

SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL

PUBLIC MEETING

February 16, 1996
Best Western Golden Lion Hotel
Anchorage, Alaska

VOLUME I

COUNCIL MEMBERS PRESENT:

Sheldon Katchatag, Chairman
Bill Barr, Vice Chairman
Peter Buck, Member
Fred Katchatag, Sr., Member
Elmer Seetot, Jr., Member
Theodore Katcheak, Member

Barbara Armstrong, Coordinator

P R O C E E D I N G S

CHAIRMAN KATCHATAG: I'd like to call the meeting of the Seward Peninsula Subsistence Regional Advisory Council to order at 8:20 in the morning. First, I'd like to apologize for the delay. I personally was delayed by weather coming out of my home town of Elim yesterday, so I apologize for that. It was totally out of my control.

We don't have our madame secretary here. Barb, would you do roll call, please, regional coordinator?

MS. ARMSTRONG: Yes. Sheldon Katchatag.

CHAIRMAN KATCHATAG: Here.

MS. ARMSTRONG: Bill Barr.

MR. BARR: Here.

MS. ARMSTRONG: Ted Katcheak will be in about 9:00. Elmer Seetok?

MR. SEETOT, JR.: Here.

MS. ARMSTRONG: And Peter Buck?

MR. BARR: Here.

MS. ARMSTRONG: And Fred Katchatag?

MR. KATCHATAG, SR.: Here.

CHAIRMAN KATCHATAG: Thank you, Madame Coordinator. For the record, Loretta Muktoyuk is excused due to a couple of deaths in the King Island community recently. As Barb said, Ted will be here shortly.

Moving on to item 3. Welcome and Introductions, starting from my immediate left, introduce ourselves.

MR. KATCHATAG, SR.: Fred Katchatag, from Unalakleet.

MR. BARR: Bill Barr, from Shishmaref.

MR. SEETOT, JR.: Elmer Seetot, Jr. I'm from Brevig Mission.

MR. BUCK: Peter Buck, from White Mountain.

CHAIRMAN KATCHATAG: And I'm Sheldon Katchatag, from Unalakleet and Elim. And continuing on to Introductions, Madame Coordinator, would you introduce staff please?

MS. ARMSTRONG: Well, I have -- here to my left is Steve Kovach, from US Fish & Wildlife Service, who is our biologist, and further over there is Bill Knauer, and I am Barbara Armstrong, coordinator.

CHAIRMAN KATCHATAG: And for the record who is our court reporter today?

COURT REPORTER: Laurel Evenson.

MS. ARMSTRONG: Pardon?

COURT REPORTER: Laurel Evenson.

MS. ARMSTRONG: Laurel Evenson.

CHAIRMAN KATCHATAG: Welcome, Ms. Evenson. In the audience we have some staff -- I guess they're all staff. Let's go ahead, starting from the oldest to the youngest now -- starting from over here on the far right.

MS. FOX: I'm Peggy Fox, I'm a Staff Committee Member from the Bureau of Land Management.

CHAIRMAN KATCHATAG: Welcome back, Peggy.

MS. FOX: Thank you.

MR. DENTON: I'm Jeff Denton, Anchorage District Bureau of Land Management.

MR. BRELSFORD: I'm Taylor Brelsford, I work with the regional council program with Fish & Wildlife Service.

MS. MORKHILL: Ann Morkhill, with the BLM Northern District in Fairbanks.

MR. MORRISON: John Morrison, Department of Fish & Game, State and Federal Subsistence Regulations Coordinator.

MR. ADKISSON: Ken Adkisson, with the National Park Service, Bering Land Bridge National Preserve in Nome.

MR. HARRIS: Rich Harris, also with Bering Land Bridge in Nome.

MR. TRENT: I'm John Trent, Alaska Department of Fish & Game, Anchorage, a visitor.

CHAIRMAN KATCHATAG: Well, we have one visitor. And for

the record who is that walking in with the parka?

MS. HELEN ARMSTRONG: Helen Armstrong.

CHAIRMAN KATCHATAG: Hi, Helen. Welcome everybody. This is the first time we've had regional council out of the region. One of the reasons that we're doing this is we'll try to comply with the so-called financial austerity program within the Federal government and some of the problems they've been having. I would like to welcome you all back to work belatedly and hope Newty and Company will prevent you from having another furlough in the recent -- or in the near future.

For the record, would you introduce yourself, Mr. Borbridge?

MR. BORBRIDGE: I have an ID somewhere. Mr. Chairman, John Borbridge, Subsistence Specialist from BIA and member of the area division of BIA and chief of the Staff Committee.

CHAIRMAN KATCHATAG: Thank you and welcome. We'll move on to item 4, Review and Adoption of the Agenda. Personally, there are a few things I'd like to add to the agenda and I'm kind of wondering where to put them.

I think we'll put them, at least of them under item 7. Old Business, item E. Subsistence Fish. Title VIII of ANILCA specifies that our council system is to be a subsistence management recommendation system for fish and wildlife. Various studies over the years have shown that fish is a staple among, especially the Yupik and the Inupiak of the southwest, all the way around to the Arctic, and also through to just about everybody in Alaska, all the indigenous people, anywhere from 50 to 87% of their annual diet. I think we are being remiss in our duty with regard to fish because that is one area we seem not to have been able to make any headway with regard to subsistence management, even though Title VIII of ANILCA requires subsistence priority. So item E. will be fish under 7.

We have also a Co-management Update and we'll be hearing from the ADF&G staff, both the Federal/State coordinator and

also some of the Fish and Game staff that have been in on the various meetings that have been held.

I would also like to add, under New Business, item D., for the record. I would like staff to think about the other proposals that we passed, B.7., other C & T proposals at recommended by Region 7 at their October meeting in Nome.

And I think under 7.B. I would like to add item 1. Legal Counsel, under the definition of technical staff.

And also item 7.B.2. the Katie John case.

And under item 8, I'd like to add item E., Possible Lawsuit, seeking compliance by the Secretary of Interior, Federal Subsistence Board, State of Alaska, Alaska Division of Subsistence Management and Fish & Wildlife Service, compliance Title VIII of ANILCA, subsistence management of fish.

Any other items to be added to the agenda?

MR. KOVACH: Mr. Chair.

CHAIRMAN KATCHATAG: Yes, Mr. Kovach.

MR. KOVACH: Proposal Number 65 was inadvertently left off of the listing under 8.D., that needs to be added.

CHAIRMAN KATCHATAG: Proposal number what?

MR. KOVACH: 65.

CHAIRMAN KATCHATAG: We will make that item 7 and push the 7 item that is listed to item 8. And Proposal Number 65 -- well, we'll get into that later.

Mr. Katchatag, have you any other additions or modifications to the agenda?

MR. KATCHATAG, SR.: No, sir.

CHAIRMAN KATCHATAG: Mr. Barr.

MR. BUCK: No.

CHAIRMAN KATCHATAG: Elmer?

MR. KATCHEAK: No.

CHAIRMAN KATCHATAG: Mr. Buck.

MR. BUCK: No, I'll accept the agenda as you advise.

CHAIRMAN KATCHATAG: Before we do that staff has notified me that the Alaska Department of Fish & Game commissioner and his assistant will be -- probably be coming in at approximately 9:00 o'clock, and we will make -- for the record I would like our agenda to be flexible. We might not take them in the order that they show here, and in order to be able to cover them all properly I would like to keep our agenda flexible to the point where we will accommodate the Commissioner of Fish & Game, Mr. Frank Rue and his deputy Mr. Bosworth when they arrive, and that we will probably cover various items at different times, and please make sure that we cover them. Barb.

MS. ARMSTRONG: Yeah, Sheldon, also for Park Service, Sandy Rabinowitch will be here about 9:30,

CHAIRMAN KATCHATAG: Okay.

MS. ARMSTRONG: for his report on the Park Service, under Reports.

CHAIRMAN KATCHATAG: I would also like staff to provide me a list of the proposals that we passed at our October meeting which are not shown on our schedule here.

Any other items, corrections or changes to the agenda? Hearing none, I will entertain your motion, Mr. Barr.

MR. BUCK: Yes, a revised one.

CHAIRMAN KATCHATAG: Do we have amotion to accept our

agenda?

MR. BARR: So moved, Mr. Chairman.

CHAIRMAN KATCHATAG: We have a motion to accept our agenda, accept our agenda. Is there a second?

MR. KATCHATAG, SR.: I'll second it.

CHAIRMAN KATCHATAG: Seconded. All those in favor of adoption of this agenda as modified signify by saying aye.

IN UNISON: Aye.

CHAIRMAN KATCHATAG: All those opposed, nay.

(No opposing responses)

CHAIRMAN KATCHATAG: Motion passes unanimously. We now move on to 5, Review of Minutes, Transcripts of the last meeting. Madame Coordinator, do we have the minutes and/or transcripts?

MS. ARMSTRONG: The transcripts were mailed to you immediately after the last meeting, they were all mailed out to you.

CHAIRMAN KATCHATAG: Are there any corrections or additions to the transcripts?

MS. ARMSTRONG: I had requested a summary from Loretta which I did have not receive to date yet.

CHAIRMAN KATCHATAG: Okay. I think, for the record, Madame Recorder, could we possibly have a record of action items as we go that are separate from the transcript or Madame Coordinator?

MS. ARMSTRONG: I will do that.

CHAIRMAN KATCHATAG: Okay, appreciate it.

RECORDER: Thank you.

CHAIRMAN KATCHATAG: Having clarified that, the chair will entertain a motion to accept the review of Minutes/Transcripts of last meeting.

MR. SEETOT, JR.: Mr. Chair, so moved.

CHAIRMAN KATCHATAG: We have a motion to accept the Minutes/Transcripts of the last meeting as

MR. BARR: Seconded.

CHAIRMAN KATCHATAG: All those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN KATCHATAG: All those opposed, nay.

(No opposing responses)

CHAIRMAN KATCHATAG: Motion passes unanimously. Item 6. We'll now have a moment of silence for those of our family, friends and associates that have passed on. (Pause) May they rest in peace.

Moving on to item 7. Old Business, item A, Reports. National Park Service.

MS. ARMSTRONG: That would be Sandy and he won't be in till 9:30.

CHAIRMAN KATCHATAG: Moving on, we shall hold that until Mr. Rabinowitch arrives. Moving on to item 2. ADF&G Staff Co-management Update.

MR. MORRISON: Mr. Chairman, I'd like to introduce a couple of our people. Rich Cannon has just arrived, with the Commercial Fisheries Division, and he represents both the

Fisheries Divisions in Subsistence matters today. Our main speaker will be John Trent, who is our Rural Affairs Coordinator, and we'll discuss the proposal for the idea of a co-management project on the program, I should say, for the Northwest Arctic caribou herd. A little later we anticipate Deputy Commissioner Rob Bosworth to be here and discuss the Lieutenant Governor's plan for ending the dual management impasse. Thank you.

CHAIRMAN KATCHATAG: Mr. Trent, before you go on, for the record, we'd like to introduce a few more people that just walked in the door. Would you give your name and position, please?

MS. COLLINS: I'm Janice Collins, and I'm the administrative officer for Subsistence.

CHAIRMAN KATCHATAG: Thank you, Janice.

MS. BAIER: I'm Ellen Baier, and I'm the office automation clerk for Subsistence.

CHAIRMAN KATCHATAG: Welcome, Ellen. Thank you. Anybody else walked in here? Yes.

MR. BOYD: Mr. Chairman, I'm Tom Boyd, the Deputy Assistant Regional Director for Subsistence Management, US Fish & Wildlife Service.

CHAIRMAN KATCHATAG: Thank you, Tom. Is that everybody? Okay, Mr. Trent.

MR. TRENT:

CHAIRMAN KATCHATAG: Thank you, Tom. Okay. Mr. Trent.

MR. TRENT: Thank you, Mr. Chairman. I assume you'd like me to speak into this?

CHAIRMAN KATCHATAG: Please.

MR. TRENT: All righty. It's a pleasure for me to be

here. Hello.

CHAIRMAN KATCHATAG: Yeah, it's on, I think.

MR. TRENT: Are we on? It doesn't sound like it is. It's nice to be here. It's the first time that I've come to a Regional Advisory Council Meeting. My first experience and so nice to be with you. I'm here to specifically speak about the scoping process that we began last fall. We, being the Alaska Department of Fish & Game, John Cody and I, specifically, have started and we approached the institute of Social and Economic Research, Jack Crews. This story actually began about a year ago when John Borbridge and some of the rest of us got together and held a symposium on Harvest Assessment at Girdwood. And it was a very strong feeling at that meeting that co-management was an appropriate approach for wildlife management in Alaska, and my Supervisor John Cody in the Department of Fish & Game was encouraged to make a public commitment to take a look at co-management of a particular population of animals, the Western Arctic caribou herd. So that's where this idea came from.

I'm not going to take very much of your time this morning, perhaps five minutes or so, but basically just to tell you what's been happening since the Harvest Assessment Symposium on this co-management effort.

And I'm specifically talking about the Western Arctic caribou herd that resides in Northwestern Alaska, and presently it's quite high in numbers. Our last census in 1993 was 450,000 animals. There is some indication that this population is no longer growing. Hunters are seeing some skinny animals. The number of young coming into the herd, yearlings coming into the herd is lower than it has been in the past. In the past we have seen as much as 14% per year growth rate of stock. And you may recall, too, that there's been local die-offs. There were several thousand animals died in the vicinity of Kivalina last year, and that's actually been going on for a number of years.

So some of us think that that population may turn around and get smaller. It could get smaller pretty fast. And if there's going to be changes in how we manage this herd, if we

think there would be an advantage to making changes, this is probably a good time.

So in addition to the interest in co-management there's also the situation where there's a large caribou herd that provides subsistence sustenance to maybe as many as 50 communities, and we do remember, some of us, what happened when that herd appeared to decline very suddenly in the early 1970s. There was a hardship and difficult times for a large number of people, including biologists.

So, we thought we would look into the idea, see if you and others were interested in co-managing this herd. The idea for co-managing pretty much comes from Canada. There are at least two groups of caribou, the Beverley Caminarian herd, west of Hudson Bay, and the Porcupine herd in Eastern Alaska and Western Canada that are managed by co-management boards. And as Loretta Bullard said very well in Nome not too long ago, co-management means we share in the decision-making. We, meaning Native people. And basically sharing in the decisions. And the co-management boards in Canada consist of perhaps a dozen to 15 people, a majority of those people on the board are Native subsistence users. And both the two boards I mentioned the federal Canadian and Provincial Canadian agencies also sit.

There would be some differences in the way the Western Arctic Caribou would be managed if we went that way. Anyway, we started asking people in the communities whether or not they thought this was a good idea. Our intent in the Department of Fish & Game is to see if there's interest; is there something broken that needs to be fixed. It would be very difficult to make a change, and we in our agency have already set a couple of rules for ourselves. We've said we do not want to challenge or question existing management systems, including the Regional Advisory Council Subsistence Council system. It's not our intent to make changes like that. So we'd have to find a co-management system that would work within existing structures. Now the same goes for the Board of Game. We can't just get rid of the Board of Game. It's there. And so that's one rule. I'm trying to think of another. Oh, the other rule is that this can't be a Fish & Game deal. It can't be just the State of Alaska Fish & Game, it has to be an investigation of a variety

of groups of people who have something to gain, perhaps something to lose working together. And no one should be excluded from the opportunity to participate. That's my rule. And I'm running the scoping show, so I can do that.

So we've had four meetings; one in Barrow in November, one in Kotzebue, one in Nome, and most recently last week at Huslia. And you should all have, on the Council here, a copy of most of the relevant materials that we've produced, including a summary of the three meetings, Barrow, Kotzebue and Nome. And Sheldon was also at Nome and can, I'm sure, remember some of the things that took place there. I thought that Nome was a good meeting. The Huslia notes are not included, we don't have them written up yet. Dr. Jack Kruse is the director of the Institute of Social and Economic Research at UAA, who is facilitating these meetings. So he's running the meetings, he's recording the notes, he's producing the summaries. So, once again, we're trying to get away from this being a John Trent Fish & Game kind of a deal here. We're trying to be fair, and I think Jack's really done a good job.

So that's basically what we've done. We've done four meetings, we're now trying to meet with the Federal agencies. Many of the people in this room I've been stalking, and we're going to meet with the environmental groups, see what they think, and I'm going to approach the advisory committees -- the Fish & Game Advisory Committees in Anchorage and Fairbanks. I'm not quite sure how we're going to get the guides and professional hunters' input. The basic idea is to finish the scoping process by the end of March, then we'll all have to sit down and think about whether or not we want to actually pursue this.

So that's basically what I've been doing since the Harvest Proposal. I'd be glad to answer questions.

CHAIRMAN KATCHATAG: Thank you, Mr. Trent. Before you excuse yourself, first of all, I'd like to correct your report here. I had specifically stated that though I am the chair of the Seward Peninsula Regional Advisory Council, I was not empowered by the council to represent the council at that

meeting. So

MR. TRENT: You'd like to be listed then as citizen Katchatag?

CHAIRMAN KATCHATAG: As a citizen and a hunter -- subsistence hunter of the Western Arctic Caribou Herd, with a note that even though I am chair of the Seward Peninsula Subsistence Regional Advisory Council, I was not attending the meeting in that capacity because I was not authorized by the council to do that.

MR. TRENT: I'll see that we make that change in the next printed round of materials.

CHAIRMAN KATCHATAG: Right. And in talking with Mr. Cody, I'd also ask that the IRA Councils of the villages which -- from which most of the hunters in our region come, be included. And, for the record, Stanton Katchatag, president of Unalakleet IRA Council; Frank Kavairluk, Sr., president of Koyok IRA Council; and Edger Jackson, president of the Shaktoolik IRA Council were included in the meeting because of that request.

And for the record, I'd like to welcome Mr. Ted Katcheak of our council to this meeting. Welcome, Ted.

MR. KATCHEAK: Good morning.

CHAIRMAN KATCHATAG: And for the record, we are now on 7. of our agenda, 7.2. which is the first report that we've had under Old Business, and Mr. John Trent is reporting on the Western Arctic Caribou Herd Co-Management Scoping Meeting schedule, which you should have a copy at your place there, Ted.

Any questions? Mr. Barr.

MR. BARR: Yeah. Does the Koyukok people, or however you pronounce that last meeting that you held at Huslia, do they hunt the same western caribou herd or do they migrate that far southeast to Huslia, and do they go back up north?

MR. TRENT: They do, yes. What happens is that it's just a sometime thing, but occasionally the herd will get that far east, especially around Huslia, and there have been times when the Western Arctic animals have actually gone right through the town there. The people also from Allakaket, Alatna, again, occasionally, hunt Western Arctic animals. There haven't been a lot of Western Arctic caribou into the upper valley around Alikaket since about 1974, according to the people at this meeting, but there were caribou -- actually when we were in Huslia last week, about 60 miles away at the hot springs that were probably a part of the Western Arctic herd. So they do -- they're kind of on the fringes, but they do.

CHAIRMAN KATCHATAG: Before you continue, Mr. Trent, I'd like to welcome the person that just walked in the door. For the record, I'd like him to introduce himself in his capacity.

MR. SANDERS: My name is Gary Sanders. I work for the Department of Fish & Game, and I'm representing both the Sport Fishing and Commercial Fisheries Divisions.

CHAIRMAN KATCHATAG: Thank you. Mr. Trent. Mr. Barr.

MR. BARR: The reason why I ask is about 10 year or 15 years ago my brother-in-law had a reindeer herd on the Seward Peninsula -- on the east side of the Seward Peninsula and at Kaltag, I guess. There was an old Indian that had written to him about 20 years ago, you know, and he stated that I guess he knew the reindeer tags or how they marked them in their years, you know, and he said that he wrote him -- he wrote my brother-in-law, Fred Goodhope a letter, and stated that he had killed one of his reindeer, and I was surprised that they went that far south, you know. That was just for your information. I thought I'd pass that on.

MR. TRENT: Thank you. Yeah, I've heard stories for many years about caribou carrying away reindeer, and of course it's a serious problem on the Seward Peninsula. I've seen some strange looking caribou out east of Barrow even, obviously reindeer.

CHAIRMAN KATCHATAG: You mentioned in your report, Mr. Trent, that a 1993 estimate on the Western Arctic Caribou Here was 450,000. How often is that herd surveyed?

MR. TRENT: We do a census every three years, so the 450,000 number is the number actually counted. So there are almost certainly more than that, but that's what we actually counted on the photographs, and we're going to go out there again this year in early July -- early July.

CHAIRMAN KATCHATAG: Is there a reason why that's done in July rather than in the winter when you can see them better?

MR. TRENT: The reason we do it in July, is that's the time when they come really close together in what we call aggregations to get away from insects. They sometimes go right out into the water, along the coast, or they often will get up on a high point. Because they're so close together then we can get a large number on a single photograph; that becomes practical to photograph them this way.

CHAIRMAN KATCHATAG: You also mentioned the fact -- or your assumption that their calving is reduced. What do you base that on?

MR. TRENT: We do what we call recruitment counts, where we go out at other times of the year, springtime, and we count the number of yearlings -- the ratio or proportion of yearlings to adults that we see. We can't count all the animals at that time because they're spread out, but the animals that we do find we use radio collars to assist us with this. We see how many are adults and how many are yearlings, that is how many were born in a previous year, and that gives you a pretty good idea at that time of year, in springtime. We'll be doing it soon here, how many are actually coming into the population.

CHAIRMAN KATCHATAG: So you have an idea by doing this of what the annual growth rate is, and you mentioned that is has been somewhere in the neighborhood of 14%. What's the basis of that number?

MR. TRENT: You know, I'm not sure how that 14% growth rate is calculated, Sheldon. I can find out for you.

CHAIRMAN KATCHATAG: I would appreciate it.

MR. TRENT: Sure.

CHAIRMAN KATCHATAG: I don't want anything on the record that is not substantiated by scientific analysis, so I'll put a question mark by the 14% until such time as you provide me the documentation on how that particular number was arrived at.

MR. TRENT: For your information, if you like, we are preparing a Western Arctic Population Advisory that contains this kind of information.

CHAIRMAN KATCHATAG: And when is that due out?

MR. TRENT: I would say that we're probably a couple of months away from it, but we're working on it now, and that should include more information on the history of the population and the reasons that we're a little concerned about what's going to happen in the future.

CHAIRMAN KATCHATAG: I would appreciate a copy of that sent to me as the chair and also to the council.

You also mentioned something that I have had grave concerns about and that was the die-off -- or I think it was two years ago in Kivalina. I have grave concerns about that because friends of mine that are from that area have told me that their assessment of that situation is it's due to the Red Dog Mine, and I was wondering if -- I know the North Slope Borough in their Wildlife Management Division was doing a study on that in conjunction with the University of Alaska, Fairbanks, and I'm still waiting to hear the report on that. We were assured that the testing on these animals was to include not only radiation type testing but also heavy metals, and I was wondering if that report has come out and whether or not there's things that are associated with the Red Dog Mine such as lead or arsenic or items of that nature.

MR. TRENT: I know that that's been a continuing concern. I also know that when some of our biologists who work directly with the herd, Jim Dow is the -- one of the lead people, he lives at Kotzebue. When they went out there and looked at these dead animals we made a point of working with the North Slope Borough staff. They have a new veterinary toxicologist names Dr. Scott O'Hara, and Dr. O'Hara has been involved in the analysis. I have not seen the report but I believe it's finished. The conclusion that our staff came to was that it looked very much like starvation. Some of the dead animals had gravel in their stomachs. There was a large number of storms. I think I remember the figure of 17 storms between Thanksgiving and early the next year. And this bunch of animals had got caught along the coast and couldn't get out. There was icing on the ground. It looked like a local starvation. We've seen that in other parts of the range of this herd as well.

CHAIRMAN KATCHATAG: You know, Mr. Trent, icing conditions are just about an annual condition. I would think that you would have this type of thing every year if that was indeed the case. But this die-off in the Kivalina area was some 1100, 1200 animals, and I'm -- you know, I'm concerned that if that's the case, then why just Kivalina, and why so many animals in one particular area when I know that's what kept me from getting here was icing conditions. And storms travel through the area and if you have a big low come up, you know, it's going to ice things up.

MR. TRENT: That's true. It was local conditions and it was more than they could obviously handle. I think what your question raised in my mind are the issue that we need to be doing more talking about this specific kind of thing, and that's the reason why this co-management board would be able to do that, meet several times year and discuss these issues at length.

The other point that I really would like to make that I think is important is that you've been asking me questions about western biological science, how do you count them, how do you get the composition ratios. There's a whole other body of knowledge that we need to bring into management of a herd, and

that's traditional knowledge, the knowledge that comes from hunters who have lived out there a long time. And I think that's important and we need to find a way to do that.

CHAIRMAN KATCHATAG: You know,

MR. KATCHATAG, SR.: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Katchatag.

MR. KATCHATAG, SR.: When I was a younger man when we had a rain in January, sometimes we did in December, that's when we used to drive the herds through the trees. Those herds have got to be around the trees if they're going to survive rainy weather in the winter, 'cause they can't go ahead and eat anytime they feel like it when there's ice on the ground. But if there's trees around the area then they will survive. They've got no way to survive if there's no trees, and I don't know how much trees there are around Kivalina.

CHAIRMAN KATCHATAG: For the record, you're talking about your experience with reindeer herding, right?

MR. KATCHATAG, SR.: Yeah.

CHAIRMAN KATCHATAG: You know, one of my understanding of heavy metal poisoning is it causes irrational thinking, and I'm concerned that we might be blown into complacency with regard to heavy metal contamination of the habitat, that the Western Arctic caribou herd by a logical explanation of starvation due to what I consider our annual weather conditions. I don't think I've seen a winter yet in the area where we've not had icing conditions at least once or twice a winter.

MR. KATCHATAG, SR.: Some years it's worse, and they can survive some years that are not real bad, but some years are a lot worse. That's when they starve.

CHAIRMAN KATCHATAG: And my concern is that I was told by a former resident of the Kotzebue area and a former worker at the Red Dog Mine that they blast twice a day, and I would like

some figures as to not only when they blast but how much they blast with. And the concern that I was told was that when they blast they get a cloud of dust from the blast, and depending on the wind conditions not only are we getting this lead-laden dust on land, but what I'm concerned with, because this is going to affect me personally, is that if the winds are right, and, Barb correct me if I'm wrong, probably half the time in the winter the prevailing winds in Kotzebue area, the Kotzebue Sound area are from the east. So if they're having blasting and getting fine dust into the air, then you're going to have this lead-laden dust going out onto the ice. And we all know that ice is going to melt eventually. So what's going to happen is you're going to get this heavy metal going down to the bottom. And you know and I know that marine mammals that migrate through the area primarily feed on fish and other so-called benthic animals that feed on the bottom. So my understanding of the food chain and heavy metals in the food chain is that if in fact you're getting heavy metals going to the bottom of the ocean is that's where they enter the food chain and that it concentrates as it goes up. My concern is I'm dependent on migratory marine mammals. I know that ugaruk that I eat twice a year at least, or harvest twice a year at least, migrate through that area. That's my understanding of where they go in the spring and where they come from in the fall. We have large concentrations of ugaruks and harbor seals and other seals and also belugas that migrate through our area. And my understanding of their migratory patterns is that they do go up into the Arctic Ocean. So that's why I'm pursuing this is that I would like some analysis of what's going on up there, and are we getting heavy metals in the food chain due to this mine. And if I was living in the Kotzebue area, I'd be concerned about the caribou that I was eating because, you know, not all -- I was telling -- you know, I was asking Barb, you know, half the winds might be blowing offshore, but the other time they could be blowing up toward Kivalina, and they could be blowing east toward the Baird Mountains or wherever anything feeds. So, you know, I would like some assurance that there is some kind of monitoring of the situation.

MR. TRENT: There has been a great deal of work done in recent years, and you're certainly not the only person. Many

indigenous people from throughout the circumpolar north have the same concern about contamination in food supply. It's a major issue, and as I say, quite a bit of work has been done. I think Dr. O'Hara would be a good source of information. He was involved in the investigation of the die-off at Kivalina. I think I gave you the wrong first name, I called him Scott. His first name is Todd, Dr. Todd O'Hara. And I would suggest getting directly in touch with the North Slope Borough and see what's available there.

MR. KATCHEAK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Katcheak.

MR. KATCHEAK: I'd like to share with you some of my experiences in reindeer herding in Stebbins, particularly. We have some die-offs or starvations every so often and just like you just mentioned earlier, because of icing. And last year we had about 1300 reindeer that stay on Stewart Island, and sometime in February, I think they had about 13 animals out of that 1300 that starved. But it's kind of strange to hear 1300 or so animals or a 1000 animals, caribou dying about the same time, and we have 1300 reindeer. And Stewart Island is probably over-grazed about 40 years now and we don't see that many animals die at one time. The most we had, like I mentioned earlier, was about 13 reindeer starved last year, so I don't know. Usually we keep the herd on the island in summer, in winter we move them up to the mainland. We don't have any trees like Mr. Katchatag, Fred, mentioned, that we can drive them to, but we do have alders and willows, and that's where they usually forage if there's no other food around. They'll go where there's some food, around the edge of the ponds. So that's just for your information.

CHAIRMAN KATCHATAG: Thank you, Mr. Katcheak.

MR. BUCK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Barr.

MR. BARR: I'm pretty sure Kotzebue's Federal

Subsistence Board is on top of this also, you know, and I'd appreciate that, you know, they can send us letters or whatever they get from there, whoever, you know, these people.

CHAIRMAN KATCHATAG: If it's okay with the rest of the Council, Barb, I would like to ask you to go ahead and send a letter on our -- under our letterhead on behalf of the Council to Mr. Todd O'Hara -- Dr. Todd O'Hara of the North Slope Borough, requesting a copy of his report for our council and also a letter to the Northwest Arctic Regional Advisory Council, a similar request as to what their understanding of the situation is with regard to the die-off.

MR. BUCK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Buck.

MR. BUCK: Yes. The state last spring had a meeting with the environmental impact of the food chain, and they're going to be having another meeting in April or May. But this involved the environmental impact of the food chain and research done in Alaska, Canada and will end in Russia, and the impact that the contaminants have in our food chain. I'd like to, you know, have those reports included in our -- for our information for this council so that we can have -- from their meetings that we can have better resource data. I'd like to have all the reports for those meetings when they have it in April or May.

CHAIRMAN KATCHATAG: Thank you, Mr. Buck. Any clarification as to who is drafting this EIS, Mr. Trent?

MR. TRENT: I don't know. I'm not familiar with the food chain meeting that you mentioned. I did, however, happen to think that the Inuit Circumpolar Conference was also very much interested in that.

MR. BUCK: I think it's the State Environmental.

CHAIRMAN KATCHATAG: Anybody here from Fish & Game know about this? Mr. Brelsford.

MR. BRELSFORD: Mr. Chairman, I'm aware of an international effort to assess and monitor contamination in the Arctic environment. So many of the countries that Mr. Buck referred to are working together in a program called AMAP, Arctic Monitoring & Assessment Program. It is under the Arctic Environmental Protection Strategy and (indiscernible) at Circumpolar Conference. It has actually been very actively involved in that.

I first met Todd Scott (sic) at a meeting and he had spent the week before -- boy, we're really mixing it up, Todd O'Hara, the North Slope Borough's toxicologist, has been a technical advisor to the Arctic Monitoring & Assessment Program for the AMAP program sponsored by the North Slope Borough, so they're actually sending their scientists to participate and contribute to that meeting.

That is a three-year project to gather together information on heavy metal deposition in the Arctic, and they are to conclude their international report on that this spring, and they've actually set aside a fair bit of money for translation into indigenous languages in the Arctic so that summary reports would be available for local residents throughout the Arctic to understand what the scientists have been able to tie together. My expectation was that we would distribute that information through the regional council program because many of the northern councils would be directly involved in those issues.

CHAIRMAN KATCHATAG: Thank you, Mr. Brelsford. One other question I have, I know in the mid-'80s our congressional delegation made a big issue of the formation of the Arctic Research Policy Commission. I was wondering if -- are they doing anything about this along these lines? I know they're a Federal commission.

MR. BRELSFORD: I'm not familiar with their work in the last year or two, so I would hesitate to say. Certainly they've looked at basic science in the Arctic, and the United States has sponsored efforts in human health impacts and in things like environmental change over long periods, so I know those are

agenda items that they have been pushing over the last decade, but I don't know the more specific grant programs and so forth from the last year or two.

CHAIRMAN KATCHATAG: Thank you, Mr. Brelsford. Any other questions for Mr. John Trent regarding the Co-management Scoping Meetings that have been held by the ADF&G in various communities around Northwest Alaska?

MR. SEETOT, JR.: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Seetot.

MR. SEETOT, JR.: Mr. Trent, are you saying that you are doing a co-management study for the Northwest Arctic Caribou Herd, was there any connection or was there any questions raised on nuclear fall-out on the Russian side, because you know that according to Time magazine and other reports, you know, there is widespread pollution, you know, in the peninsula over there, and the nearest communities are about 56 miles away, and 56 miles is just a short distance, you know, for something to travel that distance. In the 1950s the Federal government did some blasting out of Pt. Hope for their program concerning, you know, the nuclear program. Was there any connection or were there any questions raised to connect the past actions done by the Federal government and events happening on the western or on the Russian side concerning, you know, fall-out or pollution from, you know, their area?

MR. TRENT: Pollution issues have not been discussed up to this point anyway in the meetings that I've been participating in because the question we've been asking has been more narrow. What we have been asking is is there a better way to manage this caribou herd. If there is, pollution would be one of the questions that would be discussed more, I'm sure, down the road. But we have not gotten into the specifics, we have not even talked much about the population biology of the herd. We've been asking specific questions, is co-management a solution that you think might work for Western Arctic Caribou.

And, Mr. Chairman, I did neglect to give you one piece

of information that I'd like to add, and that is the people in Kotzebue are particularly interested in this, and are planning a mini-symposium, they're calling it, in early April. I believe the dates are April 2 through 3, and Art Ivanoff is one of the people who has been organizing this from Mannilaq there, and other people have been involved; the Schafers, Ross and Pete, for example. And their intent is to bring Native people together. It's going to be their meeting and discuss co-management of Western Arctic Caribou. I'm sure you'd be welcome to come, and you might want to contact Mr. Ivanoff if you'd care to participate, some of you. I know that some of the people from Huslia are planning to attend. So there is a meeting by Alaska Native subsistence hunters to discuss this same issue in early April, and that's not a Fish & Game meeting, it's just something that they want to do on their own.

CHAIRMAN KATCHATAG: Thank you, Mr. Trent. One other question I have is with regard to the habitat of the Western Arctic Caribou Herd. I have some questions with regard to that because my understanding is that the habitat itself has surplus carrying capacity. By that I mean that at one time in the area where I come from there were some additional 600,000 reindeer at the peak of that particular industry, in addition to the Western Arctic Caribou Herd.

MR. TRENT: Uh-huh (affirmative).

CHAIRMAN KATCHATAG: So in my limited travels in the region I know that there are some areas that are a lot better quality habitat-wise for caribou and reindeer, and I'm wondering if you have some idea as to the carrying capacity of the habitat for caribou.

MR. TRENT: Would you like a one word answer?

CHAIRMAN KATCHATAG: Preferably longer.

MR. TRENT: Well, the short answer, I guess, is there's no simple answer and you're asking an extremely complex question. No one knows where the wind and the caribou go is an old saying. That's maybe not true either, we do know where they

go and you've known that for a long time, at least to some degree. Habitat carrying capacity is a difficult concept and something that I don't understand completely, nor would I say do my colleagues. Caribou numbers seem to go up and down. I've heard the number for reindeer of as many as a million, for example. Can the land continue to support a million animals in the same place all the time? The answer to that is probably not. That's why caribou move around. But the question of how much can the land sustain is a difficult question. And very often we get our answers by watching what the animals do. And what we're starting to see out there on the land is some signs that the animals aren't going to stay at this high number indefinitely. But we've been wrong before. So we measure habitat by watching the animals. We're not very good at measuring habitat, and we'd certainly like some ideas about how to do that.

CHAIRMAN KATCHATAG: Okay. One good answer I might have has to deal with the technology available. Over the years and in my limited understanding of it, I know that there are a number of satellites that take different types of reading on the terrain. Are there any efforts to do some assessment on -- I know there are GIS services that make use of these satellites. Has there been any efforts by ADF&G to either direct or access that information with regard to ground truthing some of the observations of these satellites? I know they take probably a whole spectrum of readings on the state on a daily basis because on any clear night in the area you can look up and watch these things go by.

MR. TRENT: I have always had the dream of hiring a U2 to photograph the Western Arctic herd and they're capable of doing that. The satellites can allegedly give you a license plate number from the ground. So far our department has not been able to access that technology in a meaningful way. We haven't found a way to make it work. That doesn't mean it can't be done. One area where there's been a growing amount of proficiency is in the GIS mapping, and there's been a lot of habitat work done over the years, including the GIS mapping, but I would have to say at this time, given the way we are managing these animals today, we don't directly use it. So it still

appears to be in the future.

CHAIRMAN KATCHATAG: The future is now, Mr. Trent.

MR. TRENT: Well, that's why I'm standing here, I guess.

CHAIRMAN KATCHATAG: You know, I might be from a heritage that some people might think is still in the Stone Age, but I try to keep myself abreast of the latest in technology, and I think it behooves us in this particular business to take advantage of whatever technology is available to make our job as easy as possible. And I think we would do well to see if we can access some of this technology that's zooming over us at 17,000 miles an hour.

MR. TRENT: I can't disagree with that statement.

CHAIRMAN KATCHATAG: I'm glad you can't. Any other questions for Mr. Trent on the Western Arctic Caribou Herd?

MR. KATCHATAG, SR.: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Katchatag.

MR. KATCHATAG, SR.: I've seen over a million caribou go through here say two years ago, way more than a million. But, you know, them animals are not standing still. One thing about caribou and reindeer, caribou travel much faster than reindeer, so reindeer will be left behind and caribou can be way ahead. That's the way they migrate. But I really enjoyed your report here, and I go along with you on co-management. If we share our know-how without any stinginess between you and I, we'll get along.

MR. TRENT: I appreciate that. Thank you.

CHAIRMAN KATCHATAG: You know, one of the things that I learned past year in talking with different people, I was concerned when the caribou first started migrating down into the Unalakleet area this winter that I got reports from different people in Unalakleet that were harvesting them as they were

going by, and one of the things that concerned me was the fact that I was getting reports that some of the animals were -- or a lot of the animals were pretty skinny at the time, but in talking with some of the elders that have been interacting with these animals all their lives, and correct me if I'm wrong, Uncle, my understanding is that the caribou can go from fat to skinny in three days, depending on how fast and how far they are traveling and whether they're eating or not. So that's one item of traditional knowledge that I personally just learned this past year. And I would hope that you as fish and game biologists on this particular herd would be aware of that.

MR. TRENT: You know, there's been a lot of work done on caribou, particularly on the Porcupine herd in recent years, and there's been a fair amount done on Western Arctic. You may like to talk to a real caribou biologist some day. I work for

CHAIRMAN KATCHATAG: I thought I was.

MR. TRENT: Well, I'm just a pretty good caribou biologist. Jim Dau, who lives in Kotzebue and some of the others who work with that herd every day, you might enjoy spending more time with them and getting a more complete picture, and that, perhaps, that could be arranged, as a special meeting sometime. There's a number of people -- there's a man named Ken Whitton in our office in Fairbanks, who has spent a lot of time on the Porcupine, and a man named Falkenburg. It would be kind of fun to just talk about caribou. They know more than I do and can give you better answers.

CHAIRMAN KATCHATAG: In light of that, Mr. Trent, I think at future meetings we would only ask that real biologists give us real data on these particular animals. We're charged by Title VIII of ANILCA to make recommendations based on sound scientific principles, and without real scientists, I don't think we're doing that. So please make sure that we have the real scientists and the real biologists sent at future meetings.

One other concern with regard to the Western Arctic Caribou Herd. I don't know if the staff here have a copy, but this goes right along with co-management. And I think this

shows the commitment of the indigenous people to not only co-management but care of the Western Arctic Caribou Herd. All of the council members have a copy under the letterhead of the Kuigpagmiut Incorporated, Natural Resource Department, P.O. Box 32309, Mountain Village Alaska, 99632, phone number 907/591-2834, fax number 591-2109, dated February 2, 1996. On the 31st of January I received a phone call from my father, who happens to be the president of the Unalakleet IRA Council, and his concern was with the Western Arctic Caribou Herd, and in light of the fact that less than four weeks before we had had a meeting with Mr. Trent and Mr. Cody and others with regard to co-management of the Western Arctic Herd, they had heard reports, and this was third or fourth-hand via a pilot for Arctic Transportation Services out of Unalakleet who had talked to a hunter out of St. Michael, who was concerned about a number of hunters coming out of the Yukon Delta area. And in talking with Ted Katcheak, who lives in Stebbins, I got a list of villages from which these particular hunters were coming from, and it was my understanding that there was a lot of young hunters coming up out of villages such as Russian Mission, Marshal, Pilot Station, St. Marys, Andrevski, Pitkus Point, Mountain Village, Sheldon Point. Alakanuk, Emmonak, Kotlik, Kwethluk, Stebbins and St. Michael, Scammon Bay, Hooper Bay and Chevak.

