has been proposed but it would --
36 it's usually not an acceptable alternative.

37
38 MR. ENINGOWUK: This is Johnson from
39 Shishmaref. I know learning from our elders, they seem to
40 agree that leaving the male sex organs attached would spoil
41 the meat so that's why I think every hunter that get a bull
42 moose always automatically do that. I don't know, I
43 couldn't -- I don't know how to comment on what should be
44 done because it is a common practice in Shishmaref to
45 remove the male sex organs because our elders are telling
46 us that it does spoil the meat if you leave them attached.
47 Whenever somebody gets a moose they automatically do it
48 right now.

49
50 MR. KOBUK: I'm in the same agreement with

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1 that because it is one of the things that will spoil the
2 meat. In years past when I used to hunt moose that was the
3 first thing that I made sure was removed because I'd rather
4 have my meat that isn't spoiled by the organs because I'd
5 hate to waste some meat because of it after hauling it long
6 ways, and that's just my own opinion.

7
8 MS. DEWHURST: One other alternative that
9 has been proposed from another council and I'd like to get
10 your folks opinion on this would be if we said that you
11 have to have the organs in possession but they don't have
12 to be attached to the meat; would that be an acceptable
13 alternative?

14
15 MR. KOBUK: You'll run into problems with
16 that, just.....

17
18 MR. DENTON: That's the same as.....

19
20 MR. KOBUK:you know, taking the
21 organs off but they got to have it -- jesus.

22
23 MS. PERSONS: They probably don't keep as
24 well.

25
26 MR. DENTON: That's right.

27
28 (Laughter)

29
30 MR. KOBUK: Because as a hunter, I would
31 take it off because.....

32
33 MS. PERSONS: Yeah, I mean I think that
34 seems reasonable. I mean I suppose somebody could, you
35 know, could get around it if they really were lawbreakers
36 and thought ahead and they could save them in a freezer
37 from one year to the next but I think it would be a
38 lot.....

39
40 CHAIRMAN CROSS: It could get freezer
41 burned.

42
43 (Laughter)

44
45 MS. PERSONS: Yeah.

46
47 (Laughter)

48
49 MS. PERSONS: That seems like a reasonable
50 idea.

00153

1 CHAIRMAN CROSS: Well, it's has absolutely
2 no value ever to us.

3
4 MS. DEGNAN: I know.

5
6 CHAIRMAN CROSS: I was going to comment
7 that male -- moose male sexual organs have absolutely no
8 value to us at all. And if you leave them attached to the
9 meat it spoils your meat you're getting a certain
10 percentage that we're not going to eat. Up here the only
11 male sexual organs of value is that of the bull walrus.

12
13 Charlie.....

14
15 MS. DEWHURST: I guess the question then
16 would be, of the Council, whether or not you think that
17 this regulation should be removed, and if it should be
18 removed should it be done on a state wide basis or do you
19 feel it should just stay a regional situation and decided
20 region by region.

21
22 MS. DEGNAN: I think it should be region by
23 region.

24
25 CHAIRMAN CROSS: I think it'd be better to
26 go region by region because you already indicated that
27 there was no objection from some of the regions and some
28 people are -- some regions are opposed to it and some
29 regions are not.

30
31 MS. DEWHURST: Okay. Then I guess what
32 we'd probably need would be maybe a Council vote on whether
33 or not at this time you would want this regulation
34 eliminated in your region.

35
36 CHAIRMAN CROSS: We only got, what, five
37 here -- five out of nine, is that -- there's only five of
38 us left over now so we'll have to get back with you on
39 that.

40
41 MS. DEWHURST: It doesn't have to be a
42 quorum on this one it's not on a -- I guess I'd still be
43 interested in knowing out of the five how you guys feel.
44 Five is a quorum, actually.

45
46 MS. DEGNAN: Well, I'll move that we not
47 have the regulation in this region.

48
49 CHAIRMAN CROSS: Is there a second?

50

00154

1 MR. KOBUK: I'll second.

2
3 CHAIRMAN CROSS: Discussion.

4
5 MR. ROOKOK: Question.

6
7 CHAIRMAN CROSS: Question has been called.
8 All is in favor of removing the regulation signify by
9 saying aye.

10
11 IN UNISON: Aye.

12
13 CHAIRMAN CROSS: All those opposed, same
14 sign.

15
16 (No opposing votes)

17
18 CHAIRMAN CROSS: Well, it looks like we
19 want to remove it.

20
21 MS. DEWHURST: Okay. Did I kind of gather
22 from the information or the discussion earlier then,
23 though, that you would be in favor of potentially --
24 potentially if we had to come to a middle ground, possibly
25 saying that the moose sex part could be in possession but
26 not attached, could that -- was I correct in understanding
27 that that could be a compromise if we get into this in a
28 state wide discussion?

29
30 MR. ENINGOWUK: I believe there's -- this
31 is Johnson. I believe there is no alternative to it then I
32 think it could be done, carry it around in a plastic bag or
33 something.

34
35 MS. DEGNAN: And that comes with your
36 license, the bag?

37
38 MS. DEWHURST: You'll have to ask Kate on
39 that one, if the State wants to provide a bag.

40
41 CHAIRMAN CROSS: A doggie bag. Then we
42 hand it to Kate, what does she do with it?

43
44 (Off record comments)

45
46 CHAIRMAN CROSS: If there's no other
47 alternatives, it'd be a better alternative than having the
48 organ attached to the meat. Did you hear me?

49
50 MS. DEWHURST: Yeah. Yeah, we heard that.

00155

1 Okay, well, that's just basically what we're interested in.
2 And we're doing this council by council and then we will
3 tally the information and go back to the Board to decide
4 what to do this year. So I do appreciate the good input,
5 and unless there is any questions or any further discussion
6 on this one from your end, that's all I had on this end.

7
8 CHAIRMAN CROSS: I don't think there's -- I
9 don't think anybody else is going to say anything else
10 about this one anymore.

11
12 MS. DEWHURST: Yeah, it's a favorite
13 discussion. Next thing I had, I was supposed to cover for
14 the migratory birds, so Tab J in your book. I'm not going
15 to go into a lot of detail on it. If you read through
16 there, where they're at in their planning process is trying
17 to decide how to set up management bodies in the state.
18 Whether to use the present Federal councils or to set up
19 something different or to use combinations thereof. And as
20 you leaf through there are four models, and I'm not going
21 to go into details on the different models, you can read it
22 in your leisure. The bottom line is they've extended the
23 comment period, I believe, until the end of the month so if
24 you have comments now we'll certainly record them, if not --
25 if there were any strong feelings from the Council as to
26 one specific way they would like it to go you could feed
27 the comments through Cliff or any of us and we could get
28 the comments to the mig bird folks or you could contact
29 them directly.

30
31 MR. EDENSHAW: Madame Chair, I may add, the
32 Kodiak/Aleutians, they selected option number 3. And what
33 they did was they just made a motion and said that they
34 would support option three and that was their comments that
35 were reported to migratory birds.

36
37 CHAIRMAN CROSS: I think this is an issue
38 that we should have the rest of the Council look at prior
39 to making any kind of decisions, like I said, there's only
40 five of us left here now. I think we should give them an
41 opportunity to put their input before we decide to make
42 some sort of recommendation and we can do that. Then we
43 have.....

44
45 MR. BOYD: Can I just.....

46
47 CHAIRMAN CROSS: Hello.

48
49 MR. BOYD: Madame Chair, this is Tom Boyd,
50 given the timing of this right now, I think the comment

00156

1 period has been extended through the end of October. And
2 after that the next step would be then leading up to making
3 a decision on this and I'm not sure when that will occur.
4 But I would suggest that if you want to solicit that input
5 from the rest of the councilmembers, you or a member of the
6 Council may want to do that; either call around and ask
7 people or sort of get some consensus on that before the end
8 of the month and you won't be meeting again between now and
9 then. So you'll have an opportunity to have those comments
10 count. And the question is which alternative would you
11 like to see implemented and there's a phone number in here
12 on the first page of this, the second page, I guess -- at
13 the bottom of the second page.....

14
15 CHAIRMAN CROSS: Uh-huh.

16
17 MR. BOYD:of Mimi Hogan or Bob
18 Stevens of the U.S. Fish and Wildlife Service.

19
20 CHAIRMAN CROSS: Uh-huh.

21
22 MR. BOYD: They work in the migratory bird
23 office. And that phone number down there could be used to
24 call in those comments or you could call our 1-800 number
25 and talk to Cliff and get that input. So if you don't want
26 to do that today, I suggest you do it by telephone by the
27 end of the month.

28
29 CHAIRMAN CROSS: Yeah, we're going to be
30 requesting to have a teleconference in the near future
31 anyway, I'll call you Monday.

32
33 MR. BOYD: Okay, that'd be good, Grace.
34 Monday is a holiday for us, Grace, Tuesday we'll be in.

35
36 CHAIRMAN CROSS: Okay, I'll call you
37 Tuesday then.

38
39 MR. BOYD: Thank you.

40
41 CHAIRMAN CROSS: So do we want to do that
42 and then.....

43
44 MS. DEGNAN: Uh-huh.

45
46 CHAIRMAN CROSS:we can think about it
47 and we'll call Elmer and the other councilmembers and have
48 them look at this. So that's what we'll do, we'll let you
49 know.

50

00157

1 Hello, are you there?

2

3 MR. BOYD: Yes, that would be great.

4

5 CHAIRMAN CROSS: Okay. Is there

6 anything.....