The problem wasn't the hunters from Stebbins and St. Michaels, it was from the Yukon Delta villages farther south. I had heard from my father that -- and I confirmed this by talking with Mr. Pius Washington, who is the president of the St. Michael IRA and with Mr. Ted Katcheak, who is the -- our council member from Stebbins as to -- Ted told me that there were hunters up there weekly, and in talking with Mr. Washington he said that it was almost a daily occurrence of hunters coming up from some of these villages mentioned hunting on a daily basis. I guess it's understandable, given the fact that it's only been in the last five years, I guess, that the Western Arctic herd has begun migrating south of Unalakleet, and I can understand their fervor and, if you will, craze with regard to these animals. And the concern was that there were a number of hunters that were not being very careful in how they were hunting the Western Arctic herd in that area, particularly in

the Golsovia drainage which lies about halfway between Unalakleet and St. Michael. And the concern given was there were hunters up there, as Pius Washington said, daily, and as Ted said, weekly knocking down these animals and then checking to see if they were fat enough to eat. So because of our concern for the animals and to try to demonstrate our willingness to enter into co-management of these animals, my father called me, as chair of the Seward Peninsula Subsistence Regional Advisory Council to see if we can do something to make sure that these hunters were more responsible in how they were harvesting these animals or trying to harvest these animals.

As a result, this letter -- I talked to -- in addition to Ted and Pius, I also talked to Mr. James Landlord of the Mountain Village Traditional Council, and he gave me Terry Wild, Sr.'s phone number in Mountain Village, who -- he is a chairman of the Yukon Delta Regional Advisory Council. And I relayed to him my concern as to what was happening, especially with the younger hunters out of these villages. And their reaction was immediate. I called them on the first, and as you can see, they sent this letter out on the second.

MR. KATCHEAK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Katcheak.

MR. KATCHEAK: May I correct you, that last name James Luke.

CHAIRMAN KATCHATAG: Yeah, this is the Natural Resource Director. The person I spoke to was James Landlord, who is the president of the Mountain Village Traditional Council. As soon as I brought it to their attention the commitment was made by them that the Mountain Village Traditional Village Tribal Council relayed their concern to Mr. Harry Wild and sent this letter out to those villages shown, and I was given assurances that they were recommending that each village have meetings with their traditional council and the elders to reinforce and strengthen the custom and tradition of our people to not wantonly waste our natural resources. So this letter was sent out by the Mountain Village Traditional Council to those

villages requesting that they have these meetings. And I have not received confirmation from any of those villages that they have had these meetings, but the concern was relayed to further the training of their young hunters so not only do they stop their wanton waste but that they also learn to be able to, if they don't have the expertise, to depend on the expertise of villagers that are capable of being able to assess not only the health of the animals but also the suitability for human consumption, that being you should be able to tell before you shoot an animal whether it's going to be bad enough to eat -- for your taste or your nutritional needs. So I hope we've nipped that particular problem in the bud.

MR. TRENT: It never seems to completely go away, but I think what you're doing there is very valuable. Could I have a copy of the letter?

CHAIRMAN KATCHATAG: Barb has copies of them, I believe. She can have copies made.

MR. TRENT: Doesn't have to be right now. Well, this political system is really efficient.

MR. KATCHEAK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Katcheak.

MR. KATCHEAK: Just for your information, in addition to my title as Federal Subsistence Advisory Council member, I am recently elected the secretary/treasurer for the Stebbins IRA Council.

CHAIRMAN KATCHATAG: For the record, I would like to congratulate you, Mr. Katcheak, on your election to your esteemed council in Stebbins.

MR. KATCHEAK: Thank you.

CHAIRMAN KATCHATAG: Are there any other questions, comments with regard to the Western Arctic caribou herd and/or the co-management scoping meetings having been or being held by

the Alaska Department of Fish & Game and the Institute of Social and Economic Research, University of Alaska?

MR. KATCHATAG, SR.: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Katchatag.

MR. KATCHATAG, SR.: I think I have an answer to this letter here. You know, in recent years, last year or the year before, just in Unalakleet alone, I counted 34 pair of young men and women living together without licenses, and I have noticed since this started in our community after their children are raised without proper care from the father's side. You see, when you're living with someone, not being married, that child is not protected. He's got a dad living with him but his dad doesn't say anything to him, because that's not really his child, he's not married to that woman, and that child is being raised with the care of his mom and he doesn't know anything about hunting. Nobody in that -- under that roof is telling him how to hunt or what to look for if you're going to hunt. So he's raised without that knowledge, much less, he's not being -- nobody is correcting him in his behavior. And so he goes to school, and you'll find in school he's got problems. He's a problem to the teacher -- not only the teacher, all the students in the school. And recently that's been our problem. Unalakleet, there's a lot of people living there now, compared to what there used to be when I was a boy. And they go out and they shoot anything that's moving. They shoot at bear, and they leave the bears just laying there, and the responsibility goes to the elders over there. And a lot of times we don't know what went down. We don't know who did it. And much less, I live there for over 70 years now, and I would think, I wonder who would do that. I thought for a long time -- I never knew that a child raised without a father will do that, because you can't blame him, he's not being corrected by anyone, and that's our problem in our communities now. It's not the fault of those that raise children after being married, it's these raised by the parents living together without the recognition of the law. That's our problem. You know, that kind of child will not even go to church, much less they won't go to Sunday school. I hate to talk about religion in this meeting. I'm not here for

religion. But that's the bottom line of our whole problem, the whole problem of this letter here. And I don't know what to do about this.

The worst thing that ever came to the rural area is the TV. When I was a boy, there were hardly ever any laws in looking for food, like eggs, and we can only hunt eggs so long and then they tell us not to hunt no more because they're hatching. This is our history, but not in a paper like this, but it's all up here in the head. We can go out there and shoot maybe two geese and go home. That's enough for the day. And I think that's our problem today is the TV, they sit down, they don't know nothing else. What do you see on the screen, you see people shooting each other, you see a man and a woman kissing each other, all that all day long. They can't go out there and gather food because they don't have a license to go get one fish or two fish.

See, a lot of these things have been going on without the proper understanding from Fish & Game and the proper understanding of the people living in the communities. If we, like he said, co-management, if we share our know-how between him and I, we can get along, 'cause I can see he's an honest man, I can feel it. But it's not like it hasn't been going like this for, I don't know, the last decade or so, and we haven't been talking together, and I'm glad we're starting to talk together now and we'll make things different from now on, by talking to each other and sharing our know-how with each other, helping each other out. Thank you.

CHAIRMAN KATCHATAG: Thank you, Mr. Katchatag.
Mr. Denton.

MR. DENTON: Yes, Mr. Chairman, I'd like to actually compliment Fred on bringing this up. It does confirm some of the same kinds of reports we've had from the Unalakleet area and it confirms reports that we're hearing from other areas in terms of abuse of caribou and bears and what-have-you, in terms of resources by whomever. My concern is not especially a social concern, it is a concern but does show that both sides of the fence here are actually seeing the very same problem. And it

looks like some common ground in which we can start working from. It's very alarming, we've gotten many reports in last three years both out of Unalakleet and the Golsovia, some pretty bazaar use of wildlife resources. So what Fred said is basically a recognized problem there as well. So it looks like we really have some good, common ground to work from here. I greatly appreciate what Fred has said here.

CHAIRMAN KATCHATAG: Thank you, Mr. Denton. For the record, I would like the gentleman who just dropped in to please identify himself and his position.

MR. ZEMKE: Myself?

CHAIRMAN KATCHATAG: Everybody.

MR. ZEMKE: My name is Steve Zemke, with the Chugach National Forest. I'm the subsistence coordinator. I stopped by to see how some of the other regional advisory council systems have interacted with one another. It's been a very good experience this morning.

CHAIRMAN KATCHATAG: Could you state, for the record, your position with Chugach?

MR. ZEMKE: Chugach National Forest, the forest subsistence coordinator, habitat relationships.

CHAIRMAN KATCHATAG: All right. You, sir?

MR. HEATH: Nolan Heath, I'm the deputy State director for Lands, Minerals and Resources for the Bureau of Land Management, and I just have been trying to get around and visit with the different councils and say hi to everybody. I'll probably only be here till noon or so and I'll have to leave, but I just wanted to stop by and say hi and hear what you have to say.

CHAIRMAN KATCHATAG: Thank you, Mr. Heath. Anybody else we missed?

MS. ALDERSON: Hi. I'm Judy Alderson, with the National Park Service, and I am specifically interested in hearing the review of some of the proposals, so I may be in and out as well this afternoon.

CHAIRMAN KATCHATAG: Judy, what was your last name?

MS. ALDERSON: Alderson.

CHAIRMAN KATCHATAG: Madame Coordinator, are you keeping track of all these guests who have joined us at our council meeting? Do we have a sign-in sheet?

MS. ARMSTRONG: Yes, we do have one at the door.

CHAIRMAN KATCHATAG: For the record, please make sure you sign in before you leave. At this time we'd like to take about a 10-minute break, and I hope the restaurant man has brought the half and half. A 10-minute recess.

(Off record - 9:44 a.m.)

(On record - 9:58 a.m.)

CHAIRMAN KATCHATAG: I'll call the meeting back to order. Due to time constraints, we will keep our agenda flexible. At this time I would like to call on Mr. Jeff Denton to give us item 7.A.3. Fish Harvest Update and Clarification of Water Rights. Mr. Denton.

MR. DENTON: Thank you, Mr. Chairman, Council members. The fish harvest information will be done by Anne Morkhill, and probably because BLM doesn't directly gather most of that data, and we do have the Fish & Game Department Fisheries people here, they're the ones -- that's basically their realm at the present time and their responsibility. My basic charge today was to bring you up to date on -- you'd asked some particular questions last time regarding water rights. And the question was developed because on the Unalakleet River the Wild and Scenic River portion BLM has been doing some baseline flow data, cross-sectional data to go through the process with the State of trying to get an in-stream flow reservation for the Wild and Scenic River to protect recreation and fisheries habitat type

values in the Wild and Scenic River corridor.

And you had asked at one time, after I gave the presentation last time, to look into a little further to various State laws and national laws and so on regarding aboriginal water rights. And I've done that, to some degree.

In the Lower 48 many of the tribes down there do have water rights associated with many of those rivers, however, they are not aboriginal water rights, they are irrigation rights that were actually adjudicated after lands went into farming. And those water rights are tied to arable lands and irrigation, not -- in fact, most states in the union Fish & Wildlife the purpose is not a recognized beneficial use of water. So as far as other states go, that's the situation.

As far as Alaska goes, again, from the Federal standpoint and the State law standpoint I found no reference to aboriginal water rights whatsoever. That's never been actually drawn up, I guess, probably. So that's -- I can entertain some questions now, but there's really not a whole lot there to grasp onto 'cause there's really not any, by law, defined aboriginal water rights.

CHAIRMAN KATCHATAG: So you think we have no water rights?

MR. DENTON: By law, I guess. You know, those things could be changed over time, but

CHAIRMAN KATCHATAG: Next to air, water is one of the requirements for life.

MR. DENTON: For everything and everybody, that's right. And that's why in the State the water columns belong to the people of the State by law. The State actually has the jurisdiction over the water columns and they're the ones that, you know, through application and processes and so on, issue water rights. You know, the City of Anchorage has water rights out of various streams around here issued by the State. And for fish and wildlife purposes actually in-stream flows fairly --

you know, in recent years is a fairly recent thing in Alaska, but it is, with the proper background information provided in application, actually fish and wildlife can truly benefit from that in-stream flow that can be available from the State. But there's a process and a lot of monitoring and measuring of actual flows; high flows, low flows, so on and so forth to make that application. And that's what the BLM is doing to protect, at least in the Wild and Scenic River out there -- those values to protect those values.

CHAIRMAN KATCHATAG: So you're

MR. DENTON: For everybody.

CHAIRMAN KATCHATAG: So you're saying that fish and wildlife have water rights but the aboriginal people don't basically?

MR. DENTON: Anybody can apply for water rights.

MR. KATCHATAG, SR.: Well, when we meet each other, just say hi, that's good enough and you know you're okay.

MR. DENTON: You know, we have to apply for water rights for the benefit of the fish and wildlife for the benefit of all people, okay. So essentially those water rights to keep that wildlife for your uses is still of beneficial use to you, and if you have specific consumptive water use requirements, you can go through the same process that as everybody else has to to get water rights. And that's -- I mean all I -- and the State is the responsible party to issue water rights, the Federal government is not. We don't have jurisdiction over water rights in the state, the Federal government does not.

CHAIRMAN KATCHATAG: Any questions for Mr. Denton? He has a 10:00 o'clock appointment with his director.

MR. KATCHATAG, SR.: No questions.

CHAIRMAN KATCHATAG: Well, I'd just like you to keep in mind, for the record, that even though technically we are in the -- darn near the 21st Century, technically we are still the

uncivilized tribes, and as such I consider myself part of the wildlife of the region.

MR. DENTON: I can appreciate that.

CHAIRMAN KATCHATAG: For the record, I claim water rights for my wildlife in the region.

MR. DENTON: Okay.

CHAIRMAN KATCHATAG: Thank you, Mr. Denton.

MR. DENTON: Thank you.

CHAIRMAN KATCHATAG: And for the record, I have one of the few Native allotments that happens to straddle the Wild and Scenic River, and I think I claim water rights based on that also.

Moving on our agenda we now move on -- has Sandy Rabinowitch shown up?

MS. ARMSTRONG: Not yet.

CHAIRMAN KATCHATAG: Not yet. Let us now move on to item 7.A.4. We will hold 7.A.1. in abeyance until the arrival of Sandy Rabinowitch. Mr. Steve Kovach and Ken Adkisson, Muskox Update.

MR. KOVACH: Mr. Chair, as you know, there was a total of 15 permits issued for the taking of muskox. As of yesterday afternoon, the reports that we have received back, starting in Unit 22(D), Mr. Seetok, of the Council, was successful in taking his muskox.

CHAIRMAN KATCHATAG: Congratulations, Elmer.

MR. SEETOT, JR.: Thank you.

MR. KOVACH: The hunter from Teller has not reported and taken a muskox. In 22(E), all six of the permits, four for

Shismaref and two for Wales were filled. And in Unit 23, all three of the permits for Deering were filled, and only one of the four permits for Buckland have been filled to date.

CHAIRMAN KATCHATAG: And the season has closed?

MR. KOVACH: The season has closed, yes.

CHAIRMAN KATCHATAG: Okay. So out of 15 possible, we have officially on record harvested 11?

MR. KOVACH: Correct.

CHAIRMAN KATCHATAG: Okay. Do you have a report to that effect?

MR. KOVACH: No. All I have is a printout of permit numbers and where is all I have.

CHAIRMAN KATCHATAG: Can we have -- for our records here, just a short letter stating that

MR. KOVACH: We can do that.

CHAIRMAN KATCHATAG: to this effect? Thank you, Steve. Any questions for Steve regarding the muskox?

I have a question for Elmer. Do you know who the hunter from Teller was?

MR. SEETOT, JR.: Tolson Kingok, I think is -- his alternate was Thomas Eningowuk, and after my hunt I think the weather turned bad around that area.

CHAIRMAN KATCHATAG: Oh, okay. Did you enjoy your hunt?

MR. SEETOT, JR.: I enjoyed harvesting. It took me a while to figure out, you know, or the way that they were doing it -- not what they were doing but what their actions were, and I just kind of figured out, you know, you just used common sense with it, bagged it like any other. It takes a while to study

something that you haven't harvested before, but you get all that information by reading, by listening to elders or just by, you know, practical common sense.

CHAIRMAN KATCHATAG: Uncommon sense. In talking to some people I understand that this, being the first year that they've been officially hunted, that virtually there was no disturbance to the rest of the herd or that the animals in the vicinity. Is that your experience? In other words, the concern given for reducing 12(D) from 12 animals to 2 was that hunting the animals is going to chase them off, and they would not be able to take advantage of the habitat. My understanding was that the hunter said that there was very little disturbance to the rest of the animals in the area. Is that your experience?

MR. SEETOT, JR.: Well, when I first went there to scout for the animals they would travel a short distance and stop, you know, as long as I wasn't, you know, trying to disturb them, then that wasn't my intention to disturb them but to observe, you know, how they act and react to noise or to different disturbances. And from what I seen, they just went for a while and they just kind of regrouped together and figured out what kind of defenses that they have. If I'm not a threat to the animal they will continue to, you know, forage and stay within the area. From observing the animals within Ivotuk River, I noticed that there was only about 40 animals. Two-thirds of that were probably the females, there were about five to 10 -- five mature bulls that I saw, and there were some, three, four-year-old bulls or males that were within the herd, and that was what I was trying to harvest.

CHAIRMAN KATCHATAG: So did you get a three or four-year-old?

MR. SEETOT, JR.: I think I got a three-year-old -- three or four-year-old. There was a space between the -- or the horns were a yellow color, but from talking with Fred Tocktoo, he said the hunter from Deering, that he wasn't going to hunt alone because of the size of the animal that he bagged he couldn't turn over by himself. But the one that I got was younger and I was able to harvest or butcher it. I took

everything that was -- the only thing I didn't take was, you know, the gut/bile. You know, I took the organs that I take from other animals and then that was a new experience for me to see that, you know, even the mills, you know, were pretty fat, a layer of fat that was thick, and they -- I'm not going to exaggerate but, you know, I guess I would say about a half-inch to two inches on different parts of the body. It took me a while to dress the animal in ground storm conditions, because, you know, the weather was warm, but I knew where I was, but I took the whole animal and I distributed it to all the -- pretty much all the households. So it took me a while to cut it up and, you know, kind of say nobody did receive a substantial portions, I gave it to the people according to what we have been doing over the years, that if this is your first animal, then you would share it. We were waiting for a potluck but I wasn't going to wait until someone made the decision and maybe the meat would meat age a little bit or something like that, but I took the initiative to distribute the meat within the community and that wasn't enough for the whole community, per household. If it was for consumption, then I wouldn't have had a taste of that meat. But overall, the herd that I was going after looked pretty healthy, you know, animal-wise. That day they were pretty healthy in looks and -- I guess looks are deceiving, I was expecting to dress out a big, substantial portion -- or the way to size portions, and, you know, it kind of diminished as I skinned it along.

CHAIRMAN KATCHATAG: Was the meat well received in Brevig?

MR. SEETOT, JR.: It was well received. We had reports from Shismaref where they first harvested, I think the older the animal the tougher the meat would be, as in any, you know, animal that is harvested. But it was well received, I think, and one was not selfish to provide to the community. However, if there was an allocation like where Teller would not be able to harvest them, you know, then the neighboring community would be able to harvest additional animals, the practice that is being done by whalers in the western portion of Alaska.

CHAIRMAN KATCHATAG: For the record, let me clarify that

among the villages that have quotas in the Eskimo Whaling Commission that it is a custom and practice among them that as the whales -- the bowhead whales migrate through if those villages that have a quota in the early part of the migration do not get their animals, they have a custom and tradition among them that seeing as how they won't be able to harvest that animal at that particular season, what they do is they have an allocation for the spring migration and for the fall migration, and what they do is to try to maximize the harvest of the animals is the villages where the whale has passed through and they don't have a chance of getting one for that particular season, they go ahead and transfer their quota to villages farther up along the migration route so that they can maximize the harvest of the animal. So it is a custom and tradition among the Inupiat people to do that, the Inupiat and the Siberian Inupiat out in St. Lawrence. So I just wanted to get that on record, an explanation for what he was saying. I think this would be a good custom and tradition to carry over into the muskox, seeing as how we're dealing with such a small percentage of the animal. We would like to maximize the harvest and try to make sure that in the future that we harvest all -- the entire 3% that we're presently allocated, which is a very conservative harvest rate.

Any questions for Elmer or Steve or Ken or any further comments from Ken or Steve? Ken.

MR. ADKISSON: Do you want me to go up there?

CHAIRMAN KATCHATAG: It probably would be better for the court reporter, yes. I don't mean to put you out there, Ken.

MR. ADKISSON: I just thought it might be worthwhile -- Ken Adkisson, by the way, from Bering Land Bridge National Preserve. I just thought it might be worthwhile to offer some comments on -- general comments on the hunt. We haven't really had a chance to go through and really look at all of the harvest tickets that were reports that were returned to us, so what I'm going to say is basically going to be essentially based on comments and stuff that we've had from the hunters.

But while the season ran about five months or so in length, most hunters tried to get out after freeze-up with snow machines to get to the animals, and due to relatively light snow conditions this year, travel was very, very difficult. And most of the active hunting actually was compressed into about the last two weeks of the season. I think that the first animal was harvested right around January 14, something like that, and the last one was taken around the 28th of January.

Most of the animals were reported as being in very good shape, and because, again, of light snow conditions, were generally found down a lot lower in terrain than they normally would have been, perhaps, and were largely still in the willows and quite difficult, in some cases, to get to. Also the end of the season, the tail end of the season, there was storm that moved through, and I think that, you know, kind of eliminated perhaps some of the chances, especially for those people from Buckland who had to travel further over to the National Preserve area to access adequate numbers of animals, it would seem, and they didn't really get much of a chance, I suppose, in that sense.

Most of the meat, as Elmer has indicated, was widely shared within the communities and so forth. And I think most people are looking forward to the upcoming census and an opportunity for next year.

CHAIRMAN KATCHATAG: Any questions for Ken? Mr. Trent.

MR. TRENT: I was just wondering what you thought of the meat in tasting the meat the first time and how people reacted to the meat.

MR. ADKISSON: It was very, very good.

CHAIRMAN KATCHATAG: So you did have a taste, Ken?

MR. ADKISSON: Yeah, well, I got two pieces, and the bulk of that went to elders in the community, and I wound up with a little piece like that, and since I never had it I tried

roasting it, to taste it without any spices or anything. It was great.

CHAIRMAN KATCHATAG: What did it remind you of?

MR. ADKISSON: I don't know, like nothing I've ever eaten before. Different people say different things about it; some people say it tastes like steak. I thought it was a lot milder than moose and maybe near a sheep, somewhere in that. But other people told me I was nuts, so, well

CHAIRMAN KATCHATAG: Do you know what part of the animal you had?

MR. ADKISSON: No, I just had a rough hunk of meat. And I roasted mine, but I know a lot of people in Wales boiled theirs, and like the bigger animal, especially got chopped up essentially and boiled for several hours and they thought it was really, really quite good.

A couple other things maybe while we're still on muskox, I guess. Just general observations from the hunt, did seem to indicate that hunters really made an effort to try to space out the impacts on the animals. We had comments like from Deering hunters that, you know, they only took two animals from one group and made sure to take the third animal from a separate group. And, again, possibly because of the weather, the animals didn't seem to want to move very much, and so, you know, it may not have been a very typical year for a hunt, you know, compared to say environmental conditions and things that we may be facing next year.

CHAIRMAN KATCHATAG: Thank you. Any questions from the audience? Comments? Mr. Barr.

MR. BARR: I'd just like you to know we appreciate you guys letting us let the people of Shishmaref because they become a nuisance, you know, and they chase berry pickers not only to their boat but out to the lagoon, you know. You see women up to here go this far in deep water, you know, because they try to get away from the muskox because the muskox chase them, you

know. I don't know why. Maybe the color of their parka or whatever, you know, or their jacket starts them prodding towards the people, you know. So, I appreciate you guys letting the people of Shishmaref -- I hope there will be more next year.

CHAIRMAN KATCHATAG: Speaking of Shishmaref, was the meat well received over there?

MR. BARR: Yeah, it was well received. They passed it out to the whole village. You know, they got four of them, and we're saving our small chunk of meat till our sister-in-law comes from Anchorage here, she'll be going home next week. So we're saving that chunk of meat for her and for us, too, and we'll eat it when she comes home. It was well received in the village, and, you know, they made sure they distributed it all to the old -- they distributed the four to the whole community, and it was good.

CHAIRMAN KATCHATAG: Any questions for Elmer or Bill? Would the gentleman that walked in please state his name and position for the record, please?

MR. SUMMERS: Sure. I'm Clarence Summers, I'm with the National Park Service. I'm about to find where Sandy Rabinowitch is. Sorry I darted off, Council members, it's good to see you.

CHAIRMAN KATCHATAG: Thank you. Appreciate it. For the record, I'd like to iterate that I really think that 12 -- they should have gotten all their 12 animals that we had originally been allocated based on the 3% harvest rate. It really bothers me that they got reduced to less than 1% just for what I consider very arbitrary and capricious reasons. My experience with animals is that the best way to manage them is to go for a conservative harvest rate, which we had, 3% on the 12% annual growth rate, I think it was, or 15% growth rate, and look at your impact, you know. You don't engrave things in stone and say we're going to go for 3% every year all the time, and impacts be damned. We're trying to make our council system as dynamic as the resources on which we depend, and I would appreciate that the Staff Committee and staff keep that in mind

when we go through our deliberations and recommendations.

And, again, I'd like to iterate that subsistence need for these animals is un-quantified. We don't know what the demand is in the three sub-units which has a hunt this year, and until such time as we have that quantified, I would appreciate that we all keep an open mind on this and try to accommodate the need as best we can. That's why if you look at our proposal we do have another proposal to kick 12(D) back up to whatever 3% is going to be, based on the '96 census.

So, having said that, any questions or comments with regard to muskox? I think in our flexible agenda here, I would like to move at this time to item 8. New Business, D. Proposals. And we'll go ahead and start with Proposal 1. Steve, Proposal 48.

MR. KOVACH: Let me find my notes.

CHAIRMAN KATCHATAG: Council members, please look at your yellow handout which has all the draft analyses for our proposals, the yellow cover. And the audience, I think we have more copies over here if you have not received a copy.

MR. KOVACH: Okay. Proposal 48 was submitted by this Council. It requests an increase in the harvest of brown bears. Throughout Unit 22 the current regulation is one bear every four years. The request is to increase that to one bear per year.

The board deliberated on this same proposal last year, Proposal 41, as well as three others that were similar in nature in '92. Although those in 1992 were rejected by the board on the basis that the -- all those proposals were citing the population had become too large, bears are an nuisance and they need to be reduced, they cited lack of information, biology and status of bears in the area to make an informed decision and that the emphasis of the proposal was more on controlling the numbers rather than on need to meet consumption demands.

And 1995 was a little bit different. After hearing oral arguments from this Council's chairman, the board decided last

spring to basically defer the proposal and split out the defense of life and property issues from the basic issue of whether or not the limit could in fact be raised based on customary and traditional use patterns.

Federal Public Lands in Unit 22 occupy only about 30% of the unit. The proportion of Federal Public Lands on a subunit by subunit basis is highly variable. For example, 22(C) has no Federal lands within it. All residents of Unit 22 currently have a positive determination for use of brown bear throughout the unit. This determination was originally made by the Board of Game and was adopted by the Federal Board in 1990. Originally the Board of Game found that brown bear was a traditional component of local diet, but it was not a major resource except in times of extreme food scarcity. Large in Unit 22(A) it was noted specifically that it was used as a food prior to the 1950s and the arrival of moose in that area.

Subsistence use studies are limited to Brevig Mission, Golovin, Shishmaref, Stebbins and Wales. Of these studies, only Golovin and Brevig reported the use of brown bears. The 1982 study in Golovin found one household harvested in two had used brown bears; the '89 study found that three bears were reported, and it was estimated that another bear was taken within the community in that year. In Brevig Mission there was two studies done, one in '84 and one in '89. Only the '84 study recorded any use of brown bears, and that was by a single household. There's an ongoing study by the National Park Service that went into Wales in 1994 and found no use of brown bears, and it was -- we find that significant in light of the fact that a few marine mammals were taken that year.

Basically, the subsistence use studies indicate that while brown bears were used for food on a limited basis in the past, they are generally not used for food in contemporary times in 22(B) and (D), and they are even less likely to be used in the balance of the area.

Testimony before the board indicated that residents from Elim, Koyuk and White Mountain, all in 22(B), continue to harvest some brown bears. Testimony by elders before the board

in past years indicated the bears near the coast scavenge on marine mammals and therefore make them undesirable to eat. Testimony by local elders in the October '94 meeting to this Council, indicated that for 22(A), at least brown bears were no longer used for food. At the February '95 meeting of this Council the use of brown bear hides by residents in Units 22(A) and (B) were discussed. Testimony before the board in the past has included such things that customary and traditional use includes the opportunity to harvest a bear each year, not one in four, that bear meat was used in years past when both moose and caribou populations have been depressed in the area; hides and bones have been used for handicrafts.

Population estimates for the brown bear populations throughout Unit 22 are based on information that's only a couple years old. As you can see from this graphic, the density of bears is highest in 22(C), closely followed by 22(B) and (A), and the density starts falling off in (D) and is lowest in 22(E). These densities are reasonably comparable to interior Alaska areas, specifically Units 12, 20(E) and 24. They're in the mid to upper range of the estimate of the bear density for the Kobuk Valley area of Unit 23, but they are lower than the coastline interior portions of the Bristol Bay region, just for some comparisons.

Current brown bear population is basically believed to be representative of habitats present in the area. In other words, the bear population is not considered to be unusually high or low when we compare it to bear populations throughout the state.

With regards to the stability of the population, Unit 22(A) it is thought to be stable and (B), it is believed to be stable or possibly even increasing. In (C), it is believed to be decline, while in (D) and (E) it is considered stable.

Historically the population -- the bear population in Unit 22 was significantly reduced in the first half of the century by a combination of mining and reindeer activities in the region. Both participants of these activities took a large number of brown bears on an indiscriminant basis. This caused a

rather precipitous decline in the bear population. In the mid-1940s both of these industries basically apart. Their participation and level of activity fell way off. This resulted in a significant decline in the number of people in the region who were subsequently out and taking brown bears. So, between the 1940s and the early 1970s the bear population rebuilt itself. Some biologists believe that it has rebuilt itself to levels present at the turn of the century. Spring concentrations of bears on the coast between St. Michael and Unalakleet were first reported by local people in 1972. In 1975 Fish & Game biologists and local residents were notified that bears could be found in all of the habitats that are known to be used by bears. By 1980 the brown bear populations in Unit 22 were considered to be basically at their carrying capacity or their densities were described as high.

Local biologists for Fish & Game reported the local residents have considered the bear population abundant or excessive for at least the past 10 to 12 years. An important note is the 35 years that was required by the populations in Unit 22 recovered from an extended period of over-harvesting. It is kind of surprising that this time period of recovery matches some theoretical models that have been developed on recovery of bear populations.

Annual reports by Fish & Game biologists in the area have continually identified the potentially substantial unreported level of harvest which clouds our picture and understanding of what is actually going on. It has long been known that many local people consider brown bears a nuisance and a threat. This attitude, along with the feeling it may not be -- that it is not worth their time and effort to skin out a bear and report it for fear the Fish & Wildlife protection and investigating a defense of life and property claim would say that it may have been unnecessary, and may attempt to prosecute. All these factors, we believe, contribute to the unreported takes.

It is estimated that sealing compliance for the taking of brown bears by the residents of Nome is 95%, while the same compliance outside of Nome for residents in Unit 22 is 50% at

best. It is important to note that as the perceived size of the bear population increased, so did the reports of harvests and the estimated unreported takes. Sealing records indicate that residents in Unit 22 have taken 48% of the 848 bears sealed between the fall of 1961 and spring of '95.

The general trend of the harvests for bears by all groups, that is the residents in Unit 22, other Alaska residents and non-Alaskan residents, has basically been increasing since the 1970s.

Residents in Unit 22 for the first 18 years had a mean take of about 3.6 bears per year. Since 1979 that average has jumped to 21.2 bears per year. The harvested bears by residents out -- by Alaska residents outside of the unit has been reasonably stable but you can see it's been increasing during the last 15 years or so. The average harvest is still about three bears per year. Harvests by non-Alaskans was basically one bear a year for the first 17 years. It expanded rapidly to about 17-1/2 bears per year since then. The significant increase in the harvests, beginning in '77 and '78, we believe, are attributable to the rapid increase in the population in Nome, increased number of guides that utilize the area and liberalization of the regulations in that area as well. And that accounts for that spike you see -- that green spike for non-Alaskans was a change in the regulations that caused that.

Of all the bears that are harvested by the residents of Unit 22, Nome accounts for 66% of the total take. Between 1961 and 1977 the residents in Nome reported harvesting an average of 1.6 bears per years. All other residents in Unit 22 combined only reported a harvest of 1.7 bears per years. Beginning in 1978 the harvest by the residents of Nome began to increase dramatically. From 1978 to '94 the residents of Nome have reported taking an average of 14 bears per year, which is a nine-fold increase. The single largest increase in harvest by the residents in Nome occurred the same year that regulations were, in fact, liberalized by the Board of Game.

Basically when you compare Nome against the other communities in Unit 22, what you see is a vastly different

pattern. The other communities in Unit 22, outside of Nome, showed kind of a tiered level increase which basically corresponds to increasing size of the population. There was a level of increase from '78 to '84, and then again from '85 to '94. Exclusive of Nome, the largest number of brown bears have been reported by residents of Unalakleet, Shaktoolik and White Mountain. Unlike Nome, the annual rate of harvest did not jump for these communities in 1978, it was delayed some and generally did not occur until the '80s.

Of all the bears that have been reported since 1978, which is a break-point that we use 'cause that's when the harvest began to increase significantly, the residents of Nome accounted for 32% of all of the harvest. Prior to 1978 the residents of Nome tended to concentrate their harvest activities in Units 22(C) and (D), about 40% of their harvest coming from each of those units. Since 1978 Nome residents have also been utilizing Unit 22(B) as well. Now, approximately one-third of their harvest is coming out of each of the subunits (B), (C) and (D).

Of the reported takes by subsistence people, Nome residents go and travel the most or harvest their brown bears. Only 40% of the harvest of the residents of Nome comes from 22(C), the subunit in which they live. In contrast, 92% of the reported subsistence take for all other users occurred within the subunit in which their community occurred. An interesting note that when you look at communities that reported 10 or more bears in the last 34 years, exclusive of Nome, only Teller reported taking less than 95% of their bears in the unit in which they resided.

We looked at the sealing records looking for patterns of harvest by hunters with the same last name, and found little to indicate a consistent pattern of use. Outside of Nome repeat harvesters accounted for 45% of the bears taken in this 34-year time period. When defense of life and property takes were eliminated, repeat takes accounted for only 26% of the bears. Individual repeat harvesters within this group, whether it was a hunting take or a DLP take, averaged 4.7 years between takes.

Since 1992 hunters have been asked when they seal a bear if they salvage the meat and if so how much. Subsistence users in these last three years have reported taking 75 bears. Of these 24 or 32% reported that some meat was salvaged. However, only seven of those bears or 9% reported salvaging in excess of half of the meat. Those came from Golovin -- two of those bears came from Golovin, the other five from Nome.

Patterns reflected in the harvest data confirms the subsistence use study that bears are rarely used for food, and indicate that most of the Unit 22 communities have a low annual rate of hunting takes of bears, even after the population reached current size. What we find most importantly, however, is that the increased rate of hunting harvest largely corresponds to increases in human population as well as the liberalization of harvest -- of the regulations.

For purposes of further analysis, we assume that the bear populations have been reasonably stable for the last eight years. We just arbitrarily assume that Nome has a higher percent reporting rate and others outside of Nome have a 50% reporting rate. When I refer to a total estimated harvest, this is basically the reported harvest plus the estimated unreported. And the estimated maximum allowable harvest is the largest harvest that the population can sustain without undergoing a decline. What we have, an estimated allowable take for the population as a whole, we do not know what it is specifically for females in this area, we don't have the information available to make that calculation. It has been computed on the North Slope, the absolute high end is 2% of the population. While we believe that the Seward Peninsula is more productive than the North Slope, we don't know how much more productive. We tried to take some clues from the Noatak study which does have some basic information on reproduction. How much higher than 2%, we don't know, but we use 2% as just a way to try and measure what is going on a little bit.

What this figure is showing you is the total harvests reported and unreported. Starting at the bottom of the column and working your way up the dark blue is reported takes by subsistence users. The light blue is the estimated unreported,

and the green is by non-subsistence. The horizontal red lines indicate the estimated maximum take for each population in each subunit. There is a pair of lines for the population estimates as you saw before, it is a range of values. We don't know exactly what it is, we just have some estimates as somewhere between here and there, so that's why there's two lines there.

Basically, as you can see, if you can imagine the illumination without the light blue, reported harvests have met or exceeded the maximum allowable 13 times in (A), (B), and (D) in this eight-year time period while the estimated total harvest has met or exceeded the maximum allowable 18 times.

CHAIRMAN KATCHATAG: Let me interrupt you there, Mr. Kovach. Even with these very liberal estimates of unreported harvests you're saying that the population is still remaining stable and from the standpoint of the people that live in the area it's still unnaturally high.

MR. KOVACH: What we're -- well, we haven't gotten to the end of the picture yet, but

CHAIRMAN KATCHATAG: Right, but still you're saying that 50% of the harvests are unreported, so you don't know what they are, and you're estimating that it's twice what your reported harvest is. So even with this estimate -- so you're saying you don't know, you're saying that the population is still stable.

MR. KOVACH: Well, we think it is stable; we don't know for certain.

CHAIRMAN KATCHATAG: Well, I can tell you that it's at least stable or growing, based on my interaction with people that live in the area. And if you look at the densities of the animals, your estimates, my understanding of your estimates says that there is approximately one bear for every eight residents of Unit 22. And that's a conservative estimate. And you don't know how many animals there are. When is the last time a bear survey was done?

MR. KOVACH: '92.

CHAIRMAN KATCHATAG: And this is '96.

MR. KOVACH: Right.

CHAIRMAN KATCHATAG: When is the next one projected?

MR. KOVACH: I doubt if one will ever be done there -- another one will be done. It takes a minimum of three years to count bears in an area, and in order to get all the markings done and in order to get a count done, a project of that size just to estimate the number of bears in a sample area costs today about a third of a million dollars to do. So we don't do a whole lot of these except in areas where we're real concerned about what's going on, we've absolutely got to get a picture of what's going on. In order to understand what's going on with reproduction it takes anywhere from eight to 12 years following the same female, just understanding what's going on with the reproduction. So bear studies are very time consuming and very expensive, and we just can't afford to do very many of them.

MR. KATCHATAG, SR.: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Katchatag.

MR. KATCHATAG, SR.: I wouldn't worry about how many bears there is. What I'm interested in is that in the Nome area the Fish & Game won't allow the local people to dry fish in June, to my understanding. To that area there they opened it in August, that's when it rains. You can't dry fish in the month of August, and by that time, the month of August, all the bears come out from the hills down to the coast. So what they are saying up there is that when they open the period to dry fish that's when the bears are out, and it gets dark, and every fish that they dry they'll come down and eat it when it gets dark at night. So they -- what little dry fish they save it's not eatable anymore because it's rained all the time.

And they were wondering if the Advisory Fish & Game group here could request to the Fish & Game to see if they would open drying fish in June when it's all daylight or in July, the

first part of July when you can see the bear coming and the weather permits for drying, then they can save a few. In August it's too late in the season. You can't dry fish in August and there's too many bears on down the coast already. So I thought I'd bring that up while I've got the chance.

CHAIRMAN KATCHATAG: Thank you, Mr. Katchatag. Our obligation is to the subsistence users of the region, be it with regard to bear, fish or whatever, and I don't see us doing our job if we are protecting the bear over the subsistence user and his resources. And this is the case. The regulations in place are adoptions of the State regulations which were in place at the time that the Federal government took over subsistence management on Federal Public Lands. If you look at the public record and, correct me if I'm wrong any ADF&G reps here, the people have complained about these regulations ever since they put them in place because all they are is the sport regulations with the sport crossed out and subsistence put in over it. And we have always said that we are not sport hunters, we are subsistence hunters and fishers and gatherers. And it irritates me that I have to fight every year not only to protect my access to the resources but that I have to fight not only staff but Staff Committee and the FSB and everybody else to try to protect my lifestyle.

And as Bill Thomas of Southeast Alaska says, subsistence is the most innocent use of the resources of any use, and predation of the animals takes more than we do. I appreciate the work that you've put into this analysis, but everything points to the fact that you are protecting the resource more than you are protecting the subsistence user. You are trying to maintain a very arbitrary and capricious regulation which was adopted by a hostile State Fish & Game Department, and time and again on the record you will find it in their Board of Game hearings and everything that they have done since statehood that these are just reflections of their sport hunting regulations.

And what do we have to do? We would like these animals reduced to somewhere in the neighborhood of 1 per 20, and there seems to be no way that we can do this other than by being outlaws. And we have been saying that what our aim and intent

is is to make the subsistence user as law abiding as possible, otherwise what's the use?

MR. KOVACH: Well, Mr. Chair, if you know totally very well, and one of the first things we have to do is ensure the continuation of healthy, and in the case of the National Park Service, natural and healthy populations. And that is

CHAIRMAN KATCHATAG: Right. But it also says wild resources, and these bears are -- when they start feeling free enough to not only wander in the vicinity of camps and cabins and fish camp sites along the rivers, when they feel free enough to do that with impunity, and then not only to rob the subsistence resources of our people who work very hard to put these up, when they also start damaging their property also and they have the full faith and protection of not only the Department of Fish & Game but also the Fish & Wildlife Service, you know, we're not doing our job. We want to keep these animals wild. Healthy does not mean that you maintain these animals at unnaturally high levels. Healthy means that they are physically strong, they have enough fat to get through the winter and they reproduce whenever the opportunity presents itself, not when you say you present all the females -- you protect all the females for them. There is not a living animal in the world that has that kind of protection. There is no guarantee that that can reproduce with any receptive female and yet basically that's what you're saying with the brown bear.

MR. KOVACH: No, I'm not saying that, sir.

CHAIRMAN KATCHATAG: Well, that's what your regulations reflect. You are not keeping these animals wild, you are making them have dominion over us, and you don't live in the area, you don't have to put up with this. If you were living

MR. KOVACH: I have to put up with brown bears in my back yard.

CHAIRMAN KATCHATAG: Right. But at least you have sport hunters to protect you and keep the animals down and try to keep them semi-wild. You don't have to live with the fact that you

don't know. See, I have to grow up with the fact that if I'm going to leave my tent up -- and it's no easy task when you're putting up a tent and a wind break and everything else to set up camp, it's no easy task to put that up and then take it down and come back up and put it up again.

And you're not protecting the subsistence user and you're not keeping the animals wild when you're working time and a half to try to refute what the subsistence users call an arbitrary and capricious regulation that you adopted from a hostile State Department of Fish & Game, which basically took their hunting regulations -- sport hunting regulations, crossed it out and said okay, these are subsistence regulations, too. And you know that ever since I've been involved with this process that I have been trying to make the regulations to reflect customs and traditions.

And it doesn't seem to register with you when I say that having one bear for every eight people in the region is unnaturally high. And it makes extra work for these people when our people are trying to put up fish for the winter. We can't get these same fish in the summertime, their season is done. It's like he was saying about the poor people of Nome. They can't put up proper fish in August when it's raining, and, you know, it's frustrating.

I try every means at my disposal to try to accommodate the concerns that are brought to me in my every day life from people that I live with who have to live with these animals in their back yard and tearing up. If you had a cabin that you put time and effort into building, wouldn't you be awful mad if you came up there, you just happened to leave something in there. See, one of the things that we've learned that we have to do nowadays is that if you're going to leave your camp even for overnight, you better take every scrap of food in that place because if you don't that bear is going to go completely through that house to find it. And people that I live with tell me that you can't -- you know, it makes for hard work if you have to not only bear-proof your camp but even if you do bear-proof it the bear decides -- you know, you board up all your windows, you board up your doors, and what does he do? If he can smell that

food in that house, he goes right straight through the plywood. I don't care if you have a two-by-four wall or a two-by-six wall or what, he'll go straight through that house from the side. Hell with the door, hell with the window.

And I want you to try to understand it from my perspectives as trying to protect the subsistence user. I'm trying to liberalize these regulations. And it's frustrating that you have to insist that I eat a fur bearer when you won't eat it and you don't require your sport hunters to eat it. And there's nothing in the regulations that says that we can't use bears for customary trade and handicrafts. I grew up with a bear rug on the floor, and when you don't have a decently insulated 12 to 18-inch floor or something skirted, it's nice to have a bear rug on the floor because it's nice and warm. And yet you're saying that I have to eat the animal, too. And yet -- you know, it's frustrating. I don't know what I have to do, Steve.

These bears ain't gonna be wiped out as long as they are in excess of 1000 in just 22. They ain't gonna be wiped out. They've been here just as long as we have, millions of years. They're not something that just sprang up and have to be protected, they're a living, breathing, wild animal and we want to keep them wild. And the way we like them wild is when they have fear of us and that they don't mess with our stuff. And I don't know what I have to do to make you people understand this.

I wish you'd back us up once in a while on this. That's basically what staff is supposed to do, is it not, under the definition? Title VIII requires that adequate technical staff be provided to the Regional Advisory Councils. And it's frustrating when adequate technical staff are fighting the Council. So, barring a direct directive from the Council that you provide an analysis which we ask for, this is the attitude that I as chair would like to see not only you as staff but everybody on staff of Fish & Wildlife Service and anybody else that the agencies provide. Until such time as the animal is in a threatened or endangered category -- and they are not, are they? Do you consider one bear for every eight residents endangered?

MR. KOVACH: That's not how it's measured, sir.

MR. BUCK: Mr. Chairman.

CHAIRMAN KATCHATAG: That's how it's measured in impact to us. Mr. Buck, I'm sorry.

MR. BUCK: Yes. This subject has been brought up to my attention over the years and the bear problem has steadily become worse in White Mountain region. The reason I wanted to say something is because I've gotten my direction from the elders in the region, the elders that stay there, and they said that if the bear population gets too much then they -- they live way up on the mouth of the rivers where they get their salmon and stuff like that and they tear up the gravel and -- and it's just a priority for the elders there that we'd like to see the bear population go down. And the camping areas have steadily become worse every year in my region. But I'd just like to say that I take my opinions from the elders when they say that the bear population is way too high. So I'd just like to make that a note.

CHAIRMAN KATCHATAG: Thank you, Mr. Buck.

MR. KATCHEAK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Katcheak.

MR. KATCHEAK: I'd like to share an idea that I've had for a long time, and this is -- we have a large bedding area south of the Golsovia River, and my feelings about up there is I was being -- I'm against having too many bears. And the only way I thought if we could keep the bear wild, we have a pair in every 50-mile radius, because a bear can travel after -- in the springtime after it comes out from hibernation it can travel 40, 50 miles to the coastland or to the rivers mulch, and a pair of bear for every 50-mile radius would keep the animal wild, to my -- in my opinion, and I've heard that there are a lot of large-standing area, I don't know how big it is, I don't even know what the population -- how big that population is, but to keep a

large-standing area nearby is going to be a problem, and every year we have -- like you mentioned earlier, that these bears they don't -- if they're hungry they're not going to stop outside a cabin, they're going to run through that window, break through the door in some way.

So that's my thought. Maybe sometime before the conclusion of our meeting we need to make a proposal to that effect, so we could comply with the regulation that the State is imposing on us. I think it's a good idea to do that. Thank you.

CHAIRMAN KATCHATAG: Thank you, Mr. Katcheak. Now you can continue, Mr. Kovach. I'm sorry for the outburst. I just want you to know that this is very frustrating. It seems that in the foreseeable future we're going to continue to have this bear problem until such time as either God decides to reduce it by some natural function or something. I don't know. I think you're going to continue to realize unreported and unsealed bears until such time as something is done, and I just want you to know that. You can continue, Steve.

MR. KOVACH: Well, I was going to ask, do you want me to continue with this or just go to the conclusion?

CHAIRMAN KATCHATAG: Well, we all have this information here and I'm sure that all of us have read it. Any questions on the Council for Mr. Kovach with regard to his analysis of the background information on this proposal?

MR. BUCK: Is it correct, if a bear is taken for defense of life or property, I forget, what are the requirements to -- what do they have to do? If they do shoot the bear do they have to turn it in? What do we have to turn in to the Fish & Game?

MR. KOVACH: The current law is that the person who took the bear under defense of life and property is required to salvage the skull and the hide, with the claws attached, make a report to Fish & Game within 15 days or as -- or if you can't do it within 15 days 'cause you're way up at a fish camp, something like that, whenever possible. You can ship it to Fish & Game freight collect. There is a -- it's actually six pages, but

what the person would actually fill out is four pages, and mostly it's a question with a list of choices, like what best fits the situation, and the you provide a short narrative of what happened.

MR. KATCHATAG, SR.: Mr. Chairman.

MR. KOVACH: It is possible to retain the meat if somebody wanted the meat or whatever, but the only thing the Fish & Game or that the current law requires is that the skull and the hide with the claws attached be turned over to Fish & Game.

CHAIRMAN KATCHATAG: Mr. Katchatag.

MR. KATCHATAG, SR.: What would happen if one person keeps doing that, every year he sent in a pelt of bear caught out of season, what would happen in the future then to that person that keeps sending you that bear hide?

MR. KOVACH: If it's properly reported, nothing. There are people who do that right now. We see -- the same names occur every year in the records. They're reporting them as DLP. Nothing occurs, nothing happens to those people. I mean if it's -- as long as it's properly reported. We have some people, they report two or three bears a year.

MR. KATCHATAG, SR.: What kind of record do they have? Do they become criminal in Fish & Game?

MR. KOVACH: No, no. All it is is we have -- what Fish & Game records is who took the bear, the situations of the taking, when, where, the type of bear it was, age, sex, things like that. But that's -- when I'm talking about records I'm talking about harvest information kinds of records. With bears we don't only look at whether -- at subsistence and sport take of bears but we look at all mortality sources of bear rather than they were killed by a vehicle on a road, whether it was a DLP taking, et cetera; we look at all sources of mortality in bears to get a better idea of what's going on.

MR. KATCHEAK: You mean to tell us that regardless of the regulation, one every four regulatory years that person, even if he's violating the regulating doesn't necessarily have to be charged for taking illegally a bear?

MR. KOVACH: Right. As long as it's reported as a defense of life and property taking, there's no limits. The State recognizes that there are situations where, you know, you're just in a bad spot or something like that, but as with my conversations with Fish & Wildlife Protection and trying to get a more fuller understanding of how the law works and how things are dealt with, there's no cases -- I was told on Tuesday of this week that in the last ten years in the entire state of Alaska only one person was taken to court -- or one case was taken to a district attorney's office for a suspected DLP taking that they felt wasn't a DLP taking, and the district attorney's office refused to take the case.

MR. KATCHEAK: Also I'd like to request from your office a copy of those (indiscernible) and their locations, if it's possible.

MR. KOVACH: I know we don't have that information. The only people who might have that information would probably be Steve Machida in Nome with Fish & Game. I can forward that request on to him. I don't know if that's possible. And I don't know if he has that information mapped or not, I don't know, but I'll forward your request on to Steve.

CHAIRMAN KATCHATAG: Mr. Kovach, for the record, do you have records on how many defense of life and property kills occur in Unit 22 on an annual basis?

MR. KOVACH: I'd have to look it up.

CHAIRMAN KATCHATAG: Okay. Along those same lines are there noticeable trends going up, is it going down, is it remaining stable?

MR. KOVACH: It's reasonably stable. I mean there's year to year variations but it's reasonably stable.

CHAIRMAN KATCHATAG: Okay. And how many -- you mentioned that there are repeat DLP killers on an annual basis, some as many as two and three a year,

MR. KOVACH: Uh-huh (affirmative).

CHAIRMAN KATCHATAG: is -- the question I have, if there are so many repeats doesn't that indicate to you that there is a problem here with the number of bears?

MR. KOVACH: Not necessarily. One of the repeat names that shows up is the VPSO from a couple of the villages, and it's not unusual for them to take care of problem bears in their areas.

CHAIRMAN KATCHATAG: But so many problem bears, are you saying that the village is poorly located, that -- I don't understand this. Doesn't that give you some indication that we have more of a problem here than you're willing to admit? If in fact these animals are being kept wild, wouldn't DLP kills be at a minimum? Or wouldn't they be declining thing?

MR. KOVACH: No. As more and more people are using the country in which bears are occurring -- there are some parts of the state where DLP claims are climbing rapidly, and the populations of bears are, in fact, declining.

CHAIRMAN KATCHATAG: I'm asking about Unit 22, that's the only area I'm concerned with. The rest of the other regions will have to deal with their DLP problems on their own. I want to know what statistics you have on Unit 22 with regard to DLP kill areas, repeat DLP killers and even -- even in light of the authorized sport kills, the one every year subsistence kills. You're still having a stable DLP you say. That tells me

MR. KOVACH: We -- it's reasonably stable.

CHAIRMAN KATCHATAG: that tells me as a logically thinking person that you have too many bears in the area.

MR. KOVACH: We don't look at it that way as being too many bears in the area.

CHAIRMAN KATCHATAG: Well, I would like you to look at it that way.

MR. KOVACH: When you look at the behavior of bears, it's not atypical for some adult bears to, quote, get into trouble with people. It's very typical. In fact, that's the most common bear that shows up in DLPs are sub-adult bears.

CHAIRMAN KATCHATAG: And yet the population in the area is at least stable or you think it is based on 1993. So you're using four-year-old data to say that we're wrong in requesting the C & T use of bear on an annual basis so that we can keep this wild renewable resource wild.

My understanding is that if DLP kills are stable per year, we have a problem with the number of bears, the density within the region. And the population isn't that much greater, population of people. These are some of the considerations that I, as a resident of the region, who have to deal with these. My house in -- my wife's house in Moses Point was broken into by a bear. It wasn't broken into, but it did considerable damage, and this is a -- I don't know if you know Moses Point or not, but it's a summer home to the Native village of Elim. These people have -- that's where they put away their fish in the summertime, and yet there's so many bears around that we've had bears come in through several houses. And you're not going to replace my window, you're not going to replace the plywood on the outside of my wife's house. And yet you refuse to support me and the people that I'm trying to help with regard to, you know, this animal.

And all I'm asking is, give me an analysis that will support our position. And you're saying that I, as a staff biologist, have to take the position of protecting the bears.

MR. KNAUER: Mr. Chairman, I think there is a little bit of misunderstanding in the role of the technical staff. The technical staff, support staff, are to analyze proposals from a

neutral standpoint. They are not to support a particular proposal or to support a viewpoint of a council or any one person; they are to evaluate from a neutral standpoint so that the council has the information they need to make a reasoned, knowledgeable decision. That's what Mr. Kovach is trying to do. He does have the information on DLPs, if you wish to have it, the numbers by subunit for the past 30 years. He also has the information related to preliminary conclusions in which you'll see in fact does, preliminarily, recommend increasing the harvest limit.

CHAIRMAN KATCHATAG: Thank you, Mr. Knauer.
Mr. Kovach, please excuse me again. You may continue.

MR. KOVACH: The Preliminary Conclusions are right now recommending a modification to the proposal. It recommends for Units 22(A) and (B) that the harvest limit be changed to one bear per year; for Units 22(D) and (E) that it remain unchanged, and that Unit 22(C) be changed to no open season. This is because of lack of Federal lands in 22(C). It also further recommends that Federal public lands in Units 22(A) and (B) be closed to the taking of brown bears by no-Federally qualified subsistence users. And I can go into more of the background and justification if the Council desires.

CHAIRMAN KATCHATAG: Does anyone on the Council want Mr. Kovach to go into what he just mentioned?

MR. KATCHATAG, SR.: Before you go any further, Mr. Chairman,

CHAIRMAN KATCHATAG: Mr. Katchatag.

MR. KATCHATAG, SR.: In the last five or six years, maybe 10 years, I have a camp about 35 to 45 miles up the river. I have a cache and for the last 10 years I haven't been able to go up there and harvest dry fish because of bears. We try to wait for them to come out, but they won't come out while we're awake, even -- we've even sat there and waited for them till 4:00 o'clock in the morning in the month of September, but they won't come out as long as we're there. As soon as we go to bed,

we wake up, half of our dry fish is gone. So for the last 10 years I haven't been able to camp up there. I go up there with my boat, I get my fish, I come down and dry it in town. That's the only way that I can continue to have -- harvest dry fish.

What I heard recently, that the fish price -- commercial fish price is very poor, so I don't know if I'll be able to do that any more because gasoline has raised in Unalakleet to 2.50 a gallon now, and we -- I burn 50 gallons to go up and back with a load every time I go, and that's the only way I can have dry fish at home. A lot of homes don't have that because they can't afford to go and be back and cut fish. They don't have the money to buy gas. Such a thing that we're complaining about. And prior to our statehood we didn't have these problems. We should never have gone to statehood. We'd have been a lot better of today. We'd have a better behavior of our future leaders, and now I don't know what the future holds for me.

When I see some of these kids that are doing things wrong, I go to them and try to stop them, the first thing they do is grab a rock to hit me, and I'm an elder. It never used to be like this prior to statehood. When I was approached in 1950 -- early 1950 by the church to put a high school in Unalakleet, I was sure -- I thought that was a good thing. After 20 years of the operation of that high school, I found out that I did the wrong thing to support that.

I found that out on my own family. I've got 10 children. The older ones that go to high school, they behave pretty good; the younger ones start talking back to me. And I thought what is going on now? 'Cause I have an experience that the older kids didn't talk back to me at all. I watched them when they were raised, and when they did something like that I give it to 'em, 'cause that's the way I was brought up. A lot of times when I was a kid the teacher would give me advertisements -- a valentine on my neck. I couldn't read, I'd couldn't talk English. I'd go home with that thing. As soon as my dad saw that thing he'd grab a stick and really whip me. And I thought to myself, I'm not going to go through this anymore. When I got that thing I gladly put it on. I'd leave the school house and between my house and the school house I'd put that and

bury it somewhere else. I'd go in the house and I'd get no spanking, I'd go back again. A lot of times I'd chew soap, Naphtha soap because I talk Eskimo in school. I've got to try to protect myself from the teacher when he gets me, I'd talk to him -- to her in Eskimo. She talks to me in English. No communications of any kind. So when they find out that I wasn't going to see my dad with that pin on that thing they quit pushing me around and I got along better.

It's the same way with this. I notice in the last 10 years the kids stay right in front of that TV all day long. They don't go out and try to do -- try to find something to eat 'cause they are afraid they might be breaking the season, and what are they now, they're outlaws. They're no good in school. Just recently my -- one of my grandchildren knocked the teacher in the school room, he couldn't go out. We tried to talk to that kid, he don't want to talk, he doesn't want to say anything any more. That's what we're putting up with now. That's our problem. And this bear issue is our problem. I always tell my boys, I'm glad I'm 75 years old now, I don't have to put up with this crap no more. Pretty soon I'm going to leave this old wicked world and I hope that I'll never live in this kind of life again. And now I'm reading my Bible. I thought I might find something in there that's more hopeful than what I know about this world, and I think I'm getting there. I've started seeing things that I never knew before. Thank you.

CHAIRMAN KATCHATAG: Thank you, Mr. Katchatag. One last thing before I leave this particular issue is on page 8 of your analysis, second paragraph. I'd like to read in to the record. It says: "By 1980, brown bear populations in Unit 22 were considered to be at carrying capacity or that their densities were considered 'high,'" And this is by an ADF&G biologist, Mr. Grauvogel out of Nome in 1981, 1982. Also "Unit 22 biologists for ADF&G have reported that local residents have considered the bear population abundant or excessive for the last 10 to 12 years." Again Grauvogel 1986 and Nelson 1991. And if you look at the Table 1, and if you add up the estimated population in subunits (A), (B), (C), (D) and (E), it comes up to be -- if my addition is correct, to between 858 or 10 to 1 for 10 bears for every one resident, man, woman and child to 1085, which is about

one for eight man, woman and child within the region.

Any other comments or questions for Mr. Kovach from the Council? Mr. Kovach, you may continue with your report and conclusions.

MR. KOVACH: Mr. Chair, if nobody wishes to go over specifically the Background and the Justification, I'll turn it over to Barb who has got the public comments that have been received to date on this proposal.

CHAIRMAN KATCHATAG: Thank you, Mr. Kovach. Ms. Armstrong, Barb.

MS. ARMSTRONG: On Proposal 48 you also have five comments. The first one is from the Fish & Game. You also have this in your packets here.

And the Alaska Department of Fish & Game opposes this proposal. The Department is concerned that this regulatory change would potentially cause excessive harvests in some portions of Unit 22, especially in Unit 22(C). Harvests are already near maximum sustained levels in Units 22(C). If the Federal Subsistence Board wants to address the needs of subsistence hunters it might consider incorporating Unit 22(A), (B), (D) and (E) into the Northwest Alaska Brown Bear Management Area. If the harvest is limited to local subsistence hunters who are not interested in exporting the skins, the number of bears taken would probably not be excessive.

The next one is by Jerry Austin and Hank Hankerd, Austin Arms and Exploration, in St. Michael. We strongly feel that it would be a gross error to permit a bear-a-year in this unit. The main reason is that proper studies have not been done. Just because so many bears are seen on beaches, river sandbars, and around cabins with refuse piles outside doesn't mean that they exist in the entire area at these levels. These areas are just their favorite places. Many bears are slaughtered just for being a bear and walking on a beach, sandbar, et cetera. These are rarely kept and more rarely reported. Our opinion is that every bear legally taken in 22(A), there are at least five

illegally taken.

And there's one from Vance Grishkowsky, at Unalakleet. I would like to see some data that would justify opening up the bear season for one a year. There are enough bears killed illegally every year near fish racks, fish camps, and the beaches. The added pressure could have adverse effect on the population.

And there's one from Joe Sonneman, in Juneau. Is one bear in four years arbitrary or is it related to game management principles; cannot tell?

And there's one from Thomas S. Sparks, in Nome. I am against this proposal. There is little Federal land in Unit 22(C) or the remainder of 22 (i.e. B and D). This proposal would seriously undermine the bear population on the Seward Peninsula, make enforcement problems and cause serious problems for the average user.

Thank you.

CHAIRMAN KATCHATAG: Thank you, Barb. For the record, I would like you to know that Jerry Austin is a guide or works for a guide and he bought a Native allotment at the mouth of the Golsovia River, and he operates a lodge out of there, I believe. And also Vance Grishkowsky works as a guide, does he not? Vance, doesn't he work

MR. KATCHATAG, SR.: To my understanding he is. I don't know

CHAIRMAN KATCHATAG: So he has a vested interest in thee brown bear as a guide, and so does Jerry Austin. Joe Sonneman does not reside in the area, so he does not know the extent of the problem. Thomas Sparks, I would like to know how many bears he's harvested in his lifetime there in Nome. I would think that he is protecting his turf as a sport hunter.

MR. BUCK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Buck.

MR. BUCK: Tom Sparks is not a subsistence user.

MR. BARR: He's a white guy.

CHAIRMAN KATCHATAG: Thank you, Mr. Buck.

MR. BUCK: He came to the area about five years ago, maybe 10 years ago.

CHAIRMAN KATCHATAG: So he's not a customary and traditional user.

MR. BUCK: No.

CHAIRMAN KATCHATAG: Just to give these comments a little perspective. Any other comments with regard -- these comments, by the way, are -- I found mine in the back of the blue packet.

MR. BARR: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Barr.

MR. BARR: I'd like to make one comment on these bears. You know, back in the northern part of the Seward Peninsula -- northeast part of the Seward Peninsula where we have our camp from, God knows when it was built there, you know. My great-grandfather he built it and my father he carried it on, and anyway, the bear population has really increased there and become a nuisance and, you know, they come to the beach and gorge on dead seals, you know, that rolls on the bottom of the ocean up to the beach. And last summer I was -- I took a walk up the coast then. I saw a big ugaruk, you know, it was half eaten and I -- I just saw it there, you know, it took the skin off, just rolled it back, just the skin, rolled it back all the way and eating on it, you know. He drove just a little bit more back and then he ate on it and he ate and he'd leave it there. The next time he'd come he'd roll it back a little bit more, just like, you know, people -- like a human being would working

on the hide, you know, take all the blubber off, the hide and then eat it, you know. And that really amazed me, you know, how that bear can -- how bears can do something like that, you know. Anyway, you know, when they eat -- it all depends on what they eat. If you catch them in the interior, you know, in land, they eat blueberries and what not, they taste good. But if they to the beach and eat anything that they find there on the beach, they taste like -- they even smell like -- you know their meat even smells like what they eat from the beach, you know. And that's wild animal because, you know, -- I don't know, we consider it as a scavenger, but we know in the village -- I mean off the coast they eat blueberries and they're good to kill, you know. So that's another thing that we -- we do know that, you know. You can kill a bear and his insides -- on the beach and he'll smell like the food that he eats from the beach. That's all I have. Thank you.

CHAIRMAN KATCHATAG: Thank you, Mr. Barr. Also I would like to note for the public record that on page 9 of the draft analysis at the bottom of the third paragraph it says, currently six guides take clients on brown bear hunts in Unit 22, and that's according to Steve Machida in 1994.

Do we happen to have a list of these six guides, anybody? I can guarantee you that Vance Grishkowsky and Jerry Austin are if not guides, they work for guides. And they're very territorial about that. And I don't know what the going price is for a guided hunt nowadays, but I'm sure it's not pennies. The latest figures I've heard were in the \$10,000 range. So they have a very vested interest in trying to protect their guiding businesses.

And I would also like to know how many of these six guides are Native. And Steve?

MR. KOVACH: One.

CHAIRMAN KATCHATAG: One?

MR. KOVACH: One in six guys is a Native.

CHAIRMAN KATCHATAG: And where is he from?

MR. KOVACH: St. Michaels.

CHAIRMAN KATCHATAG: Interesting. Any other questions or comments with regard to Proposal 48? We have heard the recommended preliminary conclusions. What is the wish of the Council with regard to final recommendation to the Federal Subsistence Board with regard to Proposal Number 48?

At page 14, Preliminary Conclusion, it says, "Modify the proposal as follows: Units 22(A) and (B), one brown bear per year; Units 22(D) and (E), one brown bear every four years; Unit 22(C), no open season; and Federal public lands in Units 22(A) and (B) are closed to the taking of brown bears by non-Federally qualified subsistence users.

What is the wish of the Council? The Chair will entertain a motion. Bill, you reside in Unit 22(E), and Elmer, you reside in Unit 22(D). Does this preliminary conclusion sit well with you?

MR. SEETOT, JR.: Sure. I think with Brevig Mission and Teller, Shishmaref being so far in that portion of the Seward Peninsula, being mountainous, we rarely, you know, see a brown bear within the community or within a 10-mile radius of Brevig. There are sightings where they are no more numerous. I would think that toward the inland areas that's where the people do their food gathering, subsistence activities, but they do rarely. From what I've heard or experienced, we rarely see sightings of bear except within the mountainous areas. I would think that's where they are mostly located.

CHAIRMAN KATCHATAG: So you have no problem -- you and the other residents of Unit 22(D) have no problem with keeping it at one bear every four years?

MR. SEETOT, JR.: I see no problem within my area with it.

CHAIRMAN KATCHATAG: Mr. Barr.

MR. BARR: We have a problem with this because we have fawns there, you know, reindeer fawns. We've got to control this bear because it's plentiful there on the east side of the Seward Peninsula where there's a lot of reindeer, you know. So, you know, if we can change this to one a year, that would be fine, you know, but if we could change that that would be good, instead of having one every four years.

CHAIRMAN KATCHATAG: If we look at page 8, they show estimated population for subunit 22(E) as being 98 to 108. Do you think your reindeer herders would be satisfied with the DLP regulations?

MR. BARR: One a year?

CHAIRMAN KATCHATAG: As needed, I guess, from the way it sounds. They can kill as many bears as are trying to get their bonds. As long as they comply with the regulations -- the State Fish & Game regulations with regard to reporting it within, what, 15 days, and sending in, freight collect, the hide and the skull intact.

MR. BARR: That would be fine.

CHAIRMAN KATCHATAG: So you have no objections to

MR. BARR: No.

CHAIRMAN KATCHATAG: the subsistence recommendation on page 14 as being one every four and let the reindeer herders take care of defense and life and property as needed as long as they comply with the regulations?

MR. BARR: Okay.

CHAIRMAN KATCHATAG: So is everybody in agreement with the recommendation that the proposal be modified as follows: Unit 22(A) and (B), one brown bear every year; Units 22(B) and (E), one brown bear every four years; Unit 22(C) no open season; and Federal public lands in Unit 22(A) and 22(B) are closed to

the taking of brown bears by non-Federally qualified subsistence users.

MR. KATCHATAG, SR.: Mr. President, I would modify that for anyone that is in danger from brown bears should be able to shoot that bear.

CHAIRMAN KATCHATAG: Well, that's the way the regulations read now, under defense of life and property.

MR. KATCHATAG, SR.: Okay.

CHAIRMAN KATCHATAG: As long as they comply with the State Department Fish & Game regulations for sending in the hide and the skull intact within 15 days or as soon as they come down.

MR. KATCHATAG, SR.: Yeah, I agree with that.

MR. BUCK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Buck.

MR. BUCK: I'd just like to not -- this proposal looks good to me for 22(B), the last part of it, closed to the taking of brown bears by non-Federally qualified subsistence users. I just have a question, but that is agreeable with me, but what I'd like to -- okay, what I'd like to talk -- I'm not talking about the proposal, what I'd like to talk about later on is what is done with the skull and the hide. If it can be turned over to the people -- the people in my region say why should they turn a 400, \$500 hide after they've killed a bear. I'd just like to discuss that more later on. What is done with the hide; if it's turned into the Fish & Game they can inspect it and look at the skull and then send the hide -- returned back to whoever took that.

CHAIRMAN KATCHATAG: Maybe Fish & Game can answer that. What he's saying is what are the regulations as to what is done with the hide and the skull after it's sent in on a DLP kill?

MR. MORRISON: A lot of them are sent to museums around the country and also to foreign countries, people that can use them as specimens.

CHAIRMAN KATCHATAG: But there

MR. MORRISON: There's no

CHAIRMAN KATCHATAG: The killer is not allowed to keep the hide or the skull of a DLP killed animal, right?

MR. MORRISON: That's true. The reason for that regulation is to prevent people from killing bears just on the excuse of a DLP so they can make a business out of keeping the skull and hide and selling them or using them for other purposes. In other words, the regulation is aimed at true situations of DLP need.

CHAIRMAN KATCHATAG: Does that answer your question?

MR. BUCK: Yes. And I just say the users in my area are just saying that it's more popular just to keep the hide and not report anything and keep it.

MR. BARR: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Barr.

MR. BARR: You know, when these bears kill reindeer fawns when they're born they just eat the stomach, that's all because they know there is milk in there, so that's all they eat is just the stomach, pull the stomach out and eat it. Then they go kill another fawn. You know, that's why, you know, some years they don't increase their -- the reindeer don't increase at all, you know, so -- because of that, you know. When there are a lot of bears around the heard they just eat the stomach and then go to another one and kill it, eat the stomach, that's all they do.

CHAIRMAN KATCHATAG: My recommendation on that would be to recommend that the herders be more vigilant with regard to

protecting their fawns in the spring and kill all the bears that are

MR. BARR: Not everybody does that, you know. You know, there are

CHAIRMAN KATCHATAG: I mean all the ones that

MR. BARR: some that continually kill like hat.

CHAIRMAN KATCHATAG: Any further comments or questions with regard to the preliminary conclusions as -- Mr. Seetot.

MR. SEETOT, JR.: Mr. Chairman, as you can see on the map there is very little Federal land within the vicinity of Teller and Brevig, a majority of it being the Bering Land Bridge toward Wales and Shishmaref, and then that was the reason that I gave you that one bear every four years for 22(D), because these bears are not, you know, that they won't stay in that area during the open season, I mean that they are pretty active, you know, when they are foraging, and that was my reason that some of the residents should deal directly with the State, since most of that is private and State land. That was the comments I forgot to mention.

CHAIRMAN KATCHATAG: Okay, Mr. Seetot. Any further comments or proposed changes to the preliminary conclusions? Hearing none, the chair will entertain a motion to adopt the preliminary conclusion as stated on page 14 for our final recommendation to the Federal Subsistence Board with regard to Proposal number 28 (sic).

MR. BARR: So moved.

CHAIRMAN KATCHATAG: We have a motion to adopt the preliminary conclusions for final recommendation to the Federal Subsistence Board on Proposal 28 (sic). Do I hear a second?

MS. ARMSTRONG: Sheldon.

CHAIRMAN KATCHATAG: Second?

MS. ARMSTRONG: Sheldon.

CHAIRMAN KATCHATAG: Oh, I'm sorry. Barb.

MS. ARMSTRONG: It is Proposal 48.

CHAIRMAN KATCHATAG: I'm sorry, 48. Did I say what?

MS. ARMSTRONG: 28.

CHAIRMAN KATCHATAG: I'm sorry. Let the record show that this is Proposal 48. Do I hear a second?

MR. SEETOT, JR.: Second.

CHAIRMAN KATCHATAG: Seconded. Discussion?

MR. KATCHATAG, SR.: Question.

CHAIRMAN KATCHATAG: Question's been called. All those in favor of adopting the preliminary conclusions to Proposal Number 48 for final recommendation to the Federal Subsistence Board, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN KATCHATAG: All those opposed, nay.

(No opposing responses)

CHAIRMAN KATCHATAG: The motion passes unanimously. Being quarter to 12:00, the chair will recess until 1:00 p.m. for lunch.

(Off record - 11:48 a.m.)

(On record - 1:13 p.m.)

CHAIRMAN KATCHATAG: I'll call the meeting back to order. And in our flexible agenda we're going back to 7. Old

Business, A.1., National Park Service. Mr. Rabinowitch.

MR. RABINOWITCH: Mr. Chairman, does this work if I sit here?

CHAIRMAN KATCHATAG: As long as the recorder says it's fine.

MR. RABINOWITCH: Will it be okay if I do that? Thank you. My name is Sandy Rabinowitch, I work for the National Park Service, and, I believe, in your packets you have a document that looks like this, that on the top says Draft Review of Subsistence Law and National Park Service Regulations. What I'm going to do is just briefly explain what that document is, and I'll try to be very brief and welcome your questions. I know the agenda is tight because of time. Are people finding that before I go on? I'll wait until I think everybody's got it.

CHAIRMAN KATCHATAG: What does it look like:

MR. KATCHATAG, SR.: Right here.

MR. RABINOWITCH: Okay. Again, what I'm going to try to do is explain why this document is in there and very briefly summarize what's in it and then simply stress the point what the Park Service is doing, is trying to share a document -- well, there's basically some internal thinking and asking Council if it has any interest or comment, and if so to please do so. So let me now start back at the top.

The document, which has a long title, Draft Review of Subsistence Law, the law it's referring to is ANILCA Title VIII. The regulations that it refers to I'm going to hold up a couple of books here, it's a little show'n'tell, but you'll understand my point. The regulations it refers to, are in a book like this one in my hand, this blue one, which is like hundreds or thousands of other Federal regulations. Okay. In this blue book are nationwide and Alaska specific Park Service regulations about a number of different things for managing National Parks, importantly and specifically, including some Park Service regulations about subsistence in Alaska. So if, you know, we

were to sit down, I could show you in this book where those particular things are. And there's four or five pages of them. It's actually not the whole book, okay, so there's four or five pages of regulations in this Park Service section of Federal regulations. But in contrast in my show'n'tell is to this book that you're more familiar with which are seasons, bag limits and such for this Federal Subsistence Program that you advise. So they are different regulations, different books. There is a little, teeny bit of overlap, and I think if we get into that it will probably, unfortunately, get real confusing, but there's just a little bit of overlap between the two. We could talk more about that, one on one with you or with our Park people in Nome that -- you know, I assume most of you are more familiar with -- some of which are here, Ken Adkisson and Rich Harris -- he's not back but I think some of you know who he is also. And I'm also happy to do that at any time, in any way that will work. Okay. So much for my show'n'tell.

Why do we have this paper and why are we giving it to you? It is an internal exercise within the Park Service bureaucracy to look the law over, Title VIII of ANILCA and regulations in this book, and -- because 15 years have gone by since all these new parks were created. And one of the realities, as you all know very well, is that people like me come and go, come and go. You've had many superintendents in Nome, in Bering Land Bridge. There hasn't been one person there the whole time. So as people come and go and come and go, maybe the first person learned it, but maybe the second person hasn't learned it so well, and maybe the third person did better, did worse. Okay. We realize that things get lost over time as people rotate. So part of the rationale is to focus people back on this subject because we think it's an important subject. So that's for the people in the Park Service to make sure they understand what the law requires and what our own regulations require. Well, I won't get ahead of myself.

The second reason is really -- it's kind of part of the first, is to have that internal discussion and make sure people understand what the requirements are. Because, again, as you know so very well, they're very, very different than Parks in the Lower 48 states, just very different. You run into that all the time time where you get a new park ranger. I'm sure, you

know, you find a lot of things that they don't know. I as a person in the Park Service here in Anchorage, I happen to have lived here for about 20 years now. I have the same problem you do. We get somebody new in and, boy, there's lots of things to learn. But it happens to all of us. So, hopefully, we'll do better. The other primary thing, the reason to do this then is that, again, 15 years have gone by, and there's a recognition that the regulations -- the Park Service Regulations in this book may or not be appropriate after 15 years. There's been experience, there's been some things good, some things not good. And so regulations are much easier to change than laws. And one of the questions we try to ask in this paper, should we make some changes to regulations? I personally think there's probably some things that need to get changed. I won't go into which regulations, but just my own sense is there's probably some things that need to be changed. So -- and that's one of the key questions we're asking in this paper and of all you and all the other councils. We're going to eight of the ten councils. One of our Park Service areas are saying, are there some regulations that you think the Park Service needs to change, and if so what are they and how would you recommend they be changed? We're asking all our own people these same questions.

That's the crux of this. If you understand what I've just said, then you understand why this paper.

The issues -- I'm going to run through a couple of things real quick. The issues in the paper -- I'm going to read the little list here, are about eligibility, which in some parts of the state is a very big issue, some parts it's not so much of an issue. Access, again, often a very big issue in different parts of the state. Cabins, trapping, customary trade, and then subsistence resource commissions.

Now, in your area, in Bering Land Bridge, there's not a subsistence resource commission. So maybe that's not an issue to you, maybe I'm wrong, maybe it is. But one of those commissions wasn't set up by ANILCA.

And I think where I'll close, 'cause I promised Sheldon that I would be quick, and I'll try to carry through on that, is

to stress a couple things. Are there actions that the Park Service should take to do things differently and specifically are there regulatory changes that you think we should make. Those are the things that would be most helpful to get comments on. Obviously, you can comment on anything in here. But those are the two things that we're really, you know, really asking people to try to focus on. The date that we're asking for comments is by May 1 of this year. There's nothing magical about that, and I promise you, on May 2, nothing is going to happen, nothing is going to pop out, no surprises. Okay. And if you were to ask me the question what's the Park Service schedule starting May 2 for this paper, and, you know, what's the time line and what's going to happen, the answer is there is no rigid time line, there aren't people waiting to pounce to make changes. We're going to let the mail come in, let the phone calls come in and work away at this at whatever seems to be the right rate of speed. So, you know, there's no regulations waiting in the wings, there's no big changes waiting in the wings. There's interest to see if we're on the right course and proposed changes if there's, you know, some consensus that we need to or a resource problem or whatever, but nothing is going to happen real, real quick. That I can assure you.

This paper has taken about two years to work up through the organization and to get to where it is, and when you read it, you know, it's not terribly long. There's a lot of detail in there that can be confusing, but the Park Service has been moving very slowly in writing this thing up, and I think we can do better at trying to make some of it clearer, personally, and, hopefully, we will.

I'll stop there. If you have questions, I'll do my best to answer them.

CHAIRMAN KATCHATAG: Yeah. Mr. Rabinowitch, if you look under Issue: General Subsistence Issues, Conclusions and Findings, on the first paragraph or the first bullet there it says ANILCA blah-blah-blah, and it says, those park areas, and it gives a list of all the -- I guess it's all the parks and monuments and preserves. And then if you look on the next page at the last bullet under that Conclusions and Findings, it says,

Title VIII only applies to, quote, Public Lands, unquote, as defined in Section 102 of ANILCA, and then it goes on to state that, current, this means there is no Federal ANILCA subsistence program on selected lands located within national parks or monuments and no State general sport hunting is allowed, i.e., no hunting can legally occur on these lands. I need some clarification on that because the first one says, ANILCA is intended to provide opportunity on these parks and preserve and monuments and then that one says there is one no Federal ANILCA programs. One says there is and one says there isn't.

MR. RABINOWITCH: To answer your question part of what I need to do is borrow my paper back, 'cause I don't -- I was not part of writing it and don't have it memorized.

CHAIRMAN KATCHATAG: I've underlined this part here that puzzles me because

MR. RABINOWITCH: Because of this part.

CHAIRMAN KATCHATAG: Yeah, this part; one says there is and one says there isn't.

MR. RABINOWITCH: And excuse me for a moment while I -- oh, thank you, Barb. Do you want to switch back?

CHAIRMAN KATCHATAG: No problem. I'll work off this one.