7

8 MR. BOYD: That concludes all of the things

9 that we were going to brief the Council on so I'll turn it

10 over to you, Madame Chair.

11

12 CHAIRMAN CROSS: Wait, let me see

13 something, on Tab K, Review of Regional Council Charters.

14

15 MR. BOYD: I think that's something you

16 were going to do, Cliff?

17

18 MR. LEAN: Cliff stepped out.

19

20 CHAIRMAN CROSS: He's not here.

21

22 MR. BOYD: Okay. That's something that

23 Cliff should have been going through with you to see if you

24 wanted to make any changes in your charters -- your charter

25 for your regional council. The charter is three pages long

26 and it's under Tab K, so if you could review that and make

27 a determination whether you have any changes you would like

28 to make in that charter. We review those charters every

29 two years. And most of the time they stay the same but

30 there are times when the councils do propose changes to

31 those charters and we receive those. Those have to be

32 approved by the Secretary of the Interior so any changes to

33 charters has to go basically through the Federal

34 Subsistence Board to the Secretary of the Interior. So

35 this is an opportunity for you to look at the charters to

36 see if it's still adequate for your purpose.

37

38 CHAIRMAN CROSS: I think it's another one

39 of those where we need to talk to each other about prior to

40 saying we want changes or no changes.

41

42 MR. BOYD: Okay.

43

44 CHAIRMAN CROSS: With each of the

45 councilmembers, like I said, there's five of us left over

46 now.

47

48 MR. BOYD: Okay.

49

50 CHAIRMAN CROSS: So we'll get back to Cliff

00158

1 or somebody with this one.

2

3 MR. BOYD: Okay.

4

5 CHAIRMAN CROSS: So are you done?

6

7 MR. BOYD: If Cliff is still not there the
8 only other thing that we wanted to do is under Tab L and
9 that's to identifying where you would like to meet in the
10 winter and where.

11

12 CHAIRMAN CROSS: Okay, now, where's the
13 window?

14

15 MS. DEGNAN: On Tab L.

16

17 CHAIRMAN CROSS: Okay.

18

19 MR. BOYD: It opens February 21st and
20 closes March 24th. It's under Tab L, it's just a calendar
21 there. I know the calendar -- Cliff may have what is being
22 suggested by the other councils but I don't have that in
23 front of me.

24

25 CHAIRMAN CROSS: There's no
26 information.....

27

28 MR. BOYD: But there's only been.....

29

30 CHAIRMAN CROSS:when anybody's
31 meeting.

32

33 MR. BOYD:three other meetings so you
34 could probably pick within this window.

35

36 CHAIRMAN CROSS: So it's open for our
37 picking, is that what you're saying?

38

39 MR. BOYD: Say again?

40

41 CHAIRMAN CROSS: Any.....

42

43 MR. BOYD: It's wide open.

44

45 CHAIRMAN CROSS: It's wide open for us?
46 Okay.

47

48 MR. BOYD: Yeah, within the window it's
49 wide open I would say.

50

00159

1 MR. ENINGOWUK: Since you didn't make it to
2 Shishmaref -- this is Johnson, you could come back to
3 Shishmaref in the winter time.

4
5 MR. BOYD: One of the things that we
6 usually try to do in the winter meeting is in most of the
7 regions is try to have it in one of the centers, like Nome,
8 or you know, like one of the main places where we can get
9 aircraft in and out because usually we have travel problems
10 like we did this time, usually we have more of that in the
11 winter. And we also -- anyway that's a major
12 consideration. Usually in the fall we try to get out to
13 the smaller communities but in the winter we try to keep
14 that in the hub communities.

15
16 CHAIRMAN CROSS: I understand that Kodiak
17 and Eastern have already selected dates, do you know what
18 those are?

19
20 MR. BOYD: No, I don't off the top of my
21 head. But in terms of Staff and people there it shouldn't
22 be a conflict for your Council.

23
24 CHAIRMAN CROSS: Okay, so it won't be of
25 any conflict to us?

26
27 MR. BOYD: Yeah. Well, see, I'm looking at
28 a -- I think it's pretty wide knowing most of my Staff so I
29 could speak openly about it. Looking at a reorganization
30 in my Staff to divide between northern and southern so the
31 same Staff won't be on northern and southern regions. So
32 that's -- I don't think you need to worry about a conflict
33 with Kodiak right now.

34
35 CHAIRMAN CROSS: It seems like.....

36
37 MR. BOYD: So you're wide open at this
38 time.

39
40 CHAIRMAN CROSS:if we could have the
41 meeting as closest to our training as possible, you know,
42 we're going to Anchorage.....

43
44 MS. DEGNAN: In January.

45
46 CHAIRMAN CROSS:in January, the
47 closest to it so if we have any further questions or want
48 to have more additional information then we should have it
49 as closest as possible.

50

00160

1 MS. DEGNAN: February 21st.

2

3 CHAIRMAN CROSS: February 21, what do you
4 think? How about February 21st.

5

6 MS. DEGNAN: That's Monday.

7

8 MR. BOYD: If that's good with you all.

9

10 MS. DEGNAN: It's Monday.

11

12 CHAIRMAN CROSS: It's Monday, how about the
13 rest of you, is Monday a good day?

14

15 MR. BOYD: I would suggest you pick two or
16 three day windows there. I think we'll be entertaining
17 fishery proposals and probably entertaining wildlife
18 proposals, I don't know if two days is adequate, it may be.
19 But once we get into agenda development we'll know.

20

21 CHAIRMAN CROSS: We wanted to have the
22 meeting as close to possible from the training in January
23 so if we have any questions or want to add -- or wanted to
24 elaborate on anything further we can request that while our
25 members are still fresh.

26

27 MS. DEWHURST: Is the meeting place going
28 to be Nome?

29

30 MS. DEGNAN: Unalakleet. Unalakleet is a
31 fishing area.

32

33 CHAIRMAN CROSS: Unalakleet. Remember we
34 were thinking of having the meeting alternate between the
35 two -- well, that was my idea.....

36

37 MS. DEGNAN: Yeah.

38

39 CHAIRMAN CROSS:between the two, have
40 it around your area and then have it around the BLM area
41 and then try to move it back and forth between the two
42 affected regions, and Unalakleet is certainly easier to get
43 in than Koyuk.

44

45 MR. KOBUK: There's flights out of
46 Anchorage to Unalakleet.

47

48 CHAIRMAN CROSS: We're thinking about
49 Unalakleet. See, we were talking about having the two
50 meetings fluctuate between the two areas of land that have

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1 Federal lands. Like in the fall time we'll go back to
2 around Shishmaref or some of the communities over there and
3 the following -- the next meeting around Unalakleet. We'd
4 like to try that.

5
6 MR. BOYD: That would be good. That would
7 be good for us.....

8
9 CHAIRMAN CROSS: Because we.....

10
11 MR. BOYD:if that's good with the
12 Council.

13
14 CHAIRMAN CROSS:if you were here
15 during the Shishmaref meeting you would have been amazed at
16 how many people came up and testified and how much response
17 we had from the community. They were really ready.....

18
19 MR. BOYD: That's great.

20
21 CHAIRMAN CROSS:for us. And I think
22 it's a priority.

23
24 MR. BOYD: I'm really sorry. I wanted to
25 get to Shishmaref, I've never been there and it's really
26 disappointing to me not to be able to get there.

27
28 CHAIRMAN CROSS: So we'd prefer to have our
29 meeting the 21st, 22nd and 23rd at Unalakleet.

30
31 MR. BOYD: Good.

32
33 MR. ADKISSON: Madame Chair.

34
35 CHAIRMAN CROSS: Ken.

36
37 MR. ADKISSON: Then assuming that February
38 21st is a Monday, do you have any thoughts about travel on
39 weekends or problems? I know that Jake Olanna mentioned to
40 me that because of budget restrictions and stuff, Kawerak
41 was thinking about trying to cut off travel and
42 participation at meetings that related to overtime and
43 weekends, and it may be just something you want to take
44 into consideration.

45
46 MS. DEGNAN: Well, Monday's the beginning
47 of the week.

48
49 MR. ADKISSON: Yeah, it is.

50

00162

1 MR. BOYD: I think we can work that out if
2 you wanted to travel on Monday.

3
4 CHAIRMAN CROSS: I think we can all begin
5 traveling on Sunday for those that are able to because
6 there are some places that don't get airplanes on Sunday.

7
8 MR. EDENSHAW: Madame Chair, may I make a
9 suggestion, they can -- what we can do is we could ask
10 Terry to follow up on this if the Council so chooses the
11 21st, 22nd, and 23rd, we can ask Terry what the
12 availability is. Because I know for the alternates or for
13 Preston or any of these others who travel, this time
14 they'll be traveling -- for instance, Johnson and the
15 others, and Toby, from Wales, they may not have flights on
16 a Sunday and stuff so they -- you know, it's all up to them
17 whether some of them may have to travel on a Friday and it
18 just means that we have to overlodge them in Nome for a day
19 or two or else if they came in on a Sunday.....

20
21 MS. DEGNAN: We could travel on Monday and
22 the meeting would be the 22nd and 23rd.

23
24 MR. EDENSHAW: No, I'm just saying.....

25
26 CHAIRMAN CROSS: Well, travel could be done
27 on the 21st and just keep the 24th open and see how many
28 people can make it on the 21st to Unalakleet and then begin
29 when people get there.

30
31 MR. BOYD: Sure.

32
33 CHAIRMAN CROSS: Depending on what time
34 people get there. But it's going to take -- some people
35 are going to take all day to travel just about so maybe
36 start the meeting on the 22nd and keep 24th open just in
37 case we need that additional time.

38
39 MR. BOYD: Okay.

40
41 CHAIRMAN CROSS: Travel on Monday, Johnson?

42
43 MR. ENINGOWUK: I remember in previous
44 meetings, because I work and I have to provide for my
45 family I did ask for close to a weekend. I was glad that
46 that was happening. But I guess I would have to.....

47
48 CHAIRMAN CROSS: Well, we could have it
49 later that week, too.

50

00163

1 MR. ENINGOWUK: I guess if the Council
2 wishes to do that, and I think Kawerak can afford a
3 weekend.

4
5 CHAIRMAN CROSS: The 25th is a Friday.

6
7 MR. ENINGOWUK: I think, myself, it's hard
8 for me to afford a weekday because -- because we're all
9 volunteering for this position. That means how many days
10 of work am I going to miss?

11
12 CHAIRMAN CROSS: Three.

13
14 MR. ENINGOWUK: Yeah.

15
16 CHAIRMAN CROSS: What about.....

17
18 MR. ENINGOWUK: Almost that whole week.

19
20 CHAIRMAN CROSS: Well, what about.....

21
22 MR. ENINGOWUK: But I think, you know, I
23 could live with it though, I mean I won't starve.

24
25 CHAIRMAN CROSS: But it would be more
26 livable if you missed just two days work, travel on
27 Thursday and start the meeting on Friday?

28
29 MR. ENINGOWUK: (Nods affirmatively)

30
31 CHAIRMAN CROSS: Thursday the 24th.

32
33 MR. ENINGOWUK: I really have no problem
34 with it except I'd like you to know that to travel, you
35 know, that's quite a bit of work time.

36
37 CHAIRMAN CROSS: We're pretty flexible, you
38 know. You know if we want to have the meeting on either
39 the 26th or the 25th and extend it through the weekend it's
40 up to the Council. What do you think Leonard?

41
42 MR. KOBUK: I don't know, I kind of hate
43 for those people that are working missing out on money to --
44 I don't know, it's up to -- I'll just go along with what
45 everybody on the Council decides.

46
47 MS. DEGNAN: I have no problem with any
48 time, it's just the weather that really messes us up.

49
50 MR. KOBUK: Yeah.

00164

1 MS. DEGNAN: Because I don't care what time
2 of the year that you hold the meeting, if you're going into
3 any rural areas the weather is so volatile that you'll get
4 half of your people and the other people can't.

5
6 CHAIRMAN CROSS: Should we go ahead and
7 stick with the 21st, 22nd, and -- and travel on the 21st
8 and 22nd and 23rd for meeting?

9
10 MR. KOBUK: Yeah.

11
12 CHAIRMAN CROSS: Okay, we'll just leave it
13 as we originally planned.

14
15 Hello.

16
17 MR. BOYD: Yes, we're here and that sounds
18 great.

19
20 CHAIRMAN CROSS: Okay.

21
22 MR. BOYD: We are available on the weekend
23 as well, I just wanted you to know that.

24
25 CHAIRMAN CROSS: If there's any objections
26 we'll know about it right away so if we need to make last
27 minute -- not -- if we need to make changes we'll make
28 changes way ahead of time, before the end of this month.

29
30 MR. BOYD: Great.

31
32 CHAIRMAN CROSS: Anything further? I can't
33 hear you.

34
35 MR. BOYD: Donna's asking me a question.
36 At this point I think I'm going to leave it to Cliff
37 because he's been monitoring your whole meeting and I guess
38 we're guessing right now as to what you haven't covered yet
39 so I'm going to defer to Cliff. He's got several items I
40 know he wanted to follow up on so I think that's all from
41 Anchorage, Grace.

42
43 CHAIRMAN CROSS: Okay. The only thing we
44 have left over is Kate Persons and my report of the Federal
45 Subsistence Board meeting.

46
47 MR. BOYD: Okay.

48
49 CHAIRMAN CROSS: So we'll just go ahead and
50 call Kate, and whenever you guys are ready just go.

00165

1 MS. DEGNAN: Yeah.

2

3 CHAIRMAN CROSS: Johnson, you're not
4 leaving until tomorrow? Today?

5

6 MR. ENINGOWUK: Pardon me?

7

8 CHAIRMAN CROSS: When are you leaving?

9

10 MR. ENINGOWUK: Tomorrow.

11

12 CHAIRMAN CROSS: Tomorrow, okay.

13

14 MS. PERSONS: Okay, ready?

15

16 CHAIRMAN CROSS: Yeah.

17

18 MS. PERSONS: Well, I guess we'll just
19 start up where we left off yesterday. You guys have these
20 blue books with the State proposals in them. We were at
21 Proposal 35 and you'll find that on Page 32.

22

23 This is a proposal by Jake Olanna, and it would it
24 make it legal to hunt caribou in Unit 22 with a snowmachine
25 the way it's currently legal in Unit 23. And in your
26 Federal Subsistence Management regulation book I see that
27 you basically have the same methods and means regulations
28 that the State has, however, I don't see that there ever
29 was an exemption for Unit 23 in your regulations that makes
30 it legal to take caribou, unless I'm blind and can't see
31 it, take caribou using a snowmachine. But anyway, the
32 Board of Game is going to be considering whether to make it
33 legal to use a snowmachine to hunt caribou in Unit 22. And
34 the Department of Fish and Game is going to recommend that
35 this be amended and adopted. That snowmachines be allowed
36 for hunting caribou in 22 but that the snowmachine has to
37 be stopped when the shot is fired. You can only hunt from
38 a stationary machine.

39

40 CHAIRMAN CROSS: What page did you say this
41 was?

42

43 MS. DEGNAN: It's 33.

44

45 MS. PERSONS: Proposal 35 on Page 32.

46

47 CHAIRMAN CROSS: 33?

48

49 MS. DEGNAN: 32.

50

00166

1 CHAIRMAN CROSS: Okay.

2

3 MR. KOBUK: This is Leonard Kobuk. I also
4 sit on the State advisory board and we voted for using
5 snowmachine so that's just the way the whole board felt
6 about it because we've always hunted caribou with
7 snowmachine because of the distance we have to go from
8 either Stebbins or St. Michael, it's the only way we can
9 get to it.

10

11 MS. PERSONS: And currently what the
12 regulations allow is that you can find caribou with a
13 snowmachine but as soon as they flee or move away from your
14 machine it's illegal to pursue them, and this regulation
15 would allow people to pursue caribou using a snowmachine to
16 hunt the way that people hunt caribou here.

17

18 MR. ENINGOWUK: Like Shishmaref had no real
19 comment on it.

20

21 MS. PERSONS: Because we cut off.

22

23 MR. ENINGOWUK: I think that maybe they had
24 no comment because they had no objection to this proposal.

25

26 MS. DEGNAN: Basically they were looking
27 for in getting them a season, open a hunt.

28

29 CHAIRMAN CROSS: So do we want to submit a
30 similar proposal to the Federal regulations?

31

32 MS. DEGNAN: Yeah, I don't see any problem.

33

34 CHAIRMAN CROSS: Pardon?

35

36 MS. DEGNAN: I don't see a problem if it's
37 not allowed in the Feds but it's going to be a State, it
38 should be the same, don't you think?

39

40 MR. KOBUK: Yeah.

41

42 CHAIRMAN CROSS: So we'll.....

43

44 MR. KOBUK: What's that?

45

46 MS. DEGNAN: You moved?

47

48 MR. KOBUK: I move to allow that we --

49 Proposal 36.....

50

00167

1 MS. DEGNAN: 35.

2
3 MR. KOBUK: What?

4
5 MS. DEGNAN: 35.

6
7 MR. KOBUK: It was 35?

8
9 MS. DEGNAN: Uh-huh.

10
11 MR. KOBUK: 35, excuse me. That we allow
12 the use of snowmachine to go on after caribou because
13 that's the way it's always been, in our region anyway.

14
15 CHAIRMAN CROSS: A proposal submitted to
16 the U.S. Fish and Wildlife?

17
18 MR. KOBUK: Yes.

19
20 MS. DEGNAN: Second.

21
22 CHAIRMAN CROSS: Discussion.

23
24 MR. ROOKOK: Question.

25
26 CHAIRMAN CROSS: Question has been called.
27 All is in favor signify by saying aye.

28
29 IN UNISON: Aye.

30
31 CHAIRMAN CROSS: All those opposed same
32 sign. Unanimously passed.

33
34 MS. PERSONS: Okay. The next proposal is
35 Proposal 36 and that's on Page 33. And this is a proposal
36 by Tim Smith, and it would allow same day airborne hunting
37 of caribou in Units 22, 23 and 26. The Department is
38 making no recommendation on this. And both advisory
39 committees rejecting this idea, Northern and Southern
40 Norton Sound Advisory Committees.

41
42 CHAIRMAN CROSS: It seems to me that with
43 the conflicts that we're starting to experience in our
44 region, this would create more problems especially if subs --
45 not subsistence, but the big game hunters would start
46 being allowed to same day airborne hunting. We're starting
47 to pick up some conflicts already.

48
49 What are you showing him?

50

00168

1 MR. EDENSHAW: I was just showing him the
2 motion that Leonard just made about motorized vehicles.

3
4 MR. KOBUK: What page was that on?