MR. RABINOWITCH: No problem. Okay. Let me, at the risk of being wrong here, let me answer part of your question before I look at, you know, what might be a conflict here. One of the things that may not be carefully enough articulated, is that the Park Service regulations, if we opened this book and flipped through it, took an hour or so in what we'd see is that there are a number of no-season, non-bag limit, non-game aspects of subsistence that the Park Service has some regulations about; use of plant materials, use of timber, just a couple of examples. Part of what you're asking might be imbedded in what I've just said, that hunting and trapping and fishing aren't -- of course all there is to do is subsistence. It's a very

important part, but it's not all of it. And so that might be part of why the words don't appear -- well, appear to be in conflict. Okay? Now, give me a moment and let me look at the words and see if there's anything else I can add.

CHAIRMAN KATCHATAG: Okay. While you're doing that, Ken has his hand up. Ken.

MR. ADKISSON: If I can sort of jump in there and clarify that a little bit. The situation, first of all, is that by definitions in ANILCA selected Native lands -- really selected lands that are not included in Title VIII. What that means in reality is that National Park and Monuments in Alaska are closed to sport hunting, and only subsistence hunting is allowed. Okay. With, especially, the assumption if the Federal program doesn't cover those selected lands within the Park unit, then there is no hunting because there isn't any sport hunting, that's for Parks and Monuments.

Now, in the case of preserves like Bering Land Bridge, sport hunting is allowed, in addition to subsistence harvests. So if the Federal Subsistence Program does not apply on selected lands within the Preserve, you still have basically the state resident, non-resident regulations applying. So it's a little complicated, but that's the answer.

CHAIRMAN KATCHATAG: Okay. So what you're saying is that selected lands should read lands selected by other entities other than the National Parks System. Okay. That's kind of ambiguous because it's saying that -- the way I read it that even though Title VIII provides for subsistence -- continued subsistence uses in National Parks, Preserves and Monuments, and then it says yet there is no ANILCA subsistence program on selected lands. So that means there is land that belongs to somebody else besides Park Service people within the boundaries of the Park or Monument, and therefore the Federal Subsistence Program doesn't apply to those lands.

MR. RABINOWITCH: Most typically State selected or Native corporation selected.

CHAIRMAN KATCHATAG: Okay.

MR. RABINOWITCH: Most typically. I think you -- you know, you capture a good point here where some additional wording can help make this more it clear.

CHAIRMAN KATCHATAG: Because I was looking it, it says there is on one hand and then it says there isn't with no clarification on whose selected lands within the boundary.

Does the council understand that difference? I was trying to follow it myself and it wasn't until you said that that I understood it.

MR. RABINOWITCH: If I could add one other thing. And, again, I'm quite certain many of you are very familiar with. This is not a rigid or fixed situation, and specifically with the pending Katie John case, who I know many of you are very familiar with, but as that moves its way from the ninth circuit to the Federal Supreme Court, if in fact the Federal Supreme Court hears it, the whole subject of selecting lands, of course, is -- how do I say it, there could be changes -- you know, there could be real changes. And those actions will drive the Park Service.

CHAIRMAN KATCHATAG: So even though we have parks such as Denali and so on, Gates of the Arctic and so on, even though those are designated as National Park Service lands, the navigable waters within those lands, as defined elsewhere in regulations and statute, means that those areas belong to the State and therefore they're State selected lands?

MR. RABINOWITCH: I think I'm going to turn around and do we nod our heads in agreement on that? I've got a no from a colleague. It's a good question that I've got to think through

CHAIRMAN KATCHATAG: Because

MR. RABINOWITCH: how it pieces together. Navigable, non-navigable because

CHAIRMAN KATCHATAG: I've been wading through the Katie John rulings and all the briefings that both sides have been submitting and that's my understanding of the navigable water business. Anne and then Ken.

MS. MORKILL: Yeah, just to clarify it. The term is State selected. It doesn't apply to navigable waters. Navigable waters are under State jurisdiction.

CHAIRMAN KATCHATAG: Even if they fall within the National Park System?

MS. MORKILL: If you can say they're navigable.

MR. RABINOWITCH: Yes, if they're considered navigable.

MR. ADKISSON: That's what Katie John might change.

MS. MORKILL: Right. But that's a different jurisdiction than State selected lands, selected out of what used to be Federal public land. So regardless of the State -- you know, the State didn't have to select on navigable rivers, just to clarify the categories.

MR. RABINOWITCH: Yeah. The State would

CHAIRMAN KATCHATAG: Yeah. So you're saying that outside of navigable waters and whatever definition arises legally from that, the parks aren't contiguous? You mean there are State selections within park systems?

MR. RABINOWITCH: Oh, yes, there are.

CHAIRMAN KATCHATAG: Is that any way to run a park?

MS. MORKHILL: It's true for all Federal public lands.

MR. RABINOWITCH: Yeah, there are many selections

MR. KATCHATAG, SR.: Who has got the priority between the two?

MR. RABINOWITCH: There's no simple answer to that question.

MR. KATCHATAG, SR.: Well, why is it in nature then?

MR. RABINOWITCH: I'm sorry.

MR. KATCHATAG, SR.: Why is it in nature there's no answer to it?

MR. RABINOWITCH: Well, there

MR. KATCHATAG, SR.: See, somebody has got to have priority over this.

MR. RABINOWITCH: Well, without a doubt, where subsistence

MR. KATCHATAG, SR.: Have you ever stopped to think that Russia has a right to sell our country without our -- without us knowing? Not only that, but the United States had the right to buy it.

You know, have you ever stopped think that who first lost their subsistence rights in the history?

CHAIRMAN KATCHATAG: Adam and Eve.

MR. KATCHATAG, SR.: Adam and Eve is right. Who deprived them?

CHAIRMAN KATCHATAG: God.

MR. KATCHATAG, SR.: Now, who is depriving the Natives?

CHAIRMAN KATCHATAG: The Russians.

MR. RABINOWITCH: Don't think too hard about where the name Rabinowitch comes from.

MR. KATCHATAG, SR.: I'm glad they lost there.

CHAIRMAN KATCHATAG: So even within the Park system technically you still have this duality of management systems and both sets of regulations technically apply.

MR. RABINOWITCH: Yes. In different parks on different rivers and lakes there are unique differences. It makes it very hard for everybody.

MR. KATCHATAG, SR.: Well, all we need to do is compromise, you know. I give, you give.

CHAIRMAN KATCHATAG: That's the trouble; we give and they take.

MR. KATCHATAG, SR.: No, there's an end to that.

CHAIRMAN KATCHATAG: So even the definition, wild and scenic river, if it's navigable

MR. RABINOWITCH: If it's been determined navigable the State would -- if they were sitting here, if someone from the Department of Law were sitting here they would say that they own the submerged land on the bottom of such a river.

CHAIRMAN KATCHATAG: And not only that thought but according to the definition under navigational servitude and that stuff, I mean that Katie John business, the briefing says that State retains fish and game management within the resources within that water column.

MR. RABINOWITCH: You're up on me on that. I don't remember that particular -- you maybe read more of the briefs than I have. I don't know.

CHAIRMAN KATCHATAG: Correct me if I'm wrong, John, and your associate there, I see both of them nodding their head. Anne.

MS. MORKILL: Yeah, it's an interesting example of -- I

think it's in Unit 21 there's been an issue of moose hunting on the Koyokuk River in the Koyokuk National Wildlife Refuge. You can harvest moose from the boats while their boat is in the river are basically illegal because they're hunting essentially on State land because they're in a navigable waterway. So State regulations apply to that navigable waterway even though it runs through a National Wildlife Refuge. That's why this Katie John issue is so complex because of navigable water rights.

CHAIRMAN KATCHATAG: Yeah, that throws a whole new wrinkle on things because up until now I was of the understanding that the National Park boundaries included everything within the park.

MR. RABINOWITCH: Not necessarily. It may.

CHAIRMAN KATCHATAG: Mr. Morrison.

MR. ADKISSON: Yeah, there's a variety of other land ownerships that we find within some parks, some cases mores, some cases less that you'll find Native allotments, you'll find 14(h) (1), cemetery and historic ANCSA sites within the parks and you may or may not find, you know, some perhaps not conveyed but selected Native lands in State lands.

CHAIRMAN KATCHATAG: Which technically don't fall within the purview as regulations now stand.

MR. ADKISSON: Right. And so, you know, the State basically had the water rights on the navigable streams before all of this, ANILCA went through.

CHAIRMAN KATCHATAG: From the date of statehood.

MR. ADKISSON: Right. And so, you know, pre Katie John, that's what you had, you had, you know, these other lands within say the actual land of the parks, and the parks had jurisdiction over the non-navigable waters and the state over the navigable waters. And as a result of Katie John what may change is that the Federal government then will assume jurisdiction over the navigable waters within the conservation units. Somebody

correct me if that seems to be a wrong interpretation.

MR. RABINOWITCH: It's correct.

MR. ADKISSON: The other thing that's possibly happening is that -- and I have no idea where it's going to go, is what they call the NARC petition, the petition that was put forth by the Northwest Arctic Regional Council or whatever and signed by a number of Native entities that would request the Secretary of Interior, I guess, basically to change the definition to include especially Native selected lands. But that's down the road somewhere, it's not here today.

MR. KATCHEAK: So technically to avoid being charged for killing a moose in -- while you're in the river, you practically have to run your boat up to get away from being charged?

CHAIRMAN KATCHATAG: Not only that but you have to run it above -- run it in above the 200 foot contour.

MR. KNAUER: The 200 foot contour really has nothing to do with it, it's the mean high water. That doesn't mean the area flooded in the spring or summer, that's essentially the bank line, not -- the 200 foot elevation, I'm not sure how that term came about.

CHAIRMAN KATCHATAG: That comes under the Coastal Zone Management Program which the State assumed -- it's hard to explain, but when each area adopted the Coastal Zone Management Program it became a State statute that State jurisdiction applied to that area up to the 200 foot contour.

MR. KNAUER: I believe that only relates only for planning purposes and development, but

CHAIRMAN KATCHATAG: No, it's Fish & Game management also.

MR. KNAUER: it does not -- it does not relate to navigability of water and the mean high water mark which is what is used in this regard for Fish & Wildlife management.

CHAIRMAN KATCHATAG: And the question that brings -- arises in my mind then is navigable for what; are you talking about a 200 foot scow or are you talking about a kid's toy canoe?

MR. RABINOWITCH: I don't want to be a jailhouse lawyer, but I think the answer is neither. I think it has to do with what the Federal government believes works for the purposes of commerce, which sounds real strange.

MR. KATCHATAG, SR.: Mr. President.

MR. RABINOWITCH: But navigability is driven by other laws of commerce that I can't explain beyond that.

CHAIRMAN KATCHATAG: Well, with the advent of technology, you could take a hovercraft right to the head waters and technically still be navigable, and if you're taking a big game hunter, then you fall under commerce.

MR. RABINOWITCH: As you probably know, I mean there is roomfuls -- there's probably officefuls of attorneys who deal with things like this and water law and all the fine points. I don't claim to be able to explain a lot of those fine points.

MR. KATCHATAG, SR.: You know, in Unalakleet there's allotments there. So one guy asked the other guy that owns the allotment, can I put a tent in your allotment? This man said yes, but put your tent on the high water line, put it down on the high water line. That man couldn't put his tent on the high water line, so this allotment owner said no in a nice way. Yeah, you can put it but right down there where the high water covers it. And then he couldn't do that.

MR. RABINOWITCH: I'm not sure if we're drifting a little far from what this paper is trying to get at.

CHAIRMAN KATCHATAG: No, it drives to the heart of this matter because do we or do we not have jurisdiction, you know. It makes it awful hard to go hunting in a National Park if,

number one, you can't shoot from your boat because of the State regulations, and if nobody else is around who is going to know anyway. Mr. Knauer.

MR. KNAUER: Yes. You may wish to postpone this because much of this discussion hinges on the information that I'll be providing on the Katie John litigation. Much of that litigation and possible proposed regulations would make much of this issue moot.

MR. RABINOWITCH: I'm not aware, I'll look toward Ken, behind me here to see if he agrees, but I'm not aware that in the Bering Land Bridge Preserve portion of Unit 22, the purple on the map, I'm not aware that several of these things that we've just been talking about have been day-to-day problems. Is that a safe statement or not?

MR. ADKISSON: It largely is not a problem because there is a potential conflict area. If you look up on the very northeast corner of the cape you'll see a large block of white area surrounded by the purple to the left of it, and the reason that's there is because that's largely NANA selected land, and is the case in point of what we're talking about. And no one makes any big deal out of it and no one really focuses on it, but, you know, it's a potential problem.

MR. RABINOWITCH: Because it is selected land.

MR. ADKISSON: Yes, by NANA Corporation. But that's why it's not included in the rest of the purple. See, the other areas are largely -- like around Shishmaref, that's all, you know, largely Native corporation/village corporation selected. By now largely conveyed further to the west out there is Wales which abuts the Park, but the question that we're talking about, the Cape Estenberg area up there is fairly typical.

CHAIRMAN KATCHATAG: And the 40-mile driftnets get longer and longer. Those of you that were in the Designated Hunter Task Force know what I'm talking about. Those of you that don't, I made the comparison that -- well, Federal regulations in the extreme are like the 40-mile driftnets that

Oriental used to have out there in the high seas. You touch those things and before you know it they're all balled up. And this is getting more and more like that, I think. My assumption was, and again this goes back to the Marine Corps where they teach you, don't ever assume anything because every time you assume you make an ass out of you and me, a-s-s-u-m-e. And my assumption was that within the Park area the Park Service had jurisdiction over everything, and this throws a new wrinkle at me that says, even within the Park Service boundary the State has jurisdiction, the navigable water definition. Anne.

MS. MORRISON: Yeah, this is to clarify again the complexity of it. You talked about who has priority, Federal or State. Under any other enabling legislation besides ANILCA, the Federal land manager administers activities on those selected lands with concurrence with the State or Native, whoever selected it, except under ANILCA, because the definition of Federal public land in ANILCA excludes selected lands. So for subsistence purposes the State essentially has jurisdiction on selected lands. But, for instance, on BLM, we have jurisdiction over other activities because it's still considered under BLM management, but for subsistence purposes it's State jurisdiction, State regulations that apply.

CHAIRMAN KATCHATAG: That brings up Jeff Denton's presentation this morning. Does

MS. MORRISON: I don't know anything about water rights.

CHAIRMAN KATCHATAG: But does it moot that because of the navigable water definition?

MR. MORRISON: As Jeff pointed out, the water column belongs to the State. And inside the Federal conservation units Federal ownership would have had to have been established before ANILCA or before statehood.

MR. KATCHATAG: Before statehood.

MR. MORRISON: Before statehood these were called Federal reserve waters. They are specifically described from

that era. Now, any change that would come about since then would have to be done by special application or however this Katie John case comes out.

MR. RABINOWITCH: I think the Katie John case has the potential to bring potential, no guarantees, to bring some clarity to some parts of these issues, just as the NARC Petition. You know, I know you're very familiar with that, seeking to -- you know, to make some changes and get what you consider, you know, more clarity and more sort of wholeness in the way some things are treated. How it comes out, it's beyond all of us, that's for sure.

CHAIRMAN KATCHATAG: Well, you folks know how to make things complicated.

MR. ADKISSON: If it's any consolation, for that part of 22(D) basically for moose, which is the primary species of interest at this time, the Federal Subsistence regulations really aren't any different from the old State subsistence regulations and aren't any different from the current state because of the regulations, so since a hunter is required to have a State license and a moose ticket and that sort of thing, that actual jurisdictional question isn't going to impact the hunter's ability to, you know, take a moose off that land, but, you know, if the Federal program changed quite radically from the State program then you can see it could become a problem area.

CHAIRMAN KATCHATAG: Mr. Buck.

MR. BUCK: Thinking over this situation, I think that the land like the Park and the State jurisdiction and all that, I'm just curious to see how much of the sport hunters and guides will find loopholes in all the hunting spots that they do. Maybe nobody will know about it. That is certainly going to be complicated.

CHAIRMAN KATCHATAG: Well, be that as it may, we'll hopefully look to clarification by Mr. Knauer when he gives us the Katie John update.

Any other questions on Mr. Rabinowitch's paper? Please remember you have until May 1 to submit comments.

Any further clarification, Mr. Rabinowitch?

MR. RABINOWITCH: No, sir. I thank you for listening and for asking good questions. I've noted the one specific suggestion you made and will carry that along. And I really do encourage that if you've got questions -- this is not easy reading, I recognize this. This is complicated. It's complicated to me, it's complicated to all of us. But I do encourage you very much that to the extent that you're interested to read it and scratch your head some more, to be in touch with anybody in the Park Service to talk about this. And we'll do our best to work through trying to understand it, 'cause that's our goal is to try to have a shared understanding and then see if there's any changes we think need to be made.

CHAIRMAN KATCHATAG: I hate to ask this question but I can't afford not to. Under Subsistence Access on the very last bullet, it says, snowmobiles, motorboats, dog teams, and other forms of surface transportation traditionally employed for subsistence activities ... I hate to ask this question, I know, because it's going to jump up and bite me you know where. Definition of motor boat, does that include jet boat?

MR. RABINOWITCH: Let me clarify.

CHAIRMAN KATCHATAG: Inboard or outboard jets?

MR. RABINOWITCH: I have to look in the blue book here. I believe we've got def- -- do we have a definition, do you know, in the -- I can look in the book and see if we have a definition.

MR. ADKISSON: I think it would include the kind of boats that Sheldon is talking about that are commonly used on the rivers now, but it wouldn't apply to a boat like

MR. RABINOWITCH: Like air boats.

MR. ADKISSON: air boats that you see in the Everglades and stuff, those kind of flat looking things with an engine on top and a pro- -- an air boat

CHAIRMAN KATCHATAG: Right, but the trouble I have with that is it greatly extends the definition of navigability, greatly. I mean you take a trip on some of these rivers and those manufacturers guarantee that four inches of water is all you need.

MR. ADKISSON: Well, I guess my advice on that would be not worry -- see what Bill has to say on Katie John but not worry so much about the navigability issue right now because depending upon what your point of view is on the navigability issue, some people take a very narrow and restricted sort of definition of it involved with things like what Sandy said, like commerce. Other people, to support their case, take a very liberal sort of definition, sort of like if you could float a raft on it, it's navigable. And if somebody ever took a canoe up it, it's navigable. And so, you know, we're not going to be able to solve those problems here.

MR. RABINOWITCH: I can look and see, as you continue on other items, if there is a definition of motor boats in these regs. But the one thing that I do know for some work I did in the Kotzebue area in the early 1980s is that there is a distinction between motor boats and air boats, as Ken was just talking about, where you essentially have an airplane propeller with a, you know, a motor that's driving that thing. And motor boats should not include air boats. I could show you a number of Park Service documents that draws the line and where motor boat is included where air boat is not included.

MR. BUCK: How about the distinction between air boat and a jet unit?

MR. RABINOWITCH: That's where I have to look in here and see if I can find something. I just don't know without looking.

CHAIRMAN KATCHATAG: Mr. Barr.

MR. BARR: Last summer I was asked by several of our residents if a jet unit on a boat, you know, can it last a long time. I said it all depends on how you take care of it. I asked how come you ask me this question? You know, they were talking Eskimo to me. And they said this guy just zoomed right by them, you know, and they were stuck in the water -- three inches of water. Do you believe that? And this guy just zoomed right by them, everybody in the boat waved at them, right here. That's how deep it is. And a boat just zoomed right by them. And this wave like nothing -- you know, like they were in deep water. With a jet unit at that, you know. So you see, what I'm getting at is they find out you can use a jet unit on that boat and go right through. You know, is that navigable or is that navigable, I don't know. Pretty hard to distinguish, you know.

MR. RABINOWITCH: What Bill Knauer will say exactly about Katie John here I don't know, but to deal with some of these very fine points, we, frankly, need to bring in a whole raft of people and dissect the issue, you know, piece by piece by piece to try to provide an answer that we would all understand, because you've heard many of us say, it's an extremely technical part, it's driven much more by law than it is -- and by anything else, and none of us purport to be experts in water law determinations of navigability and a number of other issues. We admit probably to being confused as many of you with some of this stuff.

MR. BARR: I'm pretty sure that family that asked me, you know, if jet units are worth it. Getting a hold of them, I assume they'll get a jet next summer, you know, to go through that shallow place again because this other boat just zoomed right by him, you know. In three inches of water, I couldn't believe it.

MR. BUCK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Buck.

MR. BUCK: Since we're on the subject of jet units, the

Golovin area people -- in the Golovin area they -- in the Native corporation land area they completely left out the jet unit in their area because the jet units travel over two and three inches of water and in that process they go through where the salmon are spawning and they tear a hole right through there and disrupt the spawning. I was wondering if in this area where the National Park Service is that you add those regulations to their regulations to not use jet units.

MR. RABINOWITCH: As I say, I need just a few minutes to look in here and see if the definition of the regulations on boats distinguishes. I just won't know until I look. I don't know if Ken can speak to any, you know, problems that he's experienced or is aware of in the Bering Land Bridge Preserve, you know, with jet units or air boats.

ADKISSON: As far as I know there are no restrictions against the jet boat units like we've been talking about. But, you know, I know that there has been talk among different people and groups about things you're talking about, Peter, about destruction of say spawning habitat or something for the salmon. Also the potential erosion of the stream banks, sedimentation and silt building up in some areas. And those are resource damage kind of issues that we would be interested in, and if we found that that was indeed occurring, we would probably take some kind of action within the Park to restrict that form of access to protect the habitat and fish species and so forth. Right now within the Park we don't seem to be having a problem with someone wanting to restrict it.

CHAIRMAN KATCHATAG: Mr. Morrison.

MR. MORRISON: Mr. Chairman, this same question came up last fall at the meeting of the Yukon Kuskokwim Delta Council regarding the Kwethluk River. And the two separate issues there required two separate solutions. There was a complaint about the passage of the boats causing bank damage which would be a question for the Fish & Wildlife Service -- National Wildlife Refuge to handle. There was also a question about the jet boats damaging fish spawning, which would then be a question for the State Board of Fisheries. Neither one of them are really a

subsistence issue that can be handled either by State or Federal Subsistence. They're outside that purview.

CHAIRMAN KATCHATAG: Any further questions for Mr. Rabinowitch? Mr. Adkisson.

MR. ADKISSON: For those of you on the Council who aren't all that familiar with the way National Parks kind of work, I might point out a couple things that you might think about in reviewing this policy -- regionwide policy. And that is National Parks and National Monuments as park conservation, the regulations and things that have been made to apply to those are quite different in some respects than the existing regulations for National Preserves, like Bering Land Bridge. And in the process of conducting this review, and the Parks Service in Alaska is trying to deal with very real issues in areas like Yukon Charlie and preserve part of Denali and the preserve part of Wrangell/St. Elias where there are really some major issues. One of the things the Park Service may be doing is looking for ways to deal with those situations and maybe develop sort of statewide uniform regulations, and so it really would help to look at aspects like eligibility -- to determine eligibility of subsistence users, to look at access issues and look at how the Park Service in there defines traditional modes of access, because I think, you know, even though like Sandy says, there probably isn't going to be anything happening, you know, right away. I think long-term you might see within the National Park Service a trend to try to standardize things and sort of, so-to-speak, bring National Preserves into line with National Parks and Monuments. And that could have some potential impacts down the road on some of the users, especially like from Shishmaref and Brevig Mission.

CHAIRMAN KATCHATAG: Thank you, Mr. Adkisson. Any further questions or comments from Mr. Rabinowitch? Hearing none, Mr. Rabinowitch, I thank you for that clarification and as that old saying goes, it's just as clear as mud.

MR. RABINOWITCH: Yeah, we'll keep working at it.

CHAIRMAN KATCHATAG: If I don't watch out that mud will

turn to silt. Moving back to our flexible agenda here, and I'm not sure which number I'm looking at anymore because I have a sheet of paper from Mr. Knauer which shows more changes. We now move on to Proposal Number 49, which is customary and tradition use of caribou, Seward Peninsula Regional Council, in Unit 22.

MR. ADKISSON: Mr. Chairman, the National Park Service cooperated with the Fish & Wildlife quite extensively on the preparation of this staff analysis. They asked me to go ahead and present it, so I will.

In going into the staff analysis I'm not going to provide all the reference citations and everything like that. But those can be found in the printed version that, I hope, will be included in the final record.

On Proposal 49 the existing regulation is Unit 22, caribou, Western Arctic caribou herd only. Rural residents of Unit 21(D) west of the Koyukuk and Yukon Rivers and rural residents of Units 22(A), 22(B), 23, 24, and 26(A). Unit 22, caribou, except for the Western Arctic Herd, no determination.

And basically what the suggested proposed regulation would be changed to was Unit 22 caribou, rural residents of Unit 22. And the reason given for changing the regulations, high priority C & T; effective change on fish and wildlife populations, none; effective of proposed changes on subsistence users, provide for the customary users in time of population shortage; and was proposed by the Seward Peninsula Subsistence Regional Advisory Council.

I guess I can proceed with the Staff Analysis, and Barb or someone will probably want to add the comments and things -- other comments received on the proposal.

MR. KNAUER: Right.

MR. ADKISSON: Okay. The issue then, basically Proposal 49, submitted by the Seward Peninsula Regional Advisory Council requests a positive customary and traditional use determination for caribou in Unit 22 by residents of Unit 22. The existing

determination is Western Arctic herd only, and we've gone through that.

Discussion. The proposal would provide a positive customary and traditional use determination for all residents of Unit 22 and enlarge the potential scope of harvestable animals by simply stating caribou as opposed to specifying Western Arctic Herd. This determination applies only to Unit 22 residents and does not affect other existing determinations such as those for residents in Unit 21(D), 23, 24, and 26.

Communities affected by this proposal are Stebbins, St. Michael, Unalakleet and Shaktoolik in 22(A); Koyuk, Elim, Golovin, White Mountain, and Council in 22(B); Solomon and Nome in 22(C); Teller, Brevig Mission, Gambell, and Savoonga in 22(D); and Wales, Shishmaref, and Little Diomedes in 22(E).

In Unit 22, 32% of the land is federal public lands. 18% of the lands are Bureau of Land Management administered lands. 2% is Yukon Delta National Wildlife Refuge, and 12% is Bering Land Bridge National Preserve. Unit 22(A) is 51% Bureau of Land Management administered lands and 9% Yukon Delta National Wildlife Refuge. In Unit 22(B) 19% is BLM and 2% is Bering Land Bridge National Preserve. And there are no Federal public lands in Unit 22(C). Unit 22(D) is 5% BLM administered and 11% Bering Land Bridge, and in Unit 22(E) 49% is Bering Land Bridge National Preserve.

Based on the transcript of the October 19, '95 Seward Peninsula Regional Advisory Council meeting, this proposal is intended to do four things: One, recognize traditional usage; two, recognize customary and traditional caribou hunting areas; three, provide the traditional flexibility to take advantage of available resources; and, four, recognize these residents rights to a subsistence priority if needed.

By and large the proposal focuses on the use of caribou by residents in 22 and really doesn't address the use of residents from outside the unit's use of caribou. Those kinds of issues were left for later analysis or upon recommendations by other regional councils.

We next looked at the eight factors for determining customary and traditional uses and basically conclude that there is a long-term and consistent pattern of use, excluding interruptions beyond the control of the community or area. There's abundant evidence from fields of archaeology, ethno-history of linguistics, anthropology and the old traditions of the residents that document a long history of caribou use by residents of Unit 22.

Deposits of Trail Creek Caves in northeastern part of Unit 22 provide a record reaching back 9000 years. Work by a number of archaeologists provide extensive documentation spanning the last spanning 4000 years, as well as described the cultural traditions that form the roots of the Inupiat and Yupik residents of the area. Evidence from the sites includes caribou bones recovered from the village sites, artifacts, hunting related structures such as stone blinds and cairns, fence lines for drives made of stone, antlers and brush and corrals used for communal hunts.

Dorothy Jean Ray has documented the social, political and subsistence patterns of Unit 22 residents spanning a period, 1650 to 1898. She identified 22 autonomous groups occupying the area, each associated with a major village of one or more additional smaller villages, and an exclusively occupied territory.

With respect to caribou hunting Ray notes: The Kauwerak people were the main caribou hunters. They accumulated tons of meat by the end of a good season. The Fish River, Koyuk, Egavik and Inglutalik people also depended more or less on caribou. The rest of the coastal tribes pursued a sealing-fishing round of activities with limited caribou hunting in their upland territories.

Ray also points out how political alliances between tribes were used to extend access to resources. This was especially true for island groups who might not have had the resource present on their island.

The King Islanders were able to take kayaks up the Kuzitrin River to several lakes including Kuzitrin Lake for hunting caribou. Little Diomed Island people were known to go as far inland as the village of Kauwerak to hunt, usually accompanied by Wales people who were permitted to hunt caribou on the lower Kuzitrin.

Oral histories reported by several villagers and residents of the area contain information on hunting caribou associated customs, beliefs and ceremonial activities and the various language, dialects contain words for caribou and associated terminology.

Today every mainland village has identified one or more sites associated with caribou procurement as part of their ANCSA 14(h) (1) Cemetery and Historic Sites program.

Then it goes on to discuss the work by Tiger Burch in relation to the fluctuations in caribou over about a 150-year period, kind of establishing the presence on the Seward Peninsula of caribou and their decline, and a little bit of use on it.

Based on limited sources such as records from the early days of the reindeer industry and some moral accounts it can be argued that although the era of the communal hunts may have been over, caribou hunting never entirely ceased but continued to be carried out at least in a limited, sporadic fashion.

For today's residents much of the effort to hunt caribou seems correlated with the fluctuations of the Western Arctic Herd. In addition to the residents of St. Michael and Stebbins are currently occasionally hunting the Andrafsky Herd in the southern margin of Unit 22.

With regard regard to Stebbins and St. Michael, Koutsky notes that linguistic kinship ties linked them to ancestral communities that extended south to Pastol Bay. Koutsky also discusses historic sites and oral traditions suggesting use at least of the upper waters of the Andrafsky drainage system for caribou hunting.

The analysis next looks at St. Lawrence Island and the materials reviewed for this analysis, and basically concludes in the case of the communities of St. Lawrence Island that their cultural ties and social interactions have been largely with Siberian Yupik and Chukchi peoples on the Russian side of the Bering Straits. Also their use of Rangifer has been largely one of reindeer as opposed to caribou, and that, too, has largely been linked to the Asiatic side of the Straits. In other words, no real use by St. Lawrence Islanders on the mainland of the Seward Peninsula for customary and traditional use of caribou.

Uses of caribou by residents of Nome raises its own set of questions. Unlike other Seward Peninsula communities which are largely contemporary expressions of traditional tribal groups, Nome is a heterogeneous community that owes its existence to the turn of the century gold rush. It developed after the major caribou decline of the late 1800s. Today, very few of its approximately 3500 residents can claim an ancestry in the immediate area. However, approximately 51% of the population are Eskimos, the majority of whom can trace their ancestry to other villages in the region and thus have a heritage of caribou harvesting. There also has likely been additional use onward from the 1940s, at least, by a portion of the non-Native residents of the community. First by some of the older established families and then later arrivals. This use would have been focused in units 23, 22(A) and 22(B), and probably can be correlated with the fluctuations of the Western Arctic Herd. Magdanz and Olanna describe the contemporary situation in Nome as one where there's a large, perhaps 30%, and highly transient population co-existing with other relatively stable population, where more than half the people born in other communities in the region continue to harvest near their natal communities, where residents tended to range further in their subsistence activities compared with other villages, and the longer members of subcommunities resided in Nome, the more the boundaries between the subcommunities tended to blur. Because a significant proportion of the community's partake in the subsistence economy and have a heritage of caribou harvest in the Seward Peninsula area, including Nome in a positive determination seems warranted.

A pattern of use recurring in specific seasons for many years. Availability of the resource appears to be the primary factor in determining seasons for hunting caribou. Around 1850, when caribou appear to have been potentially available year round across the whole breadth of the Seward Peninsula, they were hunted opportunistically, however, major efforts seemed to have been made in the summer and then again in late fall when communal drives were organized. Today, caribou are currently hunted primarily in the winter and spring months when the Western Arctic herd is in the southern part of its range.

A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics. Again, around 1850 when caribou were abundant on the Seward Peninsula communal drives were organized. It then goes on to describe those and the techniques used. Those methods provided a large return of meat and hides and animal products from a single hunt event. It was clearly an economical method. With declining caribou, more emphasis began to be placed on opportunistic hunting by individuals in small groups. Firearms were a welcome addition to the weapons inventory to help increase hunter success. Hunters walked or used dog sleds to get to the animals. Shismaref was still using dog sleds that traveled eastward to the Deering and Buckland area, that's over in Unit 23, right up until the advent of snowmachines. Currently, hunters usually work in pairs or groups and travel to the caribou hunting ground by snowmachines. The animals are pursued to within range, then shot with large caliber rifles. With sufficient bag limits, currently five caribou per day, a few hunters can supply a large number of people. The hunt remains characterized by efficiency and economy of effort and cost.

Consistent pattern of harvest and use of wildlife as related to past methods and means of taking near a reasonably accessible community area. As indicated above, around 1850, caribou were much more abundant than now, present most if not all year, and closer to the villages, approximately 10 to 20 miles based on the location of some historic sites, although 30 to 60 miles was not out of the question for some groups. As the

caribou declined, hunters were forced to travel further. Burch documented one example from the general region where Selawik area people were traveling up the Kobuk and Koyukuk Rivers. There are anecdotal accounts of Shishmaref and King Island residents traveling to Selawik by boat in the fall. At least since the 1940s, hunters from Shishmaref have been traveling eastward into Unit 23 as far as Buckland, first by dog team and later by snowmachines relying somewhat on kin in Deering and Buckland for shelter and rest stops. With today's snowmachines, 150 to 200 miles might be considered reasonably accessible and worth the effort by some hunters. Some residents of southern Seward Peninsula villages, including Nome, have been known to travel northward in Unit 23 to Granite Mountain and even almost to Buckland. As caribou expands their range closer to the villages on the peninsula, increased effort and participation in caribou hunting can be expected. A review of the literature and subsistence use studies conducted by ADF&G indicates that residents in Unit 22 have not customarily and traditionally hunted in Unit 21 for caribou.

A means of handling, preserving and storing fish and wildlife, there's descriptions of past uses which I'll go ahead and admit they're there if people are interested. And basically the changes have been adapted to modern day technology. Though many homes may now have a freezer, that space is usually reserved for more perishable products and those obtained when the weather is warmer. Much of the stored me is boiled or goes into soups and stews. Today caribou meat is eaten fresh, frozen or dried, bones are used in soup and the fat is used to make akutuq, eskimo ice cream. All parts are utilized, head, tongue, brain, heart, liver and kidneys are consumed. Hides are used for bedding, clothing and mukluks.

A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation. In spite of disruptions or postponements caused by demands of today's educational process, knowledge and skills related to subsistence uses remain largely passed down from generation to generation. Children in the area's villages and from some subcommunities in Nome, grow up emersed in a web of extended families and surrounded by

relatives. For the child, subsistence knowledge and skills begins to be acquired in the household from close relatives, and expand outward, often still relatives. As the child grows older, becomes more mobile and capable. The process itself is still largely one of observing, listening and emulating the older relatives, supplemented by stories and accounts of oral traditions told by elders and punctuated sometimes by pointed "how to" demonstrations. Sobelman points out for Shishmaref the relationship between economic production in subsistence activities and the household and family as producers. Magdanz points out that teenage boys in villages look forward to accompanying their fathers or older brothers on caribou hunting trips, that children at home watch the butchering and preparation of the meat and skins, and children listen as adults discuss hunting, traveling conditions and animal behavior.

A pattern of use in which the harvest is shared or distributed within a definable community of persons. A 1982, '83 study in Shishmaref by Sobelman found 37% of the households surveyed shared half to most of their harvest with other households, and another 47% shared at least some of their harvests. That would bring it up to about 94 -- 84% of the community was sharing their harvest, at least a large portion of it.

Magdanz describes the sharing patterns as follows: Hunting parties divide their take among themselves, then widely distribute meat to other village households. This is especially true with favored resources, such as caribou, that require traveling some distance to harvest. The extent of sharing was evident in a 1989 study that found 85% of Golovin households used caribou while only 18% harvested caribou. A hunter's family often stores meat only after many other households are provided for. Caribou is also shared between villages. For example, a 1985 study found that Brevig Mission households, who did not have access to caribou, received caribou meat from Shishmaref.

A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional

elements to the community or area. A 1986 study of Brevig Mission found that 50% of the households surveyed used more than 30 different species of wild resources. In a 1989 survey, respondents in Shishmaref reported harvesting 45 different categories of resources. An '82, '83 study in Shishmaref found that 72% of the households surveyed reported that most of the meat and fish in their household diet came from subsistence harvests. In the same study, an additional 19% reported that at least half to more than half came from subsistence harvests. A review of the 1990 US census data clearly indicates that the Seward Peninsula villages, especially the outliers, are basically cash poor and job poor when compared with the regional centers and the urban portions of the state. A comparison of moose and caribou harvests for one year in shishmaref can help illustrate the importance and value placed on caribou. Moose are common and are mostly hunted within a 30-mile radius of the village. On the other hand, hunters must travel a much longer distance to obtain caribou, a minimum of 100 miles. Yet Conger and Magdanz, in 1990, found that in average household pounds harvested, hunters took 26% more caribou than moose, 227 pounds of caribou to 180 pounds of moose.

Preliminary Conclusions. Support the proposal with modification. All unit 22 residents, with the exception of residents of St. Lawrence Island, Gambell and Savoonga that is, have a customary and traditional determination for hunting caribou in Unit 22. The communities with Unit 22 meet all of the eight criteria for determining the use of caribou in Unit 22.

In order not to eliminate users of Unit 22 who live outside of Unit 22 from using that Unit, based on the analysis for this proposal, the Proposed Regulation should read:

Unit 22 - Caribou. Rural residents of Unit 22, except for St. Lawrence Island. Rural residents of Unit 21(D) west of the Koyukuk and Yukon Rivers and rural residents of Units 23 and 24. The reference to Unit 26(A) is proposed for deletion as a result of a staff analysis of Proposal 65.

Unit 23 - Caribou. Unit 23, Western Arctic Caribou Here only -- rural residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and rural residents of Units 23, 24, and 26(A). South of Kotzebue Sound and west of and including the Buckland River drainage -- residents of Unit 22, except for St. Lawrence Island. Unit 23, except the Western Arctic caribou herd -- no determination.

Unit 21 - Caribou. Western Arctic caribou herd only -- Rural residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and rural residents of Units 23 and 24. The reference to Unit 26(Q) is proposed for deletion again as a result of the staff analysis of Proposal 65. The remainder of the determination for Unit 21 would remain as it is.

Justification. The communities in Unit 22, with the exception of St. Lawrence Island residents of Gambell and Savoonga, all meet the eight criteria for customary and traditional use of caribou in Unit 22. There is no indication that Gambell and Savoonga residents travel to Unit 22 to hunt caribou, therefore warranting a finding of no subsistence regarding the use of caribou in Unit 22 for Gambell and Savoonga. There is documentation of residents of Unit 22, excluding Gambell and Savoonga residents, traveling to the southern tip of unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage, to hunt caribou. A review of the literature indicates that Unit 22 residents do not hunt in Unit 21 for caribou.

We'd also add, I think, that the chairman of this Council made a similar remark about 21 in the last Council meeting.

CHAIRMAN KATCHATAG: There's a couple of things on page 26 under the Magdanz description -- I would like to have that modified where it reads extent of sharing was evident, and so on. I would like a hyphen after sharing..., and added, ...representative of other indigenous people and their respective villages - was evident. Do you understand?

MR. KNAUER: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Knauer.

MR. KNAUER: That's a quote, and it would be inappropriate to insert other material within the quote of someone else. Your

CHAIRMAN KATCHATAG: Okay.

MR. KNAUER: Your statement is accurate, but

CHAIRMAN KATCHATAG: Okay. Rather than inserting that, then maybe we should add a sentence outside of the quote that says basically the same thing.

MR. KNAUER: Sure.

CHAIRMAN KATCHATAG: Mr. Morrison.

MR. MORRISON: One thing that might be done if you did want to introduce something there is put it in brackets and precede it with planting the word (sic).

CHAIRMAN KATCHATAG: Spelling in context?

MR. ADKISSON: The point is, I think, you want that to indicate that that example typifies the rest of the area.

CHAIRMAN KATCHATAG: Right.

MR. ADKISSON: I think we can do that without any problem.

MR. MORRISON: It distinguishes it from the actual quote.

CHAIRMAN KATCHATAG: Right. Whichever way makes it the basic idea carried.

MR. BUCK: What was your addition?

CHAIRMAN KATCHATAG: Oh, my addition is that I want this quote of Jim Magdanz's to basically say that his example of Golovin is representative of practices and customs and traditions practiced by other villagers within the region.

MR. BUCK: I'd just like to say that even the practices between White Mountain and Golovin are different.