5
6 MR. EDENSHAW: What page was that Johnson?

7
8 MR. EDENSHAW: Page 14, general provisions
9 for taking wildlife, methods and means of taking wildlife.
10 It does say that you may not use a -- may not take wildlife
11 from a motorized vehicle when the vehicle is in motion or a
12 boat in motion -- or motor is running.

13
14 MS. DEGNAN: Okay, but caribou may taken
15 from a boat under power in Units 23, 25 and 26. And a
16 moose may be taken in a boat under power in.....

17
18 MS. PERSONS: See in Unit 23 with the State
19 regulations, there's an additional exemption there that
20 says, and in Unit 23, caribou may be taken from a
21 snowmachine.

22
23 MR. KOBUK: Madame Chair. On that part,
24 the only reason we voted to -- for the use of snowmachine
25 to make it legal to take caribou so that we won't become
26 criminals by what we've been doing all our lives.

27
28 CHAIRMAN CROSS: Which makes sense.

29
30 MR. ENINGOWUK: But our motion on Proposal
31 35 would remove this; is that my understanding?

32
33 MS. PERSONS: It's up to you.

34
35 MS. DEGNAN: Well, this is -- these are
36 methods and means of taking wildlife, any kind of wildlife.

37
38
39 CHAIRMAN CROSS: Except listed below, but
40 we can propose that to be changed I imagine.

41
42 MR. KOBUK: Yes.

43
44 CHAIRMAN CROSS: Maybe Cliff has answers
45 for us.

46
47 MR. EDENSHAW: Madame Chair, what I can do
48 is we can go ahead with the motion that you made and passed
49 regarding the use of snowmachines. We can just let that
50 stand and when I get back to Anchorage I can clarify that

00169

1 with Donna unless Jeff has any response to that on what
2 we're discussing. But that's what I suggest that we do, is
3 I can just clear that up with Donna.

4
5 CHAIRMAN CROSS: Okay.

6
7 MS. DEWHURST: Can you guys hear me?

8
9 CHAIRMAN CROSS: Yeah.

10
11 MS. DEWHURST: This is Donna.

12
13 CHAIRMAN CROSS: Yeah, we can hear you, go
14 ahead.

15
16 MS. DEWHURST: Oh, okay. Yeah, the way the
17 regulations read right now, you can use a snowmachine to
18 get where the caribou are you just cannot shoot from a
19 moving snowmachine and you cannot chase the herd with a
20 moving snowmachine so you can't actually chase or corral
21 animals with the snowmachine, and you can't shoot from it
22 while it's moving. But the regulations do currently allow
23 you to use a snowmachine to get to where the caribou are.
24 It's basically the same as the State's, that once you find
25 the caribou you've got to turn the snowmachine off before
26 you shoot or not turn it off but you can't be moving,
27 you've got to stop it.

28
29 So if you're proposing a change, the change would
30 be that you could shoot basically from a moving snowmachine
31 or to use a snowmachine.....

32
33 MS. PERSONS: No.

34
35 MS. DEWHURST:to shoot.....

36
37 MR. KOBUK: No.

38
39 MS. PERSONS: No.

40
41 MS. DEWHURST:to.....

42
43 MS. PERSONS: No, the.....

44
45 MR. KOBUK: No, that's not how we said it.

46
47 MS. PERSONS:idea here is not that
48 you be allowed to shoot from a moving snowmachine but that
49 you be able to direct the movements of animals with a
50 moving snowmachine. You can pursue animals, you can herd

00170

1 animals into positions that are more favorable for hunting.

2

3 MS. DEWHURST: Yeah, and that's where on
4 Page 14 currently in our regulations it says you are
5 prohibited to use a motorized vehicle to herd, drive or
6 molest wildlife. So currently under our regulations that
7 is not allowed. So if you want to parallel the State it
8 would have to be a Federal proposal.

9

10 CHAIRMAN CROSS: Repeat that again, you're
11 too close to your mic.

12

13 MS. DEWHURST: Okay, on Page 14 it says,
14 under methods and means, you may not use a motorized
15 vehicle to herd, drive or molest wildlife. So what Kate's
16 saying is if you wanted to parallel the State proposal it
17 would have to be a Federal proposal to change the methods
18 and means.

19

20 MS. DEGNAN: That's our motion that we
21 made.

22

23 MR. KOBUK: That was what the motion was.

24

25 MS. DEGNAN: Yeah, that's the motion we
26 made.

27

28 MR. KOBUK: Yes, to change.....

29

30 CHAIRMAN CROSS: Okay.

31

32 MS. DEGNAN: We covered that.

33

34 CHAIRMAN CROSS: Did we do the right thing
35 then, we covered it correctly?

36

37 MS. DEWHURST: Yeah, I think so. I just
38 wanted to clarify that -- Cliff was saying he wanted to
39 check with me and I was going to let you know that you are
40 correct, that it would need to be changed if that's what
41 you want.

42

43 CHAIRMAN CROSS: Okay, thank you.
44 Appreciate that. Sometimes we get a little off, at least,
45 I do. Kate, you may continue.

46

47 MS. PERSONS: Okay. Then there was that
48 airborne hunting one that you want to -- well, I told you
49 about it and I guess you don't want to do anything about
50 that.

00171

1 CHAIRMAN CROSS: Personally I'm opposed to
2 that because I think that we are starting to experience
3 user conflicts within our region. I think it would create
4 more conflicts. I don't think too many subsistence hunters
5 go by airplane and take any game.

6
7 MS. DEGNAN: But we do have a lot of
8 subsistence users that own airplanes.

9
10 CHAIRMAN CROSS: Yeah. So do you want
11 to.....

12
13 MR. KOBUK: Madam Chair. This is Leonard
14 Kobuk again. As I said before, I'm on the State Advisory
15 Board, and the reason we were against this is because by
16 using of an airplane where some Natives don't own
17 airplanes, somebody that owns an airplane sees a caribou
18 and goes -- lands near them, then if the caribou are going
19 towards the person that has a snowmachine and the caribou
20 are going to run in a different direction. That was the
21 only reason why we were against this.

22
23 CHAIRMAN CROSS: The reason.....

24
25 MR. KOBUK: The southern Norton Sound.

26
27 CHAIRMAN CROSS: The reason why I was
28 saying about user conflicts because Kotzebue had this issue
29 about airplane -- air -- big game hunters coming in
30 airplanes and hunting the same day that they were there and
31 there were some problems among their users over there. I
32 think it was about a year ago or two years ago. I think it
33 just invites trouble. So should we just go on and say
34 we're not proposing anything?

35
36 MS. DEGNAN: Yeah.

37
38 MS. PERSONS: The next proposal is Proposal
39 19 and you'll find that on Page 17. And this is a
40 Department of Fish and Game proposal and it addresses the
41 declining moose population in Unit 22(B). And it would
42 eliminate the antlerless season for moose in all of 22(B).
43 It would shorten the nonresident moose season. Currently
44 the nonresident season is six months. It goes through the
45 1st of August to the end of January, it would shorten that
46 to just the month of September, and it would shorten the
47 resident season to August and September, and then a winter
48 bulls only season and December and January. Currently the
49 resident season starts the 1st of August and goes to the
50 end of January and currently, from the Fish River east,

00172

1 there is an antlerless moose season in the month of
2 December. So that would be eliminated by this proposal.

3
4 And the problem that we are having is we have a
5 very well documented decline in the moose. Our censuses
6 have been in an area west of the Darby Mountains. And I
7 passed out these maps earlier. Let me just hold up this
8 map. So this is all 22(B), can you guys see that, and our
9 census area is everything west of the Darby Mountains here,
10 and we have very good information. We have three good
11 censuses that show over the last 11 years there's been a 50
12 percent decline in the moose to the west of the Darby
13 Mountains. And we've also put radio collars on moose there
14 and that radio collar study has shown us a couple things,
15 one thing is that a large percentage of the moose that were
16 collared were really old, and that's probably because
17 there's been so little recruitment over the last 10 years.
18 There aren't very many young moose that are living to make
19 it to reproductive age in this population. So it's an old
20 population and as those old animals die off, we're probably
21 going to see an even further decline in this population.
22 Also we found that 75 percent of the calves that we located
23 right after birth died within the first three months and 71
24 percent of those died within the first month, and that
25 points to predation by bears.

26
27 The harvest in this area, we have both, reported
28 harvest which is about 50 moose a year, and then we have --
29 we know that there's a lot of unreported harvest from
30 people in the villages. And it's very likely that when you
31 combine all this harvest, that the harvest actually is
32 greater than the number of young moose entering the
33 population. Also at the time of the last censuses, we
34 estimated that only eight percent of the animals were short
35 yearlings so we only have just eight percent of the
36 population entering as yearlings, and that's very low. You
37 should see, you know, 16 to 20 percent in a healthy
38 population.

39
40 MS. DEGNAN: I have a question.

41
42 MS. PERSONS: Yeah.

43
44 MS. DEGNAN: How do you know about those
45 unreported harvests; is that hearsay information or is it
46 from the toll free hotline that a person can use to report?

47
48 MS. PERSONS: Okay. We know that our
49 harvest reporting system doesn't work well at the village
50 level. And to try to get a better handle on that, we began

00173

1 this year a cooperative project with Kawerak, and we
2 started out with just a couple villages. We went to
3 Shaktoolik and to Koyuk this last spring and did door to
4 door household surveys and asked about big game harvest.
5 And so we have pretty good harvest information from those
6 two villages.