CHAIRMAN KATCHATAG: Right. But I'm saying that the practices might be different but you still have this custom and tradition of sharing which typifies indigenous communities. Everybody likes to hold on to their little idiosyncratic differences from village, I understand that, but, you know, we still share in one form or another.

MR. ADKISSON: No, those are only, you know, I think, literature documented examples that could easily be expanded to every community on the peninsula.

MR. KNAUER: That's why it says, was evidenced.

MR. ADKISSON: Yeah.

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CHAIRMAN KATCHATAG: Okay. Also on page 27 under Justification, you state that a review of the literature indicates that Unit 22 residents do not hunt in Unit 21 for caribou. I would beg to differ with that because I've talked with numerous residents from both Unalakleet, Shaktoolik and Koyuk where they've been telling me that if they can't find them in the drainages that go into Norton Sound they'll go on the other side of the divide, and friends from Koyuk down, all the way to Unalakleet make reference to the Khotol River, which flows into the Kigook (ph) River on the Yukon side. And if you were to ask -- especially back in the late '60s, early '70s, before the Western Arctic herd started its farther south migration that this was a common custom and tradition among hunters. And before the advent of cheaper and better snowmachines that only the very hardy were able to do that, and I have friends and relatives now and also friends and relatives that have passed on that have told me that, you know, you go as far as you have to and until the caribou started their farther

south migration it was not uncommon for them to go into the eastern side of the divide. Helen.

MS. HELEN ARMSTRONG: Does it go in reverse, other people from 21 coming into 22 to get caribou as well?

CHAIRMAN KATCHATAG: Rarely. One of the things -- and this goes back years, and my uncle will probably attest to this is that there used to be warfare between what are called the Indians of the Interior, the Inupiat of the west coast, and I know a good friend of mine, Eugene Asicsick, out of Shaktoolik said that he's run into people from the Interior that have said -- have told him later that they have come across snowmachine -- his particular snowmachine trail when he's gone into the Khotol tributaries, and guys from that direction will run into his tracks and they'll make sure that he went back over it. You know, it's evident of that kind of competition, I guess, if you will. That they wanted to make sure that they didn't stay on that side because they said they felt that that was their territory, and that's our definition of jurisdiction is that the drainage is -- the ridgeline divide is the demarkation between jurisdictions.

MR. BUCK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Buck.

MR. BUCK: I'd like to redefine the jurisdiction, too, because Edwin Buck, from Golovin, grew up in our area but he said during his lifetime with his family, he traveled from -- he traveled mainly from Kivilina down to Golovin and he was free to travel in all those areas. So the jurisdiction was where the game was.

CHAIRMAN KATCHATAG: Thank you, Mr. Buck. It might not be in the literature -- I know you're talking about the literature, but it is -- you know, you go where the animals are. But still there is that old hostility where, as I said, some of the people from Huslia and other villages on the Athapaskan side would make sure that whoever wandered on their side that they went back on the other side. But, you know, I have talked with

numerous people that have ended up in 21 -- what is now called 21. I guess the divide is the demarkation between 21 and 22. I just wanted that on the public record also.

What is the wish of the Council with regards to the

CHAIRMAN KATCHATAG: Yes, Barb.

MS. ARMSTRONG: Can I read the comments?

CHAIRMAN KATCHATAG: Oh, yes. I'm sorry. Thank you for keeping me on the straight and narrow.

MS. ARMSTRONG: For Proposal 49, you have four comments. One from ADF&G; Michael Brown, Unalakleet, Joe Sonneman, Juneau; Dan Masters, in Point Hope; and Thomas Sparks, from Nome.

Fish & Game. This proposal asks the Board to 1, make a positive finding for residents of Units 22(C), (D), and (E). Number 2, reverse the existing positive findings for residents of Units 23, 24, and 26(A), and 3, not make distinctions between Western Arctic herd caribou and other herds that might be present in Unit 22. The proposal doe sot provide sufficient justification for these modifications and the department is not certain that all these changes are intended.

And from Mike Brown in Unalakleet. According to the biologists' reports, there does not seem to be a need for the Board to be concerned with restricting the hunting of either of these species, caribou or moose. From what I understand, both moose and caribou numbers are strong. Is there data to support such a need? If there is serious need for restrictions could the Board first consider limiting the number of caribou taken a week by each resident? At present, the sum of 35 seems staggering.

And from Joe Sonneman in Juneau. This appears to be another instance of hungry subsistence user competing with each other, even while other areas might have a surplus. Again, this seems to indicate a need for statewide fish and game management.

And from Dan Masters in Point Hope. Oppose. There are not population problems in the area and the proposal reflects an effort to further limit access to public lands.

And Thomas Sparks, from Nome. I support this proposal as it reflects current practice and State regulations.

CHAIRMAN KATCHATAG: Thank you, Barb. I find the argument by Department of Fish & Game rather moot because the way the Western Arctic herd migrates that's just like the reindeer, they become integrated into the overall herd and it just depends on a matter of preference whether they're going to stick around the area or not. As far as making positive findings for residents of 22(C), (D), and (E), that is the intent of this proposal because the extinction of the Seward Peninsula and other smaller herds that historically used to be in the area was not the fault of the people, at least we hope it wasn't. But Peter will back me up on this that the herd -- the caribou herd is, in fact, migrating on west the Seward Peninsula, is it not?

MR. BUCK: Yes.

CHAIRMAN KATCHATAG: I was told earlier this year that -- well, actually in October of this -- '95, that there were some 11,000 to 12,000 caribou in the Fish River flats area where they haven't been seen in quite a while. So, you know, that is the intent is to make a positive finding for 22(C), (D), and (E). As far as positive findings for residents of 23, 24, and 26(A), I generally try to stay out of other regional council jurisdictions. I know your analysis and your preliminary conclusion points to those other areas, and I'm really hesitant about making trying to make those recommendations, you know. If those councils wish to do that, I think it's their purview and I might be willing to discuss it with them as a council or as chairs, depending on the wish of the Council.

MR. BUCK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Buck.

MR. BUCK: I'd just like to point out that Joe Sonneman in Juneau, I'd like to look at his definition there and he's calling the hungry subsistence user. If I see a hungry subsistence user, I'd call him a subsistence user, and I don't know how we can define a hungry subsistence user, you know.

CHAIRMAN KATCHATAG: As far as -- I appreciate that, Mr. Buck. And, again, I would just like to point out that he lists his place of residence as Juneau, and I question whether his comment should carry any weight at all. He's meddling in other people's business.

As far as Mike Brown's comments, that to me is a gross display of gross ignorance. That's a lot of work -- it's a lot of work caribou hunting, and there ain't too many people that are going to go out every day. If you go out on a snowmachine and even if you take five caribou and properly dress and -- you're talking of traveling anywhere from, depending on where the herd is, you're talking of traveling probably a minimum of 50 miles round trip and more, typically in the neighborhood of a hundred. And especially -- you know, it's a lot of work and it takes a lot out of your body. You're not going to do it every day. And I've said it time and time again that customary and traditionally that's not how we hunt. We like to hunt these animals once over the early part of the winter, once toward the latter part for the winter to make sure we have enough caribou to last us over the summer. And, you know, it's a gross display of gross ignorance that he would assume that we would hunt -- go out and get five a day every day for a week because you still have to put the animals away, even if you do bring them home. And that's a lot of work in itself. You know, you don't just grab the darn thing and throw it in the freezer. You have to cut it up, you have to wrap it and you have to make sure it's properly frozen and then you can put it in the freezer, and that's a lot of work. And you're taking anywhere from 150 to 200 pounds dressed per animal. He's talking, what's his name, Hulk Hogan terms trying to say that you're going to go out every day for one week and get 35 caribou. There's not that many fools among the customary and traditional user that would even try to do something like that. Number one, it's going to take

you a large amount of gas, grub and travel. And bouncing around on a snowmachine, even a hundred miles is going to wear you out pretty well. You ain't gonna go out in a day, not reasonably anyway. So that particular comment is totally unwarranted.

Dan Masters is an ex-resident of Unalakleet, and I guess he's trying to keep his hand in. I don't know.

MR. KATCHATAG, SR.: These people that are making these comments are teachers. They've been teaching in Unalakleet for years, and all they're looking at is the fat side of the teenage generation, like I mentioned earlier, kids that were born illegitimately. They've got no dad, and they borrow the snowmachine. They go -- and if you can't -- you know, anybody that has the knowledge of hunting will shoot at something, a piece of stump or maybe cans, and he hauls that rifle he's shooting that he's got in his hands. But these kids, they were brought up with no correctional -- bull cook in the family. They've never been corrected in any way, so they take their gun, they go out and they shoot and shoot and shoot and shoot at the caribou, nothing happens because they don't know how that gun shoots. And they go out day after day as long as they can find a snowmachine. They don't care if they catch one. How would they dress it if they caught one? Those kind of comments are -- people don't hunt like that. Like he said, when you want, you look at the animal. Moose and caribou, if it's fat, have dark skin. Real pale skin means that he's skinny. You don't shoot at those. And you can't shoot at caribou and hit him in the butt, you'll spoil everything when you do that. You hit him around here -- anywhere around here. You're bound to have a big hole in your animal, depending on what size gun you're using. You've got to make sure your rifle is hitting anywhere in here, that way you don't waste meat. And all you need is two or three, and dress it right, you've got enough for I don't know how many months, depending on the size of your family.

And today I've got four boys. You know, those boys work and they eat mostly what we call -- I don't know what you call it, pop, -- I've heard the name of it but they drink pop, bag of potato chips, maybe hamburgers, they buy it from the store. We've got meat in the freezer ready to cook. People today are

not cooking, and those are the kind of people they're talking about in this report. They go out and they're just scaring the caribou. And it's a sad story, too. I don't know what kind of leaders are coming up now. These are the future leaders of our people. You know, it's sad to say anything like this, but you can't hide it either. The more you hide it the more rumors spreads out and it makes everybody mad. That's not an Eskimo heritage, I tell you. That's why there should be a law or some kind of regulation to where teachers don't stay in one spot too long, they should -- even the preachers and teachers should move along every so many years and that way they don't get -- I think people would get along better.

CHAIRMAN KATCHATAG: Originally, that was how the Bureau of Indian Affairs staffed their teachers. It was very rare that you found a teacher -- any teacher in the BIA system that stayed in the village more than two or three years at the most. They'd move them on to the next area, and they rotated teachers through. Mike Brown is a teacher that's been in Unalakleet what, 15, 16, years now.

MR. KATCHATAG, SR.: His boy is about 21, and he was a little baby.

CHAIRMAN KATCHATAG: So maybe close to 20 years. Dan Master's wife is in the school system and they transferred up to the Point Hope area. The same with Vance Grishkowsky. His wife teaches in Unalakleet. That's how he got in the door. Now he's in the guiding business, trying to protect his territory.

MR. KATCHATAG, SR.: Anyway, when we get to the point where we communicate much better, things will start moving better. There will be less of these rumors going around. We need to have a better communication system, and I'm sure that this will happen in years to come.

CHAIRMAN KATCHATAG: What is the wish of the Council with regard to the preliminary conclusions on Proposal Number 50 -- 49 -- 49?

Personally, as chair, I would prefer not to deal with Unit 23 and Unit 22. My responsibility and our responsibility as Seward Peninsula Council is to the residents of Unit 22. And I would be willing to enter into discussions with the councils that have jurisdiction over these other areas, but I've always said to the Northwest Arctic Regional Advisory Council that I try to stay out of their bailiwick, that's just how I operate. It creates less hard feelings all the way around. And where we agree -- you know, where we agree to agree then we enter into agreement. Just like with Unit 18 people down the Yukon Delta, we supported them in their request for a C & T determination on caribou north of the Yukon, you know. We try to accommodate each other. We're not exclusive but nobody likes someone else in another region interfering with their own operations and that's the way I like to keep it.

So with all respect for your analysis, Mr, Adkisson, I would respectfully recommend to the Council that we keep our deliberations to the -- or our recommended conclusions to the Unit 22 determinations only, and I would entertain such a motion.

MR. BARR: So move.

CHAIRMAN KATCHATAG: We have a motion before us to adopt the preliminary conclusion with regard to Unit 22 - Caribou on Proposal Number 49 for final recommendation to the Federal Subsistence Board. Do I hear a second?

MR. KATCHATAG, SR.: Second.

CHAIRMAN KATCHATAG: Seconded. Discussion?

MR. KATCHATAG, SR.: Question.

CHAIRMAN KATCHATAG: Question has been called. All those in favor of adopting the preliminary conclusion for Unit 22 - Caribou only for final recommendation on Proposal 49 to the Federal Subsistence Board signify by saying aye.

IN UNISON: Aye.

CHAIRMAN KATCHATAG: All those opposed, nay.

(No opposing responses)

CHAIRMAN KATCHATAG: Motion passes unanimously. Let's take about a 10-minute coffee break recess.

(Off record - 2:53 p.m.)

(On record - 3:10 p.m.)

CHAIRMAN KATCHATAG: I'll call the meeting back to order. I see Mr. Cannon has arrived. To accommodate him, our flexible schedule will now move on to item 7.E. Fish. Maybe you can give us an update on where the Board of Fish is, Mr. Cannon. Please state your name and occupation, for the record.

MR. CANNON: Yes, Mr. Chairman and Board, I'll try to give you a little update. I assume what you're talking about is the issues regarding your area, the Elim case. As you probably, to some degree, have been made aware that -- first of all, my name is Richard Cannon, I'm the regional management biologist for AYK Region, and with regard to the Elim issues, the Board of Fisheries did not -- was not able to get the votes, apparently, that they needed at their last board meeting when they were attempting to develop findings for the actions they had taken a year prior -- a year ago in March, I believe it was, February, March. And this case went to Judge Erlich in Nome, and the judge had asked the the board to address some issues that he felt they needed to address with regard to the allocation decision that had been made, and he -- apparently, the decision was that the area fishery would essentially not happen if -- until those issues were addressed.

That was what was before the Board of Fisheries. And the board developed some draft findings and attempted to get a majority of the members of the board that could vote on this issue. Some of them had been conflicted out, there were only five members that were actually allowed to work on this issue because of conflict of interest on the part of two of the members. And the board, because two of the members of the board felt that the findings were not acceptable to them, decided not

to vote in approval of the findings. So at present the whole issue is before the State's Attorney General, and he has not made a ruling yet on whether or not the voting that had occurred at the board meeting could be certified and passed on to the judge.

And so at this point we simply don't know, and we assume that at sometime during the board meeting that's going to start for Cook Inlet that that finding would be provided to the board. You know, there are two new members on the Board of Fisheries, two new appointments, and so with that new board, essentially, they would then take up what they're going to do about the situation. And the staff at Department of Fish & Game and -- the board members, I think, really, at this point, don't know any more than that. They'll be discussing it, I'm sure, at this next week and making some decision. Now, what they may do is come back and have a special board meeting to address this issue yet sometime before the fishing season. So they still have enough time to do that. So we may have a board meeting in say sometime in April to take up the whole issue of the post-June peninsula fishery. It would be the June peninsula fishery.

CHAIRMAN KATCHATAG: Before you continue, Mr. Cannon, could you tell us who are the new appointees and who they replaced?

MR. CANNON: Well, I'll try. I didn't bring that with me and I don't remember their names, frankly. I haven't really met the men yet, and there's -- the two people that were replaced were Dick Jacobsen, from the peninsula, and Larry Edfelt, from Southeast. And they have -- the Governor has replaced those two board members. One of the new board members -- and I don't recall his name right now, is a commercial fisherman. He's a -- from Southeastern, and there has been another appointment made from -- I believe it's a sport fishing representative from the Cook Inlet area. And Mr. Virgil Oppenauer, who is a commercial fisherman and processor from from North Pole, Alaska was reappointed. So, I'm sorry, I just don't recall the names of the board. Maybe someone else does.

CHAIRMAN KATCHATAG: I think the sport fisherman's last

name is Coffey; C-o-f-f-e-y?

MR. CANNON: Gary Sanders probably has that information. I guess he's not here right now. He can probably provide that to you yet today. I just don't recall.

CHAIRMAN KATCHATAG: So you think they might have a special session on this issue before fishing starts?

MR. CANNON: Well, that's a possibility, and won't know until we hear from the Attorney General about the State's official position from his office about whether they will certify that vote and send it on to the judge. As I understand it, that's the next piece of information that

CHAIRMAN KATCHATAG: So that means that the judge's injunction against prosecuting the area fishery still holds until such time

MR. CANNON: That's one interpretation of the situation, the one that I've heard most frequently expressed, yes. But until we hear from -- you know, from our Attorney General, I can't, you know, make State policy, and that will come from the Attorney General.

CHAIRMAN KATCHATAG: Over this last summer I heard more disturbing news regarding the intercept fishery at Area M, but this time in regard to the coho salmon, was there any deliberation on that at the latest board meeting?

MR. CANNON: The Board of Fisheries did take up the post-June fishery where both cohos that are headed towards Western Alaska would be -- could be intercepted, and there's not a lot of -- there really isn't any real data from stock biology studies to tell us exactly what stocks are being intercepted during the post-June fishery. The Board of Fisheries has a management plan which essentially keeps the South Peninsula fishery restricted to the inside of bays prior to the 19th of July. And I think a lot of the concerns about coho interception were, you know, during July occurred out on the capes. There are coho stocks in the South Peninsula that are resident to that

area. You know, they do have their own stocks. It's hard to know what percent are actually traveling to another destinations. Certainly a portion are. We just don't have the information right now to tell us when stocks from your area are coming through and to what degree they might be intercepted out there. We just don't have that information. There are studies being planned that start this next summer to go out and try to get information about -- for chum salmon, but not for cohos, for chum salmon during the post-June fishery.

CHAIRMAN KATCHATAG: I'm glad you mentioned the studies. I know that -- correct me if I'm wrong, I think it was in '93 or '94 -- I think it was in '93 that a GSI study was done.

MR. CANNON: Yes.

CHAIRMAN KATCHATAG: And totally unpublished in the statewide papers, and as far as I know, only the Nome Nugget out of Nome was -- has published the findings of that GSI study. And my understanding was that that GSI study said that probably 60% of the salmon that were examined for genetic information were found to have originated in AYK region, up to 72%, I think, or what.

MR. CANNON: The findings -- I don't remember the exact percentages from the GSI work that was done and reported back to the board last year. The percentage was high, it was in excess of 60%, but it included not only the AYK, the area from the Kuskokwim to Kotzebue, it also included Bristol Bay, and that's large stock complex. They weren't able to separate out with the genetic labels that they had available to them that they used for the study. So it was a fairly large stock complex, including Bristol Bay and AYK stocks.

CHAIRMAN KATCHATAG: Are there any other GSI studies planned, either on chum or coho or both?

MR. CANNON: Well, the GSI work, as I said, during the post-June fishery is planned. It should begin this summer, as I understand it, and for coho, no, there aren't any plan that I'm aware of. Some of the work that's been initiated with scale

pattern analysis with cohos did not look real feasible, so that's not been pursued, and as far as starting with any kind of genetic stock identification with cohos, the baseline work hasn't been done. I think most of you are aware when the sampling's been done in your area the first thing you have to do is go up into the spawning areas and collect the tissue samples, and you get the baseline first and then begin to look at differences between stock groups to see if the two will even work. That hasn't been done for cohos, so it will be a ways off for any kind of effort with coho salmon.

CHAIRMAN KATCHATAG: As a commercial biologist for the AYK Region could you tell us which regions of the state of the AYK Region had curtailed coho fisheries this year -- this last year?

MR. CANNON: The one area that there were closures of subsistence fisheries was in the Nome area. I'm sure many of you are aware this is the second year in a row that we've had to restrict coho subsistence fishing because of the poor returns.

CHAIRMAN KATCHATAG: And do you have figures on escapement for cohos in that area?

MR. CANNON: I have some in a -- I have a report that was given to the Board of Fisheries, and I could make a copy of that written report available to your group here, your board, and if that's possible could I give it to your staff here?

CHAIRMAN KATCHATAG: Sure.

MR. CANNON: and they could make copies of that for you, and it does have the escapement information in there.

CHAIRMAN KATCHATAG: Do you also have commercial catch statistics for the AYK?

MR. CANNON: I have individual reports for each of our areas, you know, that I can make available to you, if you would like to have that. And copies could be made available. And I have some overheads, too, that basically summarize each of the areas. I don't know how much time you want to spend on this.

It's up to you. If you would like me to do that, I can.

CHAIRMAN KATCHATAG: I wish we had our original two days 'cause I'm really interested in this because, you know, I am impacted by living in Elim.

MR. CANNON: Right.

CHAIRMAN KATCHATAG: But it's up to the wishes of the Council. Do you want to see this information on the overhead or would you just like the printed?

MR. CANNON: It would take probably 45 minutes to go through it.

CHAIRMAN KATCHATAG: That would take us to 4:00 o'clock. I think for the time being we'll just go ahead and take the printed statistics that you have

MR. CANNON: Fine.

CHAIRMAN KATCHATAG: and look them over.

MR. CANNON: I'd like to just say, if your board would like our staff to come at some later time and give you a more complete briefing on this thing, we'd be happy to do that in the future.

CHAIRMAN KATCHATAG: You know, we're mandated by Title VIII to also manage subsistence fishing, and that's one area which we have been remiss in doing, and I think in the future that we would like to head in that general direction because, you know, we're mandated by Title VIII of ANILCA to do that.

MR. CANNON: Well, you know, we're happy to provide information to the people, and I know that there's a lot of inter-related activity with regard to fisheries and wildlife as subsistence use throughout AYK. And when you look at subsistence you just don't look at one versus the other, it's all inter-related, so in any way we can help you with -- by providing information, we'd be happy to do that.

CHAIRMAN KATCHATAG: I don't know if this is related or not, and I think it is because it speaks not only to subsistence but also personal use. What is the ADF&G's position on the so-called fish referendum or initiative or whatever you call it?

MR. CANNON: I'm the wrong person to ask about that. I think everybody just has their own personal opinion about it. I don't think that -- as far as I know, the department has not come out with an official position on that. At least I've not seen one.

CHAIRMAN KATCHATAG: Okay. I appreciate that.

MR. CANNON: You're asking the wrong person.

CHAIRMAN KATCHATAG: Okay. I don't want to put you on the spot.

MR. CANNON: No, okay. I'll tell you my opinion out in the hallway later on.

CHAIRMAN KATCHATAG: Five-minute recess. No, I'm just kidding.

Any questions for Mr. Cannon? Any comments from the public or staff? Thank you, Mr. Cannon. Appreciate it.

For the record, I'd like to welcome Mr. Richard Pospahala, the -- are you still the director?

MR. POSPAHALA: I'm whatever I was before, yeah.

CHAIRMAN KATCHATAG: Okay, I think he's the assistant regional director for Subsistence Management. Make sure we get your name and title on the record officially. Welcome, Mr. Pospahala.

MR. POSPAHALA: Thank you.

CHAIRMAN KATCHATAG: Okay. Moving back onto our

proposals. We are now on Proposal Number 50. Who is in charge?
Steve.

MR. BUCK: On the Proposal 49 we talked about the
primary conclusion. Did we pass the proposal?

CHAIRMAN KATCHATAG: Yes, we did. We adopted the Unit
22 portion of the preliminary conclusion for final
recommendation to the Federal Subsistence Board.

MR. BUCK: I just had a question on whether about the
primary conclusion.

CHAIRMAN KATCHATAG: Well, the primary conclusion speaks
to the proposal.

MR. BUCK: Okay.

CHAIRMAN KATCHATAG: And if you would like further
discussion on the matter we have to request reconsideration of
Proposal 49, and I'm not sure if staff wants to get into that.
And I'm not sure if the Council would entertain your motion.

MR. BUCK: I didn't make a motion, I just wanted
clarification of that.

CHAIRMAN KATCHATAG: Okay. Thank you. Moving on to
Proposal Number 50. Mr. Kovach.

MR. KOVACH: Thank you, Mr. Chair. Proposal Number 50
was also submitted by this Council. What is would do is
continue the false season closure for moose in Unit 22(A) to be
September 30, and also close Federal public lands to the hunting
of moose in Unit 22(A) by non-subsistence users.

The Council basically, if you remember, submitted this
proposal to ensure that actions taken by the Federal Subsistence
Board in September '94 in response to your request for
reconsideration would in fact be continued. As most of you will
remember, the Council submitted a proposal last year dealing
with when the fall moose season in 22(A) would close. The Board

originally adopted that proposal, then reversed its position in September. And primarily the Board cited reasons for conserving health of the moose population when they returned the closing date back to September 30. The Board also recognized that October was the customary and traditional time to harvest moose by people in the area in accordance with Section 804 of ANILCA, closed Federal public lands to the taking of moose in Unit 22(A) by non-subsistence users. Actions taken by the Board in a request for reconsideration result in changes to the regulations that do, in fact, remain in place until changed. So, therefore, this proposal really is not seeking any change from the existing regulation.

In Unit 22(A) Federal public lands encompass approximately 60% of the area. All residents in Unit 22 have a positive customary and traditional use determination for moose in Unit 22(A). Because we know that reporting of moose takes through the harvest tickets is low, all of the harvest information we have represents the minimum amount of harvesting by subsistence users.

The only subsistence use study for 22(A) was conducted in Stebbins in 1980. That study recorded a harvest of five moose but only 20% of the households were in fact on and included within the surveys. For comparison in reviewing the harvest ticket information, only a single moose showed up by a resident of Stebbins and that was for 1994.

I need to note that the harvest ticket database with which we get information from only begins in '83.

Habitat for a moose in Unit 22(A) is limited in extent and quality. Prior to 1995 the population was considered stable but at a low density. The population within Unalakleet River drainage specifically was considered to be at a very low density. During the winter of 1994/95 apparently there was an influx of moose from the east. Observations by a number of local residents reported large concentrations of moose in the spring that many folks had never before remembered. While these congregations of moose cannot be confirmed by Fish & Game, it would not be unusual for moose to be found in such large groups

considering the winter that the region experienced last year.

Preliminary indications are that the fall of 1995 the moose hunt was the most successful one in years. Fish & Game in Nome is aware of at least 25 to 30 moose being taken by the residents of Unalakleet. The harvest monitor that BLM has in the community there recorded a total of 32 moose being taken in the months of August and September, however, only seven of which were reported to have been taken on Federal public lands.

The significant increase in the harvest after three years of lower than average takes does suggest that an increase in the population occurred. It should be noted that surveys are needed to determine exactly what is happening to the moose population before any management actions are taken to change the season length or harvest limits.

Just as a comparison to contrasts, the fall of '95 with historic information you can see that generally from 1983 through '91 the average take of moose by residents in Unit 22(A) was about 21 moose a year. The average take by other residents in Unit 22 is about a third of a moose per year, and non-subsistence hunters took about three moose per year. In '92, '93, '94, the harvests were much lower than average. As we indicated last year, the rate of harvest by non-subsistence users mostly likely has an insignificant effect on the population here.

When we analyzed the harvest information based upon location, we tried to -- we looked at those harvests that either occurred on Federal public lands or were highly likely to have occurred on Federal public lands. We find that subsistence users reported 93% of those takes. Harvests that either occurred on or are highly likely to occur on Federal public lands accounted for 61% of all the reported subsistence takes of moose in 22(A), whereas non-subsistence users it accounted for 31% of the bears. Discussions with a number of groups provided staff with some conflicting information on the degree of overlap between the user groups, that is subsistence and non-subsistence. The question came up, if subsistence and non-subsistence users hunt in different areas but both on

Federal public lands then would it be a violation of Section 815 of ANILCA to close those lands to non-subsistence users.

When we analyzed the reported takes in moose by the different -- by subsistence users and non-subsistence users on a spatial basis, several important points come to light. First, each group has a primary area where the majority of their harvesting occurs. This is indicated in red. The map on the left is the information for subsistence users; the map on the right for non-subsistence users. Also, we discovered that the primary area of harvesting occurs in different areas that are separated. We also note that harvests from areas outside that primary area for each group contain relatively few takes. For the subsistence users it ranges from 0.1 to 2.1 moose per year; for non-subsistence users it ranges from 0.1 to 0.6 moose per year. We also found that non-subsistence users actually go and report the taking of moose in fewer areas than subsistence users do. And, lastly, we discovered that where an overlap in the harvest occurs between the two groups, the mean annual rate reported by non-subsistence users is substantially lower than that by subsistence. Based upon the harvest ticket information the main branch of the Unalakleet River drainages is the most important moose area for subsistence users. This one unit, the area identified in red on the left, accounted for 41% of the reported take by subsistence users. Approximately 70% of this area is Federal public lands. The Golvosia River drainage is the most important area for non-subsistence users in the taking of moose, the red area on the right. This area accounted for 28% of all -- I'm sorry, it accounted for 37% of all of their harvest, however, less than 10% of this area is Federal public lands.

Our Preliminary Conclusions are to support retention of the fall closure -- or closure of the fall season on the 30th of September until we learn more about the status of the population in here, and to modify that part of the proposal dealing with closure of Federal public lands such that -- so that the Federal public lands within the main fork of the Unalakleet River drainages is closed to the taking of moose by non-Federally qualified subsistence users.

This modification is based upon the appearances that it does not appear that non-subsistence users are impacting local hunters from harvesting moose on Federal public lands. We recognize that this may not be the case off of Federal lands, however.

Closing the main fork in Unalakleet River drainage to non-subsistence hunters would eliminate those few non-subsistence users from this most important area for subsistence users, but at the same time would not unnecessarily restrict non-subsistence users in Unit 22(A).

And Barb has the summary of the public comments.

MS. ARMSTRONG: We have 1, 2, 3, 4, 5, 6, 7, 8 comments, and from the same people.

Fish & Game is neutral. A few hunters come from outside of Unit 22 to harvest moose in Unit 22(A). Guide/outfitters operating in the area have reported non-local harvests of from 1 to 4 bulls annually from the more remote parts of the subunit. Consequently, although the proposed action, as written, does not appear to significantly threaten the health of the moose population, it does not present sufficient justification to warrant the action requested. Federal staff should clarify whether the proposed regulation would include all residents of Unit 22 or just residents of Unit 22(A).

And Vance Grishkowsky, from Unalakleet. I am strongly against this proposal. To my knowledge, it has never been discussed in our villages publicly. Oh, no, that's -- yeah, it is. I have spoken to others and they are also unaware. Possibly, our representatives are not informing the public or receptive to concerns of the public. This could be a way to railroad proposals like this by a give few. There is not a shortage of moose in this unit to justify this proposal. This year was the highest harvest level of moose taken in the Unalakleet River drainage for decades. Non-resident hunters take less than two moose a year. All non-shareholders of the Unalakleet Native Corporation have already been denied access to public lands on all the existing trails except along the Iditarod Trail. Now we are being asked to give up our rights to

hunt on this public land. Vance Grishkowsky, Unalakleet.

And then Mike Brown, from Unalakleet. According to the biologists's reports, there does not seem to be a need for the Board to be concerned with restricting the hunting of either of these species, caribou or moose. From what I understand, both moose and caribou numbers are strong. Is there data to support such a need? If there is serious need for restrictions, could the Board first consider limiting the number of caribou taken a week by each resident? At present -- this feels like the same thing as the one before so -- At present the sum of 35 seems staggering.

And there's one from Bob Hannon in Koyuk. He opposes. There is absolutely no biological justification for this proposal. The harvest of moose by non-GMU222(A) residents is very small and is not a factor in game management. The only motivation for this proposal is racial prejudice by a very small number of people. There is no place in effective game management for this kind of reasoning.

And Joe Sonneman, from Juneau. Unclear how expanding the number of subsistence takers will continue the changes made to help ensure the health of the moose population. The existing regulation gives a subsistence preference without making that preference exclusive. The proposals would made -- would make the preference exclusive, which seems excessive.

Then Jerry Austin and Hank Hankerd, Austin Arms and Exploration, from St. Michael. Guiding operations only take two or three moose a year. These are not near waterways, beaches or areas available for locals, they are mostly taken 20 to 40 miles into the mountains. The major river drainages supply at least 50 mature bulls and there are certainly that many more bulls, cows and calve taken illegally. The registered guides have pre-booked hunts, often 3 to 5 years in advance, and now we find that we will have to give the deposits back on the hunts and lose the revenue.

And Thomas Sparks, from Nome. I support this proposal as Unit 22(A) has much Federal land and not many moose so the

rural residents should not have to compete with others in their subsistence gathering.

And Dan Masters, from Point Hope. He opposes. There are not population problems in the area and the proposal reflects an effort to further limit access to public lands.

CHAIRMAN KATCHATAG: Thank you, Barb. For the record, as far as these comments are concerned, I would like in order that Vance Grishkowsky, from Unalakleet and Bob Hannon, from Koyuk and Jerry Austin and Hank Hankerd of St. Michael are guides or outfitters operating within Unit 22(A) or (B) and that reflects an effort to try to maintain their operations.

The main reason this proposal was submitted was that the Board, due to our request for reconsideration by the State Department of Fish & Game had reconsidered our original proposal to expand the season by some for 10 days, from October 1 to October 10 of each year. And their justification for that RFR was that, as their analysis states, that the harvest for 1995 was one of the highest in recent decades. And I had asked that since they were making this request for reconsideration that are they in fact declaring a conservation concern, and the answer I got was, yes. And in restricting subsistence opportunity for subsistence use of these moose, it's a requirement that all non-subsistence uses must be curtailed before any restrictions to subsistence opportunity be implemented, then that's the basis for Proposal Number 50. And as the report states, on page 32, prior to 1995 the moose population was considered stable but at a low density. The population in the Unalakleet River drainage was at a very low density.

So this proposal was, in effect, to get on the public record conservation for moose within Unit 22(A). In that I begged to differ with the modification to the preliminary conclusion in that, as can be noted in the staff analysis, even with an influx of animals from the east, our -- the habitat is considered, as it states on page 32, moose habitat in Unit 22(A), and it doesn't say just Unalakleet River drainage, it says moose habitat in Unit 22(A) is limited in both extent and quality. And, therefore, I would like our proposal as

originally submitted to stand without the modification recommended by staff, in that we would like to see all Federal public lands closed to moose hunting by non-Federally qualified subsistence users and others, due to the fact that a conservation concern has been expressed.

Understand? Any comments? Well, the chair will entertain a motion to that effect.

MR. KATCHEAK: I move.

CHAIRMAN KATCHATAG: I have a motion on the floor. Do I hear a second?

MR. SEETOT, JR.: Second.

CHAIRMAN KATCHATAG: Seconded. Discussion?

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

IN UNISON: Aye.

CHAIRMAN KATCHATAG: All those opposed, nay.

(No opposing responses)

CHAIRMAN KATCHATAG: Motion passes unanimously. Moving on to Proposal Number 51. Steve.

MR. KOVACH: Proposal 51, also submitted by this Council, requests an increase in the harvest quota of muskox for Unit 22(D). The current quota is 2. The request is to increase that to 12. I'm not going to go through a lot of history on the creation of the muskox hunt, as this board was responsible for -- this Council was responsible for the creation of the muskox hunt.

Just very briefly, in August 1995, the Board revised the harvest quota for 22(D) down from 12 to 2 muskox in response to concerns for the maintenance a healthy population. Basically

what this proposal requests to do is return the quota back to 3%, which would make it consistent -- that's what I want -- would make it consistent with other two areas in which the hunt occurs.

Federal public land comprises only 15% of Unit 22(D). Muskox were transplanted to the Seward Peninsula in 1970, and a supplemental transplant in 1981 occurred. Between the initial transplant in 1970 and 1980 the mean annual rate of increase by the population was about 13% per year. During the 1980s that mean annual rate of increase varied between 20 and 31% per year.

Figure 1 in your book, as well as what's up on the screen here, shows the years that censuses were completed on the muskox population and how it grew. Those are the bars. The green line is showing the mean annual rate of growth between those censuses. You can see during the middle -- early and middle part of the '80s it was reasonably high. Then starting in 1988 it dropped down to by more than half, it dropped down to about 9%. From 1992 to 1994 it climbed back up to about 15%. This pattern of a high initial annual rate of increase followed by a slowing in the rate of increase has been observed for a number of reintroduced muskox populations in Alaska and Canada. Most muskox biologists believe it is largely a response to the population approaching the care and capacity of the habitat in which they occur.

Growth rates for muskox within Unit 22(D) specifically are difficult to determine as much as the census data was not collected on a subunit basis but rather a count area basis. However, between 1992 and 1994 the mean annual rate of growth was only 9.6%, as compared to a population rate of 15.5%. Until more data are collected with the census that's coming up, we won't know if the muskox population as a whole, as well as that in Unit 22(D), is following the same pattern as has been observed elsewhere or it may be experiencing some reduced growth in response to some as un yet environmental parameters.

The last complete census was conducted in March of '94. That census documented 14 of 405 muskox in Unit 22(D) on Federal public lands in 22(D). Last March an incomplete census, due to

weather and aircraft availability, found a minimum of 35 muskox on Bering Land Bridge National Preserve lands in Unit 22(D). It needs to be noted that habitats within the preserve are largely considered representative of wintering types of habitats while the Bureau of Land Management lands typically are composed of summer types of habitat with very little amount of wintering types of habitat.

It's been debated amongst a number of biologists whether the number of muskox observed on the Preserve in 1995 was a real increase in the number of muskox that were utilizing those lands during the winter or was just a temporary response to the abnormally high snow depths experienced by the area this last year. This winter, as you know, there is an abnormal lack of snow which caused a redistribution of animals again. So the redistribution of animals is winter, again, was atypical was last year. All we do know from the data is that only a small proportion of the muskox reside in 22(D) utilize the Federal lands in 22(D).

The current rate of harvest of two muskox from Unit 22(D) is 14% of the population observed on Federal public lands in the '94 census or 5.7% of those observed last year. The proposal would raise the harvest rate to 86% of the population observed in 1994 or 35% of last year's count. This compares with harvest rates of approximately 5.5% and 3.3% of the observed muskox populations residing on or adjacent to Federal public lands in Units 22(E) and in 23. For comparison, the current rates of harvest for muskox on the Arctic Refuge in Unit 22(C) ranges between 2.7 and 3% per year. The proposal would reset the quota at about 3.5 to 9 times the mean annual rate of increase that this population is currently experiencing. Basically, the proposed quota at this time is biologically incompatible with the maintenance of healthy populations of muskox on Federal public lands.

Composition data from Unit 22(D) indicate that muskox groups there are basically composed of mixed sex and age groups. These groups have a high degree of sight fidelity, particularly to their wintering sites. This basically results in the same group of muskox occupying the same site in the winter year after

year. Concurrent with the site fidelity is the general lack of movements by muskox in the winter. As a comparison the Sadlerochit River group and the Arctic Refuge was studied for a number of years and on average from January and March only covered an area of about six square miles. Similar to muskox reported in other areas, the muskox on the Seward Peninsula are in fact reasonably immobile between mid-October to early April, although some movements do occur in response to disturbances, weather, snow depth, forage quality, availability and such. Daily movements of muskox on the North Slope early winter are generally less than two miles a day, whereas in late winter it is less than one mile per day. These general lack of movements in winter is a survival thing by muskox. The quality of forage in the wintertime is poor. As a behavior response muskox settle into sites with very little snow cover and readily available forage. That way they do not have to expend a great deal of energy between their rounds of foraging. Muskox in the winter do appear to be particularly susceptible to disturbance -- with sufficient disturbance causing abandonment of preferred sites. Depending upon the distance to another preferred site, muskox may have to travel considerable ways before reaching alternative sites in order to to survive the winter. Unfortunately, little is published concerning the short-term effects of site abandonment by muskox.

Observations by biologists and others in other areas of Alaska and Canada indicate the muskox do not readily occupy preferred sites in the wintertime. Over the long-term, 10 to 20 or more years, muskox have been, in fact, reported to re-occupy lands that they vacated before.

The Board, when reviewing the request for reconsideration in the summer were so concerned about possible abandonment of localized sites that they directed the local land managers to monitor the hunt and take whatever actions may be necessary to administratively ensure that the harvest was distributed over as many muskox groups as possible. The basic biological issue in this proposal is the question of whether an entire allowable harvest of muskox from a subunit can safely be taken from a small subset of the population within that unit. Given the relatively sedentary nature of of mix, sex and age

muskox groups and their fidelity to wintering sites, there appears to be a substantial risk of over-harvest of muskox on Federal public lands if the subunit-wide harvest quota is taken only from those areas. With the more mobile species such as moose or caribou, this risk is substantially lower. However, the degree of risk is unknown, but knowledgeable muskox biologists believe that it is substantial.

And the Preliminary Conclusions that are in your book are not written correctly, so I'm going to read a new one to you. Basically the Preliminary Conclusion is to modify the proposal, set the harvest quota to be the number of muskox on or near Federal public lands in the most recent census, multiplied by the mean annual growth rate of a Unit 22(D) muskox population or two muskox if the calculated quota is less.