7
8 MS. DEGNAN: That were voluntary?

9
10 MS. PERSONS: All voluntary, yes, uh-huh.
11 Yep. In fact, in Koyuk, absolutely everybody chose to
12 participate and in Shaktoolik there was only one strange
13 guy who didn't. So.....

14
15 MS. DEGNAN: And then if you went to
16 Unalakleet you'd find another strange person.

17
18 CHAIRMAN CROSS: There's only two strange
19 in our region.

20
21 MS. PERSONS: Well, I'll say that the one
22 strange guy was a White guy. But anyway, so we don't have
23 -- we're making some assumptions that the harvest in
24 Golovin and White Mountain, perhaps is similar to the
25 harvest that we learned about in those other two villages.
26 So it comes down to a need to reduce harvest somehow in
27 this -- in 22(B).

28
29 MS. DEGNAN: Can you do community harvest?

30
31 MS. PERSONS: Uh?

32
33 MS. DEGNAN: Can you do a community
34 harvest?

35
36 MS. PERSONS: I wish we could but our state
37 law doesn't allow community bag limits. That's not
38 something the State can legally do.

39
40 CHAIRMAN CROSS: You did said (D) or (B)?

41
42 MS. DEGNAN: You're prohibited by law?

43
44 MS. PERSONS: Yes.

45
46 MR. KOBUK: (B).

47
48 MS. PERSONS: (B). 22(B).

49
50 MR. KOBUK: So you're saying you're

00174

1 assuming those two villages, Golovin and that other place
2 are getting the same bag limit as Koyuk?

3
4 MS. PERSONS: Similar. In the ball park,
5 something like that. There may be differences. In Koyuk
6 and Shaktoolik, about 10 percent of the harvest was
7 reported by the harvest ticket reporting system. And if
8 you make that assumption about these other two villages,
9 it's, you know, similar, probably 20 to 30 moose taken by
10 residents of those communities.

11
12 So anyway, we looked at -- well, if we have to
13 reduce harvest, I mean the first place when we reduce
14 harvest, even with our State law the way it is, is it has --
15 non-residents have to be the first to go. And by
16 eliminating all but the month of September, we're going to
17 eliminate 72 percent of the non-resident harvest that
18 occurs.

19
20 MS. DEGNAN: And they are game guide's
21 clients?

22
23 MS. PERSONS: Some of it is but non-
24 residents aren't required to hunt with guides for moose,
25 only with bear.

26
27 MS. DEGNAN: When I landed in Koyuk I saw a
28 nice moose head at the airport.....

29
30 MS. PERSONS: Uh-huh.

31
32 MS. DEGNAN:that was being
33 transported out.

34
35 MS. PERSONS: Yeah. So some of it is by
36 guided hunters but also some of it is just by people that
37 come up on their own and go hunting. But in the Koyuk area
38 it is mostly guided hunters. Okay, so.....

39
40 CHAIRMAN CROSS: Do you know the village of
41 Council, White Mountain, Golovin and Elim, do they
42 regularly hunt in the Federal land or do they not?

43
44 MS. PERSONS: No, they do not. No, there's
45 no Federal land.....

46
47 CHAIRMAN CROSS: No, I'm talking about
48 going up to Koyuk, around that area where the BLM lands
49 are?

50

00175

1 MS. PERSONS: Yeah, that's mostly.....

2

3 CHAIRMAN CROSS: Do they go up there and
4 hunt?

5

6 MS. PERSONS:that's Koyuk people that
7 hunt there. The Golovin and White Mountain people hunt
8 mostly on the Aklek, Fish River.....

9

10 CHAIRMAN CROSS: State land?

11

12 MS. PERSONS:area and that's State
13 land. And Elim, also, not quite in the same area but the
14 hunt on State land. It's Koyuk people that use that
15 Inglutalik drainage some. Although in our harvest surveys
16 we learned that most of their usage is on the Koyuk River
17 rather than the Inglutalik River.

18

19 CHAIRMAN CROSS: I guess it would make
20 sense to just close the Federal lands because of the moose
21 population and use it for subsistence use only.

22

23 MS. DEGNAN: Only for subsistence use.

24

25 MS. PERSONS: Well, let me.....

26

27 MS. DEGNAN: That's what we did up in
28 Shishmaref.

29

30 CHAIRMAN CROSS: Yeah.

31

32 MS. PERSONS: Well, let me just
33 mention.....

34

35 MS. DEGNAN: That's what we did in
36 Shishmaref.

37

38 CHAIRMAN CROSS: Yeah.

39

40 MS. PERSONS:a couple things here.
41 Let me pass out these charts.

42

43 CHAIRMAN CROSS: Oh, she did this already.

44

45 MS. DEGNAN: We did the action in
46 Shishmaref to close 22(B), and.....

47

48 CHAIRMAN CROSS: When Jake brought it up,
49 yeah.

50

00176

1 MS. DEGNAN: Yeah, we did that.

2

3 CHAIRMAN CROSS: Yeah, we did. Thanks for
4 reminding me.

5

6 MS. DEGNAN: I'll have to be leaving here
7 in a moment.

8

9 MS. PERSONS: I help but wonder, though,
10 whether that move is a wise thing considering that from our
11 harvest survey, if you look at -- let's see, if you look at
12 figure 10, you'll see that 77 percent of the moose harvest
13 by people from Koyuk came out of the lower Koyuk River, and
14 only five percent came out of the Inglutalik River. And
15 what my fear is is that if they close the Inglutalik River
16 to this big game guiding operation that he's then going to
17 shift his hunting on to the lower Koyuk River where
18 actually the people from Koyuk are doing.....

19

20 MS. DEGNAN: Then we can.....

21

22 MS. PERSONS:the hunting.

23

24 MS. DEGNAN: Then they can close that one,
25 too.

26

27 MS. PERSONS: Well, it's not -- no, the
28 State can't, and it's not Federal land.

29

30 MR. KOBUK: Madame Chair.

31

32 MS. DEGNAN: But I mean the State could.

33

34 MS. PERSONS: And so.....

35

36 MR. KOBUK: Again, the reason we decided to
37 go with the southern Norton Sound State board was to make
38 it so that only those living in that region like the --
39 reside in that region can hunt, we decided to go with a
40 shorter opening season so that it would eliminate outsiders
41 from going in and hunting in that region.

42

43 MS. PERSONS: There's another piece to the
44 puzzle that I haven't quite gotten to yet and that's the
45 season. If you look at figure seven, you'll see that in
46 Koyuk, the vast majority of the hunting occurs in August
47 and September, this is for subsistence hunting by local
48 people. The vast majority, 90 percent of the hunting, more
49 -- actually more than 90 percent, it's like 93 percent of
50 the hunting by non-residents that occurs in that part of

00177

1 22(B) occurs in October and November. And so just by
2 eliminating October and November from the time period when
3 non-residents can hunt, you're -- they're going to be cut
4 out. And it would be difficult -- non-residents are
5 required to take bulls that have antlers of at least 50-
6 inch spread, most of these want a much bigger moose than
7 that, and it's very difficult early in the season for them
8 to find those animals in places where hunters can get to.
9 I mean they have to wait until later in the season when
10 they're moving around and they're coming down low on to the
11 rivers. And so by eliminating October and November from
12 when those non-residents can hunt, in effect, you're going
13 to cut them out.

14
15 MS. DEGNAN: Well, what you can do is
16 collar all the old ones and have an official lottery.

17
18 CHAIRMAN CROSS: Well, I think Kate, we --
19 when Jake brought it up we made our decision on it already
20 so.....

21
22 MS. PERSONS: Uh-huh.

23
24 CHAIRMAN CROSS:but we'll still hear
25 your arguments out of respect.

26
27 MS. PERSONS: Well, anyway.....

28
29 CHAIRMAN CROSS: It was kind of like a
30 unanimous.....

31
32 MS. PERSONS:so the State.....

33
34 CHAIRMAN CROSS:decision.

35
36 MS. PERSONS:in addition to what you
37 have already proposed, the State is going to propose these
38 changes that I just mentioned and you may or may not want
39 to consider parallel changes.

40
41 MS. DEGNAN: I think we made our.....

42
43 CHAIRMAN CROSS: The recommendation.....

44
45 MS. DEGNAN:recommendation.

46
47 CHAIRMAN CROSS:I believe from
48 Kawerak was that we close the Federal lands for other uses
49 except subsistence.

50

00178

1 MS. PERSONS: Okay, so I'll just move on.

2
3 MS. DEGNAN: Yeah.

4
5 CHAIRMAN CROSS: Can we take a short break
6 because these two got to catch an airplane, and we're down
7 to three people.

8
9 MS. PERSONS: Sure.

10
11 CHAIRMAN CROSS: But we'll finish with you
12 today Kate.

13
14 (Off record)

15 (On record)

16
17 MS. PERSONS: Okay, so let's continue with
18 Kate.

19
20 MS. PERSONS: Okay, ready to go?

21
22 CHAIRMAN CROSS: Yes, we're ready to go.

23
24 MS. PERSONS: Okay, there's a Kawerak
25 proposal, number 18, you'll find that on Page 16, and their
26 proposal would eliminate the non-resident moose season in
27 22(D). And the Department's feeling about this is that we
28 would amend and adopt the proposal. We would -- rather
29 than shutting out non-residents entirely, we would make
30 their season the month of September as we've done in (B).
31 There's virtually no non-resident harvest in 22(D).
32 There's not very much non-resident effort, a little bit of
33 harvest, the average harvest has been six moose a year over
34 the last five years. But we're concerned that if the Board
35 reduces the non-resident season in (B), that it might
36 deflect hunting pressure to (D) and so we're thinking that
37 the season ought to be the same in those two subunits.

38
39 CHAIRMAN CROSS: 22(D), the portion within
40 Kugruk, Pilgrim River drainages?

41
42 MS. PERSONS: And so for you guys.....

43
44 CHAIRMAN CROSS: So are you talking about
45 something in the up river area then?

46
47 MS. PERSONS: Yeah, it would be in the
48 Preserve, the upper parts of the Kuzitrin drainage in the
49 Preserve for you guys, and I suspect there's very little
50 non-resident harvest that occurs up there but I'm not

00179

1 exactly sure. Where there is a few -- right, but yeah, I
2 don't know, you know, of course what the Board of Game is
3 going to do with any of these things yet and so we don't
4 know which ones are going to really be an issue for
5 aligning Federal and State seasons. But I just want to let
6 you know what's in the works.

7
8 CHAIRMAN CROSS: Okay.

9
10 MS. PERSONS: Any discussion on that?

11
12 CHAIRMAN CROSS: I'm trying to remember the
13 discussion from yesterday on this. I had written down
14 subsistence hunt only but I don't think there was any
15 decision made, right, yesterday, on this?

16
17 MS. PERSONS: I don't recall talking about
18 moose in (D) yesterday.

19
20 CHAIRMAN CROSS: No, I don't think so.
21 Right now in 22(D), it says that portion within the
22 Kuzitrin River drainage, one antlered bull from August 1 to
23 January 31.

24
25 MS. PERSONS: And that wouldn't -- nobody's
26 proposing to change the resident season, it's only the non-
27 resident season that we're proposing to change.

28
29 CHAIRMAN CROSS: And then it says,
30 remainder, one moose.....

31
32 MS. PERSONS: So I guess.....

33
34 CHAIRMAN CROSS: No person may take a calf
35 -- cow -- I'm looking at the Federal Register. So maybe
36 it's something that we should check with Brevig and Teller
37 before we do anything about it, what do you think, Johnson?

38
39 MR. ENINGOWUK: I think that I have any
40 comment on this.

41
42 CHAIRMAN CROSS: Because we still have some
43 time to make proposals. If they wish to do something then
44 -- they're the residents that will be most affected by it
45 and we don't have any voice from them right now.

46
47 MS. PERSONS: Okay.

48
49 CHAIRMAN CROSS: So that would be something
50 we would check.

00180

1 MS. PERSONS: Okay. The next proposal is
2 Proposal 4, and that's on Page 3.

3
4 CHAIRMAN CROSS: Page what?

5
6 MS. PERSONS: Three.

7
8 CHAIRMAN CROSS: I thought I heard you say
9 that, we're going backwards.

10
11 MS. PERSONS: Proposal 4.

12
13 CHAIRMAN CROSS: Yeah.

14
15 MS. PERSONS: And this is a proposal by
16 Caleb Pungowi, and it would allow residents to harvest one
17 bear per year in all of Unit 22. And you're clapping, I'm
18 not. The Department wants to reduce bear numbers but we
19 think that one bear a year would result in excessive
20 harvest. Already with the changes that have been made,
21 lengthening the season primarily and then the inclusion in
22 the Brown Bear Management Unit which really didn't make
23 much difference at all, only two bears, that with a couple
24 additional things that we're suggesting to do, we think
25 that bear numbers will be reduced. Last year we had a 67
26 percent increase in the number of bears that were
27 harvested.

28
29 We're afraid that there's -- around in Nome there's
30 such a large contingent of really avid bear hunters that
31 we're concerned that they will overharvest bears in the
32 lands that they can reach. And in addition to that, it's a
33 red flag that's going to bring hunters from all over the
34 state here, perhaps, to hunt because already this unit has
35 a reputation as a good place to hunt bear. There are a lot
36 of record book bears that come from Unit 22 and it's going
37 to increase the interest, you know, in other Alaska
38 residents in coming here, too.

39
40 Also since the word has gotten out that moose are
41 in a bad way and that bears are responsible, we've had just
42 a tremendous increase in the number of people that come
43 into the office and get bear tags that want to go hunt a
44 bear, they want to -- you know, they say, well, you know I
45 never thought about hunting a bear but gee I want to do my
46 part to help moose. And so I guess our feeling is that one
47 bear a year would be too much. And instead of proposing
48 that, what we're proposing to do is to eliminate the \$25
49 tag fee. And by eliminating the tag fee it wouldn't so
50 much increase the harvest here around Nome, it would some

00181

1 because it would mean that people who were out in the
2 country and just happen to see a bear wouldn't have had to
3 have prior planning and get a bear tag, they could
4 opportunistically shoot a bear during the open season. But
5 what it really would help would be -- and in the villages
6 where there aren't a lot of people that routinely hunt
7 bear, it would allow them to take care of bears that are
8 problems to them without having to pay to buy a tag to do
9 it legally.

10
11 So that's the Department's idea about how this
12 should be done. But there is this -- we're talking about --
13 I just mentioned two proposals, Proposal 4 that would
14 allow sport hunters to harvest one bear a year and Proposal
15 33, which would eliminate the brown bear resident tag
16 requirement in all of Unit 22.

17
18 CHAIRMAN CROSS: Yesterday when we were
19 discussing, which in Page 125, on the bear, my
20 understanding yesterday was to change September 1 to 31 to
21 year-round, remainder of 22, Unit 22 one bear by State
22 registration permit only and change the time period to
23 year-round. I think that's what we -- what the resolution
24 was, wasn't it?

25
26 MR. ADKISSON: Or at least to extend the
27 season, I believe.

28
29 CHAIRMAN CROSS: Yeah. Because the people
30 -- there was concern about too many bears around Unit 22
31 and that certain times of the year -- these years did not
32 go well with certain areas. Wasn't that -- that was it,
33 right, Johnson?

34
35 MR. ENINGOWUK: The season was wrong for
36 Shishmaref.

37
38 CHAIRMAN CROSS: So we were going to
39 propose year-round.

40
41 MR. ENINGOWUK: Especially for Shishmaref
42 anyway, but I don't know about the whole region, the whole
43 Unit 22.

44
45 CHAIRMAN CROSS: So we look at the map and
46 see. So maybe in 22(E) and leave the rest of the
47 regulations as is.

48
49 MR. EDENSHAW: Madame Chair, if you're
50 going to do that then perhaps you should state that it

00182

1 should be residents of 22(E) to balance that out if you're
2 going to -- as Johnson was saying there because if you look
3 on Page 125 it just says, rural residents of Unit 22 or
4 else you can keep it that way and specify in Unit 22(E)
5 what the season is that you would like, which would be
6 year-round.

7
8 CHAIRMAN CROSS: So like it says here, Unit
9 22(C) no Federal season open, remainder of 22, except for
10 22(E) and then add 22(E), the season to change -- open
11 season to be year-round as the proposal, and that would
12 address Shishmaref.

13
14 MR. ADKISSON: Madame Chair, I think you
15 could do that. Ken Adkisson. Yeah, I think you could do
16 that, you could create a different bag or season limit for
17 different parts of the management area, like say by subunit
18 like that. But if you try to start tailoring things to the
19 residents of the community then you kind of run afoul, I
20 think, of the C&T determinations which are already on the
21 book. But it would be fairly easy to propose a regulation
22 that would adjust a season or bag limit for a set portion
23 of the hunter.

24
25 CHAIRMAN CROSS: So we could do that, we
26 could set up year-round for 22(E)?

27
28 MR. ADKISSON: You could propose that.

29
30 CHAIRMAN CROSS: Okay. Johnson, to be more
31 specific to the residential needs. Okay, Kate.

32
33 MS. PERSONS: Okay. And then the final one
34 deals with muskox, and that's Proposal 25 and you'll find
35 that on Page 23, it's a Kawerak proposal. It would create
36 an open season for hunting by Tier II per -- well, okay
37 22(C), that doesn't concern you since there's no Federal
38 land. It would also open a hunt in the portion of Unit
39 22(D) that's currently closed, and that's the portion south
40 of the Imuruk Basin, Grantley Harbor and Pilgrim River
41 drainage, and it's where the Nome -- the Nome/Teller road
42 goes. But the biggest thing that it would do is that it
43 would change the bag limit from one bull to one muskox in
44 all of the hunt areas and it would create a road corridor
45 closure one mile on either side of all of the roads.

46
47 And the Department's position on this -- we're not
48 necessarily opposed to any of this, but our feeling is that
49 the proper forum for discussing this, that really this is
50 going to take a lot of coordination and we need a lot of

00183

1 input from all the different people that have a stake in
2 this and that the proper forum for that is the Muskox
3 Cooperator's Group and we would rather wait and address
4 this after we have a census in the spring. We're planning
5 a census in March and we would like the Board to just defer
6 a decision on this until the cooperators can put their
7 input in.

8

9 CHAIRMAN CROSS: It wouldn't have impact on
10 this small amount of Federal lands there.

11

12 MR. ADKISSON: Madame Chair, Proposal 25 is
13 really a complicated proposal. And in some ways, perhaps,
14 it would be better if it were broken up into a series of
15 different proposals because it mixes things like a cow hunt
16 with opening up hunts in new areas. It would open 22(C) to
17 hunting and it would open up portions of 22(D), but the cow
18 harvest would apply throughout the hunt area so that would
19 include all of 22(D) and 22(E). It would open up to a cow
20 harvest, the whole Seward Peninsula, currently under hunt,
21 except for the southern portion of 23. So it's a
22 complicated proposal.