MR. RABINOWITCH: Would you read that again one more time?

MR. KOVACH: Sure, one more time. The harvest quota to be the number of muskox on or near Federal public lands in the most recent census, multiplied by the mean annual growth rate of a Unit 22(D) muskox population or two muskox if the calculated quota is less.

CHAIRMAN KATCHATAG: Mr. Kovach, how many muskox are in Unit 22(D)?

MR. KOVACH: As of the last census, 405.

CHAIRMAN KATCHATAG: When was the last census?

MR. KOVACH: Two springs ago, the spring of '94.

CHAIRMAN KATCHATAG: And what is their annual growth rate?

MR. KOVACH: The current annual rate of growth, that is that computed between the 1992 census and the '94 census, it was 9.6 %.

CHAIRMAN KATCHATAG: 10% plus or minus .4, right?.

MR. KOVACH: Uh-huh (affirmative).

CHAIRMAN KATCHATAG: So technically you could say that given the fact that you're basing this on 1994 numbers that there could be as many as 485 animals in the 22(D)?

MR. KOVACH: If they continue to grow at the last rate.

CHAIRMAN KATCHATAG: They're your figures.

MR. KOVACH: Well, like I said, that growth rate was for '92 to '94, not after that.

CHAIRMAN KATCHATAG: But our figures, right?

MR. KOVACH: That's the calculation.

CHAIRMAN KATCHATAG: Another question I have. You show the population in 22(D) as going from 1988 at approximately 500, going up to 900 on your graph.

MR. KOVACH: Yeah.

CHAIRMAN KATCHATAG: And it doesn't appear to be leveling off or dropping off.

MR. KOVACH: What the graph shows is muskox population on Seward Peninsula. That's the bar.

CHAIRMAN KATCHATAG: It doesn't say that.

MR. KOVACH: And the green line is the growth rate of muskox in 22(D) -- or is the growth rate of muskox on the Seward Peninsula. That's what this is. The title -- that (D) in parentheses in the title is an error.

CHAIRMAN KATCHATAG: Was that an error intending to mislead us or

MR. KOVACH: No, I just realized the error myself, to tell you the truth.

CHAIRMAN KATCHATAG: So that's a totally irrelevant graph?

MR. KOVACH: No. If you eliminate the (D) from the title the graph is correct. It's for Unit 22 -- or it's for the

CHAIRMAN KATCHATAG: I was asking for

MR. KOVACH: Seward Peninsula muskox. I'm sorry?

CHAIRMAN KATCHATAG: I was asking for 22(D) which is the area in question. According to your figures we have a population as of 1944 (sic) spring of 405.

MR. KOVACH: Right, in '92 the 22(D) population was 340 and in 1994 the population was 405.

CHAIRMAN KATCHATAG: A growth of 65.

MR. KOVACH: Right.

CHAIRMAN KATCHATAG: More than 10%.

MR. KOVACH: Well, that computes to a 9.6% annual rate of growth.

CHAIRMAN KATCHATAG: You mean 65 is less than 105 of what, 300 and what, 40?

MR. KOVACH: You've got to remember, that's a growth of 65 over two years, not one year.

CHAIRMAN KATCHATAG: How many days were spent observing the daily habits of muskox in Unit 22(D)?

MR. KOVACH: Oh, boy, now I've got to remember since the report. He was in the field between 1981 and 1986 observing

muskox and he was in the field an average of, I believe, four months a year.

CHAIRMAN KATCHATAG: That's 1981 to '86. I'm saying how many muskox (sic) were spent observing the muskox in 22(D) since 1994?

MR. KOVACH: I don't have that information. I don't know.

CHAIRMAN KATCHATAG: Were any days spent out there in the field observing the habits of the muskox

MR. KOVACH: Uh-huh (affirmative).

CHAIRMAN KATCHATAG: with regard to winter forage? By whom?

MR. KOVACH: There were some -- Fish & Game has done some observations off and on, and there has been

CHAIRMAN KATCHATAG: Off and on. Are you saying every other day, every other week?

MR. KOVACH: No, they -- whenever they get a chance they went out and spent a little bit of time.

CHAIRMAN KATCHATAG: Once a year?

MR. KOVACH: I don't know.

CHAIRMAN KATCHATAG: What percentage of 405 is 2?

MR. KOVACH: I can't do the math in my head.

CHAIRMAN KATCHATAG: Less than half a percent. With an annual growth rate of at least 9.6%. What's the subsistence need by the villagers of Unit 22(D) for muskox?

MR. KOVACH: Well, as you stated this morning, it's unknown.

CHAIRMAN KATCHATAG: did anybody in your village, Mr. Seetot, turn down any of the muskox that you distributed in the village?

MR. SEETOT, JR.: Not -- Mr. Chairman, not that I know of. It was just a small portion. There was a number of households within the community. I was only able to give small portions in order to taste it.

CHAIRMAN KATCHATAG: Right. But not a one of 'em turned it down.

MR. SEETOT, JR.: No. In a community sharing or when you share meat that you like, sometimes you -- personally you think that portion is too small to feed your family, but it gave -- gives a person an opportunity to taste or to, you know, know whether they like it -- like the meat or to not like the meat. And that would be their preference, but from the distribution, no one turned it down. I didn't stick around to see if they were dissatisfied with it, but that was open to them. I didn't say this will be given to you because -- I gave them the opportunity and they gladly accepted from me on the preference of seeing what that meat tastes like.

CHAIRMAN KATCHATAG: How many days -- Mr. Kovach, how many days were spent during the winter since 1994, how many days were spent in 22(D) observing the migrating or foraging patterns of the muskox in 22(D)?

MR. KOVACH: I don't know.

CHAIRMAN KATCHATAG: Were any days spent out there?

MR. KOVACH: I don't know.

CHAIRMAN KATCHATAG: Then how can you use North Slope data with entirely different terrain and everything else to make recommendations in 22(D)?

MR. KOVACH: Because the ecology and behavior of muskox,

whether they're found as far south as Nunivak Island or as far north as Banks Island in Canada is exactly the same. The patterns and behaviors have been recorded to be exactly the same.

CHAIRMAN KATCHATAG: Exactly the same.

MR. KOVACH: And we take the best information we have. We

CHAIRMAN KATCHATAG: Based on unknown number of days spent in the field observing the animals.

MR. KOVACH: There's a tremendous literature base of observations on muskox throughout its range, and from there we have to extrapolate places we don't know.

CHAIRMAN KATCHATAG: So you're extrapolating on ignorance?

MR. KOVACH: No, extrapolating on best professional judgment and knowledge.

CHAIRMAN KATCHATAG: Published, nothing empirical?

MR. KOVACH: Many of those observations were, in fact, empirical information.

CHAIRMAN KATCHATAG: But not in 22(D)?

MR. KOVACH: I did use empirical observations from Unit 22(D) collected in the '80s.

CHAIRMAN KATCHATAG: In the '80s.

MR. KOVACH: When a tremendous amount of work was done.

CHAIRMAN KATCHATAG: When the population was how many?

MR. KOVACH: Variable. It was growing at a high rate at that point in time.

CHAIRMAN KATCHATAG: 1, 11, 200, 1,000?

MR. KOVACH: They didn't have a number for 22(D). All they had was a number for the population as a whole.

CHAIRMAN KATCHATAG: So you're making recommendations based on unknown numbers extrapolated to unknown figures. Even with a growth rate of 9.6% you're still trying to say that we should arbitrarily hold you to 22(D) to less than half a percent?

MR. KOVACH: There are so little federal public lands in Unit 22(D) with wintering habitat for muskox

CHAIRMAN KATCHATAG: Are there fences around the public lands?

MR. KOVACH: No, there are not.

CHAIRMAN KATCHATAG: Are there chains around the necks of the muskox? Is there anything to keep them on the Federal public lands?

MR. KOVACH: Habitat.

CHAIRMAN KATCHATAG: Is that the only habitat available?

MR. KOVACH: If it's the only place they can find a place to eat in the wintertime, that's a pretty good tie.

CHAIRMAN KATCHATAG: What about the other 360, 370?

MR. KOVACH: There's habitat off the Federal public lands as well.

CHAIRMAN KATCHATAG: And in spite of that you're saying we should keep our unknown subsistence need limited to less than half a percent on a population in excess of 400 with a growth rate at the very least of mean of 9.6 %?

MR. KOVACH: If you look at the justification it states that in there that the best estimate, net result is if the proposal were adopted is that removal of most or all of the bulls found on Federal public lands may result -- disruption of social groups may result, the site abandoned

CHAIRMAN KATCHATAG: May.

MR. KOVACH: May result. The net result is likely to be a boom and bust hunt opportunity for subsistence users. In other words, a hunt in 1996/97 but not the following year because of lack of animals.

CHAIRMAN KATCHATAG: Based on what observation?

MR. KOVACH: Based on the observations of animals in other parts of its range.

CHAIRMAN KATCHATAG: What other parts of this -- you don't have anything on 22(D) other than the overall population and a growth rate. And an artificial and arbitrary saying that with 15% of the lands therefore we should limit our hunting of these migratory animals to 15% of the overall population times 3%, which is a very conservative harvest rate. Mr. Seetot.

MR. SEETOT, JR.: Mr. Chairman, after listening to this report on the screen there you showed 900 animals since 1970. Was that the actual count of all the animals? There have been reports that sightings have been seen as far away as 22(A) and that they're pretty much moving into the Interior. I have noticed that the muskox eat or eat the same thing as reindeer and caribou, which is lichen and moss. From personal observation they were right there, they were in lowlands, due to scarcity of snow, and I think that as the season changes that the reindeer's digestive system change along so in the winter they can digest moss, lichen. As the days get longer their stomach changes where they can just only accept greens and other plants that get them to grow, you know, during their lifetime, like grow their antler -- grow their horns and get fat in preparation for winter. They need these nutrients for their fur or their hair to grow to get better as that season moves.

When muskox are present they also displace reindeer and moose from the river system because whatever moose sees a dark object then they tend to shy away or get away from these animals. I have known from personal observation -- from reports that the muskox or the muskox displaces moose and possibly caribou within a range, and when it gets pretty hot and lots of bugs in spring through the early fall season the muskox or the ungulates do not just stay in one area to cool off. They have to go out maybe to the -- they smell the sea water. They get to the sea water. They drink that water in order to develop their growth. They -- as we grow throughout our lives we need different nutrients. So do other animals need different nutrients. They just do not have moss all winter long, you know. And there's a specific food for different seasons, and as the seasons go they move from one place to another. And with 22(D) having a few BLM lands then that is the opportunity for agencies to limit the number that can be harvested. And to not work together with agencies, like the State and Federal government to work together to get a system that would benefit the users, then it would be fine. I said at the last meeting that I hope that the State and the Federal government work together to get, you know, the harvest quota within levels. I would think that this conclusion or this preliminary conclusion states that it would be the number of muskox falling within public land or two muskox if the calculated number is less. Yet west of Brevig Mission that is the largest concentration of muskox within 22(D). I would say that two-thirds of the population is located along the Black Mountains because that is their -- that is where they were transplanted, and I would think that the habitat is great over there. From talking with elders in the past they said that animals born within that area will come back to that area where they are born, whether it be caribou, moose or muskox. If they are disturbed I would think they would abandon that site. As reports are being made within the Seward Peninsula they are moving more and more eastward. 20 years ago Buckland, Deering didn't have the opportunity to hunt muskox. Now 25 years later their harvest quota is more than what their capacity is due to Federal lands within their area. Brevig Mission had just only BLM lands and yet we are restricted to one muskox. And I think we need to find a solution to either increase the harvest or to get a population census before the harvest limit is set. The

same way like when we had a request for reconsideration within a two-month period. I think that we should have the numbers there in order for the community to find other alternatives. If there are no other alternatives then some solutions should be worked with State on co-management. That's all.

CHAIRMAN KATCHATAG: Thank you, Mr. Seetot. In your experience since, I think, you were the only one in 22(D) to harvest a muskox this year, what was the reaction of the other animals in the areas to your getting that particular animal?

MR. SEETOT, JR.: When I first shot it, you know, I guess they weren't really concerned or they weren't really disturbed for a while, but after they saw me staying in the same spot without moving or anything, you know, they kind of dispersed, or they got away from that area. So, I guess, any disturbance will get them to move, you know, to another place.

CHAIRMAN KATCHATAG: How many Federal observers were with you when you were out hunting?

MR. SEETOT, JR.: The only one I know is Crater, I think, who is not an observer. He's

CHAIRMAN KATCHATAG: He's not Federal either, is he?

MR. SLEEPER: No. But consciously, you know, I was taught to not disturb or, you know, to wanton waste because if you do that it's going to affect you later. That's one of the beliefs that is, you know, handed down from generation to generation. But I thing that most of that is not being taught to our people right now, as Mr. Katchatag stated earlier. There was no Federal observers. I did talk a lot with Fred Tocktoo of National Park Service in Nome. He gave me some comments, suggestions on what to look out for, what to take, and I also tried to contact other people to see how it can be conducted, because when you're unfamiliar with doing this then, you know, you try to dispatch the quickest way possible without really creating a disturbance.

CHAIRMAN KATCHATAG: But when you shot this animal did

the rest of them in the area take off until you couldn't see any more animals in the area?

MR. SEETOT, JR.: No, they were just

CHAIRMAN KATCHATAG: So you could still see animals

MR. SEETOT, JR.: Yes.

CHAIRMAN KATCHATAG: while you were taking care of yours, right?

MR. SEETOT, JR.: I was north -- after I shot the animal they went down with me and they smelled me and then they, you know, just kind of took off and they just foraged in the lowlands. Usually at this time of year they're up in the high windswept areas to feed, but due to lack of snow they have been all around the river system this year or during the past year.

CHAIRMAN KATCHATAG: How long were you out there?

MR. SEETOT, JR.: I went on two or three scouting trips before I found my muskox because I wanted, you know, to stay within the regulations saying that, you know, if you do violate these regulations then your suspect to having your equipment taken care of by, you know, enforcement agencies, and that's one of the reasons that we try to comply with the law, in case something like that happens then, you know, we'd have no recourse but to relinquish, you know, our property.

CHAIRMAN KATCHATAG: Did you travel in the same area on each trip, approximately?

MR. SEETOT, JR.: Yes.

CHAIRMAN KATCHATAG: And were the animals still there when you came through the second time?

MR. SEETOT, JR.: They were there pretty much when I first contacted them in December, and then one month later they

were still within that area.

CHAIRMAN KATCHATAG: Even though you had been in the area?

MR. SEETOT, JR.: Even though I was within that area, and then there was, I think, another 10 to 15 -- within Federal land but they were further south.

CHAIRMAN KATCHATAG: So you did not see widespread dispersal of the animals just because you were in the area?

MR. SEETOT, JR.: No. They kind of didn't know whether to go over obstacles, they kind of spread out, but they kind of got back together. When they were resting, you know, they were scattered, but when I came up to them they started to congregate, you know, like a defensive circle, which they didn't do, they just kind of bunched up, they just kind of moved out a little ways. But these animals are not to be played with. I went into -- or I walked straight to one in the bushes, thinking that it was a moose, about five years ago, making as much noise as possible. I saw some track and thought it was moose. When I parted the brush it was 10 feet away, you know, pounding or

CHAIRMAN KATCHATAG: Pawing the ground?

MR. SEETOT, JR.: pawing the ground and snorting, you know. I didn't say how do you do, I just turned around and took off. But then I turned back and, you know, tried to see it, and these animals are defensive as any wild animal will protect its territory. And that's things that were taught to me, you know, over the years whether directly or indirectly. And that's things that are being passed from person to person. I try to do the same thing with what was taught to me over the years.

CHAIRMAN KATCHATAG: Did you happen to look at the contents of the stomach of the animal you caught?

MR. SEETOT, JR.: It would be like reindeer almost.

It's green. It had a big -- what do you call that, secondary stomach, or what we call the bible in moose or reindeer or

CHAIRMAN KATCHATAG: Caribou.

MR. SEETOT, JR.: caribou. That's what I took along because I -- whatever they have I would think that it would taste about like -- you know, like reindeer or caribou.

CHAIRMAN KATCHATAG: Did you try that?

MR. SEETOT, JR.: Not to date yet.

CHAIRMAN KATCHATAG: Not yet?

MR. SEETOT, JR.: No. But I took everything that was -- within the or

CHAIRMAN KATCHATAG: The normal organs that

MR. SEETOT, JR.: Yeah, the normal organs

CHAIRMAN KATCHATAG: you harvest.

MR. SEETOT, JR.: And I still kept the head on. It took me a while to get the whole meat off, you know, leaving the head on with the skin, and it's something to look at. When you get your first game, you know, it's something like a tradition over in the communities to give your first kill to people. And, I guess, that was one of my first animals that I really, you know, gave to the community. Most of the time it was to my relatives, you know, my first kill or something like that.

CHAIRMAN KATCHATAG: Thank you, Elmer. The chair still feels that we're still nitpicking and we're still arbitrary and capricious on this. Until such time as these animals are either fenced in or chained down on public lands -- Federal public lands in 22(D), I'll still go with 3% of the animals based on the most recent harvest survey, and until such time as we have evidence that these animals are in decline or stable, I don't -- I feel that we're arbitrarily and capriciously limiting

subsistence opportunity for the residents of Unit 22(D), those being the people of Teller and Brevig Mission. Mr. Seetot.

MR. SEETOT, JR.: I forgot to -- I would like to ask Mr. Kovach a question. When muskox are round dead was there any studies made in the past on natural killed muskox or moose and ungulets? I know that right now in 22(D), I think there are some muskox that died of natural causes and I haven't been able to get out to that area to confirm those reports. In the past I have been in contact with Bob Nelson before reporting it to Fish & Game to give them -- give him a count and location of the herds of muskox within 22, and since he left I haven't been able to, you know, give him a number or location of the muskox.

MR. KOVACH: The only mortality studies that I am aware of were done by Arctic Refuge staff and of winter mortalities, and outside of predation cases by wolves the natural mortality that they observed was mortality due to malnutrition of animals, also mortalities of -- there was mortalities recorded that were -- believed to be a result of long-range movements by animals and depletion of fat reserves of those animals. But those are the only studies that I'm aware of. I know there's been work done Canada, I know there's been work done on Nunivak Island, but I'm not familiar enough with those to give you an answer on those.

MR. SEETOT, JR.: If there were muskox that died of natural causes what would I take in order, you know, to get a study done? You know, like what type of organs would I take in order to see what is killing animals within the -- not only muskox but other species?

MR. KOVACH: Right. Generally what you need is a sample about two inches by two inches of the liver, the central part of the liver.

MR. SEETOT, JR: The central part.

MR. KOVACH: The general observation of the amount of fat along the back of the animal as well as around the intestines and the amount of fat in the femur bone, in the long-

legged bone of the hind leg are all things that pathologists all look at. They're looking at the color of the marrow itself and the consistency, you know, is it hard and solid or is it loose and runny, and the color of it, is it white, yellow, pink, red, things like that. These are all various kinds of clues that pathologists use. But the liver is very, very useful, sometimes the heart is, depending upon what is going on, but the liver is probably the single most important organ for doing analysis on. And if it's wrapped up real, real tight so no air gets around it and frozen, most pathologists can do a fair amount with that.

MR. SEETOT, JR.: Thank you.

CHAIRMAN KATCHATAG: I still feel that the staff has not made the case for keeping this harvest in 22(D) at such an artificially low and arbitrary and capricious level of less than half a percent, given the mean growth rate between the 1992 and 1994 populations of 9.6%. Even with the harvest right now, one animal, you're still looking at a growth rate of 9.3% in 22(D). I think that until such time as we can document the fact by surveys that show that this population is either stable or in decline, that we continue with the recommended, conservative harvest quota of 3% of all animals within 22(D), and based on the '94 survey that would be at least 12 animals.

And I would recommend that our Council -- and I would entertain a motion that they recommend to the Federal Subsistence Board that they re-establish the 3% harvest quota that we had originally passed for all of Units 22(D) and (E) and also that portion of Unit 23, as originally passed by the Federal Subsistence Board, and I would entertain such a motion at this time.

MR. BARR: So moved, Mr. Chairman.

CHAIRMAN KATCHATAG: We have a motion before us to maintain the harvest quota for muskox in the Unit 22(D) at 3% of the

MR. SEETOT, JR.: Second.

CHAIRMAN KATCHATAG: population as surveyed. And a second. Discussion?

MR. SEETOT, JR.: Discussion, Mr. Chairman.

CHAIRMAN KATCHATAG: Pardon?

MR. SEETOT, JR.: Discussion, Mr. Chair.

CHAIRMAN KATCHATAG: Yes, Mr. Seetot.

MR. SEETOT, JR.: Who issued the permits -- National Park Service issued 15 permits for muskox

MR. ADKISSON: BLM and Park Service.

MR. SEETOT, JR.: Oh, BLM and the Park Service. And that was -- in what respect did they set the permits while we're asking for 12 animals or 2% of the mean annual growth?

ADKISSON: For 22(D) the original quota was set at 12 animals totally. In the first public meeting, as we discussed with the villages how they wanted to allocate those 12, Brevig and Teller basically decided to split it six and six. Then when the Federal Subsistence Board took up the State's request for reconsideration, much of the same information that you're hearing was presented, and the Federal Subsistence Board then decided to reduce the allocation to a total of 2 animals in (D), and so that meant one permit for each of those two villages, and that's what was issued.

MR. SEETOT, JR.: Mr. Chair.

CHAIRMAN KATCHATAG: Mr. Seetot. You requested that a representative check to see if the communities would be interested in a harvest quota -- or a community harvest quota at the last meeting.

CHAIRMAN KATCHATAG: Right.

MR. SEETOT, JR.: Would that displace or our action,

would that displace the harvest quota system?

CHAIRMAN KATCHATAG: Well, we haven't adopted or recommended a harvest quota for any of the Unit 22 subunits. I believe we said that we would look that in the future and we have not. We're still operating on the conservative harvest rate of 3% of the population as surveyed in the most recent survey. And I would recommend that if Brevig and other villages in 22(D) or (E) are interested in a community quota that they submit a proposal to that effect at our next meeting.

MR. SEETOT, JR: Okay.

CHAIRMAN KATCHATAG: And I would appreciate it if you would pass that word along to residents of Teller, Brevig, Wales, and Shishmaref, that is that's what they desire that we would do our best to accommodate them.

MR. SEETOT, JR.: A consensus or a show of hands taken at a public meeting, I would say 75% to 80% of Brevig residents would want a harvest quota, you know, for muskox. Now that they have a taste of muskox, I guess that would not preclude them from taking muskox illegally, or our elders tell me that we have to abide by these regulations, but you know that there will be people within the community harvesting, you know, without anyone knowing it except the Creator. Now that I have a taste for muskox, I don't know if the actions done by the sport will, you know, tell me to stick by these regulations that I make because it is only regulations that hungry person goes by the growl of their stomach, according to what, you know, or Eskimo people before me have told, the only hunting license that you have is is by how hungry you are, and you can make amends with the Creator, you know, later on when you're just trying to learn how to survive at this present time. And I think that if we cannot get the number of animals within our subunit then the animals that comprise the population within the Bering Land Bridge, that they also be given the opportunity to hunt or to have an increase in their harvest limit. If 22(D), because of their Federal lands, cannot get that many animals then accommodations should be made to increase the harvest in other Federal areas. Because the animals from 22(D) will migrate, you know, to other

areas. They will not stay within one boundary within one season.

CHAIRMAN KATCHATAG: In other words, in your travels out there you did not see any signs on any of the muskox that you saw that said Unit 22(D) only?

MR. SEETOT, JR.: No.

CHAIRMAN KATCHATAG: Thank you. And you did not see any with markings on them that said 22(E) only?

MR. SEETOT, JR.: No, I don't think so.

CHAIRMAN KATCHATAG: And you did not see any animals with chains tied to immovable objects?

MR. SEETOT, JR.: Not that I know of.

CHAIRMAN KATCHATAG: And you did not see any fences around Federal public lands?

MR. SEETOT, JR.: No.

CHAIRMAN KATCHATAG: Thank you. Any other discussion on our proposal before us to keep our harvest rates in 22(D) at 3% of the most recent survey of all animals within the subunit?

MR. BARR: Question.

CHAIRMAN KATCHATAG: Just a minute. Mr. Seetot.

MR. SEETOT, JR.: Has the State worked on anything on management for -- or to have a hunt, you know, in case we cannot get our number or quota system?

CHAIRMAN KATCHATAG: Mr. Morrison or your associate?

MR. MORRISON: What was the question?

CHAIRMAN KATCHATAG: He's asking if the State has made

any plans or preparations to have a hunt to harvest any animals within 22 that have not been harvested under the Federal system. In other words, in the 3%

MR. MORRISON: No.

CHAIRMAN KATCHATAG: Okay.

MR. MORRISON: There's no plan at this moment.

CHAIRMAN KATCHATAG: Thank you, Mr. Morrison. Does that answer your question? Any other discussion on the proposal before us?

MR. BARR: Question.

CHAIRMAN KATCHATAG: Question has been called. All those in favor of adopting Proposal 51 a originally submitted by the Seward Peninsula Regional Advisory Council for a harvest rate of 3% -- a harvest quota of 3% of the muskox as most recently surveyed in Unit 22(D) signify by saying aye.

IN UNISON: Aye.

CHAIRMAN KATCHATAG: All those opposed, nay.

(No opposing responses)

CHAIRMAN KATCHATAG: Motion passes unanimously. Moving on to Proposal Number 52. Steve.

MR. KOVACH: I should be able to do this one pretty fast. Proposal 52, submitted by this Council would create hunting seasons for four species of fur bearers. The proposal requests a hunting season for beaver in Units 22(A) and (B), the limitation of 50 beaver, season to be November 1 through January 10. Then the remainder of Unit 22 for beaver, I've got a limitation of 50, season to be November 1 through April 15. For marten, no limit, season to be November 1 to April 15. For mink and weasel, no limit, season to be November 1 through January 31; and otter, no limit, season to be November 1 through April

15. We note that these seasons and limits are identical to what is currently found in the trapping regulations.

All of these species are believed to have healthy populations where they exist in Unit 22. Beaver are found throughout the area except Unit 22(E). The largest number are found in (A) and (B). Marten are found in Units 22(A) and (B) only. Mink, weasel and river otter are found throughout all of Unit 22.

What we know through limited subsistence use studies and other information is that there is generally a fairly low level of use of these fur bearers by the residents in Unit 22. Seasonal limitation on beaver is a holdover from times when the beaver populations were much lower than they are today. The single largest season harvest by a single trapper that's known by Fish & Game is approximately 20 beaver in one year. No one has ever been known to come even close to reaching the limit of 50 beaver per year. As far as the number of beaver that have been sealed, the largest number was 11 by a Nome trapper in 1993; 10 by a Unalakleet trapper in 1991; and 11 by a Kotlik trapper in 1987. It is not uncommon for fur bearers to be harvested with a firearm by trappers while they're out checking their trap lines.

Beaver and river otter are sealed in Unit 22, so we do have a little bit of information on the methods of take and levels of take. Since 1985 13% of the beaver sealed and 21% of the river otter sealed were taken by -- with a firearm instead of a trap or snare. We have no such information for marten, mink and weasel. There is no reason to believe that adoption of this proposal will actually result in an increase in the numbers of these animals taken.

The Preliminary Conclusion is to adopt the proposal with the following modifications. Beaver, in Unit 22(A), (B), and (D), eliminate the seasonal restriction, and limit the taking of marten to 22(A) and (B). No changes for mink or weasel and river otter.

CHAIRMAN KATCHATAG: Thank you, Mr. Kovach. On page 46,

under Discussion, the fourth paragraph, it says, "Subsistence use studies indicate an extremely low level of use of beaver, marten, mink, and weasel in Unit 22." What I would like to know then is where do the indigenous people of this region get the beaver, marten and mink used for hats and parka trim?

MS. HELEN ARMSTRONG: I don't know. Up on the North Slope they buy a lot of it from Anchorage. I'm just kidding. I'm sorry. It wasn't in the study. All I can tell you is what they said, you know, and there haven't been any census studies -- it's certainly in the purview of the regional council to contradict what's in there and give us the traditional knowledge that you have.

CHAIRMAN KATCHATAG: I really take exception to this being included in this analysis, draft or not. In any given village I can guarantee you that at least 25% of the people, especially this time of year, are wearing a beaver or a marten or some other type of fur bearing hat. And if you look at parkas that are trimmed, you will see that -- I don't think there are too many parkas made without beaver trim, and somebody's been studying the wrong group of people, to my understanding.

MR. KATCHEAK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Katcheak.

MR. KATCHEAK: For the Council's information, most of the beaver trapping is done right about this time of the year and it's usually south of Stebbins, anywhere from 15 to 30 miles -- 15 to 20, 30 miles, and it's usually south of Stebbins, and that's where Kotlik trappers come to go trapping beaver. I see that there's -- 11 beavers were tagged for 1987. So we do a lot of beaver trapping this time of the year or even earlier in January up until March.

CHAIRMAN KATCHATAG: Thank you, Mr. Katcheak. I would also like to ask our staff here, where in the world do our -- probably all dog racers, but in this case the Yukon Quest and the Iditarod mushers get their beaver carcasses? Because they

use them for feed during the race. Did you know that?

MR. KOVACH: Uh-huh (affirmative).

CHAIRMAN KATCHATAG: Do they just pull them out of the air here?

MS. HELEN ARMSTRONG: Any information you have -- that Council has to provide us with more accurate information is great, and we would accept that. If you can give us amounts people harvest, that's great.

CHAIRMAN KATCHATAG: One good friend of mine, who used to live in Egavik and who has since passed away, has been known to harvest 50 beaver in a year very, very easily, and he's not the only one. You ask any dog musher what amongst the best training food during a high endurance race, they're going to tell you that beaver is among the best.

MR. KATCHATAG, SR.: I don't know. I don't think I'd believe that.

CHAIRMAN KATCHATAG: He's the expert, and I defer to him.

MR. KATCHATAG, SR.: I have always told my boys -- my boy at least, he goes on this 200-mile race and a week before the 200-mile race he changed the diet of his -- started feeding his dogs with beaver. You cannot do that. You've got to feed your dog with the kind of food they have been raised with. When you feed them with beaver they get diarrhea, they lose all their strength. You cannot do that to an animal like that. You've got to feed them the same food you feed them every day. That's why I believe that there are people who feed their dogs with commercial food, they're always the first ones to know, because they don't change their diet in their animals. You've got to feed them with the same thing all the time. If the dog is great with Tom cod, you try to feed him with trout, he's going to get skinny, but if you keep feeding them with that Tom cod he'll stay healthy all the time. When you change the nutrition of the dog, you feed him with junk food, just like a person that's

eating junk food, like pop and those things. That kind of a rationale will never work. You can't win wrestling eating junk food, you've got to feed them meat. I guess today -- our future trappers today are not trapping beaver, they're sitting down watching that TV. That's how come you've got very low reports of the beaver being caught again.

CHAIRMAN KATCHATAG: Thank you, Mr. Katchatag. I sit corrected. Any further discussion on Proposal Number 52?

MR. BUCK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Buck.

MR. BUCK: I just have a question. What hunting season for beaver, marten and mink can we go -- what coincides with the trapping season; will they both be the same?

CHAIRMAN KATCHATAG: Yes.

MR. BUCK: It looked a little bit different.

CHAIRMAN KATCHATAG: If you look on page 45 it says reason for changing the regulation, the second says, "This regulation would establish seasons consistent with the trapping seasons." And the Preliminary Conclusion is to adopt the proposal with the following modifications, limit taking beaver to Units 22(A), and (B), and (D); and eliminate the seasonal harvest restriction on beaver. I personally would not go along on eliminating the harvest -- seasonal harvest restriction on beaver. It is a custom and tradition among our people not to take all the animals that reside in a beaver house. It's just not good conservation practices, and I think if you eliminate the seasonal harvest restriction then that is basically saying you can take all you want, including all the animals in a particular house or dam which I don't agree with. And correct me if I'm wrong, Fish & Game, aren't beaver dams and ponds necessary and used for fish populations such as pinks and silvers for growth of their young?

MR. MORRISON: No, the smolt often enter that habitat

for a period to find food.

CHAIRMAN KATCHATAG: And I cite the fact that on one moose hunt that I went up the Egavik River with two good friends of mine, Elmer and Terry Katongan, we went up to one of the side creeks and ran into a dam, and to see over the top of the dam I had to get up on the seat of the boat, and I was even with the top of the dam and I could see I was level with the water. So we went up to the dam, and on the outfall of the dam, among the limbs and stuff of the wood and stuff that made up the dam, you could see the carcasses of pink salmon and silver salmon. So one way or another they had made it up over that dam. And I would hate to see the impact on our resources if in fact we do remove the seasonal restriction. I would recommend that we add a restriction to recommend that not all beaver be cleaned out of each house or dam hunted.

MR. BUCK: Mr. chairman.

CHAIRMAN KATCHATAG: Mr. Buck.

MR. BUCK: I have a comment on that. The 22(B) area in the past 30, 40 years has not had beaver in it. But they've increased and we are now seeing beavers in areas we haven't seen before and they're increasing real fast and they're changing the area. Why waste -- maybe it's good, I don't know, but in order to return the area back to the way it was, if you wanted to keep the area as it was, you'd have to take the whole beaver house.

CHAIRMAN KATCHATAG: The reason I say that, Peter, is that it is not -- we are not following our mandate in Title VIII of ANILCA which says that we must use sound wildlife management principles, scientific type principles, and I don't think it's very scientific if you wipe out entire populations of any animal. That's the basis of extinction, and I beg to differ with you.

MR. KATCHEAK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Katcheak.

MR. KATCHEAK: I'd like to add something for information. The last time I heard back in 1963, I believe, one of my uncles trapped with my dad, and the most that winter they caught -- my uncle caught 46 beaver, and that was the most I ever heard that somebody from Stebbins caught. I kind of agree with you when you say that we should try to use sound conservation methods and otherwise at the very best anybody in Stebbins would probably get 20 and 30 beavers in one season. You know, that's the best they could do. One of the best trappers -- that's a lot of work when you trap beaver. You can't keep catching 50 every year, it's impossible.

CHAIRMAN KATCHATAG: Like you say, it's a lot of work, it takes a lot of time and effort not only to skin the animal but also to properly take care of the pelts, and I would hate to see people taking advantage of a seasonal bag limit to over-harvest these animals. It just runs against my grain.

Any other comments on the discussion and recommendation on Proposal Number 52? Hearing none, the chair would entertain a motion that we adopt Proposal 52 for our final recommendation to the Federal Subsistence Board but with the revision of striking that portion which says eliminate the seasonal harvest restriction on beaver and insert recommend that not all beaver in a each house or dam be harvested.

MR. KATCHEAK: I so move.

CHAIRMAN KATCHATAG: We have a motion before us. Is there a second?

MR. KATCHATAG, SR.: Second.

CHAIRMAN KATCHATAG: Seconded. Discussion?

MR. KATCHATAG, SR.: Question.

CHAIRMAN KATCHATAG: Question's been called. All those in favor of adopting Proposal Number 52 as modified, signify by saying aye.

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

DATED at Anchorage, Alaska, this 26th day of February 1996.

Notary Public in and for Alaska

SEWARD PENINSULA SUBSISTENCE

REGIONAL ADVISORY COUNCIL

PUBLIC MEETING

February 17, 1996

Best Western Golden Lion Hotel
Anchorage, Alaska

VOLUME II

COUNCIL MEMBERS PRESENT:

Sheldon Katchatag, Chairman
Bill Barr, Vice Chairman
Peter Buck, Member
Fred Katchatag, Sr., Member
Elmer Seetot, Jr., Member
Theodore Katcheak, Member

Barbara Armstrong, Coordinator

P R O C E E D I N G S

CHAIRMAN KATCHATAG: I'll go ahead and call the meeting back to order at 9:07 in the morning. We're on Proposal Number 01. Bill.

MR. KNAUER: Thank you, Mr. Chairman. This proposal was submitted by the Fish & Wildlife Service and it would change several subsistence regulations to allow the taking of wildlife from a motorized land or air vehicle on Federal public lands as long as that vehicle is in motion. The proposal would not change the existing regulations with respect to taking wildlife

from a boat.

This is a statewide proposal, and currently already in Units 22, 23, 25, and 26 caribou can be taken from a stationary vehicle. We found that there are no reasons to prohibit taking wildlife from a motorized land or water vehicle that's not in motion, especially since currently the State regulations have permitted this since 1994. In other words, the State changed their regulations to make them more permissive, and the Federal program has never changed theirs. This regulation would place ours in consistency with the State regulations. And one of the main reasons is to provide the consistency but also to prevent having a board to continue to make exceptions for each and every unit. And, in other words, it would simplify and streamline the regulations and make it easier for the subsistence user statewide to be legal and comply with the regulations.

And thus far the two regional councils that have met, the North Slope Region and Southeast Region have recommended adoption of this proposal.

CHAIRMAN KATCHATAG: Is that it?

MR. KNAUER: That's it.

CHAIRMAN KATCHATAG: Thank you, Mr. Knauer. What is the wish of the Council with regard to Proposal Number 1?

MR. KNAUER: Barb, do you have any public comments?

CHAIRMAN KATCHATAG: Oh, I'm sorry. Barb, do you have the comments on Proposal Number 1?

MS. ARMSTRONG: There is none.

MR. KNAUER: Yeah, there actually are two comments.

MS. ARMSTRONG: Oh, okay. I'm sorry. I was looking right at it. Proposal 1 received two comments. One from the Alaska Department of Fish & Game, and Kathryn Kennedy, from Ninilchik.

Fish & Game opposes this proposal. The Department supports continuation of the existing regulations prohibiting the taking of wildlife from a motorized vehicle and recommends that exceptions continue to be made only on a case-by-case basis.

And Kathryn (sic) says we are concerned about this proposal. Motorized use creates opportunities for harassment, illegal pursuit, and poaching of wildlife. In addition, vehicles create air and noise pollution, destroy fragile terrain, and provide an unfair advantage for some hunters. We recommend that the Board work to prevent damage to wildlife and habitat by maintaining strong monitoring and regulatory oversight of these machines. Matt Singer -- oh, this is Matt Singer's comment, Alaska Wildlife Alliance, Anchorage.

And Kathryn Kennedy from Ninilchik says yes to Number 1.

CHAIRMAN KATCHATAG: Thank you, Barb.

MR. MORRISON: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Morrison.

MR. MORRISON: I'd like to correct our comment on this proposal. Our statement, as read by Barbara, was written preliminarily in response to the initial language of this proposal which mistakenly had lined out the regulation against shooting from a moving vehicle. And after the Federal Subsistence corrected their description I failed to notice that I should have changed what we had here. And also there's a work missing out of our statement where we say the Department supports continuation of the existing regulation prohibiting the taking of wildlife from a motorized vehicle. The word "moving" should have been ahead of motorized there. At any rate, our statement is now replaced by agreement with the Fish & Wildlife Service's proposal, inasmuch as it makes the two sets of regulations identical.

CHAIRMAN KATCHATAG: So we will cross out oppose and put

agreed?

MR. MORRISON: Yeah, we support the proposal.

CHAIRMAN KATCHATAG: Support. And did the Fish & Wildlife Service modify their proposed regulation? I notice on our -- if you look down there in Subsection blank .25(k) (22) (iv) it still has after that semicolon -- it still has, however, shooting from a snowmachine in motion is prohibited, and that's still crossed out.

MR. KNAUER: What it does, those others are sections that would be removed because they are consolidated under the one under .25(b) (1) (iv).

CHAIRMAN KATCHATAG: Oh, okay.

MR. KNAUER: It consolidates everything under that essentially.

CHAIRMAN KATCHATAG: Okay. So in the subsection above that, I was assuming that all of the shaded portion was crossed out. Only that part that has a line through it is crossed out?

MR. KNAUER: That's correct.

CHAIRMAN KATCHATAG: So the other part should not have been shaded, huh?

MR. KNAUER: Yeah, the shading indicates a change.

CHAIRMAN KATCHATAG: Oh, okay.

MR. KNAUER: The cross-out indicates what is actually being deleted.

MR. MORRISON: In the initial publication of this that second sentence under Roman numeral IV was also lined out, that's what confused us.

CHAIRMAN KATCHATAG: Okay.

MR. MORRISON: And I stand corrected.

CHAIRMAN KATCHATAG: So taking wildlife from a motorized land or air vehicle when that vehicle is in motion or from a motor-driven boat when the boat's progress from the motor's power has not ceased, is still in effect?

MR. KNAUER: Well, it would be if the proposal were adopted.

CHAIRMAN KATCHATAG: If it is adopted by the Board.

MR. KNAUER: Right.

CHAIRMAN KATCHATAG: I think that still has to be modified a little bit because that last sentence is not a complete sentence. It should be "is prohibited," I guess. Right now it reads, taking wildlife from a motorized land or air vehicle when that vehicle is in motion or from a motor-driven boat when that boat's progress from the motor's power has not ceased

MR. KNAUER: Right, you are correct, that is not a complete sentence because it is a phrase describing what is the "are prohibited."