23

24 MR. EDENSHAW: But those permits -- I mean
25 the taking of cows, those only apply to Tier II permits
26 because the Federal regulations state that it's one bull,
27 so that would only apply to the State Tier II permits
28 unless this Council chose to submit a similar proposal?

29

30 MS. PERSONS: Right. Yeah, yeah, this
31 proposal only applies to the State portion of the hunt,
32 yes.

33

34 MR. ADKISSON: That's true, but it also has
35 ramifications for the Federal hunt because currently the
36 allowable harvest level is determined based on a count of
37 the animals within the subunit. And that establishes the
38 overall threshold or ceiling of the total numbers of
39 permits available. Then through the cooperative process
40 those permits have been allocated to the Federal or the
41 State system. But the overall harvest has been agreed
42 upon. The problem with this cow proposal is, and I think
43 most of us, I, like Kate, think a cow proposal is feasible,
44 but I think there are issues that need to be addressed as
45 what's the appropriate harvest level? So for example, if a
46 proposal were to pass that allowed a significant cow
47 harvest on the State side, that's going to affect the total
48 population of animals and it's going to affect the
49 allowable Federal harvest. And so it's not just a proposal
50 that can happen on the State side and it doesn't affect us,

00184

1 again, that's why Kate said, we would prefer to see this
2 come through the cooperative process, where we can come to
3 agreement about what needs to be adjusted and how?

4
5 CHAIRMAN CROSS: Makes sense to me but I'd
6 like to hear from Johnson.

7
8 MR. ENINGOWUK: I don't have any comment on
9 this.

10
11 MS. PERSONS: What, excuse me?

12
13 MR. ENINGOWUK: I don't really have any
14 comment on this.

15
16 CHAIRMAN CROSS: So I think we'll just see
17 what happens to the proposal within the State and just
18 leave ours the way it is in the books. We're not talking
19 about a substantial portion of land, I mean, us, on the
20 Federal lands. But we'll see what happens with the State
21 and.....

22
23 MR. ADKISSON: But we are talking about a
24 substantial portion of Federal lands because the cow
25 harvest -- well, yeah, again, it affects it, so we'll have
26 time -- you'll next see this proposal or whatever -- if you
27 do nothing then it really doesn't matter, you can get a
28 report on it at your winter meeting in February.

29
30 CHAIRMAN CROSS: Let's see what happens
31 within the State.

32
33 MS. PERSONS: Well, thank you, I'm done.

34
35 CHAIRMAN CROSS: Thank you.

36
37 MR. ROOKOK: I have one question for you,
38 Kate, this is Preston. On this Subsistence Management
39 Regulations, on Page 125 on caribou, it says, Unit 22(A),
40 residents -- rural residents of Unit 21(D) west of Koyukuk
41 and Yukon River and lower village of Unit 22 except St.
42 Lawrence Island. Does that mean rural residents from St.
43 Lawrence cannot hunt caribou on these areas?

44
45 MR. EDENSHAW: On Federal lands, yes.

46
47 MR. ROOKOK: You see in what.....

48
49 MS. PERSONS: It does? Really?

50

00185

1 MR. EDENSHAW: Yes, because they weren't
2 identified -- or when they did this C&T, St. Lawrence
3 Island wasn't given a positive C&T so they're unable to
4 hunt on the mainland in that unit. And I wasn't here
5 Preston when the Council went through this deliberation
6 with the C&T but perhaps that's something you could
7 resubmit or else we could go ahead and talk with Helen
8 about that because I know Helen's been here in the program
9 longer than I was. And as other individuals have stated
10 prior to -- when the program came on board they adopted
11 State regulations, and I'm not sure what -- you could look
12 back under the State regs and see what the C&T or what that
13 was for caribou in Unit 22, if St. Lawrence Island was,
14 indeed, included or able to hunt. But that's just
15 something that, you know, you could resubmit and Helen
16 would do a C&T analysis and come up with her
17 recommendation.

18
19 MR. ROOKOK: I think what I'm trying to
20 find out is I'm not saying that the residents of St.
21 Lawrence Island are going to be coming to the mainland and
22 hunt caribou, I'm just worried about people that move from
23 our island and they want C&T on caribou in this area.

24
25 MR. DENTON: Well, it depends on where they
26 move to. If they move to a residency in 22, Unit 22, then
27 they're -- other than St. Lawrence, then they're a
28 legitimate resident of 22 and they can go hunt caribou.

29
30 MS. PERSONS: And now people from St.
31 Lawrence can go to 22(D) and hunt caribou. It would only
32 be if caribou hunting were closed to non-Federally
33 qualified subsistence users that you wouldn't be able to;
34 am I not correct? I mean there's no.....

35
36 MR. DENTON: They can hunt them under State
37 regulations.

38
39 MS. PERSONS: Right.

40
41 MR. EDENSHAW: That's correct.

42
43 MS. PERSONS: Yeah, you can just hunt them
44 under State regulations.

45
46 CHAIRMAN CROSS: Thank you, Kate. That's
47 it for you?

48
49 MS. PERSONS: Yes, I'm done.

50

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1 CHAIRMAN CROSS: We've got Charlie Lean,
2 the fish man. The fish man.

3
4 MR. LEAN: My name's Charlie Lean. I'm
5 known as Mr. Fish. That's not true, but anyway, I'm
6 grateful for this chance to put out a little bit of public
7 notice, I think, on some things coming up in the fisheries
8 program that are of interest to all residents of the
9 region, and I'm regretful that many of the members had to
10 go home early.

11
12 First of all, there's going to be a meeting with
13 the Commissioner of Fish and Game, the Director of
14 Commercial Fisheries and the Director of Subsistence
15 Division here in Nome next Friday to discuss declining
16 salmon fisheries, particularly the chum salmon fisheries
17 and they'll be meeting with the representatives from
18 Sitnasuak and Kawerak, and perhaps a few people that are
19 invited as participants to this meeting with either
20 Sitnasuak or Kawerak. It's not really an open meeting but
21 it is a meeting discussing Norton Sound issues regarding
22 salmon.

23
24 As, I think everyone here knows, the salmon
25 fisheries in Norton Sound have been on the decline for a
26 number of years. Certainly since '89 they've been very
27 depressed. This year was particularly bad. There was a
28 disaster declaration made for the AY-K area or region, and
29 actually northern Bristol Bay as well with regard to chum
30 salmon and silver salmon. So as part of last years
31 disaster declaration that came down from U.S. Congress and
32 also from the State, the Department was asked to generate
33 an initiative to respond to the needs for research of
34 salmon and that, I guess, rumor has it, has passed the U.S.
35 Congress and is now on the President's desk awaiting
36 signature, and it would put roughly \$5 million towards
37 salmon research and management in Norton Sound alone. So
38 that's a majorly big deal, really increase our program here
39 and I'd like to read just a few titles off for that
40 research initiative so that the first thing would be a
41 salmon symposium open to residents of here and also
42 technical people. The idea was first brought up by
43 Sitnasuak as a means of educating researchers and local
44 people about what the possibilities are. There's money
45 there to hire a new biometrician, probably with Fish and
46 Game, to handle the heavy duty map that would be required
47 of more research projects. And there's money there to
48 further the escapement assessment techniques that we are
49 currently using, like counting towers, aerial surveys,
50 weirs, this would be for both Kawerak projects, Fish and

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1 Game projects and perhaps some new ones. There's money to
2 get a better handle on subsistence harvest. And there's
3 money to support the Norton Sound Regional Planning Team,
4 this is the body that evaluates restoration and enhancement
5 projects that happen here like hatcheries or incubation
6 boxes or habitat projects that make better habitat for
7 fish. Money for coded wired tag, that's where we put a
8 little piece of metal in baby fish's heads, the baby fish
9 fry being about an inch long would help us evaluate the
10 return to our incubation facilities or secondarily it would
11 help us determine where our fish travel in the Pacific
12 Ocean. There's money there to study the wild fish,
13 migration, again, fish going to sea. Some money for
14 environmental baseline work, this is a habitat sort of
15 project that looks at impacts from mining or natural
16 factors that might be happening with our habitats or
17 ecology. And then there's money for geographic information
18 -- GIS, it's a mapping technique by computer that helps us
19 run -- it generates maps that have spreadsheets attached to
20 the map so that -- listing where fish are, where certain
21 habitats are and it's just a way to organize all this data
22 that might come in.

23
24 So if this does go through and it seems like it's
25 going that way, it means that not only Fish and Game but
26 probably Kawerak will have more money to do salmon work.
27 Another big piece of this is to encourage the National
28 Marine Fisheries Service to do more research regarding the
29 ocean factors that affect salmon in general because this
30 decline in chum salmon and other salmon seems to be ocean
31 wide, not just in the Norton Sound. It's high time there
32 was more work done regarding the marine part of the life
33 cycle.

34
35 So that's a big deal, I think.

36
37 We're currently organizing another RPT meeting,
38 this is an annual thing. Again, it's the enhancement or
39 restoration -- in fact there's a big push here in Nome
40 right now to build a hatchery. If you read the last issue
41 of the Nome Nugget newspaper you would see that there's --
42 they do a photo in there of local residents, and they ask
43 them a question -- last week's question was; what should be
44 done about Norton Sound salmon? I think all but one of the
45 responds said they thought a hatchery was in order. So
46 it's a big issue. We're going to hear more about either
47 incubation boxes or hatcheries here in Nome, I think, for
48 some time. And to have a hatchery or incubation box
49 approved it must pass the RPT body. The RPT is composed of
50 three Fish and Game biologist and three local residents.

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1 And in fact, we have the ability to veto the other guy's
2 idea if we think it's really out of line but generally we
3 agree on things. It's a check and balance system to be
4 sure that the local input and the agency input are meshed
5 and aren't incompatible. So if you have strong feelings on
6 either side, the other guy's really nuts, it doesn't happen
7 that way.

8
9 In Shishmaref I handed out the thing that says
10 memorandum on the top. It's the Norton Sound season
11 summary of our salmon fishery, and as I said it was pretty
12 bleak. Our king salmon harvest was about 20 percent of
13 what it normally is. The chum salmon harvest was less than
14 10 percent. The pink salmon harvest was small as was
15 expected. And the silver salmon harvest was again about a
16 quarter of what's been normal. So a very bleak season. If
17 people want to talk more about this I could either give
18 them a copy or speak with them later. But I think given
19 the late hour it's probably enough said there.

20
21 Earlier in your meeting I mentioned the red king
22 crab versus blue king crab numbers. And we did a trawl
23 survey this August and the results of that survey were very
24 encouraging. And in 1996, when we did our last survey of
25 red king crab in Norton Sound the population was at a low
26 point, one of the lowest points ever, 1.6 million pounds of
27 legal crab, or in other words, 500,000 individuals, that's
28 a very low number. This year it's almost double that.
29 Early -- we haven't really worked all the numbers to our
30 satisfaction but it's in the order of two and a half
31 million pounds, that's almost a doubling of the male --
32 legal male crab population. This is a graph, I know it's
33 really small, but the blue colored lines represent the crab
34 that aren't legal size yet. And this is the legal size.
35 And this blue bar that comes up here is what's going to
36 probably turn legal over the winter. So this means that
37 our population is going to go to about three million pounds
38 by next summer. It truly will double in a three year
39 period. So male king crab will come back very strong. The
40 good part of this graph is down here, see all these little
41 lines. We have never, in any of our previous surveys, seen
42 a significant amount of crab in this very small portion of
43 the graph. These are little tiny crab, quarter size bodies
44 on them. This -- if this is legal, there's one year before
45 legal, two years before legal, three years before legal,
46 four -- these crab are about two years old on this part of
47 the graph, these are about seven years old. So we're
48 looking at fairly sustained recruitment, we think, in the
49 next four or five years. That's really good news. It
50 looks like our crab population is doing well.

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1 Another big development in the crab front is there
2 is a limited entry program going into effect with the
3 Federal National Marine Fisheries Service. The rules under
4 that are to be announced here this month. I haven't
5 received them yet so I can't really tell you what they are
6 but it suffices to say there's going to be a big shake up
7 in who can participate in the crab fishery. Probably half
8 of the permits will go to Norton Sound residents, many of
9 them in Unalakleet and some of them in Nome and Yukon --
10 the Yukon-Delta area. The crab boundaries are different
11 from the salmon boundaries so that, what both the Federal
12 government and the State government considers local to
13 crab, is from Cape Romanzof, south of the Yukon all the way
14 up to Cape Prince of Wales, all that area is considered the
15 Norton Sound section. So all those residents along the
16 coast there are considered local in both agency's eyes.

17
18 And so, I don't know, I don't want to dwell on that
19 too much. The herring fishery is doing well as a
20 population. The price has been low for a number of years
21 and in the spring we were faced with one of the latest,
22 ever, seasons. So that really threw a wrench in the works
23 as far as buying operations and our ability to assess the
24 population of herring. But we are convinced that we're at
25 a relatively high point in that population as well, and it
26 looks stable. And you know, the Norton Sound herring
27 population is about as big as Oregon, Washington and
28 California's herring population combined. We do have a big
29 herring resource and it's very healthy.

30
31 So I'd be glad to answer more specific questions or
32 supply you with the reports if you need. But the poor
33 salmon run is a big subject of discussion right now. We're
34 all scratching our heads on how to best deal with that
35 problem.

36
37 That's all.

38
39 CHAIRMAN CROSS: Any questions for Charlie?

40
41 MR. DENTON: Yeah, Charlie, I'm curious
42 with the Federal fisheries takeover for subsistence, the
43 research dollars and so on, are we still looking at
44 potential, some of those Federal waters being -- these
45 Federal agencies being a party to some of these research
46 monies or cooperative type agreements for some of this
47 research potential that may be going on with the salmon?

48
49 MR. LEAN: I didn't mean to suggest that we
50 would take all the money and run. It is Federal money that

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1 we're most hopeful of getting right now and I would think
2 that it would go to Federal agencies as well as State.
3 They are very much encouraging cooperative projects not
4 just Federal/State cooperative, but local Native
5 organizations as well. And I should have mentioned that
6 they're -- you know, that BLM and the State cooperate in a
7 number of ways. We share a bunk house in Unalakleet.
8 Along with NSEDC run a lake fertilization project up there
9 at Salmon Lake. And in the past we've done quite a bit of
10 work together. The Kawerak, Sitnasuak, NSEDC, all are in
11 cooperation right now in a number of projects. It's mostly
12 escapement projects but we're taking trainees or interns
13 from NSEDC and actually have hired some of them on --
14 stolen them away, I guess, from NSEDC, so I think it's a
15 very productive arrangement.

16
17 At this time the commercial Fisheries Division has
18 only one or two of our 12 or so projects that aren't
19 cooperative in some manner. They're the highest ratio of
20 cooperative projects of any area in the state.

21
22 CHAIRMAN CROSS: Anything further? Thanks,
23 Charlie.

24
25 MR. LEAN: Thank you.

26
27 CHAIRMAN CROSS: Okay, the last thing I'm
28 going to do is give you a very brief and fast report on the
29 joint meeting of the Federal Subsistence Board and the
30 Regional Chairs which was held from May 3 to May 5 of this
31 year in Egan Center in Anchorage. I didn't submit a copy
32 of the report so I was just going to do it verbally.

33
34 I'm just going to bring up the issues of particular
35 interest. The issue of the regional council stipend was
36 brought up again. The Chairs wrote a letter to the
37 Secretary of Interior asking him to revisit the issue. If
38 you want a copy of the letter I will make it available for
39 you. And there is responses that went with it and I think
40 each of you had gotten a copy of those letters because I
41 got one. All of the Chairs, except Mr. Harry Wilde of
42 Yukon-Kuskokwim Region signed the letter. His explanation
43 is also available for your review if you want.

44
45 There was discussion of decline of salmon
46 throughout the state that is believed to be related to
47 False Pass and the Nome subdistrict in the implement of the
48 Tier II system was cited as being an example that may be
49 the future of many communities in Alaska if the Federal
50 government -- or at least the Chairs felt that if the

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1 Federal government does not address the problem, then
2 similar things are going to happen throughout the state.
3 My understanding, the direction from the Federal
4 Subsistence Board, was to the solicitor, was to research
5 the issue of Federal intervention -- the possibility of
6 Federal intervention if and when subsistence fishing is
7 adversely affected by non-subsistence fishing within the
8 Federal lands.

9
10 And another interesting thing that I found was that
11 there was a proposed individual -- individual person C&T
12 determination that was presented from Interior Alaska. It
13 sounds like the issue had been going on for quite a number
14 of years that was passed. I think I'm going to ask for a
15 copy of the proposal just to look at it.

16
17 There was a -- the Chair of Chairs questioned who
18 drafted the Fisheries Implementation Plan that he fondly
19 called the marriage of the State and the Feds because the
20 plan was made without input from the regional advisory
21 councils. The end result was that the Federal Subsistence
22 Board asked the Chair of the Regional Chairs to appoint
23 individuals in the planning group. Willie Goodwin is one
24 of the individuals, and the other is Dan O'Hara. It was
25 discussed earlier in our meeting by Tom Boyd.

26
27 Then the issue of the removal of the sexual organs
28 of the moose population to prove the sex of the animal was
29 discussed. And I guess part of the result is the -- what
30 we were asked today about it. They were going to be
31 looking into it.

32
33 There was another concern that was of interest to
34 me. It was basically U.S. Fish and Wildlife were
35 criticized for not actively keeping track of the number of
36 animals that reside on Federal lands. Either no or
37 untimely counting of bears and other mammals were
38 discussed. And the Chairs felt that it was critical to
39 know the population number of mammals on a timely basis to
40 avoid the possibility of overkill of subsistence mammals.
41 So I can't say it's a direction but a recommendation was
42 made to U.S. Fish and Game biologists to count the number
43 of mammals in a timely manner, however, it was -- because
44 of the lack of dollars and as more monies are allocated to
45 counting of mammals, then it's still going to be an
46 untimely basis.

47
48 There were numerous proposals that were submitted
49 from all over the region, and I think the landmark was the
50 granting of the subsistence status to Kenaitze Tribe in

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1 Kenai who had been fighting this battle since 1991. Our
2 Proposal 46 was passed and as directed by the Council I
3 deferred Proposal 47 for future consideration if such may
4 be the case. And that's the end of my report.

5
6 And if we don't have any public comments or
7 comments from anybody, we're done. Okay, then we'll stop
8 the meeting at 3:15.

9
10 (END OF PROCEEDINGS)
11 * * * * *