CHAIRMAN KATCHATAG: Oh, okay, right. I'm sorry. I'm sorry, I sit corrected. Thank you, Mr. Knauer.

We had asked in previous cycles that moose be included in Unit 22 for being taken from a boat, and I see that on that bottom subsection there on page 1 it says caribou and moose may be taken from a boat under power in Unit 25. Seeing as how we'd already deliberated that in previous cycles would you be amenable to use including Unit 22 in that? Because we had gone through the complete process and the Board had only approved caribou to be taken from a boat from 22, if I remember correctly. I know we had submitted when Peachy Otten was still with us, we had submitted a proposal to allow shooting caribou and moose from a snowmachine and/or a boat, and we only got the

snowmachine part. And if you look at the subsection, that bottom one, it says caribou and moose may be taken from a boat under power in Unit 25. We had asked for that for 22, I think at that time.

MR. KNAUER: I apologize. I do not remember that. I know the public has not had an opportunity to consider that. My suggestion is to deal with this and then make an additional proposal for next year on the moose. That would be my suggestion.

CHAIRMAN KATCHATAG: Because of the regulatory process.

MR. KNAUER: That's correct.

CHAIRMAN KATCHATAG: We'd just -- the changes in the regulation require posting of a certain amount of notice and public comment period?

MR. KNAUER: Right. We have to publish a proposed rule and then there have to be, you know, changes, and that's where the proposals come through, and then the public has to have an opportunity to comment on those changes.

CHAIRMAN KATCHATAG: Okay.

MR. KNAUER: And most of these where there's some modifications they generally follow the theme of the rule that's being proposed for changes. For example, like last night, you know, the 50 limit on beaver and, you know, things like that. This would be -- although it's in the same subject, it's something that has not even been looked at by anyone. So that would be my suggestion.

CHAIRMAN KATCHATAG: Well, it has been looked at in a previous regulatory cycle, but I understand, yes.

Barb, could you make a note that for our October meeting we would like to have a proposal drafted to include Unit 22 in the last subsection on page 1, so that it would read, caribou and moose may be taken from a boat under power in Unit 22 and

Unit 25, unless that's covered in the regulation.

MR. KATCHEAK: It is not. Under special provision it only states snowmachine may be taken to -- or may be used to take caribou and moose in Unit 22, however, shooting from a snowmachine in motion is prohibited.

CHAIRMAN KATCHATAG: Well, we'll visit this again in our next cycle and do another proposal so that we could include 22 in that last subsection. What is the wishes of the Council with regard to Proposal 41 (sic) and its preliminary conclusion?

MR. KATCHEAK: Correction, Proposal 1.

CHAIRMAN KATCHATAG: Proposal 1, yes.

MR. KATCHEAK: I move to adopt the proposal.

CHAIRMAN KATCHATAG: We have a motion to adopt Proposal 1 for final recommendation to the Federal Subsistence Board. Do I hear a second?

MR. KATCHATAG, SR.: Second.

CHAIRMAN KATCHATAG: Seconded. Discussion?

MR. SEETOT, JR.: Question.

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

IN UNIONS: Aye.

CHAIRMAN KATCHATAG: All those opposed, nay.

(No opposing responses)

CHAIRMAN KATCHATAG: Motion passes unanimously. We now move on to Proposal Number 65. Mr. Knauer.

MR. KNAUER: Thank you. Mr. Chairman, this proposal

was not addressed in Unit 22 caribou, but it does address changes to Unit 26 caribou, and currently rural residents of Unit 22(A) and (B) have C & T in Unit 26. The process is occurring that the Federal program is attempting to change the C & T determinations on a by unit basis as opposed to a by herd basis. One of the reasons for this is because it's very difficult to tell when you have caribou from various herds mixing, which herd they belong to.

And the North Slope has acted upon this proposal and their recommendation is to have the proposed regulation read, Unit 26(A) and (C) C & T for caribou for all residents of Unit 26, Point Hope and Anaktuvuk Pass; Unit 26(B) C & T for caribou for all residents of Unit 26 Point Hope, Anaktuvuk Pass, and Wiseman.

This is a fairly lengthy analysis. I will not go through the analysis because it primarily relate to Unit 26. The question this Council would have to pose is whether or not they believe residents of Unit 22 go up to the North Slope to harvest caribou. Because it's changing from the Western Arctic -- a designation for Western Arctic herd, which is what it was previously. We know you folks harvest caribou and you harvest it primarily around Unit 23 and the adjacent units, but there is a question as to whether or not would caribou be available to the residents in Unit 22, they would travel as far as to the North Slope.

CHAIRMAN KATCHATAG: Barb.

MS. ARMSTRONG: Oh, gee, I'm just daydreaming here.

CHAIRMAN KATCHATAG: Barb, do you have comments, please?

MS. ARMSTRONG: Proposal 65, we have one from the Alaska Department of Fish & Game. They are neutral to the proposal. The proposal would eliminate residents of Unit 21(D) west, 22(A), 23, and most of 24. The proposal says nothing about wanting the Board to reverse existing positive C & T findings.

The North Slope supported this proposal?

MR. KNAUER: Pardon?

MS. ARMSTRONG: Did the North support this proposal?

MR. KNAUER: The North Slope modified the proposal slightly, as I read it to you.

MR. KATCHEAK: Mr. Knauer.

MR. KNAUER: Yes.

MR. KATCHEAK: It just occurred to me, just now, concerning -- or to me it would be interesting to find out how many caribou in the the Arctic Slope area can reach the Stebbins and St. Michael area if they were tagged or marked, how many of those caribou if they were marked would reach Unit 22?

MR. KNAUER: The actual number that would reach, I don't know. We do know that the Western Arctic caribou herd does come down through that area and in fact comes down sometimes as far as the northern portion of Unit 18.

CHAIRMAN KATCHATAG: And that's based on radio collar data?

MR. KNAUER: That's based on radio collar data, yes.

CHAIRMAN KATCHATAG: And they put the collars on somewhere around Kotzebue, Selawik, Buckland?

MR. KNAUER: They put them on there, they put them on up on the North Slope itself south of Barrow, in that area, and they have -- you know, they follow congregations of the animals by figuring out where these individual animals are and then going and taking a look.

MR. KATCHATAG, SR.: Where do the moose/caribou raise their -- where are the raising grounds for their young, do you know?

MR. KNAUER: That I don't know. I'm sorry Steve's not here to answer that question for you.

CHAIRMAN KATCHATAG: They calve up there around Selawik and North, huh?

MS. ARMSTRONG: I think there's some now that stay there year around, around Selawik.

CHAIRMAN KATCHATAG: And generally up toward Point Hope?

MS. ARMSTRONG: I don't know about Point Hope, but I know up on North Slope they talk about like in the Teshekpuk area.

MR. KNAUER: They've got a separate herd up in there that's the Teshekpuk herd, and that's one of the reasons for doing it on a unit-by-unit basis rather than a herd basis, because as caribou expand and contract, sometimes the -- during contraction there will be isolated groups, and depending upon the cycle, those groups may be managed as a separate herd. This would reduce the confusion and complications during those times.

CHAIRMAN KATCHATAG: What are the wishes of the Council with respect to Proposal Number 65? This deals strictly with 26, right?

MR. KNAUER: That is correct, Mr. Chairman.

CHAIRMAN KATCHATAG: So basically we would be more or less endorsing their action up there or not endorsing, depending on our wish here?

MR. KNAUER: That's correct.

MR. MORRISON: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Morrison.

MR. MORRISON: Can I ask a question of Mr. Knauer? By lining out these other units other than 26, does that mean that

they would lose their C & T qualification in Unit 26?

MR. KNAUER: In Unit 26, right. The way the State, as you're aware, had done was by herd, and therefore throughout the range of that herd, all the way from the northernmost area to the southernmost area the C & T was the same. In the Federal program the attempt is to do C & T by unit, where the people actually hunt. For example, up in Unit 26 there are four different caribou herds that we're aware of; the Western Arctic, the Teshekpuk, the Central Arctic and the Porcupine. Now, in many places those herds mingle, and if due to some administrative slip-ups you for get to include a C & T on a particular herd, then you may create problems. And in fact there is no C & T for the Teshekpuk herd currently, but we know it exists, we can plot it, we can move it, the State agrees. We know people use it but because of the way the regulations are written, there are no regulations for that herd. And this would treat caribou in Unit 26 as caribou -- just like in your proposal -- I want to say 48, you treated caribou in Unit 22, no matter what herd they are, whether they're residential caribou or migrating caribou, as the same.

CHAIRMAN KATCHATAG: Right. And our assumption -- our reasoning behind that is that due to the fact that the Western Arctic herd has migrated through these areas where traditionally in the recent past we've only had small isolated herds that more or less, we feel, have intermingled. So, you know, it doesn't make any sense to consider them discreet herds, separate from the Western Arctic herd. So that's -- and as long as the Western Arctic herd continues to migrate this way, I don't -- and as long as the numbers remain high, I don't see where we should try to have these so-called discreet herds.

So what is the wish of the Council on Proposal 65, do we want to back-up the North Slope Subsistence Regional Advisory Council in their action?

MR. BUCK: I so move.

CHAIRMAN KATCHATAG: We have a motion before us to support the modification to Unit 26 caribou regulations as modified by the North Slope Regional Advisory Council. Do I

hear a second?

MR. BARR: Second the motion.

CHAIRMAN KATCHATAG: Seconded. Discussion?

MR. BARR: And they did their homework, I guess, so Question.

CHAIRMAN KATCHATAG: Question's been called. All those in favor of adopting our support for Proposal 65, Unit 26 Caribou for Unit 26 as proposed and modified by the North Slope Subsistence Regional Advisory Council, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN KATCHATAG: All those opposed, nay.

(No opposing responses)

CHAIRMAN KATCHATAG: Motion passes unanimously. We now move on to the other C & T proposals that we had originally acted upon and drafted at our October meeting in Nome, and if you look at your handout, single sheet handout like this, this shows which ones were deferred due to the large number of proposals submitted statewide. Beginning at the top we're looking at Proposal for Seward Peninsula 074 which was for black bear C & T; 071 which was for 22(A) moose C & T; 078, 22 muskox C & T; 079, wolf C & T; 080, Unit 22 fur bearers C & T. We had -- the reason that I bring these up is that from the perspective of the Council this is -- we don't feel that this is something that requires a long drawn-out process, but I understand that because these changes in regulations they are required to have all the required notices and public comment periods and all of that.

Is that not correct?

MR. KNAUER: That is correct, Mr. Chairman. There were in excess of a hundred proposals submitted this year, along with proposals that -- what we called carry-over proposals. As

you're aware, the Federal Subsistence Board has not dealt with customary and traditional use determinations. This year, based upon recommendations from the Regional Councils, the process was changed to allow proposals dealing with C & T to be submitted on an annual basis and to be examined on a case-by-case basis. That resulted in a large number, plus the Board felt it was appropriate to look at all of the proposals that had been received in the past and held until such time as they could be dealt with. That's one of the reasons why each of the Regional Councils at their fall meeting were queried as to what their priorities were, whether it was a particular species, a particular area, a particular problem, and those priorities were the basis for determining which proposals were to be deferred. In cases where there were significant numbers or proposals that there was some question about, the regional coordinator was queried, and sometimes they had to go back to the Regional Councils a second time. These proposals will not be discarded, they will be retained and resurfaced in the next cycle, along with other backlogged proposals.

CHAIRMAN KATCHATAG: Thank you, Mr. Knauer. With the approval of the Council, I would like to ask that our Madame Coordinator please, again, make note that we would like to re-propose those proposals which we have acted on in good faith at our October meeting as noted so that we can resubmit them during the next cycle.

Hearing no objection from any of the Council members, these will be the next ones on the list after the one that we did on the moose and caribou boat and snowmachine issue.

MS. ARMSTRONG: Yes.

CHAIRMAN KATCHATAG: Where are we on our agenda. We have gone through all the proposals; is that not correct, Mr. Knauer?

MR. KNAUER: Yes, Mr. Chairman.

CHAIRMAN KATCHATAG: Okay. We now move on to item 7.B. Annual Report 1995 Meeting. I believe at our last meeting we

had agreed that 1995 and -- was it 1994 and 1995 were to be combined?

MS. ARMSTRONG: '94 and '95.

CHAIRMAN KATCHATAG: Right. And sorry to say, I ran into some technical difficulties with the computer I had, and it absolutely refused to work, and I have since been reassured that -- Chuck Miller found the problem to be a loose memory chip. Yeah, that's what he told me yesterday. So I have the computer back and as soon as I get back home I'll be cranking that out, Barb, and I'll fax you a copy.

MS. ARMSTRONG: Okay.

CHAIRMAN KATCHATAG: I still the draft one which was submitted to the Northwest Arctic Regional Advisory Council and also the North Slope Regional Advisory Council at our '95 -- July '95 meeting in Kotzebue.

MS. ARMSTRONG: Oh, okay.

CHAIRMAN KATCHATAG: I gave both -- I had Lois make a copy. I had it on a disk and I had Lois make a copy for the Northwest Arctic, which she did, and I gave the disk that I had to the North Slope Regional Advisory Council, so that was a draft. Which one is that?

MS. ARMSTRONG: Is this the one? I found this on my desk when I came back to work.

CHAIRMAN KATCHATAG: Oh, this is the old one. That was the '93 one.

MS. ARMSTRONG: I'll have to get with Lois then. I don't have that copy. When the other two councils -- when North Slope met when we got back we just said we'd do one this fall for '96. So when I get back, I'll have to ask Lois.

CHAIRMAN KATCHATAG: Okay.

MS. ARMSTRONG: Did you make these copies right here, request for these copies?

CHAIRMAN KATCHATAG: I did not. I don't know who had these copies made.

MS. ARMSTRONG: But there was a copy made, it was about this high on my desk when I got back, and I didn't know what they were there for.

CHAIRMAN KATCHATAG: Yeah, I don't know who ordered this. This does jog my memory about some things that we should talk about though. Let me hang on to this.

MS. ARMSTRONG: Yeah, you can have it.

CHAIRMAN KATCHATAG: What is the deadline for the Annual Report, Mr. Knauer?

MS. ARMSTRONG: Usually August. They always said August.

MR. KNAUER: I don't have the Operations -- a copy of the Operations Manual with me, and it's been so long since I've looked at it, since I am not in that position dealing with that anymore, Taylor Brelsford is that division chief there, that I can't honestly say.

CHAIRMAN KATCHATAG: Okay.

MR. KNAUER: Sometime in the fall.

CHAIRMAN KATCHATAG: Okay. Well, it looks like I'm going to have to combine '94, '95, '96, the way things are going.

MR. KNAUER: We're flexible, Mr. Chairman.

CHAIRMAN KATCHATAG: Okay. Any questions on the Annual Report by any of the Council members?

MR. BARR: I hope your computer works now.

CHAIRMAN KATCHATAG: Yeah, I do, too. Just for the record, the Annual Report is required by Section 805(d) of Title VIII of ANILCA. It says (d), the preparation of an annual report to the Secretary which shall contain, 1. an identification of current and anticipated subsistence uses of fish and wildlife populations within the region; 2. an evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region; 3. a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs; and 4. recommendations concerning policy standards, guidelines and regulations to implement the strategy. The State Fish & Game Advisory Committees or such local advisory committees as the Secretary may establish pursuant to paragraph 2 of this subsection may provide advice to and assist the Regional Advisory Councils in carrying out the functions set forth in this paragraph.

So this basically outlines or this requires that we annually report to the Secretary on our best information as to these four sections, and -- Mr. Knauer.

MR. KNAUER: Yes, Mr. Chairman, just a point of clarification. The act authorizes you to, it does not require you to, and that's one of the reasons why our regulations authorize the preparation; they do not require the preparation. That's one reason why, if Council chooses to combine it with a previous year or another region, we're not out there hammering on a council that you didn't do one, because it is the option of the Regional Council to prepare an annual report.

CHAIRMAN KATCHATAG: I thought it was required. Well, anyway, I'll work on finishing '94/'95 and might end up incorporating '96 into it.

MR. KNAUER: We look forward to receiving whatever you provide, Mr. Chairman.

CHAIRMAN KATCHATAG: Thank you, Mr. Knauer. I'd like to

welcome Mr. Jake Olanna, Kawerak Subsistence Department to our meeting. Jake.

MR. OLANNA: Thank you.

CHAIRMAN KATCHATAG: Under Annual Report we had modified our agenda to include legal counsel under technical staff, and I don't see anybody from the Solicitor's Office here today. With the approval of the Council, I think as the chair, I would like to get in touch with the Regional Solicitor's Office and again explore with him the possibility of having legal council as part of the technical staff and what his interpretation of that particular part of the statute is. Is that okay with the Council?

MR. BARR: Uh-huh (affirmative).

CHAIRMAN KATCHATAG: Hearing no objection, I appreciate your faith. I will be getting in touch with the Regional Solicitor's Office.

We now move on to item 7.B.2. We had asked for a Katie John update. Mr. Knauer.

MR. KNAUER: Yes, Mr. Chairman. With your indulgence, I'll go back a little bit in time and provide a little background.

Originally Katie John and others challenged the Federal decisions not to allow a subsistence fishing at a location called Batzulnetas. That's on the Copper River which is navigable, but located within the Wrangell-St. Elias National Park. Following that the Native American Rights Fund and others petitioned the Secretaries of Agriculture and Interior to include navigable waters and Federally reserved waters to provide the opportunity for regulation of subsistence fisheries. There was also a second petition submitted by the Northwest Arctic Regional Advisory Council and others that petitioned the Secretaries to extend their jurisdiction to non-Federal lands if subsistence uses on Federal lands were being impacted and also requested an extension of the Federal jurisdiction to selected

but not yet conveyed lands. There were a number of court cases regarding jurisdiction and fisheries, and those were consolidated into a single case to be dealt with by the courts that has commonly been referred to as the Katie John case, named after the elder Katie John who was one of the primary litigants in the Batzulnetas fishing situation.

The District Court in Alaska ruled that all navigable waters should be included in the definition of public lands for subsistence purposes. The State and others appealed that decision -- the State and the Federal government both appealed that decision, I believe, to the Ninth Circuit Court of Appeals. They remanded that decision back to the circuit court and ruled that Federal jurisdiction is limited only to those waters in which the Federal government has reserved Federal water rights. Following that there was a court case that appeared in the Alaska Supreme Court, Totemof versus Alaska, in which the State of Alaska's Supreme Court ruled that the Federal government has no jurisdiction in navigable waters under either navigational servitude or reserved water rights.

Since that time the Ninth Circuit Court's ruling has been appealed to the US Supreme Court. That filing was made in early January of this year. We would expect to hear sometime this spring whether or not the Supreme Court will accept the appeal and hear it. If the Supreme Court does not accept it then the Ninth Circuit Court ruling does become final, which would mean that the Federal jurisdiction does extend to those waters where the Federal government has interest.

Because most cases that are appealed to the Supreme Court are not accepted the Solicitor's office has begun the process of preparing regulations that would define those waters wherein the Federal government had an interest. In other words, where the Federal Subsistence Board would be managing subsistence fisheries. Because of the two petitions those regulations that are being worked on would also include elements that would address those petitions. In other words, whether or not to include selected but not yet conveyed lands and the conditions under which the Federal Subsistence Board might extend jurisdiction over hunting and fishing activities that are

occurring off of Federal lands, they're impacting the subsistence user on the Federal lands. The Solicitor's Office does hope to have proposed regulations appear in the Federal Register for public review sometime this spring.

CHAIRMAN KATCHATAG: Thank you, Mr. Knauer. Any questions of Mr. Knauer on the Katie John case?

MR. KATCHATAG, SR.: Are you saying that on Federal lands the Natives cannot fish for subsistence use; is that what you're saying?

MR. KNAUER: No, sir, we are not. Under the current program the Federal Subsistence Board said that their jurisdiction over regulating or protecting the subsistence fishing occurred on non-navigable waters and on waters that were withdrawn by the Federal government prior to statehood, that the State had management of other navigable waters. Under this ruling the courts are saying that the Federal government would have the responsibility for making the regulations regarding subsistence fisheries on all navigable waters that the Federal government has an interest in, and what that generally is interpreted to mean right now is that waters within the boundaries, the outside boundaries of conservation system units. In other words, within the -- it would be essentially all the waters within the boundaries of the Bering Land Bridge Preserve, all the waters within the boundaries of the Selawik National Wildlife Refuge, whether or not they were navigable. That's if the Ninth Circuit's decision holds and based upon the regulations that might be developed.

It would alleviate some of the confusion that now occurs, and it was discussed earlier in this meeting regarding what's navigable and what's not navigable.

CHAIRMAN KATCHATAG: Does that answer your question?

MR. KATCHATAG, SR.: Yes.

CHAIRMAN KATCHATAG: Any other questions of Mr. Knauer on the Katie John case? Hearing none, thank you, Mr. Knauer.

MR. KNAUER: You're welcome.

CHAIRMAN KATCHATAG: Back to the annual report, just for clarification on the public record, Barb has given me a copy of Public Law 96-487, and you are right, Mr. Knauer, it says each Regional Advisory Council shall be composed of residents of the region and shall have the following authority, but it doesn't -- we have the authority to prepare an annual report to the Secretary but it doesn't require it.

MR. KATCHATAG, SR.: In other words, you've got the gun but no shells, right?

CHAIRMAN KATCHATAG: That's right -- well, you have the guns and the shells, it's up to you if you want to load it.

MR. KATCHATAG, SR.: Mr. Knauer, in case a subsistence user wants to go to the court and has no money, who do we go to?

MR. KNAUER: Go to the court and ask what

MR. KATCHATAG, SR.: In case a subsistence user wants to go to court and -- right?

MR. KNAUER: Uh-huh (affirmative).

MR. KATCHATAG, SR.: but he doesn't have any money, who does he go to?

MR. KNAUER: My understanding is that the Alaska Legal Right -- Alaska Legal Services does provide legal advice and assistance in those cases, not only subsistence but many other cases also.

CHAIRMAN KATCHATAG: Does that answer your question?

MR. KATCHATAG, SR.: Yes. And for the record, from Public Law 96-487, Section 805(b), it says the Secretary shall assign adequate qualified staff to the Regional Advisory Councils in a timely distribution of all available relevant

technical and scientific support data to the Regional Advisory Councils and the State Fish & Game Advisory Committees or such local advisory committees as the Secretary may establish pursuant to paragraph 20(a).

So, for the record, I would think personally, just from the reading of this, that adequate and qualified staff should also include legal council, just for the public record. You know, the fact that Title VIII is the enabling legislation which provides us our authority for operating in the parameters which guide us in our operations, I would like to note in the public record that the legislative history for Title VIII of ANILCA states that the intent of Congress was to protect not only subsistence resources and subsistence users and subsistence opportunity for subsistence uses, but it also -- the intent specifies that Title VIII and the Regional Advisory Council system is to advocate for subsistence users and uses and resources, and it requires that the system protect the subsistence users and uses and resources and the subsistence priority from the urban majority. And that's the language in the legislative history.

And this brings into the public record the so-called draft public paper put out by the Lieutenant Governor of the State of Alaska, and I think we all have a copy in our packet. There's two pieces; one has Outline of Alaskan Solution to the Subsistence Impasse, and then there's a draft dated 1/31/96 which says Summer of a Revised Possible Alaskan Solution to the Subsistence Impasse.

The very fact that Fran Ulmer was elected Lieutenant Governor by a majority in the state and with the majority of people in the state being urban, by definition, non-subsistence users. I would like to note in the public record that her actions and her proposals violate the legislative intent of ANILCA because we are to be protected from the tyranny of the majority. That's the way the legislative history is written. They specifically state in the history that the Regional Advisory Council system is here to provide a meaningful participation in the subsistence management decision making process for subsistence users and to protect that and the uses

and the resources from the urban majority. In other words, they wanted to make sure that not only our resources upon which we subsist are protected but also our opportunity and our uses.

And I really take exception with the fact that she's been -- she and her staff have been doing all of this very informally, outside of the public hearing and the public participation arena, and that in doing so she is violating the legislative intent of Title VIII of ANILCA. And I would like to iterate the position of the Native people of Alaska who feel that Title VIII of ANILCA is the only protection, statutory, regulatory or otherwise for our continued subsistence use of our renewable resources within our region, and I take exception on the record that not only is she trying to develop a statewide consensus which, by definition, would have to be a majority and include the urban majority, and also that she is violating the legislative intent as shown in the public register -- the Federal Register of Congress. And I know where she is going to run into problems with the Native people, especially in Bush Alaska is her attempt to have Title VIII of ANILCA amended.

Any comments or questions from the Council on the paper put out by Lieutenant Ulmer?

MR. KATCHATAG, SR.: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Katchatag.

MR. KATCHATAG, SR.: Can this law be amended? How long ago was this law transformed into law?

CHAIRMAN KATCHATAG: ANILCA, 1980 -- December 2, 1980.

MR. KATCHATAG, SR.: How often can you amend these laws?

CHAIRMAN KATCHATAG: You can amend them in every congressional cycle, I understand, but the congressional delegation of Alaska has said that they will not seek any amendments to TITLE VIII of ANILCA unless there is a consensus in the state agreeing with it. So, hopefully, they'll live up to their word of not pursuing any amendments to Title VIII of

ANILCA unless they have a consensus. But then by definition a consensus is a majority, so I would be very hesitant to go along with any proposed changes to ANILCA because, I feel that, as most Native people do, that that is the only statutory protection that we have for subsistence. All other regulatory type protections are, such as those in the Marine Mammal Protection Act, are not regulatory protections, they're just exceptions to the regulation for the Native subsistence user.

MR. KATCHATAG, SR.: Can we enter this into our agenda for our next meeting?

CHAIRMAN KATCHATAG: We can talk about it at every meeting you want, as long as that's the wish of the Council.

MR. BUCK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Buck.

MR. BUCK: I oppose any statewide takeover of subsistence regulations.

CHAIRMAN KATCHATAG: I appreciate your sentiment, Mr. Buck.

MR. KATCHEAK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Katcheak.

MR. KATCHEAK: You know, just looking at the paper put out by Lieutenant Governor Ulmer, I feel that this is probably going to continue on until the lines are clearly drawn between who is going to manage subsistence and who would have the ultimate obligation to do it. I think if there was a forum put out by all the Federal Subsistence Advisory Councils and a forum with the Governor of Alaska and Lieutenant Governor and define how we should regulate our subsistence hunt and fish, I guess the only time that the message will get across to everybody that the reason for the Subsistence Advisory Council being the council is that the State cannot speak for us any more so we ultimately decide if there's another way we could address our

concern, and that was by the way of the Federal Subsistence Advisory Council which ANILCA provides for us. I feel that the State objecting to our cause will only create, like she said, is creating a lot of problems, misunderstanding, and it will continue until we come out and lay everything out on the table, so to speak, and make everybody understand where we stand. I don't -- it's kind of like propaganda because we cannot agree to the terms that we think are relevant to how we manage fish and game in Alaska. Thank you.

CHAIRMAN KATCHATAG: Thank you, Mr. Katcheak. And to bolster my objection to Lieutenant Governor Ulmer's, "informal," efforts to find a solution to the so-called statewide impasse on subsistence, I would like to read into the record Section 801 of Title VIII of ANILCA in that it says, Section 801, the Congress finds and declares that, 3. continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska, and I emphasize other lands in Alaska, is threatened by the increasing population of Alaska. With resultant pressure on subsistence resources by sudden decline in the populations of some wildlife species which are crucial subsistence resources by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management. And, 4. in order to fulfill the policies and purposes of the Alaska Native Claims Settlement Act and as a matter of equity, it is necessary for the Congress to invoke it's constitutional authority over Native affairs and it's constitutional authority under the property clause and commerce clause to protect and provide opportunity for continued subsistence uses on the public lands by Native and non-Native rural residents.

And, again, in the public record, my reading of this says that this act, as specified in 801 is to protect and provide the opportunity for continued subsistence uses on the public lands by Native people and non-Native rural residents. So, I think the interpretation of this act by the Federal Subsistence Board excluding urban Natives is a violation of Title VIII of ANILCA. And, again, in Section 801(5), it says the national interest in the proper regulation, protection and

conservation of fish and wildlife on the public land in Alaska and the continuation of the opportunity for a subsistence way of life by residents of rural Alaska require that an administrative structure be established for the purpose of enabling rural residents who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public land in Alaska.

Any questions or comments on Title VIII of ANILCA? Barb, as a matter of course, all the Council members have been provided with Title VIII of ANILCA, have they not?

MS. ARMSTRONG: Yes.

CHAIRMAN KATCHATAG: Okay. I would recommend that every time you have a question about what our job is, that you look at Title VIII of ANILCA, because this is the authority from which we operate. And every -- like I've said time and time again, every time I read this thing I find something -- some little gem of hope and/or help, so

And I'm really disappointed in Ms. Ulmer's efforts. I know she's going at it, hopefully, with her heart in the right place, but I find some of her actions in the so-called informal effort sometimes disheartening. I received both the first draft and this revised draft in the mail, and that's all I received. There was no cover letter, no -- I guess she assumed that everybody knows that she's making this informal effort and she doesn't make any effort to introduce herself or why she's doing this or anything. She doesn't explain herself, letting the draft speak for itself, and I don't find that either courteous or polite, and she seems to send it out to us rather than consulting with us, not even informally. She knows we exist. She sent us a copy but that's the extent of her involvement both informal or formal with the Regional Advisory Councils. At least that's my experience as chair of Seward Peninsula Subsistence Regional Advisory Council.

So that is my objection. It's not a very diplomatic way to go about trying to find a solution to this so-called impasse

on a statewide basis. And my recommendations would be that if she expects cooperation from our council system that she at least introduce herself and what her intent and what her efforts are aimed at providing a solution for. And I stand on Title VIII of ANILCA as my protection against her urban majority. And that is my comments on this revised solution.

Any other comments or questions on Ms. Ulmer's draft solutions? Mr. Katchatag, no comments? Mr. Barr?

MR. BARR: No.

CHAIRMAN KATCHATAG: Mr. Buck?

MR. BUCK: No.

CHAIRMAN KATCHATAG: Elmer?

MR. SEETOT, JR.: Nothing.

CHAIRMAN KATCHATAG: Ted?

MR. KATCHEAK: No.

CHAIRMAN KATCHATAG: Hearing none, let's take about a 10-minute recess for coffee.

(Off record - 10:22 a.m.)

(On record 10:37 a.m.)

CHAIRMAN KATCHATAG: I'd like to call the meeting back to order. We have about an hour and twenty-five minutes to finish up. We now move on to item 7.C. Update on Continuing Board Action. Mr. Knauer.

MR. KNAUER: Yes, Mr. Chairman. The first item there is defense of life and property. As you are aware, the Board at their April session separated out a proposal that related to harvest -- the harvest limits on bears, and part of the issue in that proposal was defense of life and property. The Chair asked staff to take a look at the issue of defense of life and property. The staff did so, and a number of issues arose.

First off, most bears taken in defense of life and property are not taken on Federal public lands, they're taken on private lands, on State lands, and therefore on lands that are not within jurisdiction of the Federal program.

Secondly, they found that bears taken in defense of life and property were not taken for the bear themselves to be used for subsistence purposes. Frequently, either the meat or the hide or whatever were not retrieved other than to satisfy legal requirements, but they related in that regard.

Thirdly, the determination or the examination revealed that if the Federal government, for some reason, were to assume some sort of a defense of life and property regulation that the requirements would probably be very similar to what the State has currently. The purpose being that under the defense of life and property is to provide for the safety of the individual, the defense of their property but not to encourage the discriminate shooting of a wild resource that does have value both spiritually, culturally and as a huntable resource.

One of the things that has occurred frequently is the dissatisfaction over some of the State's reporting requirements and some of the paperwork involved, and the Board has directed the staff to meet with the State to discuss ways in which the State can either better educate the rural Alaska residents on the various aspects of the program. In other words, letting the people know that in fact they can retain the meat, if they so desire. There are some areas of the state where the meat is desirable, and also to work with the State to see if maybe some of the more onerous or complex aspects of the reporting requirements can be modified such that they still achieve the desires of the State but meet some of the the concerns of the subsistence user a little better.

So, that is the current status the staff has been directed by the Board to meet with the State on that.

CHAIRMAN KATCHATAG: Thank you, Mr. Knauer. Any questions from the Council for defense of life and property as

briefed by Mr. Knauer? I appreciate staff's efforts on this matter, and as a sound management principle, I reluctantly concur. That is the last thing that we need is trying to -- since, as he said, that most DLP kills of bears occur not on Federal lands and generally are not meant to provide any subsistence resources, then I concur that -- I agree that we should discourage any kind of abuse of the resources in excuse -- with the excuse being that it is a defense of life and property.

MR. KATCHATAG, SR.: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Katchatag.

MR. KATCHATAG, SR.: I brought up yesterday at the meeting this issue that was given to me in Nome. What is your feeling on a complaint I received from a subsistence user in Nome that the Fish & Game in Nome does not allow the Natives up there to dry fish prior to the rainy season? Are you going to do something about this or -- see, what she said or he said, both they said that they cannot dry fish in June when the weather is permitting to dry fish. Fish and Game won't let them -- allow them at all. And subsistence fishing and taking does not open till August. That's when the rainy season comes in. That's when the bears come out to the coast to feed along the beach. That's when the nighttime is getting real dark to where you cannot see, and every fish that they hang the bears come over and eat them all, all in that same night.

Now, these are the things -- the husband to this woman was a white guy. I said being that you're a white man, why didn't you go to the Fish & Game and bring this issue to them, it looks like they'd listen to you. He said, they won't listen to me.

Now, what are you going to do about this? You gave us a nice picture of your analysis on bear. Everything is sunshiny in your report, but you see, this kind of crap that comes to us is not -- how can we believe what you say when we hear this from one side and you gave us a report. This is not -- what we should do is respect each other and try to better their

livelihood in every way instead of protecting that lousy bear.

I used to hunt bear when I was a young man when it was a territory. And the only way we could ever eat brown bear was to salt it as soon as we get it, brine it. And after -- in March -- we salt it in September. In the month of March we can take it out and put it in fresh water and all that wild smell of that animal is gone then by the salt. You cannot eat bear the way it is, especially the brown bear. And I don't think even a dog would want to eat brown bear while it's fresh. It's good for nothing. All it is -- see, these women -- it's not easy to cut fish, depending on what kind of guy you are. If you're a greedy guy then you get lots of fish and you kill yourself cutting fish. And the only people, like I say yesterday, are the ones that would do that are the ones who are raised without any correction in the family. Then they would get lots, and they just cut only 10 and let the rest of it go. These are the types of behavior that are hurting us, and not everybody is like that. People that are raised under -- given directions by their parents don't do that, they just get what they can handle and that's it. And that way they can take care of the dry fish. You've got to take care of the dry fish. You've got to hang it in a proper place where it's windy so the flies won't get into it, and if one gets in there, you take that worm off right away. And that's the way to make dry fish. And you cannot make dry fish in the month of August. You might, but very few might come out to where you can eat it. But a lot of it will stretch, you know, in the rain, maybe two, three feet long. And I don't know how to express it any better. If the bear is around he's not going to go away. He's not going to go out and eat it while you're awake, he'll wait until you go to sleep. He's smarter than a human being. That's why he's protected, because he's smart. He knows what's going on. And I'd like to see something being done about -- especially these people in Nome. There are not too many that do subsistence there. Most of the population is white people up there; there's very few Natives who would take time to dry fish. And a lot of these people up there don't always qualify to get jobs because their resume -- there's too much competition in their resumes up there. They don't get hired very often unless it's something -- hard work. And something's got to be done about these people up there. Either

that or if they were smart they'd move someplace else to where they can dry fish in June. Maybe that's the only answer we'll give them as a board now is to ask them to move.

CHAIRMAN KATCHATAG: Thank you, Mr. Katchatag. If you're done I'd just to point out one thing that makes it hard for us to do anything for the people of Nome. Title VIII of ANILCA provides that where we're to do our fish and game management on the Federal public lands, and if you look at Unit 22(C), there are no Federal public lands in there, so we have no jurisdiction on 22(C). Even if we want to help them we can't. The State has jurisdiction over fish and game in navigable waters, we don't. Mr. Knauer.

MR. KNAUER: I have a question. Mr. Katchatag has mentioned a couple of times that they cannot dry fish in June or July. Is the regulation

MR. KATCHATAG, SR.: In August.

CHAIRMAN KATCHATAG: No, Fish & Game says they can't do it.

MR. KATCHATAG, SR.: Oh, oh, okay.

MR. KNAUER: Is the regulation not that you can't dry them but that you cannot take them for subsistence at that time?

CHAIRMAN KATCHATAG: They're emergency closed due to conservation concerns.

MR. KNAUER: Okay.

CHAIRMAN KATCHATAG: Is that not correct?

MR. MORRISON: As I was understanding Mr. Katchatag's description there was some regulation or some enforcement effort saying you cannot dry the fish.

CHAIRMAN KATCHATAG: No, no, no. It's a conservation concern. They, particularly, have been having very poor chum returns for in excess of 10 years now, yeah. And Jake will back

me up on this. And because of poor returns the Fish & Game biologist, by emergency order, instead of trying to find some way of differentiating between customary and traditional users, they say no fishing, period, because of conservation concerns, and by the time that they do have adequate escapement -- what they feel is adequate escapement, it usually ends up being the end of July or early August, and like Mr. Katchatag stated, that's when the rain starts. And so by definition, even if you do harvest fish and try to dry them if the rain doesn't get them then the flies will, and if that doesn't get them then what happens is it's so damp that the fish don't skin out properly and before you know it they're sour. So even when they do dry they're not fit for human consumption because of the conditions. And it -- unless the Fish & Game can figure out a way -- and I think the only way that could possibly be done is through Title VIII. I know Title VIII is written in such a way that the State technically if they were managing would still have to comply with Title VIII of ANILCA. So I think that might provide Fish & Game a loophole in which they could do customary and traditional use determinations through the local advisory -- the Northern Norton Sound Advisory Committee for those people in Nome that have multi-generational customary and traditional use of these salmon, and therefore provide them an opportunity to follow these customs and traditions at the customary and traditional time, which is June and July. That's the only way until such time as those chum salmon returns come back up to acceptable escapement numbers. And that, again, comes back to the issue which Rich Cannon was discussing yesterday. Until such time as the area people quit intercepting our fish they won't ever have enough escapement at the proper time for them to do their subsistence. So, you know, even though they say -- I was looking the paper this morning about the Fish Board is meeting for the next two weeks over here on the West Coast, starting today, and until such time as the Board of Fish can see its way clear to get out of intercept fisheries and allow our fish to make it back to our terminal stream areas, it's going to be a problem for the foreseeable future. The returns, I don't think in the Nome area, I think they might have come close to escapement goals once, but it was way at the late end of the season. So

MR. MORRISON: Which is not a very good situation for the genetic characteristics of the total run.

CHAIRMAN KATCHATAG: Right. See, the problem was -- what happened, when the June fishery down there in Area M had a wider time frame -- they're so efficient down there that they have purse seiners, they have drift netters and they have setnetters; all three gear types in that same area. And what happened was, I think a purse seiner got the Nome area chum salmon just about wiped out, the early chums, which they customarily and traditionally used. And I don't see an easy solution to the problem other than what the FRED department there is trying to do. They've been working on in-stream incubation of as many chum salmon as they can, and they've been having reasonably good success also with in-stream incubation of coho salmon over there by Nome. And they're getting cooperation and working cooperatively with the Kawerak Subsistence Department, not only monitoring this year but also more in-stream incubation, I understand. And maybe Jake can give us an overview of that operation over there so John can understand that more fully.

MR. OLANNA: Yeah, John, this past summer the Kawerak Fishery Department, we had a counting tower in the Snake River and we also hooked up with a counting tower in Plan Bull area. And with the area and fisheries closing -- or not opening till late July last year, we were able to see a few chums come back, so we're hopeful this year we'll probably get some -- 'cause they'll have the same opening in July.

MR. KATCHEAK: Question, Jake. Was that the first time in a long time that you get chums?

MR. OLANNA: Yeah, in a long, long time, about eight years.

CHAIRMAN KATCHATAG: In the early part?

MR. OLANNA: Yes. 'Cause of the later July opening there.

CHAIRMAN KATCHATAG: See, that's the problem we've been having in the process on the statewide side is that people of the region have made a good faith effort to try to influence the Board, but our perception of the situation is that money talks and those of us who don't have it walk. And in this case we don't eat also. So, I know that that particular area in 1990 harvested one-fifth of all salmon caught in the state commercially, Area M, and they put out a brochure to that effect, that the 1993 Fish Expo in Seattle. Their brochure stated we caught one-fifth of all salmon caught commercially in the state in 1990. So they're very efficient at what they do and not only that but they make sure they have a voluntary fish tax, I guess you could call it within the Aleutians East Borough where the fishermen kick into a fund so that they can protect their fishery. And even if it's a penny on the dollar, 1%, when you're talking in excess of 100 million bucks you have quite a war chest to be able to influence a Board of Fish, and that's what we've been seeing. The solution, I don't know. I know that they've been actively trying to in-season manage their intercept fisheries down there to try to keep them off of areas where you have a high chum to red salmon ratio. And they're still catching in excess of 400,000, in some places close to 600, 700,000 chums in the process. As I mentioned, when Rich Cannon gave his presentation yesterday, that the GSI study that was done last year, I believe it was, '94, and reported last year was that anywhere from 60 -- they did three samples over the June fishery down there and of the three samples it ranged from a low of 60% to a high, I think, of 72% of all chums caught in that Area M fishery were found to have come from one or another of the AYK and Bristol Bay stocks. So they're from fish from Western Alaska, but according to Rich they couldn't differentiate between fish that were from Bristol Bay or whether they were from Kotzebue. They didn't have a fine enough tune-in on the genetics to be able to differentiate between say Bristol Bay and Kotzebue or Kuskokwim and Norton Sound. But they were found to be chums from anywhere from Bristol Bay north. And 60 to 72%, so they are intercepting a large number of AYK and Bristol Bay chums.

And the other concern that I have also is the fact that with the intercept fisheries that also go on in late July and

early August down there is that we're having problems in one or another of our coho stocks also, and that was shown by the Kuskokwim closures in '94 and by the Norton Sound coho closures of this last year. It's very disheartening to see a very healthy and abundant run like the Norton Sound coho stocks suddenly suffering the same fate that our chum salmon have. And those people that have been working in fisheries in related issues on both the northern and southern Norton Sound Advisory Committees have, over the years if they look at the public record of the Board of Fish, have repeatedly tried at every chance -- I think they limit these fin fish regulation hearings to once every three years unless they have special orders, which in this case they do, because of the problem of interception by the Area M fishermen.

I reported on that in my 1993 annual report, and I have never received an adequate answer from the Secretary and/or his designated rep, the Federal Subsistence Board, with regard to those subsistence salmon. And that's in the public record still. So what do we do? I don't know. As long as Fish & Game is within the state privy, I guess our only option is to exhaust all administrative remedies available to us within the State system and then pursue legal challenges as the Native Village of Elim has done with their suit against ADF&G Commissioner Carl Rosier in his capacity as commissioner, which is ongoing, by the way, and which resulted in Judge Erlich presenting that ruling which Rich Cannon articulated yesterday in that he enjoined Fish & Game from prosecuting the Area M fisher until such time as they could provide the scientific data and/or the historical data which is supposed to be the basis of their decision on implementing the chum trap to prevent the interception of AYK chum salmon. And as he said, they could not agree on what to forward to the Board, and as that went then the Attorney General is trying to decide whether or not they complied with the judge's requirement for historical and/or scientific basis for their decision. So, again, we shall see, I guess.

Any further comments or questions on -- we did he go, DLP? It's a long and involved and complicated process. You can see that we were talking DLP on bears, and because one of the Council members had been approached by people having trouble not

having openings to subsistence fish in the proper season, that they were having problems with bears in the improper season, then you look at why the seasons are not there. As you can see, everything is inter-related, and that's another thing I had hoped would continue within not only the Federal side but also the State side as business of eco-system managing. And not only acknowledging but trying to understand the inter-relationship of all parts of an eco-system, including the human part. So we have a long way to go, and hopefully they won't wipe out the fish stocks or wait until they get endangered or threatened, but you can see the extent of the problem. It runs -- and it's a continuing problem. What more can I say -- what more can we say.

MR. KATCHEAK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Katcheak.

MR. KATCHEAK: I'd like to make a comment on what I perceive to be probably part of a solution. And this is -- it seems like the Alaska Fish & Game is at a loss of where these fish originate from and where they go once they leave their staging area, and for several years now I've heard from various fishermen in Stebbins, subsistence fishermen, that they would catch silver salmon originating from the False Pass area with a tag. It seems like common sense would tell you to find out where those fish are going. Several hundreds could be tagged and later on seen where the fish are ending up. It seems like that would be an indicator of how and where fish travel, where they end up.

CHAIRMAN KATCHATAG: Yeah, that was done in 1987 by the famous or, if you will, infamous Doug Eggers' study done in that year. They only had a return of like maybe 13% of all tagged, so they didn't know where the other 87% of the fish went. And on that basis they refused to do anything, saying the database was too small to work with. But the public record of the Board of Fish shows that one of the problems was insufficient publication or publicity with regard to that study and the fact that at the time there was a cooperative effort between the Koyuk, Elim, Golovin Cooperative and the Japanese long-liners

where they had a processor in Norton -- two processing boats in Norton Sound buying fish from them. And I know there was more than one fisherman that remembered seeing in the captain's cockpit on the bridge of one of those boats, seeing a line of tags that they had taken off of fish that, I don't think, were ever returned to Fish & Game because of lack of publicity. I guess they were taking them as souvenirs, but they had them on a line stretching on the bridge, and those were never counted because that was right there in Norton Sound.

MR. MORRISON: Oftentimes they don't turn them if for fear that the information will be used against them.

CHAIRMAN KATCHATAG: Right. And, you know, a lot of the fishermen would take them and say, wow, a souvenir, and they'd stick them in their hat and let it go at that. And commercial fishermen's especially hats never last. When it gets rough, you know, your head, you throw it down and before you know it the net takes it out and you go through three or four hats in a summer.

Any other comments on discussion on DLP issues? Are you satisfied that we can't do anything for the Nome -- other than the DLP?

MR. KATCHATAG, SR.: Next time they approach me I'll tell them to move.

CHAIRMAN KATCHATAG: Or tell them to go see John Morrison.

MR. MORRISON: I'll give you a fly swatter, you can threaten them with it.

CHAIRMAN KATCHATAG: Any other comments or questions on DLP? So, Mr. Knauer, then is it the recommendation of staff to the Federal Subsistence Board that basically there's not much that can be done by the Council and/or the Board?

MR. KNAUER: The recommendation from the staff was that most of the DLP problems are occurring on non-Federal lands and

because of that the Board delegated to the staff the responsibility of making connections with the State to try and alleviate some of the problems that are associated with the reporting.

CHAIRMAN KATCHATAG: So we shall see at the next Board meeting what the final decision of the Board will be?

MR. KNAUER: I think the next step will be for probably Mr. Greg Boss will be in contact with the State. I don't know how long that process will take to try and, you know, make the system more user friendly for the subsistence user.

CHAIRMAN KATCHATAG: Thank you, Mr. Knauer. We now move on to item 7.C.2. Increase Council Membership, and we'll go ahead and go through item 7.C.2 and 8.A. right now. Barb.

MS. ARMSTRONG: Okay. That's okay, I can do it. It's a short one anyway, it's in your packet, this purple one, it's self-explanatory, written by Fred Clark, Coordinator for Southeast Region. Anyway, you have been allotted two more seats for your Council. As of this fall those two seats will be filled. There are three -- altogether you'll have five Council members appointed by this fall. There's three seats open now on your Council. The seat 1, 2, and 3, those are filled by Bill Barr, Loretta Muktoyuk, and Theodore Katcheak. There are applicants right now being accepted till the 29th of February. I have quite a few applicants for that region 'cause I started earlier, like in December I started advertising. I sent applications to each village to the mayor's office in all of the 17 villages of your region, and I've received quite a few applicants. I don't have the list of the applicants right now but I'll get the most recent one -- because when I came down I brought in some more applications, and the list will be provided to you to see -- for your information to see who in your region is interested to sit on your board.

CHAIRMAN KATCHATAG: Okay, Barb, is that it?

MS. ARMSTRONG: Yes. Oh, and Bill wants to add something.

CHAIRMAN KATCHATAG: Mr. Knauer.

MR. KNAUER: Yes, I'd actually like to add two things. First off, the addition of two members will necessitate a change in your charter which will be taken care of because charters get renewed this year.

CHAIRMAN KATCHATAG: Okay.

MR. KNAUER: And the second thing is that the incumbents, Mr. Barr, Ms. Muktoyuk, and Mr. Katcheak, if they desire to sit again or be reappointed, it's necessary for them to also re-apply, if they have not already.

MS. ARMSTRONG: They have.

MR. KNAUER: Okay. I just wanted to make sure that they were aware of that.

CHAIRMAN KATCHATAG: Thank you, Mr. Knauer. Is there any action required by us to revise our charter?

MR. KNAUER: That's a separate item because charters do get renewed, but that particular aspect of it, the Board has already that that change will be placed in the charter packet to go to Washington, D.C.

CHAIRMAN KATCHATAG: So there's no requirement that we take initial action to that effect?

MR. KNAUER: Not as far as increasing your membership, no.

CHAIRMAN KATCHATAG: Okay. For the record, Madame Coordinator, you say that all three incumbents have applied to be re-appointed?

MS. ARMSTRONG: Yes, they have.

CHAIRMAN KATCHATAG: Thank you. And as a matter of

courtesy, I would request that a letter be drafted endorsing their re-appointment as coming from the Council, and that pending, subject to any objection by any of the Council members. Hearing none, so ordered.

We now move on to the Council nomination process, item 8.A. Barb.

MS. ARMSTRONG: Can Bill do the license requirement first?

CHAIRMAN KATCHATAG: Sure, okay.

MR. KNAUER: Yes, Mr. Chairman. The Board heard the report and the recommendations of all the regional Councils on the issue of residency and licensing, and agreed with the majority of the Councils that it would be appropriate to require resident licenses, that the intent of ANILCA was not to provide a subsistence opportunity for individuals moving in from the Lower 48 or overseas, that it was an intent to provide this opportunity for true rural Alaska residents. The Board, however, indicated that because there are a number of concerns and minor changes that need to be made in our subparts (a) and (b) regulations that set up the entire program, that this change would be incorporated as part of that entire proposal package for (a) and (b), and that the Councils will receive pre-publication drafts of subparts (a) and (b) changes for their comments. We're shooting for this fall's meeting as an opportunity for the Councils to comment on pre-publication changes there.

CHAIRMAN KATCHATAG: Okay. Thank you, Mr. Knauer. Council members, if you look on page 2 of the Residency and Licensing briefing paper that we have, it shows Region 7, recommended 4 for, 0 against, that tribal roles be used to identify local Native residents and eliminate the requirement of any license. They recommended that the definition, as revised in the BLM letter be used for non-Natives.

For the public record the Chair would entertain a motion to again recommend -- make that recommendation for the record on

the issue of residency and licensing.

MR. SEETOT, JR.: Mr. Chair.

CHAIRMAN KATCHATAG: Mr. Seetot.

MR. SEETOT, JR.: So moved.

CHAIRMAN KATCHATAG: We have a motion before us to again make the recommendation as articulated that tribal roles be used to identify local Native residents and eliminate the requirement for any license, and that the definition, as revised in the BLM letter for the definition of resident be used for non-Natives in Region 7, Unit 22.

MR. BUCK: Second.

CHAIRMAN KATCHATAG: Seconded. Discussion?

MR. KATCHATAG, SR.: Question.

CHAIRMAN KATCHATAG: Question. All those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN KATCHATAG: All those opposed, nay.

(No opposing responses)

CHAIRMAN KATCHATAG: Motion passes unanimously. We now move on to -- we might as well go straight down, 7.D., to Barb's Corner.

MS. ARMSTRONG: Okay. On your charter there's this other purple one on the -- it says Arctic Region Council's Information about your charter. It's pretty self-explanatory there if you read it and understand what your charter is all about and how you can make the changes. Like this year is the year to make the changes, and like Bill said that two new sets on your charter will be changed already, so you don't need to

make any recommendations on that. But if you see any other problems or any other recommendations that you need regarding your charter, now is the time to do it, and your charter is the backbone of your Council's existence. And on the

CHAIRMAN KATCHATAG: I fail to find my purple copy.

MS. ARMSTRONG: It should be there somewhere.

CHAIRMAN KATCHATAG: I am purple copy less.

MS. ARMSTRONG: Okay. I will give you mine, as soon as I'm done with it.

CHAIRMAN KATCHATAG: I'll find it. Oh, I have it here. Mine is not in a purple copy.

MS. ARMSTRONG: Okay. So under the Charter Renewal there's also the changes that you can request for this year, like a name change, a boundary change, the size of the regional council membership, specific subsistence resource commission appointments, the criteria for removing a member. Among the items that are set in the regulations are the objectives and scope of activities, the duration of the charter, individual to whom the regional council reports, the duties of the regional council, accept specific subsistence resource commission appointments. The advance approval of the regional coordinator calling meeting or establishing agendas, and the term of office for members. If there aren't any other charter renewal there, in the meantime you can do it now and we can put it in for recommendations for this fall.

And on your training requests and needs for the Council there is this pink copy that I put out and gave to you, and that's the one that it says -- I have on top, training ideas and needs for 10 Regional Councils in Alaska. That's all the other Councils requests and needs. And I left Region 7, 8 and 10 blank because I didn't get any response back. But if you do have any training needs that you want to request for your Council, you can either do it now or think about it and get a hold of Sheldon and talk to Sheldon or to me and let me know and

I'll let you all know. Then we can make that request on the type of training that you guys would like for your Council. And I do need that right away, so I would appreciate it if that could be done.

And on the administrative matters on lodging, I've spoken to most of you that are here in the hotel that when you checked in when there is a -- whenever you are traveling under government and they put you up in a hope., that is just definitely just for lodging, you cannot charge your meals or any other items to your room unless you pay cash when you are checking out. I was asked to inform you of that matter.

Then if I can move down to the New Business and continue on and finish my report?

CHAIRMAN KATCHATAG: Yes, you may, but we will be revisiting the training request made for the Council very quickly after you are done with your presentation. Go ahead, Barb.

MS. ARMSTRONG: Okay. On the Council nomination process, like I spoke of earlier, I started early and asked for applications early on, like in December so I can get a -- since I work with two other different councils, the North Slope and Northwest Arctic. I started early to get this out ahead of time 'cause there were more seats, and in the process I found out that you guys would be allotted two more seats. Then once the application period closes after the 29th we do -- what I usually do, I work with the National Park Service and BLM in Nome. I have been involved with this Council in their nomination process. I don't get involved with the North Slope or the Northwest Arctic. And that's the process that we've been using in the past because sometimes the Park Service or the BLM offices in Nome get real busy during that time of the year, and what I'm thinking, since I'm not really familiar with the Seward Peninsula area villages is that I have more applicants -- more than two or three applicants in a certain village. I am planning on visiting that village to meet these people in person, and then that way I have a better idea on who is who in that area. And I am planning on doing that as of -- I've been

thinking about it for a while. And then there is the interview paper that is sent out to all the applicants, and also an evaluation form. And the what I usually do is I fax -- I either fax or send these two papers to the applicants and then this gives me an idea of the person, and if they have a phone number I call them and talk to them briefly to see how interested they are in being on the -- sitting on the Council. And there are some that don't either fax me the information back, and that shows me that they are not interested enough to be on the Council if I don't get any response back. I leave messages and I call and leave messages and when they don't respond back that shows to me that they are not really interested to be on the Council. So then after that process is up we collect all of this information and I do a write-up on each person. And it helps me when that person is applying to have a reference because I talk to their references, too, over the phone. And sometimes I meet them during my travels, if I know them I talk to them, too. And when that is all done I do a write-up on each member -- on each applicant and what their -- mostly to tell and find out for myself is what the person has been doing all these years, and then after talking to the people from either Parks, either Ken or Fred -- and I can't remember the BLM guy

CHAIRMAN KATCHATAG: Brownell?

MS. ARMSTRONG: Norm Essenger (ph).

CHAIRMAN KATCHATAG: Oh, okay. I'm sorry.

MS. ARMSTRONG: And sometimes I talk to Sheldon, too, during this process, and then the names are recommended -- the names recommended by the panel are sent in. Then I go in and sit in front of the Staff Committee and do a report to the Staff Committee on the people that were recommended. And that is why it's so important for me to know these people and meet them in person, because it helps me to be able to sit in front of the committee to report and know what I am talking about. And after the Staff Committee accepts and recommends these recommendations that we made, then I go in front of the Federal Board and do the same reporting again.

So that is why it's -- practically every one that I know in the Northwest Arctic and pretty much North Slope because North Slope only has six or seven villages. And NANA Region, I'm from there, there are 10, I don't know that much at all, but I am learning from you. That's why I want to visit the villages that have the most applicants in that area. I take this very seriously to make recommendations because I know it really leans on me being the in between person, and how serious you take it to have people sit on your board to attend all the meetings and know their areas in the their region. And I even sometimes talk to Jake here from Kawerak regarding some applicants. And all that is done -- is kept with me, it's confidential. I don't pass it out. The only ones that you guys will see is the names only. And that is all I have on the Council nomination process.

And there's a sheet also in your packet there, it says the report I did on the Council nomination process. And for each region, each coordinator was asked to make short report on how they felt about the process that we currently use. And everybody is pretty much comfortable with the process, and that's what I associated too for Region 7.

And I think that's all I have unless we have any questions.

CHAIRMAN KATCHATAG: Thank you, Barb. I appreciate your diligence in making sure that we have the most qualified people among the applicants to be nominated for appointment. I would like to commend you on your taking on this extra work of making sure that the people that end up on our Council are not only willing to make the meetings but also have the commitment not only to the resources but also to the users within the region, and I commend you for that.

MS. ARMSTRONG: Thank you.

CHAIRMAN KATCHATAG: I really appreciate that.

MR. BRELSFORD: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Brelsford.

MR. BRELSFORD: I wonder if I could have the indulgence of the Council for just a second to

CHAIRMAN KATCHATAG: One second.

MR. BRELSFORD: add to the cheerleading. The Staff Committee and the Board both specifically expressed their appreciation for Barb's work on the Council nomination process last summer, and I'm not sure that -- I know this was communicated directly to Barb, but I don't know if you guys realized it, that diligence. Just as you say, it was very clear to the Board and they very much appreciated and specifically applauded Barbara's judgment in pursuing some of these important questions about having the best people on the Council very carefully, and I think it's important that we reinforce that kind of quality and make sure that you guys realize how the Board has recognized this as well. Thank you.

CHAIRMAN KATCHATAG: Thank you, Mr. Brelsford. I would appreciate a letter of commendation from your office for Barb on this because she has been more than diligent and she is very competent in what she does. So with no disapproval from the Council -- that's a request from the Council.

MR. BRELSFORD: I think it was actually done at the time in her annual personnel evaluation and so on, but don't mind saying it again.

CHAIRMAN KATCHATAG: Thank you. That's one thing that's hard to come by in this business because it is such a controversial business, and it shouldn't be. Like Bill Thomas says, subsistence is the most innocent use of the resources, and we're the most innocent advisory council.

MS. ARMSTRONG: And, Mr. Chair, if I may continue on with the discussion?

CHAIRMAN KATCHATAG: Yes.

MS. ARMSTRONG: On 8.B. Discussion of the level of

involvement with State Advisory Committees with you. And that's -- I know in the Seward Peninsula when I worked with the State before, there are two advisory committees, that's Northern Norton Sound and Southern Norton Sound, and I know from this year they had one or two meetings in Nome, but I don't know which council that was, and then I don't know if they are active or if they are not, because I know currently they don't have a coordinator in place in Kotzebue. And somehow I think this needs to be addressed through John, because I've called the Division of Boards to check to see what position was -- how the position was being handled, and then I've never gotten an answer or a direct answer to see what was happening there, so I really don't know, and then I know that if they were active you wouldn't mind being -- getting some recommendations from the Advisory Committees, and I've stated so in some areas where asked, I said that the Board or this Council wouldn't -- would accept any recommendations that they do make to you, regarding any -- either on proposal or any comments that they would make, and I know for a fact that those would be considered. And then your involvement and working with the Advisory Committees I know you would have no problem in doing and working with them. And being that they were inactive, I haven't been really been keeping in close contact with them, and for this year, since last year when their coordinator hasn't been there, I wanted some current Advisory Committee members and their officers from those councils, then I would start being in contact with them and giving them information of what you are doing with the Council.

CHAIRMAN KATCHATAG: Good work, Barb.

MR. BUCK: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Buck.

MR. BUCK: I serve on the Norton Sound Advisory Committee, I was just re-appointed, and it is organized. I'm not sure about the Southern Norton Sound Advisory Committee, I don't know if they have met, but the chairman for Northern Norton Sound Advisory Committee is Roy Ashpok.

MS. ARMSTRONG: Oh, okay.

MR. BUCK: You can get a hold of him. We did make some recommendations on some proposals with Area M and some recommendations on who we thought should be on the State Fish & Game. So there has been some business done there. So you might want to get a hold of Roy to find out what's going on further.

CHAIRMAN KATCHATAG: Thank you, Mr. Buck.

MR. BARR: I also sit

CHAIRMAN KATCHATAG: Mr. Barr.

MR. BARR: on that board.

MS. ARMSTRONG: Oh, on the Northern?

MR. BARR: Northern. Yeah, the Northern.

MS. ARMSTRONG: Oh, okay, Northern, okay. Then we can use you guys to be our informants.

MR. BUCK: So does Jake.

MS. ARMSTRONG: Oh, Jake, you sit on the Northern, too?

MR. OLANNA: Yes.

MS. ARMSTRONG: Oh, okay. So -- and then I do talk with Jake and we can use you guys for information, and then if they do ask for reports on this Council, then you can do likewise with the Advisory Committees. Okay. That's all I have. Thank you.

CHAIRMAN KATCHATAG: Thank you, Barb. Subject to the approval of Council I would request that a letter be drafted by our coordinator to the Northern and Southern Norton Sound Advisory Committees -- local Advisory Committees requesting that we would gladly accept any recommendations from them on any matters relating to subsistence and that we look forward to

working with them and cooperating with them, and we would hope that Mr. Morrison would relay that from the other direction in the Fish & Game Department so that we make sure that we have as much local input into the process by our residents, and we look forward to hearing from both local Advisory Committees.

MR. MORRISON: I will send a communication to Diana Cody, who is the director for the committee system and ask her to pay some attention to this.

CHAIRMAN KATCHATAG: Thank you, Mr. Morrison. And, for the record, Section 805(a)(2) says that such local Advisory Committees within each region -- this is -- the Secretary can establish local Advisory Committees and that the existing State Fish & Game Advisory Committees fulfill that function, and that only in the event that the existing State Fish & Game Advisory Committees do not adequately perform, then the Secretary could appoint or establish a local Advisory Committee. I don't see a need for that at this time. We would gladly work with the local Advisory Committees, and I would hope those of you that sit on the local Advisory Committee convey that sentiment to them.

We shall now return to 7.D.2. training requests and needs for the Council. I did some thinking on it and I would recommend, and this is subject to the approval of the Council, that if in fact we continue having our second meeting of each cycle here in Anchorage that this would be an ideal time for us to have training for our Council members, and seeing as how we are going to get -- have the possibility of having five new members, depending on what the Secretary does in his appointments, that we might be thinking about that in the next cycle. That if we have meetings in Anchorage and it does prove to save substantially in our operations, that this might be the way to do things. And that's subject to a review of how much this has cost in relation to our past meetings in the villages. So that's one possibility. And as far as training needs, I think that new members to the Council should have some sort of formal training, first of all, in Title VIII of ANILCA, because that is our mandate, that is the authority under which we operate, and they should be as fully grounded in Title VIII of ANILCA as possible.

As far as Council members, I think that we should also have our Council members not only versed in Title VIII of ANILCA but also brought up to speed on any past or pending litigation which might affect our operation, and lastly I think that the chairs and the vice chairs should also have training in, first of all, ability to run meetings, and second of all, making sure that the vice chairs are able to step in and perform in the unforeseen absence of the chairs or as delegated by the chairs.

So those are the three areas, I think, where we could probably develop training, and if the possibility exists that we might have training, if in fact having the second meeting of each cycle in Anchorage, we might think in the future of bringing all 10 Councils in for their second meeting and then running training programs at the same time.

One other area, I think, that something needs to be done not only as far as training but also development of policy in relation to tribal policy. The Federal Register currently has some 223 Federally recognized here tribes in Alaska, and I think that the Subsistence Management Office and the Fish & Wildlife should work at developing adequate tribal policies to not only recognize these Federally recognized tribes but to work within -- develop a policy to be able to not only recognize the customs and traditions of the tribal people but also work at accommodating and not just recognizing but accommodating such customs and traditions and regulations.

Any other thoughts or comments on training?

MR. BRELSFORD: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Brelsford.

MR. BRELSFORD: Just as a quick point of information, I think our understanding of the Council's interests from the other regions so far is that the fall meetings are the meetings where we have a little more flexibility in the agenda, and the training efforts would probably occur in the fall of each year, with the idea that in the winter meetings you frequently have a

fairly extended agenda with proposal reviews and your formal recommendations that go forward to the Board, so that often winter agendas are pretty full. And then in the fall would be the time each year where we have more flexibility in setting up the agenda and developing the training. So I think for most of the Councils so far the message has been to develop training materials and programs for this coming fall '96 meetings. It could be handled separately for the Council, as you wish, but that was the thinking from the other Councils so far. Thank you.

CHAIRMAN KATCHATAG: Thank you, Mr. Brelsford. Any other comments or concerns on training? Hearing none, we now move on to item 8.C., and I guess you're on the hot seat, John, being the only representative from the State Department of Fish & Game. And you can be as brief or as extensive as you would like.

MR. MORRISON: Which one are you on there?

CHAIRMAN KATCHATAG: Item 8.C, State initiative to reunify Subsistence Management.

MS. ARMSTRONG: That's this one, the Fran Ulmer thing that you discussed already. Yeah, and you discussed it already.

CHAIRMAN KATCHATAG: Then you already know our discussions on that.

MR. MORRISON: The one comment I would make, Mr. Chairman, and this would have been voiced by Deputy Commissioner Bosworth, had he been able to get here yesterday, is to call your attention to page 5 at the bottom, further comments and questions are encouraged and should be mailed to Lieutenant Governor before March the 1st, and I would encourage the Council to send any comment that you want to make by that date so that you can ensure its review or whatever will be done with it. I can't say anything more about the process going here as to what the Lieutenant Governor will do with the comments, but I would hope there's some plan in Juneau to incorporate comments in further revision of this possibly and be even more

satisfactory to the interests of the State.

CHAIRMAN KATCHATAG: Thank you, Mr. Morrison. With the concurrence of the Council, I will be working with Barb to draft up and send in an appropriate response. And at this time I would like to ask Barb to continually prompt me to get this to her in an adequate time frame so that this can be submitted before March 1st, and, hopefully, my computer will work.

Any more comments on the State initiative to reunify subsistence management? Hearing none, we now move on to item 9. We had added the potential of having a lawsuit, but maybe I think since I was the one that added this to the agenda that with the approval of the Council I would ask that this be subject to my consultation with the Regional Solicitor's Office. I would like to talk to Mr. Goltz and/or his representative in the Regional Solicitor's Office before proceeding. It's really frustrating to try to do the best that you can to make things as easy as possible as mandated by Title VIII of ANILCA to have the least possible adverse impact on subsistence users in managing the resources on which they all depend. It's really frustrating when you see that not only do we have dual management, depending on the land status, but that we also have all kinds of multiple proposals on both sides dealing with the same resources. And what I would like to see is for everybody involved to comply with Title VIII of ANILCA which, in its language, states that even if the State was managing subsistence they'd still have to comply with it anyway. So if they can't -- if people can't see their way clear to try to comply with Title VIII of ANILCA which the Native people feel is the only statutory protection for subsistence, then I guess the only avenue left for us is to seek the court's ability to make them comply with the law. I guess that is basically what the Department of Justice's function is is to make sure that all involved comply with laws duly passed by Congress which Title VIII of ANILCA is, as defined by it's title, Public Law 96-487-December 2, 1980.

So, with the approval of Council, I would like to consult with the Regional Solicitor's Office, and if I don't receive satisfaction from consulting with him then I would like the Council's approval for my consulting as chair with the

Alaska Legal Services Corporation.

So, is that okay with the Council?

MR. KATCHEAK: Okay with me.

MR. SEETOT, JR.: Yeah, it's okay with me.

MR. KATCHATAG, SR.: It's okay with me.

CHAIRMAN KATCHATAG: So be it. Mr. Knauer.

MR. KNAUER: Yes, Mr. Chairman. The concern over fish management is in litigation right now, as you are aware, and the outcome of the Katie John case, I think, will resolve most of the issues that -- you know, the expressed concern about as far as fishery management for subsistence purposes, and either the Supreme Court takes up the case and hear arguments and at some point later makes a decision or they decline to accept the case, in which case the Federal government will be in the business of providing the subsistence opportunities for fisheries on Federal public lands as the courts deem appropriate.

CHAIRMAN KATCHATAG: Thank you, Mr. Knauer.

MR. BRELSFORD: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Brelsford.

MR. BRELSFORD: Thank you. Just to ensure that there's no confusion, the Regional Solicitor in Alaska is actually Ms. Laurie Adams.

CHAIRMAN KATCHATAG: Yes, I know.

MR. BRELSFORD: So you've been invited to deal with one of the representatives of the Regional Solicitor's Office, Mr. Goltz, but the Solicitor herself is in fact Ms. Adams.

CHAIRMAN KATCHATAG: Right. Thank you for that clarification. Moving on to item 10. Next meeting date and

place. Let's do it the other way around, let's look at the place first.

MS. ARMSTRONG: The window calendar is in your packet.

CHAIRMAN KATCHATAG: If you look at the -- I don't know what color that is, this window shows that we have a window of opportunity going from September 8, all the way to October 19. Madame Coordinator.

MS. ARMSTRONG: For the record, as promised, when I talked with one person from Teller about a week ago, I asked them that I would make a request to the board, to you, as a council that a meeting would be held in Teller at some time, and that is a request.

CHAIRMAN KATCHATAG: We have request to have our next meeting in Teller. What is the wish of the Council?

MR. BARR: So moved.

CHAIRMAN KATCHATAG: We have a motion before us to have our next meeting in Teller. Do I hear a second?

MR. SEETOT, JR.: Second.

CHAIRMAN KATCHATAG: Seconded. Discussion?

MR. SEETOT, JR.: Question.

CHAIRMAN KATCHATAG: Before I accept your call for the question I would just like to point out that we have had meetings in Nome, Shishmaref, White Mountain, Unalakleet, Nome, here in Anchorage, and now we move back, depending on your acceptance to this motion, back to Teller, and I applaud that, and we try to be as responsive as we can to all residents of our region, and I'll let it go at that. Do you still call for the question?

MR. BARR: Question.

CHAIRMAN KATCHATAG: Question's been called. All those in favor of having our next meeting in Teller signify by saying aye.

IN UNISON: Aye.

CHAIRMAN KATCHATAG: All those opposed, nay.

(No opposing responses)

CHAIRMAN KATCHATAG: Motion passes unanimously. Now we look at our window of opportunity. What is the wish of the Council as to our when we have our next meeting? I respectfully defer having meetings October 10 and 11 and October 16 to 18 due to births -- not births but birthdays in my family. My wife says you're the chair and you better not have meetings on your kids' birthdays.

MR. BUCK: And I think about October 14 to the 19th

MS. ARMSTRONG: I think you are the first Council

MR. BUCK: would be pretty good with AFN.

MS. ARMSTRONG: that's going to have the dates open.

CHAIRMAN KATCHATAG: You know, if we would like something presented at AFN, I think we should have our meetings at least two weeks prior to that. What is the wish of the Council, any suggestions? What's the best time of the year in Teller there, Elmer?

MR. SEETOT, JR.: Any time. I guess they are pretty active in subsistence activities. I would think that any time would be good.

CHAIRMAN KATCHATAG: Okay. Weatherwise then?

MR. SEETOT, JR.: The road is open.

CHAIRMAN KATCHATAG: Okay, so the road is open any way.

MS. ARMSTRONG: That's right, you can drive from Nome to Teller.

MR. SEETOT, JR.: You're able to do that till December.

CHAIRMAN KATCHATAG: This year. My suggestion is the week of September 29. You know, my uncle made a very good suggestion when we were talking about the problems we've been having due to weather this year, that we schedule our meetings closer toward the middle of the week so that we have some leeway where we don't end up in Saturday like we did today. So my suggestion would be maybe scheduling a Tuesday/Wednesday meeting.

MR. KATCHATAG, SR.: Tuesday would be better, I think.

CHAIRMAN KATCHATAG: So my suggestion would be October 1 and 2, with travel on the 30th. Is that okay with Council? The Chair would accept a motion to have our meeting in Teller October 1 and 2?

MR. BARR: So moved.

CHAIRMAN KATCHATAG: We have a motion before us to meet October 1 and 2 in Teller. Is there a second?

MR. SEETOT, JR.: Second.

CHAIRMAN KATCHATAG: Seconded. Discussion?

MR. KATCHATAG, SR.: Question.

CHAIRMAN KATCHATAG: Question's been called. All those in favor of having our next meeting October 1 and 2 in Teller signify by saying aye.

IN UNISON: Aye.

CHAIRMAN KATCHATAG: All those opposed, nay?

(No opposing responses)

CHAIRMAN KATCHATAG: Motion passes unanimously. Send Mr. Blodgett our regards.

MS. ARMSTRONG: Yes.

CHAIRMAN KATCHATAG: We now move on to item 11. public comment While we're on public comment I would like to welcome and ask two guests that walked in the door while we were in the process of deliberating to please stand up and identify themselves and let us know who and where you are associated with. First with Ms. Katcheak.

MS. KATCHEAK: Hi, I'm Marie Katcheak. I was born in Holy Cross, Alaska. I'm married to Theodore Katcheak. We live in Stebbins, and have four children. I'm a high school teacher. I believe in anything that you're doing towards subsistence. I once appeared before you once before in Nome, and I request that at some time you have our children more aware of what you are trying to do and that it be implemented in school. I say that sincerely because I think that a lot of the subsistence under the ANILCA Act that is as it sits now they are not aware of, for the simple reason you have teachers that com up from the Lower 48. They will take a course just to be recertified and it has nothing with our concerns. So you are defeating your purpose with your students and your next generation if you do not foresee that coming into your subsistence day-to-day lives.

CHAIRMAN KATCHATAG: Appreciate that.

MS. KATCHEAK: You are very welcome. And thank you for doing a good job. I know Teddy does.

CHAIRMAN KATCHATAG: I appreciate your confidence in our abilities and I really think that we should make a recommendation to the school district in our region to include ANILCA and subsistence in their curriculum not only for the orientation of their teachers but also as a necessary requirement for graduation for, especially, our Native students.

MR. BUCK: Mr. Chair.

MS. KATCHEAK: Thank you.

CHAIRMAN KATCHATAG: Mr. Buck.

MR. BUCK: And I'd like for Barb to get a hold of the Educating Committee up at Kawerak -- yeah, the Education Committee to find out -- they were requesting that the Native studies be done in the school district and maybe Barb can get some information from them about their efforts in doing that also and those issues.

CHAIRMAN KATCHATAG: Thank you, Mr. Buck. The Chair would entertain a motion to have a letter drafted and sent by our Coordinator to the Bering Straits School District requesting that orientation for teachers and the curriculum regarding graduation requirements for students in the Bering Straits School District include ANILCA and subsistence as essential to the livelihood of our future generations.

MR. BUCK: So moved.

CHAIRMAN KATCHATAG: We have a motion before us. Do I hear a second?

MR. KATCHEAK: Second.

CHAIRMAN KATCHATAG: Seconded. Discussion?

MR. KATCHATAG, SR.: Question.

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

IN UNISON: Aye.

CHAIRMAN KATCHATAG: All those oppose, nay?

(No opposing responses)

CHAIRMAN KATCHATAG: Motion passes unanimously. Any further -- oh, excuse me. The gentleman in the back, please stand up and introduce yourself and what

MR. DENTON: Yeah, my name is John Denton. I'm from Holy Cross originally. If I would have known a little bit more about this meeting I would have been here the other day because I am scheduled to go to a (indiscernible) meeting the day after tomorrow, and that's going to run for four days. I believe we have a representative from the school district of that area. It's a board consisting of all the subsidiaries going into the Yukon River. It's pretty extensive. We have a lot of good things that were brought up two years ago and this last year -- it might be something your board might want to look into and have a representative there.

CHAIRMAN KATCHATAG: What was your name again?

MR. DENTON: John Denton.

CHAIRMAN KATCHATAG: John, nice to meet you. Welcome to our meeting. Any other comments from the public?

MR. OLANNA: The only comment I had you already covered it, I understand, with Mr. Blodgett.

CHAIRMAN KATCHATAG: Yeah, I understand that I guess his -- he was the instigation for the possibility of having this particular meeting protested here in Anchorage.

MR. OLANNA: Thank you.

CHAIRMAN KATCHATAG: And I did receive some telephone calls and had conversations with some of the Kawerak people. And, by the way, also Barb said she received a call from Representative Foster's office regarding concerns as to why we were meeting here in Anchorage, out of the region.

And I commend Barb on her placating not only Representative Foster's office but also Mr. Blodgett of Teller

and also Kawerak executive in question. And I would -- as the chair I work pretty much darn near on a daily basis with Barb, and I can't tell you how invaluable she is to my function as a chair and our function as a Council, because as smoothly as we seem to operate, it doesn't become because we're beautiful and young and talented; she has a lot to do with it. She is very instrumental in making sure that we function smoothly and that we take care of all our business. She's a very necessary part of the entire process. And I -- at every chance I try to give her a pat on the back. She's more than a right-hand man can be. Thank you, Barb.

Any other public comments? Staff? Any comments from the Council?

MR. KATCHATAG, SR.: Can I ask, Mr. President,

CHAIRMAN KATCHATAG: Anything,

MR. KATCHATAG, SR.: a question to Barb?

CHAIRMAN KATCHATAG: Mr. Katchatag.

MR. KATCHATAG, SR.: How often do you get pay raises?

MS. ARMSTRONG: Well, it's like a step increase, every year.

MR. KATCHATAG, SR.: Do they give you pay raises?

MS. ARMSTRONG: Yes, it's a step increase every year.

MR. KATCHATAG, SR.: Thank you.

CHAIRMAN KATCHATAG: In that regard do you -- is there also a possibility of getting competence pay increases?

MS. ARMSTRONG: After evaluation, I finally got one this year.

CHAIRMAN KATCHATAG: How often are you evaluated?

MS. ARMSTRONG: I don't know, is it every year?

MR. KNAUER: Every year.

MS. ARMSTRONG: Every year. There hasn't been one done yet this year because of the furlough, or is it

MR. BRELSFORD: Mr. Chairman.

CHAIRMAN KATCHATAG: Mr. Brelsford.

MR. BRELSFORD: The annual cycle within the Federal government is once a year formal evaluation with a rating system and awards associated with certain ratings. That process in the Department of Interior normally runs from July 1 to June 30 each year, just like Subpart (d). And it is being changed. There is a change in the Department of Interior Personnel Management System, starting this year, so the next annual evaluation will be September 30 of '96, and there's actually some changes in how performance evaluations and awards are handled. They will be separated from the way they have been in the past.

CHAIRMAN KATCHATAG: Okay. For the record, subject to the approval of the Council, I would like to have a letter drafted from this Council to the Alaska Subsistence Management Office in the Fish & Wildlife Service expressing our satisfaction with the competence and performance of our Regional Coordinator Ms. Barb Armstrong, and expressing that she has demonstrated excellence in the performance of her abilities, and we would expect her to be evaluated as such and compensated as such. I think she is the only one that has three councils to coordinate. When you're considering the fact that she is coordinating councils that stretch from Stebbins to Koktovik, that's a big area. So not only is she able, but she is competent and she has performed exceptionally well. And I wanted that on the public record.

Any further public comments? The Chair will entertain a motion to adjourn.

MR. SEETOT, JR: So moved.

MR. BARR: So moved.

CHAIRMAN KATCHATAG: We have a double motion to adjourn. Is there a second?

IN UNISON: Second.

CHAIRMAN KATCHATAG: We have triple seconds. We stand adjourned. Thanks to staff and everybody for everything. Madame Court Reporter, thank you for your patience.

(Off record 12:08 p.m.)

END OF PROCEEDING

C E R T I F I C A T E

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

I, Laurel L. Evenson, Notary Public in and for the State of Alaska and Reporter for R & R Court Reporters, Inc., do hereby certify:

THAT the foregoing pages numbered 138 through 189, Volume II, contain a full, true and correct Transcript of the Seward Peninsula Subsistence Regional Advisory Council meeting taken electronically by me on the 18th day of February 1996, beginning at the hour of 9:00 o'clock a.m., at the Best Western Golden Lion Hotel, Anchorage, Alaska;

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

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

DATED at Anchorage, Alaska, this 26th day of February
1996.

Notary Public in and for Alaska